

# Cities/IGWA/SWC Settlement Agreement

Chris Bromley



# Discussion Items

- Cities/IGWA/Cities Settlement Agreement
- Internal Cities Agreement
- Status of ESPA Ground Water Management Area

# Settlement Agreement – Background

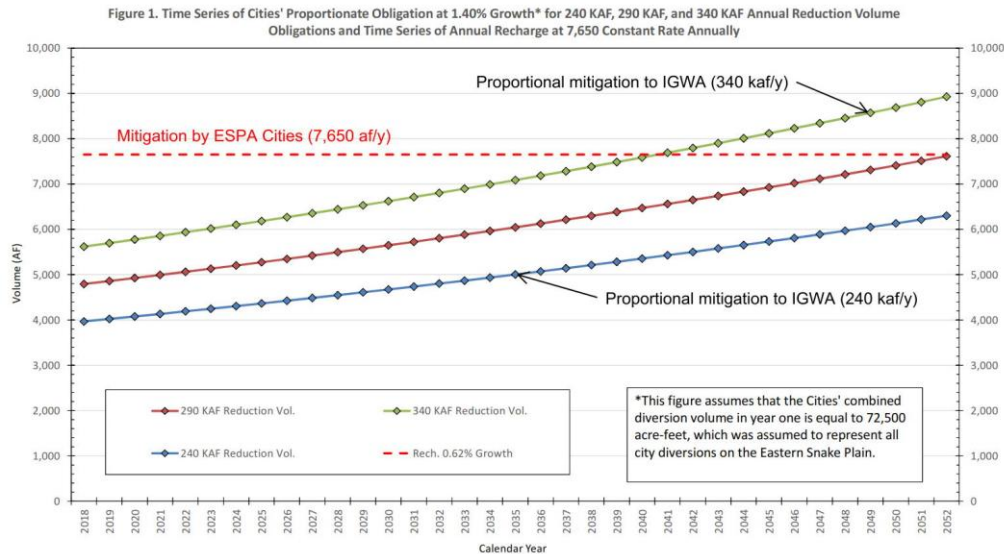
- Prior to designation of the ESPA GWMA, cities were in compliance with IDWR’s conjunctive management orders and associated statutory and court decisions
- “Coalition of Cities” were mitigating in the Rangen, Inc. delivery call through recharge
  - Bliss, Burley, Carey, Declo, Dietrich, Gooding, Hazelton, Heyburn, Jerome, Paul, Richfield, Rupert, Shoshone, and Wendell
- Coalition of Cities, City of Idaho Falls, and the City of Pocatello (collectively the “Cities”) were entering into annual mitigation agreements with the SWC for storage water

# Settlement Agreement – Background

- In 2015, IGWA and SWC entered into their Final Settlement Agreement
- Among other things, the IGWA/SWC agreement required permanent reduction in pumping and benchmark water levels in the 19 “sentinel wells”
- The IGWA/SWC framework was unworkable for ESPA cities, and IGWA and SWC acknowledged as much
- Combined with designation of the ESPA GWMA, the Cities began negotiations with IGWA and SWC to resolve the delivery call and GWMA disputes

# Settlement Agreement – Key Provisions

- ☘ Cities will provide 7,650 af/y through “aquifer enhancement activities”
- ☘ Why 7,650 af/y?



- ☘ Cities are over-mitigating to gain certainty
- ☘ Cities will apportion the 7,650 af/y amongst participants

# Settlement Agreement – Key Provisions

- ◆ What are “aquifer enhancement activities”
  - Delivery of water to IWRB for recharge
  - Recharge of ESPA by the Cities – 50% above Great Rift
  - Ground water to surface water conversions, temporary or permanent dry ups, or other activities agreed to by the parties
- ◆ These “aquifer enhancements” receive a 1:1 credit
- ◆ Cities’ obligation will increase to 9,640 af/y if IGWA’s obligation increases from 240,000 af/y to 340,000 af/y
- ◆ Volumes are based on a 5-year rolling average
- ◆ Cities will annually provide a minimum of 1,000 acre-feet

# Settlement Agreement – Key Provisions

- Safe harbor from SWC and/or IGWA delivery calls
- Compliance is measured by the 5-year rolling average volumes, not the “sentinel wells”
- Agreement is good for 35 years or when total ESPA municipal pumping equals 120,000 acre-feet, whichever occurs first
- Agreement covers all ESPA municipal pumping
- Any ESPA city may join
  - So far Ammon, Atomic City, Blackfoot, Firth, Iona, and Rexburg

# Settlement Agreement – Key Provisions

- GWD members may withdraw as to SWC assessments
- The 16 cities will withdraw objection to ESPA GWMA designation
- Cities will support continued funding of state-sponsored managed recharge of the ESPA
- Parties agree to seek legislative support for this Agreement
  - “Upon execution, the Parties shall provide this Agreement to Idaho’s Senate Resources and Environment Committee. The Parties agree to use their best efforts to seek passage of a Senate Concurrent Resolution to approve this Agreement, similar to *Senate Concurrent Resolution 136* [sic] (2016).”
- Cities, IGWA, SWC have been contacted by legislative leadership regarding proposed legislation



# Internal City Agreement



# Internal City Agreement – Main Purposes

- Cities agreed to provide 7,650 af/y to SWC if IGWA's obligation is 240,000 af/y
- If IGWA's obligation to the SWC increases to 350,000 af/y, Cities' obligation increases to 9,640 af/y
- Cities that did not sign the Agreement may join
- City of Pocatello has agreed to provide storage water and to facilitate this Internal City Agreement
- Main purposes of the Internal City Agreement
  - How to apportion the obligation
  - How other cities may join

# Internal City Agreement – Apportionment

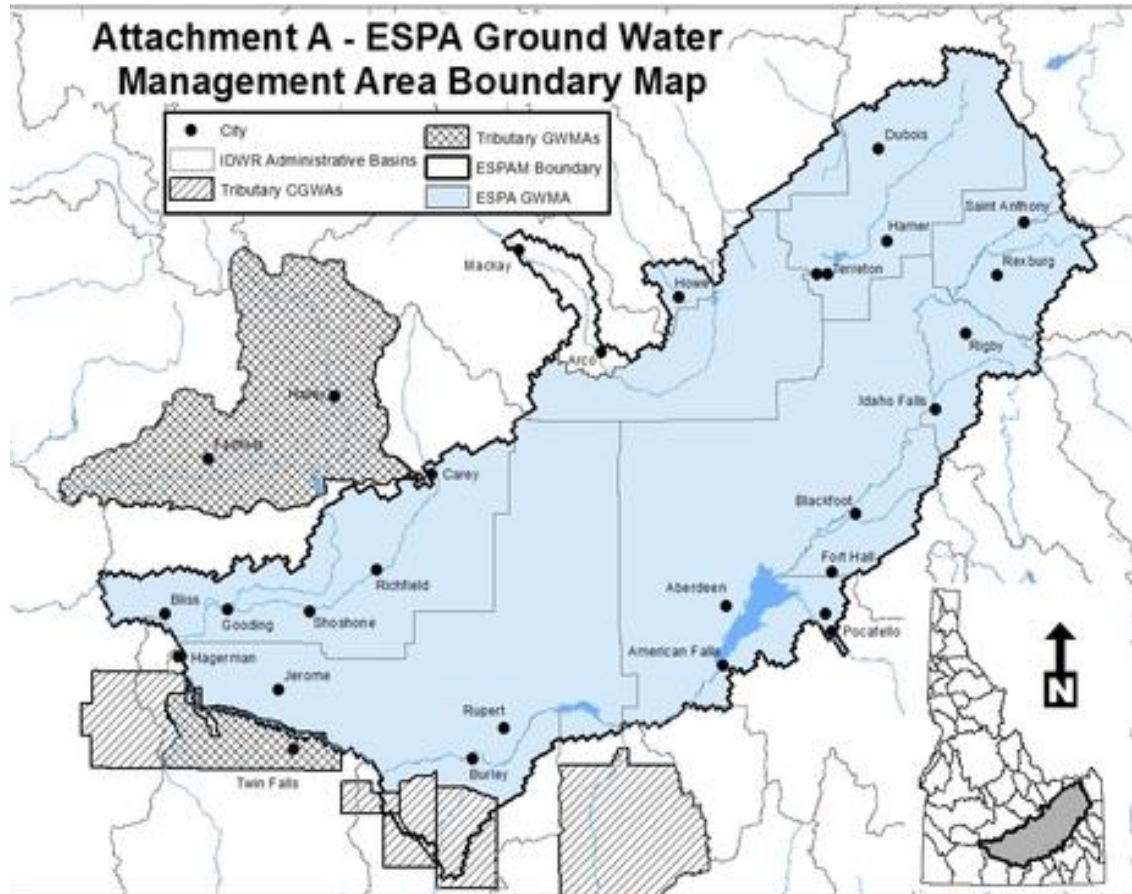
- Equal weight will be given to a city's water right priority dates and volume pumped
- Adjustments to volume pumped will occur every 3 years
- Cities will be required to report their pumped volumes annually which will be included in an April 1 report to IDWR, IGWA, SWC
- Flexibility will be provided to allow cities to provide their own projects subject to approval of all cities
- There will be a form notice to participate to allow other cities to join

# Status of ESPA GWMA



# Status of ESPA GWMA

- ESPA GWMA designated by order of IDWR on 11/2/2016
- Opposed by Many Ground Water Users
- IDWR Status Conference 1/30/2019



# Questions?

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