



Groundwater Use and Protection

Presented by: Nick Miller, IDWR Western Regional Manager

Date: 04/20/2023



Topics for Today

- IDWR's Roles and Responsibilities related to
 - Groundwater Quality
 - Groundwater Quantity
- Sources of Information
 - FAQ, GIS maps, Hydrologic, published studies?

Goals for Today

- Help provide context to support development of standards.

IDWR RE: Groundwater Quality

Generally tied to Well Construction practices, but cooperative activities as well. For a full description, see:

Idaho Ground Water Protection Interagency Cooperative Agreement, June 2020.

<https://www2.deq.idaho.gov/admin/LEIA/api/document/download/15310>

IDWR RE: Groundwater Quantity

IDWR has been vested with the authority to allocate water supplies § 42-201(7), I.C. states:

“This title delegates to the department of water resources exclusive authority over the appropriation of the public surface and ground waters of the state. No other agency, department, county, city, municipal corporation or other instrumentality or political subdivision of the state shall enact any rule or ordinance or take any other action to prohibit, restrict or regulate the appropriation of the public surface or ground waters of the state, and any such action shall be null and void.”

IDWR RE: Groundwater Quantity

1951 Ground Water Act, as amended now codified as § 42-226 - § 42-237f , Idaho Code

- Declared public policy to devote ground water resources to beneficial use through appropriation.
- Recognizes "first in time is first in right" can not block full economic development of the ground water resources, but still contemplates protecting senior users via "reasonable ground water pumping levels"

IDWR RE: Groundwater Quantity

1951 Ground Water Act, as amended now codified as § 42-226 - § 42-237f , Idaho Code - Continued

- Formulates other management tools – GWMAs, CGWAs, other authorizations to manage the resource and administer existing uses.

IDWR must balance opposing objectives – full development of the resource vs. preserving the resource for existing and future users.

*Note: No guarantee of perpetual, uninterrupted water supply for anyone.

IDWR RE: Groundwater Quantity

Domestic Wells exempt from WR permitting. § 42-227, I.C. states:

“42-227. DRILLING AND USE OF WELLS FOR DOMESTIC PURPOSES EXCEPTED. The excavation and opening of wells and the withdrawal of water therefrom for domestic purposes shall not be subject to the permit requirement under section 42-229, Idaho Code; providing such wells and withdrawal devices are subject to inspection by the department of water resources and the department of environmental quality and providing further that the drilling of such wells shall be subject to the licensing provisions of section 42-238, Idaho Code. Rights to ground water for such domestic purposes may be acquired by withdrawal and use.”

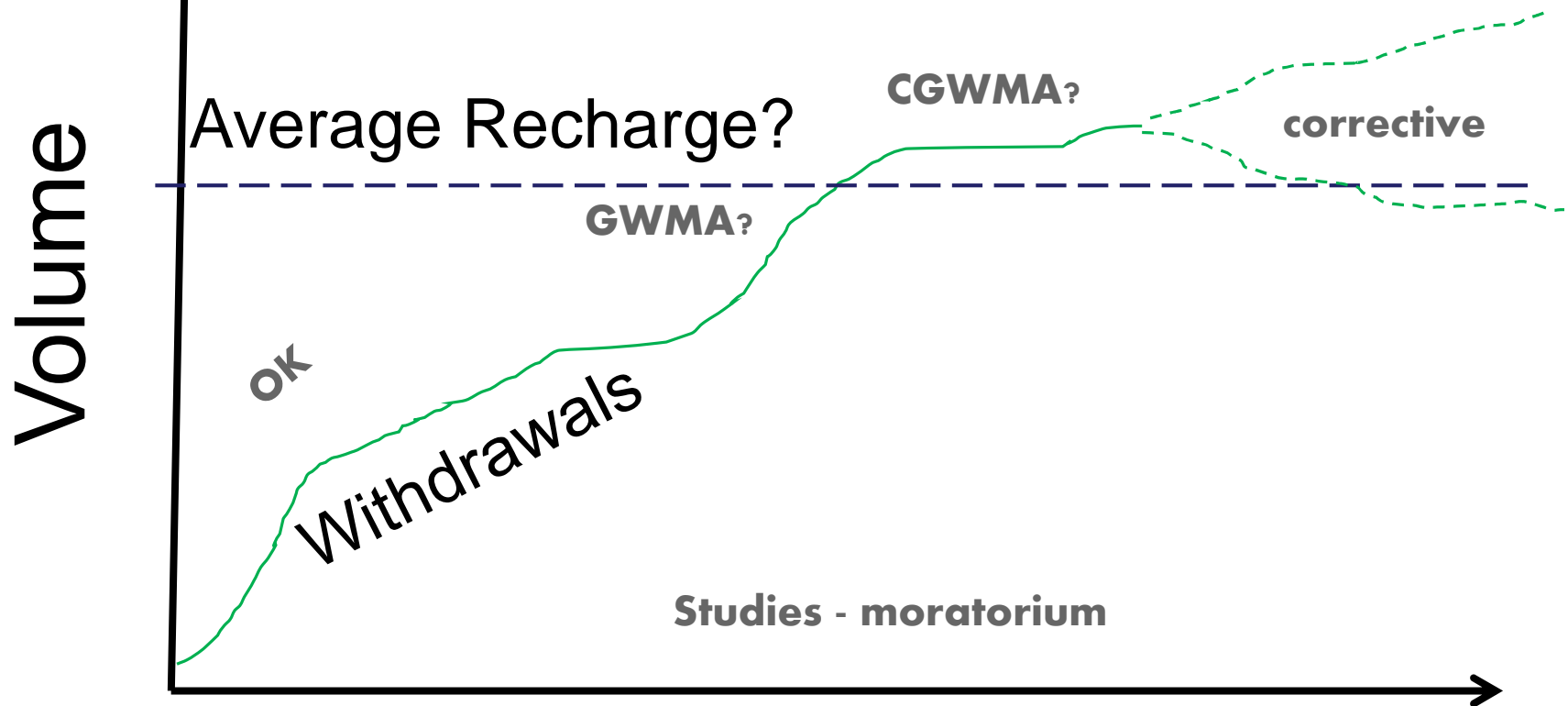
This exemption largely insulates Domestic wells from IDWR’s aquifer management tools.

GW Right Administration Considerations

- Most GW administration in Western Region has been in response to long term, aquifer-wide issues, rather localized or seasonal issues. – GWMA's, Moratoriums, and drilling and appropriation adaptations
- No reasonable pumping levels have been established in Idaho.

Note: reasonable pumping levels are intended to define how much impact a senior right holder should incur due to junior GW development – a reasonable pumping level is not intended to protect junior users in maintenance of historical pumping levels.

Goal of these administrative activities/designations are to exercise statutory authority to manage the resource – to protect the ability to put the resource to full beneficial use.



Note: Timescale of years or decades. Not typically representative of very local issues, or seasonal or transient effects.

Time

Sources of IDWR Data

- <https://idwr.idaho.gov/groundwater-faqs/>
- <https://idwr.idaho.gov/water-data/technical-publications/>
- [Treasure Valley Groundwater Flow Model | Idaho Department of Water Resources \(Serve Idaho\)](#)
- [Groundwater Data Portal \(idaho.gov\)](#)
- [Water Right Locator \(idaho.gov\)](#)
- [Wells and Groundwater Management \(idaho.gov\)](#)

[Chapter 2 – Idaho State Legislature](#)

Public/County/State Rights, Authorities, and Responsibilities - IDWR

- Discuss agency authorities and obligations with respect to the use and protection of the public's resources
 - Reference relevant state statutes
 - How do these responsibilities look during land development?
 - Where does responsibility/authority of the agency end and where does the County's begin or how do they overlap?
- How does the agency track land use changes? Are real time or potential future land use changes used to inform decisions or agency initiatives? Is there room or need for more collaboration from your perspective?
- When does the agency make a point to respond to hearing notices? What can our hearing bodies expect from responses to hearing notices and what should County staff be able to provide from agency published data?
 - i.e. our decision makers want to make factually based land use decisions, supported by evidence. Where should they look for that data to come from? This is related to a discussion on data (below)
- Data
 - What resources are available to Canyon County staff and decision makers to help with the required findings? What data should be considered when determining "adequate" services?
 - What informs where, how often, and to what extent data collection happens?
 - Please explain tools like: online GIS data, TVGWM ect
- The board was hoping to spend some time hearing about known problem areas in the County. They would benefit from a data based discussion, if appropriate. Possibly areas with known water level stability or predictability issues.
 - Are there or should there be any disclosures to future residents regarding seasonal fluctuations when agricultural or irrigation operations are nearby?
- Groundwater Management Areas. Intent. How/why does one get established? Pros and cons.
- Reasonable groundwater pumping level. Intent. How/why does one get established? Pros and cons.
- The agency's perspective on the pros and cons of the domestic well exemption. Especially related to it's use to supply water for County developments
 - Who is responsible when exempt domestic wells aren't drilled to the appropriate standards or are drilled to appropriate standards but perform poorly? Is there any regulation on exempt domestic well depth?
 - Are there rules regarding water level monitoring in exempt domestic wells? What about public water system wells?
 - What (if any) agency has responsibility to ensure that, if wells are constructed, water is available to the property owner and that other property owners (including farmers) do not have their access to water affected?
 - Give perspectives on appropriate water/sewer infrastructure in the typical County development

End