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Water Resources

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August 29, 1989

Lewis Rothwell
Route 1, Box 405
Arco, ID 83213

Dear Mr. Rothwell:

Thank you for your letter of August 2, 1989, and for the copies of petitions to the Idaho Department of Water Resources (IDWR) seeking a moratorium on further irrigation well development in the Lost River area and a listing of domestic wells which have been deepened or replaced in the area during the last two years.

The water supply shortage and the concerns about the effect of groundwater development on river flows and shallow groundwater supplies have been brought to my attention a number of times, and I am in close communication with Keith Higginson, Director of the Department of Water Resources, on these matters.

Mr. Higginson advises me that on August 10, 1989, he met with you and perhaps 200 concerned citizens and water users at a public meeting in Moore to obtain additional information on the scope and magnitude of the problems and to discuss the various alternatives for improving management of the resource to resolve these problems. Mr. Higginson reported to me that the discussions were open and frank with a good exchange of views on the issues.

Based upon the response of those present, IDWR is pressing for formation of a local committee that would represent all interests to work with IDWR staff to formulate a comprehensive, conjunctive surface and groundwater management plan for the basin. If such a plan can be developed and implemented with broad community support, the total water resource can be managed to satisfy the needs of all interests. Without general support from all interest groups, the Department is left to administer use of water under various existing laws which are, at times, in conflict.

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Implementation of a conjunctive management plan must be considered as a long-term solution. In the meantime, IDWR is evaluating the petition seeking a moratorium on approval of new groundwater applications for irrigation. As described at the meeting, a moratorium could prevent timely consideration of applications for existing but unrecorded uses that will be identified during the filing of claims in the Snake River Basin adjudication. A moratorium would simply be a continuation of the de facto moratorium that has been in place during the Swan Falls controversy and, therefore, may be appropriate while the conjunctive management plan is being considered.

Mr. Higginson advises me that IDWR staff has field-inspected all wells and irrigated lands on which unauthorized diversions have been reported. Where the land was found to be developed for irrigation and no valid water rights are on record, a "show-cause" order has been issued to the water right applicant, or the pending application was processed if it could be under the Swan Falls agreement.

Proposed decisions have been issued indicating approval of some uses, but requiring wells to be constructed to prevent taking of water from above 300 feet below the land surface to avoid interference with river flows or shallow groundwater. Hearings have been requested on the show-cause orders and proposed decisions. These will be held as expeditiously as possible.

I appreciate the information you have provided me on this matter. I am confident that through the cooperation of the water users, the community, and the state, this difficult problem can be resolved. I am also very hopeful "Mother Nature" will be kinder to us in the future. In 1988, only 4,900 acre feet of water flowed in the Big Lost River channel south of Arco. This is far below the long-term average of 83,900 acre feet. Until we see a return to more normal water supply conditions, we will endeavor to protect those with early rights from the effects of the new large-capacity wells.

Sincerely,

Cecil D. Andrus
Governor

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cc: Department of Water Resources
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