

# Managed Ground Water Recharge Legislation

## Comments to Idaho Water Resource Board



David R. Tuthill, Jr., Ph.D., P.E.

March 22, 2013





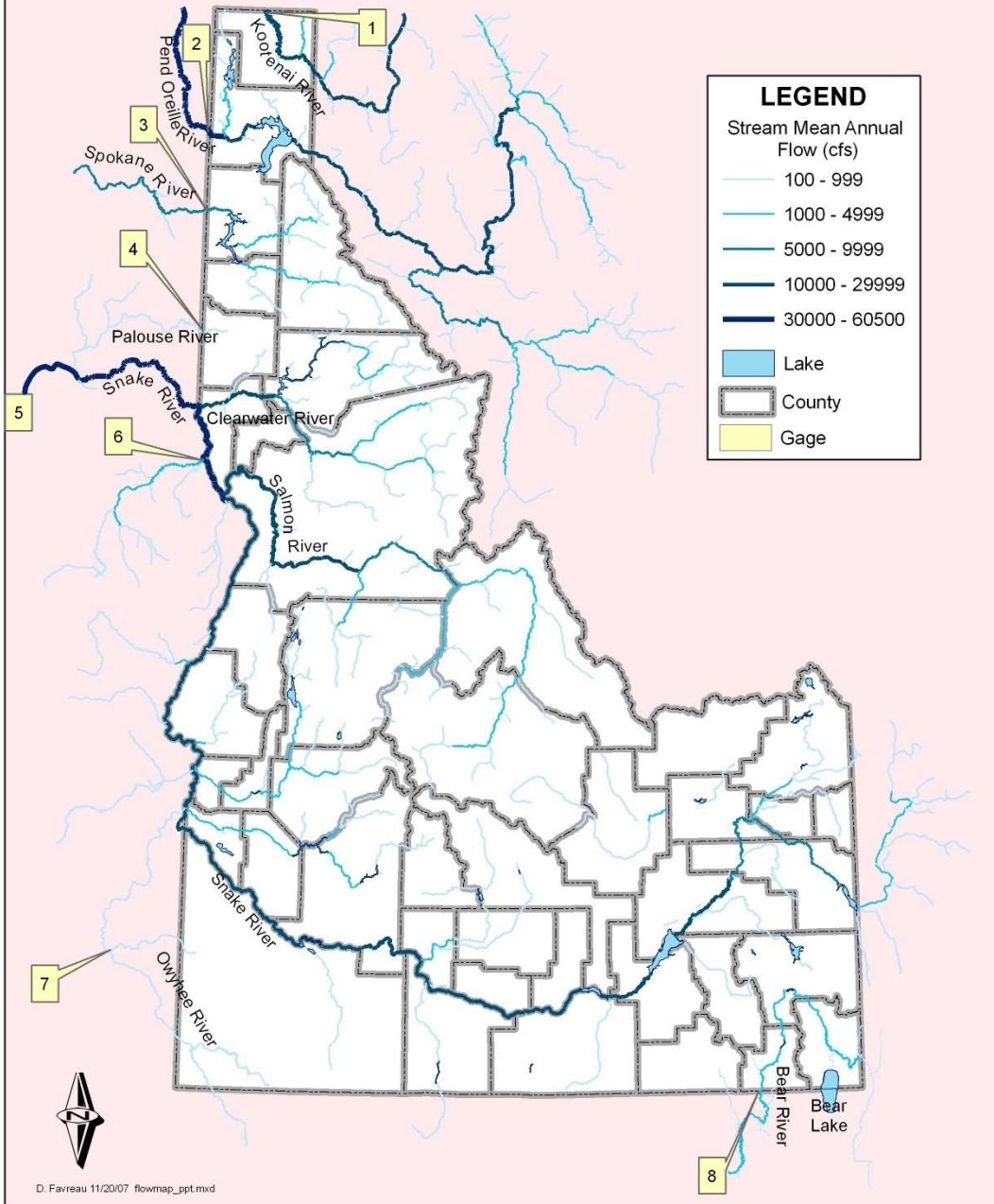
# Outline

---

- Water availability in Idaho
- What entities will develop water storage projects in the future?
- Managed ground water recharge legislation
- Request for IWRB Action

# Gage

## Ave. Water Year Vol. Flowing From ID



1. Near Porthill, ID  
11,153,000 AF
2. Albeni Falls Dam  
17,633,000 AF
3. Near Post Falls, ID  
4,475,000 AF
4. Near Potlach, ID  
190,000 AF
5. Lower Granite Dam  
34,850,725 AF
6. Near Anatone, WA  
25,281,000 AF
7. Near Rome, OR  
686,000 AF
8. ID-UT State Line  
770,000 AF

Total = over 95MAF!

## PRINCIPAL AQUIFERS



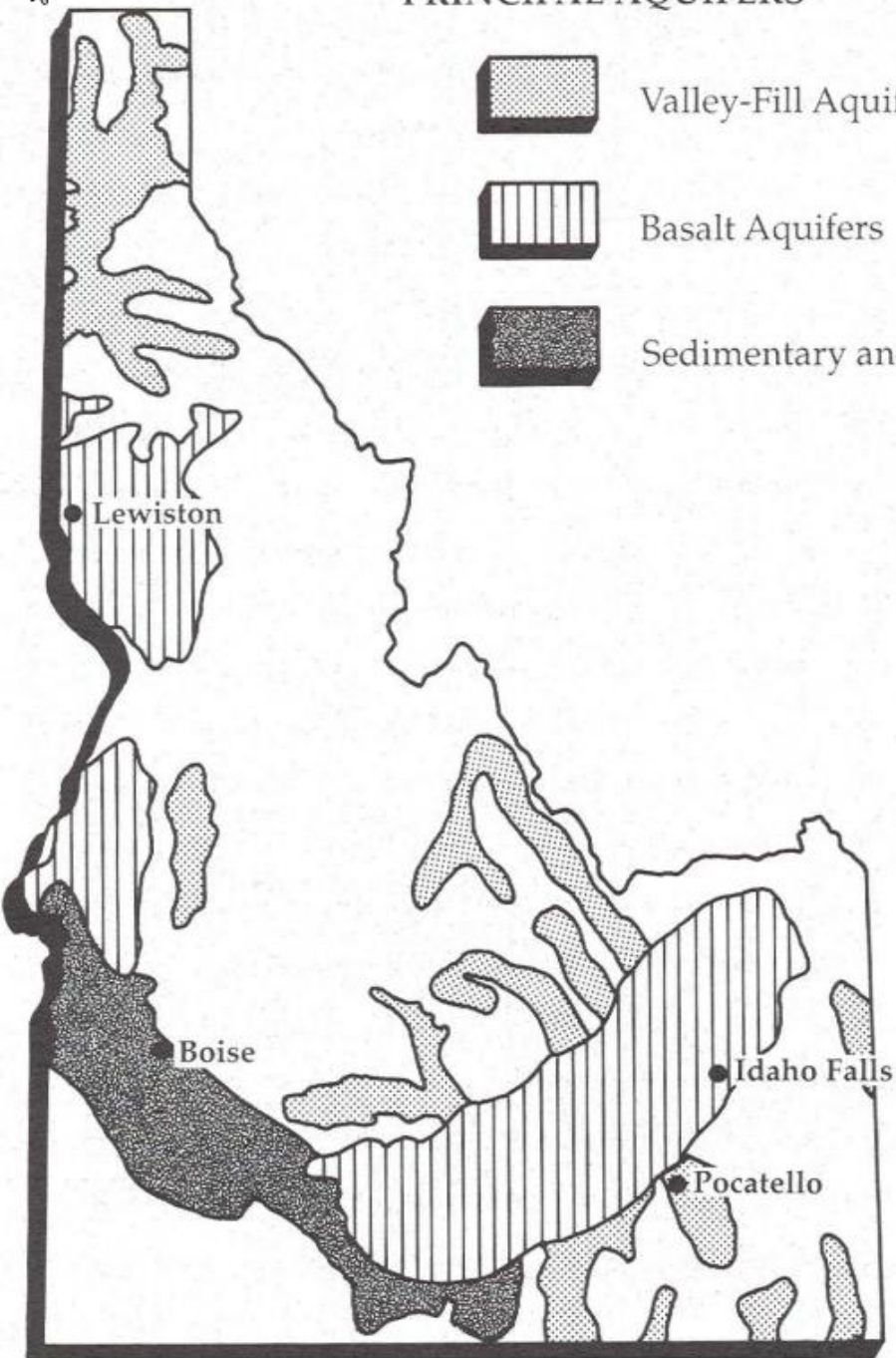
Valley-Fill Aquifers



Basalt Aquifers



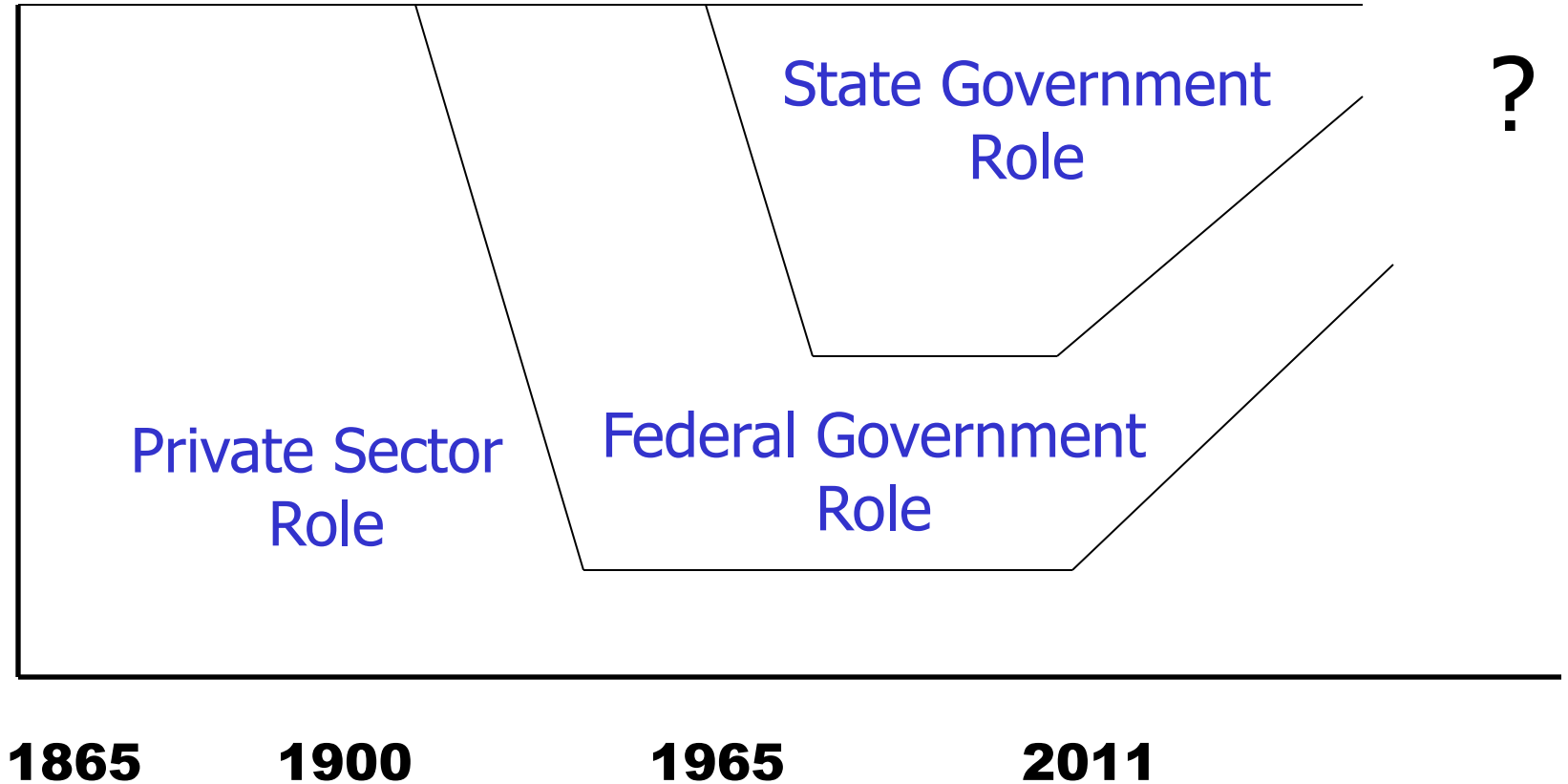
Sedimentary and Volcanic Aquifers



# Where are Aquifer Storage Opportunities?

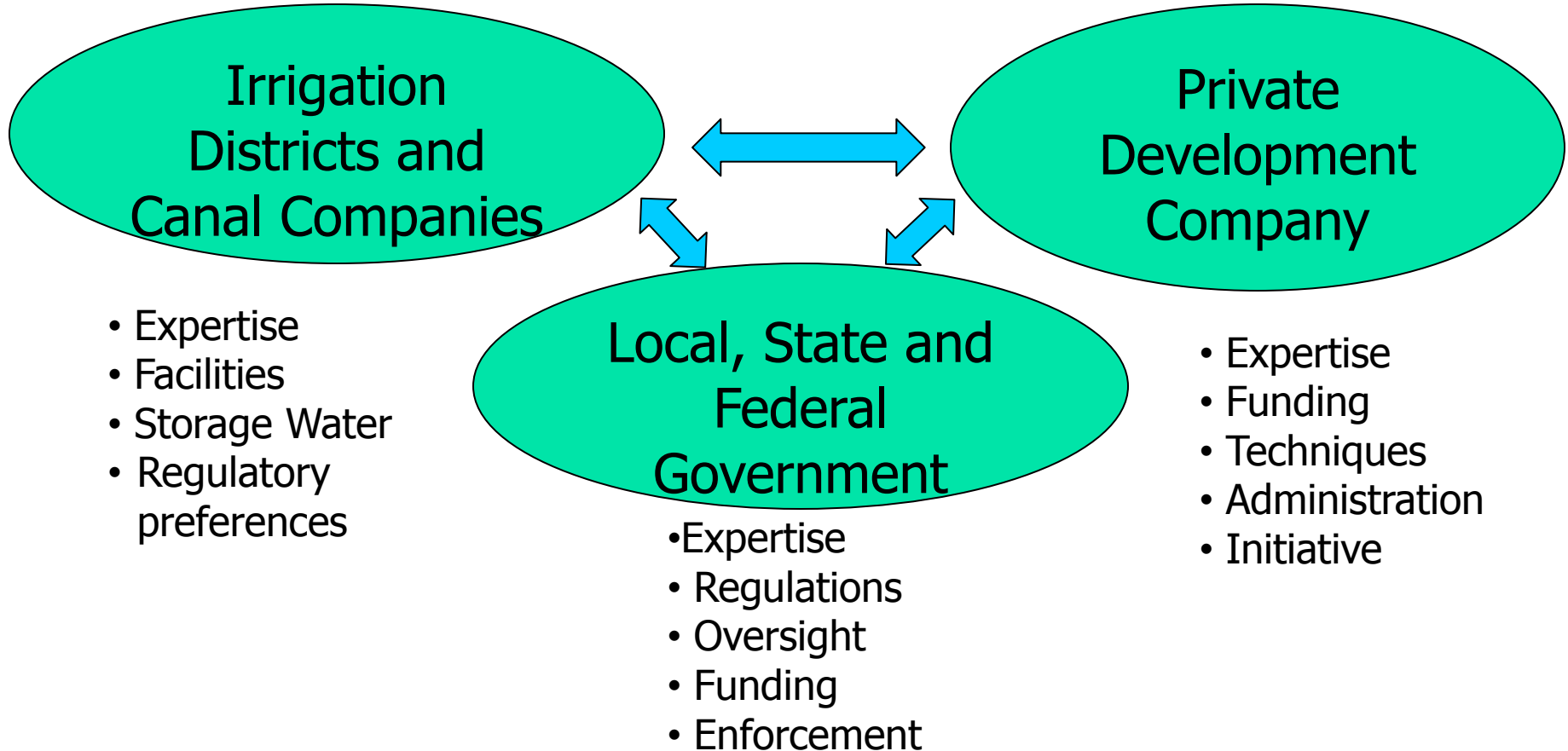
Map from IDEQ Website

# Primary Drivers of Water Projects in Idaho

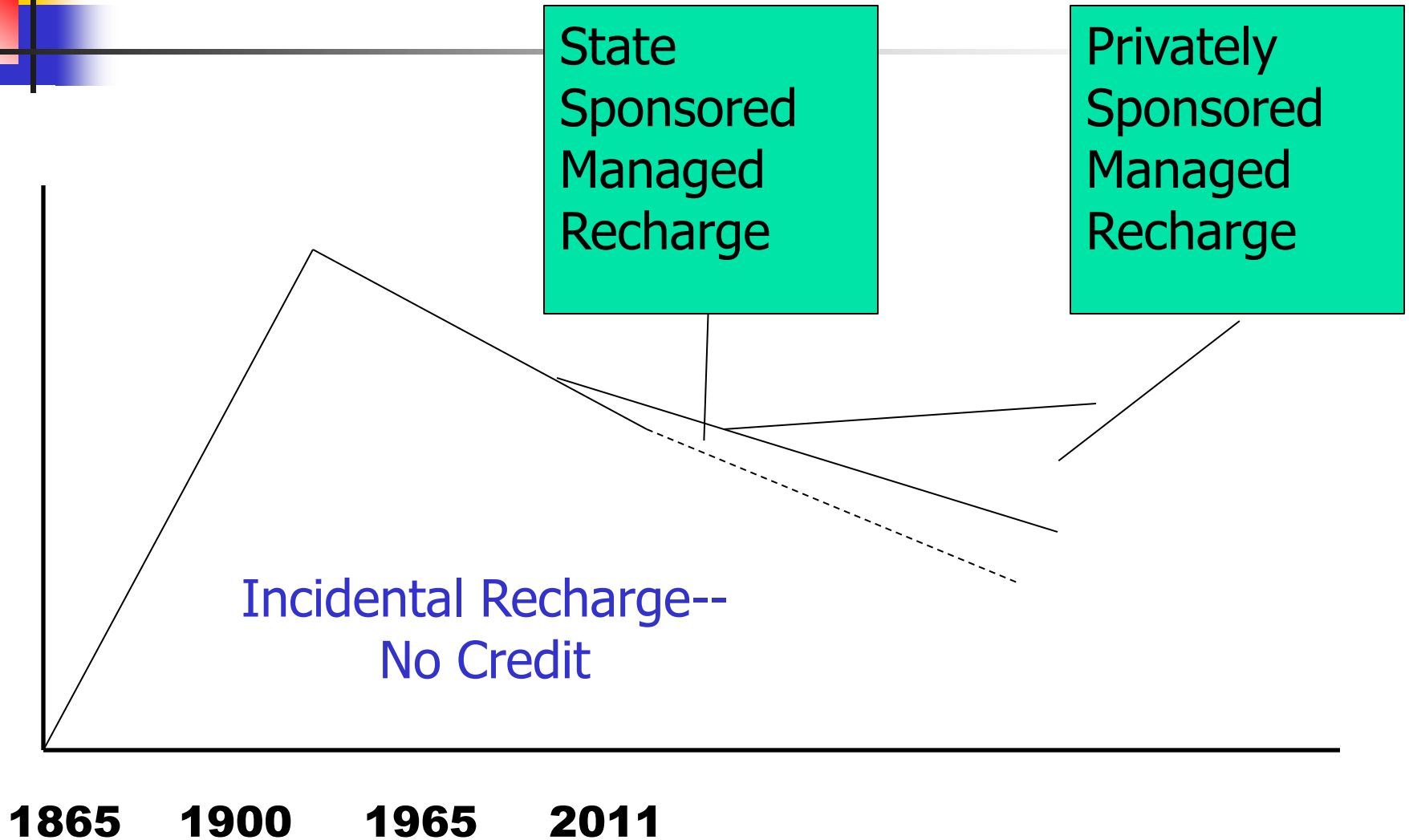


# What entities will develop storage and recharge in the future?

## Public and Private Partnerships



# Role of Recharge





# Recent History of Changes to Managed Ground Water Recharge Legislation

---

- Sep 7, 2012 IWRB Meeting – Director Spackman: “I may put language out there that causes a firestorm...” **“We need to have a discussion.”**
- Nov 2012 – Proposed legislation circulated, calling for IWRB to have the “exclusive” authority to appropriate water for gw recharge
- Dec 2012 Henry’s Fork Foundation Managed Recharge Symposium – Director Spackman “My intent was to encourage discussion.”
- Jan 2013 IWUA Legislative Meeting – Issue assigned to a working group





# Recent History of Changes to Managed Ground Water Recharge Legislation (cont.)

---

- Feb 6, 2013 working group meeting in Twin Falls – D. Tuthill calls the exclusive authority provision unconstitutional
- Feb 14, 2013 working group meeting in Twin Falls – D. Tuthill renews the concern that the exclusive authority provision is unconstitutional. D. Tuthill assigned to drafting committee.
- Mar 5, 2013, new draft from John Simpson changes exclusive authority to subordination authority
- Mar 14, 2013, telephonic working group meeting – D. Tuthill says “subordination is a polite way of saying I am taking your property.” Draft legislation reviewed at this meeting “looks like a rainbow.” Throughout two hours of discussion, attorney Dan Steenson identifies many problems.



# Recent History of Changes to Managed Ground Water Recharge Legislation (cont.)

---

- The legislation drafting group is supposed to consist of John Simpson, Jerry Rigby, Garrick Baxter, Dan Steenson and myself. I have not seen any other documents, or received notice of any other meetings, since the March 14<sup>th</sup> meeting. Nevertheless I have heard that other drafts are in the works.
- Mid-March, 2013 -- Idaho Legislature begins wind-down – **the opportunity for meaningful discussion and review by the Legislature has passed**

# 2013 Idaho legislative session winding down

*Stephanie Hale-Lopez*

POSTED: 06:35 PM MDT Mar 21, 2013

Print Email


 Send

 Recommend

1

 +1

0

 Tweet

0

 Pin it

A

A

A



**IDAHO FALLS, Idaho** - The 2012 state legislature is expected to wrap up late next week, ending three months worth of work.



# Requests

---

1. Send a message to the IWUA that this proposal should not be sent to the Legislature for action this year.
2. Initiate an **open, comprehensive discussion on managed ground water recharge** over the coming year to develop changes to the statutes that will be good for the state in the long term.