

OFFICE OF THE GOVERNOR
CECIL D. ANDRUS
STATE CAPITOL
BOISE, IDAHO 83720
(208) 334-2100

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Department of Water Resources

C O P Y

August 22, 1989

Mr. C.P. Hamilton
Route 1, Box 4761
Arco, ID 83213

Dear Mr. Hamilton:

Thank you for your letters of July 5 and 6, 1989 describing ground water problems in the Arco area. The continuing short water supply in the Big Lost River Basin has caused several citizens to contact my office expressing concern that pumping of ground water is adversely affecting prior surface water rights and domestic wells. In response to these inquiries, I have reviewed this matter with R. Keith Higginson, Director of the Department of Water Resources. He advises me that the surface and ground water are inter-related in most of the basin so, pumping can effect stream flows. However, other factors, like the low runoff during the past several years and the widespread changes in irrigation application methods, also have an effect on the ground water levels and stream flows.

Mr. Higginson has proposed a public meeting in the Arco-Moore area to review water issues and discuss potential solutions. Mr. Higginson advises me that a meeting will be useful to assess the extent of the water shortage problems and to encourage a coordinated state-community response. The meeting will not be a hearing to establish responsibility for water supply problems or to determine rights to divert and use water. Such matters can only be determined in accordance with established administrative and judicial procedures.

Pumping of unauthorized wells or using water to irrigate unauthorized land areas must be prevented. IDWR will issue orders to stop unauthorized uses of water whenever such uses are identified. In some instances,

applications have been pending with IDWR to irrigate land that has been developed and "grandfathered" by the Swan Falls water rights agreement. These filings will be processed, but pumping will be stopped until the wells are reconstructed to prevent diversion of water that could affect surface water flows or de-water shallow domestic wells.

Management of ground water pumping must also recognize that valid rights exist for doing so. Permits and licenses have been issued by IDWR and other valid rights have been developed to allow the pumping. While all rights are subject to control to prevent injury to older water rights, the control must be exercised to provide legal due process for the holders of these rights. The on-going Snake River Basin adjudication is the appropriate way to resolve the issues. Obviously, IDWR and the court cannot complete the adjudication to consider and rule on the ground water issues in your area this irrigation season, but a piecemeal approach of pursuing private litigation separately from the adjudication would also not result in a final decision this year.

The available studies indicate that the water supply of the Big Lost Basin is adequate for existing approved uses even during a series of low runoff years, but the surface/ground water resource must be used conjunctively to supply the needs. I am continuing to encourage all concerned to cooperatively develop the institutional procedures and physical features needed to use the resource to the greatest benefit of local citizens, while fully protecting those with early rights from surface sources and domestic wells. If new legislation is needed to allow successful conjunctive management, I will assist in getting it in place.

I have asked Mr. Higginson to keep me personally informed of progress in resolving this difficult matter.

Sincerely,

Cecil D. Andrus
Governor

CDA:abg
cc: Keith Higginson