

IN THE SENATE

SENATE CONCURRENT RESOLUTION NO. 138

BY RESOURCES AND ENVIRONMENT COMMITTEE

A CONCURRENT RESOLUTION

1
2 STATING FINDINGS OF THE LEGISLATURE SUPPORTING THE SETTLEMENT AGREEMENT
3 ENTERED INTO ON JUNE 30, 2015, BETWEEN PARTICIPATING MEMBERS OF THE
4 SURFACE WATER COALITION AND PARTICIPATING MEMBERS OF THE IDAHO GROUND
5 WATER APPROPRIATORS, INC. TO RESOLVE LITIGATION, AVOID CURTAILMENT,
6 MAINTAIN SUSTAINABLE GROUND AND SURFACE WATER SUPPLIES ON THE ESPA AND
7 MINIMIZE HARM TO IDAHO'S ECONOMY, SUPPORTING STATE MANAGEMENT TO ENSURE
8 ESPA WATER SUPPLY ISSUES ARE TIMELY ADDRESSED, AND SUPPORTING THE GOAL
9 OF STABILIZING AND REVERSING THE TREND OF DECLINING ESPA WATER LEVELS IN
10 THE EASTERN SNAKE PLAIN AQUIFER.

11 Be It Resolved by the Legislature of the State of Idaho:

12 WHEREAS, the Eastern Snake Plain Aquifer (ESPA) supplies ground water
13 to approximately one million irrigated acres and to numerous cities, busi-
14 nesses, dairies, factories and homes; and

15 WHEREAS, the ESPA is hydraulically connected to the Snake River and dis-
16 charges to the Snake River via tributary springs, which supply surface water
17 for multiple beneficial uses, including aquaculture, hydropower, and the
18 irrigation of approximately one million acres; and

19 WHEREAS, since 1952 the total volume of water stored in the ESPA has de-
20 creased due to increasing direct diversions of ground water, increasingly
21 efficient surface water irrigation practices, and other factors; and

22 WHEREAS, discharge from the ESPA to the Snake River is the most signifi-
23 cant contribution of water to the Snake River between Milner Dam and the Mur-
24 phy Gage; and

25 WHEREAS, Policy 4A of the 2012 Idaho State Water Plan requires that the
26 Murphy minimum stream flow water right be administered in priority; and

27 WHEREAS, the declines in ESPA storage content have decreased surface
28 water supplies available for irrigation, aquaculture, municipal, indus-
29 trial and other uses on land overlying the Eastern Snake Plain, resulting
30 in multiple water delivery calls, protracted litigation, and curtailment
31 notices issued by the Idaho Department of Water Resources; and

32 WHEREAS, current ESPA water levels and total storage content, after
33 more than six decades of decline, are inadequate to provide a reasonably
34 safe supply of water for sustainable surface and ground water irrigation,
35 hydropower, aquaculture, municipal and industrial uses, the curtailment of
36 which would cause severe economic harm to the State of Idaho; and

37 WHEREAS, if the Thousand Springs discharges continue to decline, junior
38 water rights will be required to curtail to sustain the Murphy minimum stream
39 flow; and

40 WHEREAS, on June 30, 2015, a historic settlement agreement was entered
41 into between the following surface water right holders: A & B Irrigation
42 District, American Falls Reservoir District #2, Burley Irrigation District,
43 Milner Irrigation District, Minidoka Irrigation District, North Side Canal

1 Company and Twin Falls Canal Company, collectively known as the Surface
2 Water Coalition (SWC); and the following ground water right holders: Ab-
3 erdeen American Falls Ground Water District, Bingham Ground Water District,
4 Bonneville-Jefferson Ground Water District, Carey Valley Ground Water
5 District, North Side Ground Water District, Jefferson-Clark Ground Water
6 District, Madison Ground Water District, Magic Valley Ground Water Dis-
7 trict, Fremont-Madison Irrigation District, Anheuser-Busch, United Water,
8 Glanbia Foods, City of Blackfoot, City of American Falls, City of Jerome,
9 City of Rupert, City of Heyburn, City of Paul, City of Chubbuck and City of
10 Hazelton, collectively known as the Idaho Ground Water Appropriators, Inc.
11 (IGWA); for the purpose of resolving pending water delivery calls and to
12 provide for ongoing management of the ESPA; and

13 WHEREAS, the IGWA-SWC settlement agreement seeks to stabilize and ulti-
14 mately reverse the trend of declining ESPA water levels in the ESPA; and

15 WHEREAS, the participating ground water users committed to reduce
16 ground water diversions from the ESPA necessary to meet the ground water
17 level goal and benchmarks identified in the settlement agreement; and

18 WHEREAS, implementation of the settlement agreement is expected to lead
19 to a sustainable water supply and minimize harm to Idaho's economy arising
20 from water supply shortages.

21 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Ses-
22 sion of the Sixty-third Idaho Legislature, the Senate and the House of Rep-
23 resentatives concurring therein, that the State of Idaho supports the set-
24 tlement agreement entered into on June 30, 2015, between participating mem-
25 bers of the Surface Water Coalition and participating members of the Idaho
26 Ground Water Appropriators, Inc. to resolve litigation, avoid curtailment,
27 maintain sustainable ground and surface water supplies on the ESPA and min-
28 imize harm to Idaho's economy, and further supports state management to en-
29 sure ESPA water supply issues are timely addressed.

30 BE IT FURTHER RESOLVED that the State of Idaho supports the goal of sta-
31 bilizing and reversing the trend of declining ESPA water levels in the East-
32 ern Snake Plain Aquifer.