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FEB 14 2024

February 12, 2024

DEPT. OF WATER RESOURCES

Dear Idaho Department of Water Resources:

We write as groundwater users in Water District 13T ("WD13T") to express concerns with the proposal put forth at the February 1, 2024, hearing to split WD13T. The proposal would split WD13T based on an arbitrary "administrative boundary line." The line is not based on hydrologic science. It simply follows a county road. We respectfully request the Idaho Department of Water Resources ("Department") to table the proposal for a year until the study scheduled for this spring/summer is complete. The Department could still move forward with requiring WD13T users in Basin 29 to install measuring devices within the same 1-2 year period proposed at the hearing. This would preserve the Department's proposed schedule for measuring and reporting diversions in Basin 29, which was part of the Snake River Basin Adjudication.

The Department should wait until a line separating Snake River Basin groundwater from Bear River Basin groundwater has been established using sound hydrologic science. It is our understanding the Department has arranged for a study this spring/summer on this very question. Tabling the proposal for a year to collect this valuable information will ensure that lines are being drawn accurately, based upon what is actually happening underground. It was suggested at the hearing that the administrative line was the point at which groundwater north of the administrative line flows to the Snake River and groundwater south of the administrative line flows to the Bear River. According to that line of thinking, groundwater from Bancroft, which falls north of the administrative line, would flow to the Snake River Basin. However, an order on the Department's website establishing the Bancroft-Lund Groundwater Management Area (GWMA) in 1991 indicates it was created based, at least in part, on evidence that consumptive groundwater diversions in the Bancroft-Lund area were detrimental to flows of the Bear River and springs discharging into the Bear River. Subsequent orders in 1995 and 2004 cite the same concerns regarding wells in the Bancroft-Lund having a detrimental impact on Bear River water. There is no mention in any of the 3 orders of Bancroft-Lund groundwater impacting Snake River water. The right proposal cannot be put forward until we have a clearer understanding of what is actually happening underground.

The benefits of WD13T as it currently exists outweigh any concerns caused by the fact that it crosses basins. The Department and groundwater users within the district have operated within this district for years. Some of the surface water in the area likewise crosses basins via the Last Chance Canal, which originates in Basin 13 and delivers into Basin 29. These occurrences are inevitable when it comes to water and drawing lines and boundaries. Things simply don't always fit into neat, tidy lines. The fact that it is rare for a district to cross basins is not justification for changing the district. Time has proven that WD13T as it now stands makes sense for our valley and works very well.

We appreciate the efforts that have been made by the Department to communicate information throughout this process and by some of the groundwater users in our area to relay some of this information. However, it wasn't until the February 1st hearing that many users in our area felt like they finally had an understanding of what was actually being proposed. Once we understood the actual proposal, many of us were concerned. We are consulting legal counsel over these concerns, but given the short timeframe between the hearing and the

deadline for written comments, we were not yet able to present an exhaustive list of our concerns through counsel.

Earlier in this process while we were still gathering information, the groundwater users in WD13T held a formal meeting and voted to stay together and not split the water district. Members of WD13T met together again on February 9th to discuss what we now understood having attended the February 1st hearing. A vote was not taken, but in what was possibly the most well-attended meeting of WD13T water users so far, the majority of those in attendance were opposed to splitting WD13T. The undersigned groundwater users of WD13T respectfully request that the Department postpone the proposal made at the February 1st hearing for one year to allow for data to be gathered this spring/summer regarding the Snake River Basin/Bear River Basin line. The Department can move forward in requiring measuring devices to be installed within the stated 1-2 year timeframe for those WD13T users within Basin 29, which would allow it to maintain its desired goal for measuring and collecting diversions within the adjudicated basins. We feel this is a reasonable compromise that will allow the Department to achieve its main priority while also considering the concerns and best interests of users in WD13T.

Sincerely,

STANDARD FARMS OF GRACE  
Jordan Stoddard

Yost & Yost Farms  
For Yost

Yost & Yost Farms  
Monte Yost

Jenny Kim Welch  
Kim Welch

John Coffey Welch  
John Welch

Rindlisbacher Farms  
Ben Rindlisbacher

T+M Land Holding  
Ben Rindlisbacher

Ray R. Enterprises LLC  
Ray R. Enterprises LLC

Jorgensen Farms

STANDARD FARMS PROPERTIES  
Justin Stoddard

Corn Valley Farms, Inc  
Chris B. Threlkeld

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FEB 08 2024

DEPARTMENT OF  
WATER RESOURCES

February 1, 2024

RE: In The Matter Of The Proposed Creation of Water District 129, Portneuf River Basin, and Revision Of The Boundary Of Water District 13T, Bancroft-Lund

Dear Sirs:

Some of our concerns, comments and questions are as follows:

With this new district portion of the Portneuf River Basin, will it change or inadvertently circumvent the adjudicated Surface water and ground water rights in the Portneuf River Basin by the Snake River (SRBA) Courts Final Unified Decree of water rights of August 25, 2014?

Will this new district, WD129 and changes to WD13T be required to have a new adjudication process or will it simply piggyback off from the previous adjudicated decision of August 25, 2014? Will it change or circumvent any decreed or adjudicated water right dates?

Ground water is a topic that needs the most **scrutiny** within the adjudication process. The water table is a complex system with many variables. Irrigation wells can go deep into the lower water table and deplete the original water table above which has the capacity to drastically cause municipalities and domestic well levels to catastrophically decline. Even though ground water replenishment is an ongoing mechanism the process is a gradual gain of recharge that can take centuries to restore the water table to its previous levels. Within the expanse of the vertical and lateral water table profile, in the proposed districts, ground water should be required research for the effects from appropriations and have their own separate adjudication.

The aquifer throughout **all** areas is not an endless supply of water it has its limitations. Subterranean flows are not all precisely known and of those that may be indentified some may be partially conjecture.

Within WD29 and WD13 and the surrounding area in a one hundred mile radius how many irrigation wells were in operation before the Teton Dam failure and how many irrigation wells came on line to date after the Teton Dam?

With the hyper-acceleration of development in Idaho and to continue providing the historical needs of agriculture it is also paramount to protect the water of those family homesteads that are first in time. Demands on the aquifer whether surface water or ground water all affect our wells of going dry.

Respectfully,

*Lynden Symons*  
*Candice Symons*

Lynden and Candice Symons

Symons Farm and Ranch Est. 1888

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JAN 26 2024

DEPARTMENT OF  
WATER RESOURCES

Idaho Department of Water Resources  
Cherie Palmer  
PO Box 83720  
Boise, ID. 83271-0098

Dear Cherie Palmer,

As a representative of the advisor committee of WD13T Bancroft Lund I would submit our request to revise existing boundary with WD 29. We would like it separated along the administrative boundary between the two as established by the Idaho Department of Water Resources.

WD13T would only include the basin 13 water rights. Each deep well water right user has been contacted and has agreed to this change.

Regards,

  
Bart Christensen.

Steve Visosky called  
him on 3/7/24 and  
answered all his questions.  
AV.

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FEB 09 2024

DEPARTMENT OF  
WATER RESOURCES

February 7, 2024

Department of Water Resources  
c/o Ms. Cherie Palmer  
P. O. Box 83720  
Boise, ID 83720-0098

Re: creation of water district 129

Dear Ms. Palmer:

After attending the public hearing, held at the Marsh Valley performing Arts Center, February 1, regarding the proposed creation of WD129, and listening to the presentations, the question and answers segment and the concluding testimonies, I came away with the following observations and questions.

1. The proposed WD129 will only include ground water users who irrigate more than 5 acres, or pump more than 6000 gallons a day. Is that correct?
2. Generally speaking, most surface water users are made up of a group of individuals who form what is commonly known as ditch company, for the common good of the group they devise a plan to divert, channel, build and install all necessary infrastructure to distribute the water according to the number of shares each shareholder has acquired. These systems are constantly subject to ongoing maintenance, repairs and improvements year in and year out. The shareholders are subsequently assessed an annual dollar amount per share to cover the inherent expenses of said maintenance. Also, the cost of construction of measuring devices for surface water users is also covered through their annual assessments.
3. By contrast, ground water users bear all expenses to provide water to their respective operations. This includes, but is not limited to: acquiring a well permit, drilling the well, installing all associated components to make it functional, providing and installing a mainline system, providing a distribution method, such as hand lines, wheel lines or pivots, these being the most common, paying for the energy required to make the system functional. These expenses are not shared by any group through assessments, but are borne exclusively by the individual ground water user is a significant part of their cost of operation. On top of all those expenses, ground water users are being forced to install a flow meter, costing anywhere from \$1500+/- and \$6000+/- most of which have a life expectancy of 5+/- years. Making this expense a considerable reoccurring one.
4. At the public hearing, I heard one of the presenters say something to the effect, 'that the water district will be responsible for sending out annual assessments and that the funds generated will remain in WD129'. That being said, will ground water users receive financial relief, from the combined assessments, to maintain, repair or make improvements to their infrastructure, similar to the benefits surface water users receive for their assessments? Perhaps including the cost and maintenance of a flow meter, main line or pivot system? I have a ground water right of .42cfs, which was established in 1960 and there has never been an "annual assessment" for ground water use.

5. How is this newly created assessment determined? Is it akin to paying my utility bill where a reading from the meter is taken, multiplied by a constant to assign a dollar amount for the energy used? Or is it an arbitrary number derived from potential water use, based on the cfs of the water right, rather than actual volumes of water pumped? What dollar amount can I expect to be assessed? What about a year when I can't cover the cost of pumping due to circumstances beyond my control, such as major medical expenses, will I still receive an annual assessment bill when I've not used any water?
6. Where do the assessment funds go? Who benefits from ground water user assessments? As noted in #2 & #4 above, surface water user assessments are used for the maintenance of their infrastructure.
7. Are the funds generated by ground water user assessments, in the proposed WD129, simply a source of income to pay the salary of 2 newly created WRA/sr positions in the Eastern region, as listed on your IDWR Organizational chart of January 16, 2024?

I trust my comments and questions are taken in the spirit intended and please know they were not written to be rude, sarcastic, accusatory, or patronizing. I'm truly interested in fully understanding the pluses and minuses of the creation of WD129 and how it will impact those of us who have invested considerable time and money to have irrigation options available when rain and snow pack fails to adequately replenish surface water. I understand ground water is, to some extent, also adversely affected by lack of rain and snow pack. Historically I've had water available even during relatively dry seasons. I also understand that past performance is no guarantee of future water supplies.

I look forward to receiving a written response addressing my concerns and questions.

Thanks for your attention in this matter.

Sincerely,

Nolyn Johnson



Nolyn Johnson  
9077 E US highway 30  
Lava Hot Springs, ID 83246  
208/317-1121