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Fax

To: David Hensley *Office of Governor*
Butch Otter *From: Stan Hawkins*

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• Comments:



David Hensley

March 3, 2010

Office of Governor Otter
Boise, Idaho

Dear David,

Thank you for the opportunity to participate in the recent meeting and give comments on CAMP. It should have been obvious that feelings are running very high at this time. Although the folks that I am associated with wish no one ill will, we believe the CAMP efforts so far have been very costly and have not produced a product that will solve the problem of a declining aquifer.

To date, it seems that all CAMP participants will tell you that they have nothing to gain from CAMP. I have listened to every theory imaginable from those who have filed the lawsuits, those whose senior wells have had to be deepened at great expense, those who have sought to impose water calls on others, those who operate undocumented wells, spring users whose priority date on their water right should protect them, deep well pumpers who have had to mitigate for water shortages of others, deep well pumpers who have had to respond to curtailment orders, those who have already spent significant amounts of money converting to new sources of water where possible, those who have converted to sprinkling therefore shorting the aquifer of incidental recharge that previously occurred and I could go on and on.

The fundamental breakdown of CAMP at this time, as you know is a cost of benefit issue. For us, it might be more properly called "additional cost of still no benefit" issue. The facts for the Great Feeder and Upper Great Feeder Canals are as follows;

- A. We use only surface water including natural flow and storage water.
- B. We hold senior decrees some with priority dates as early as 1874.
- C. Our canals receive NO water from the aquifer.
- D. Our forefathers bought and paid for large amounts of storage early in the development of our systems because percolation rates were so high and vast amounts of water were required to accomplish early flood irrigation practices.
- E. Much of our land base is perfectly suited for flood irrigation and has been leveled with precision laser methods.
- F. Our diversion rates, over a vast area, are the highest in the state.
- G. Average actual crop consumption is no more than 3 acre feet per acre, while we regularly divert more than 12 acre feet per acre. This results in an aquifer benefit approaching 1 MILLION ACRE FEET EACH YEAR.
- H. This aquifer benefit costs our water users a significant amount of money in elevated diversion costs, paid to Water District 1 of The State of Idaho, that exceed other major water users by as much as three times.
- I. Our diversion structures are oversize for the acres served because of large diversions. Maintenance costs are equally higher.
- J. Our water users are the ones who are curtailed when water supplies are diminished by drought, with recent shut off dates as early as July 13, after diverting three times more water than is

needed to produce a crop. Even in drought years our contribution to the aquifer is huge and our costs are real.

- H. The CAMP Plan and the Legislation that adopted it recognized the value of the recharge that occurs with flood irrigation practices and established a state policy to preserve it.
- I. We have not contributed to the decline of the aquifer in any significant way. Our irrigation practices for the most part have never changed and our irrigation companies own NO wells.
- J. Our irrigation companies have never instigated a water call or had one leveled at us. We have never sued or had anyone sue us over water right administration issues.

The above facts are not disputable. Unfortunately, the Camp process has not provided a forum where these facts are accepted. From the beginning until now, it seems that the main principle among CAMP members is every surface water user pays the same, and every groundwater user pays the same. We believe that principle, if it continues to prevail, will make CAMP lead to more litigation and not less. That principle will lead to a further decline of aquifer health, as flood irrigation is penalized even further.

We have compromised on more than one occasion and thought we had issues resolved that allowed us to stand out of the way of CAMP. We have stayed in meetings when we should have walked out because of the personal and inappropriate attacks leveled at our one representative on the CAMP committee. We have been openly criticized for involving our attorney and professionals when others did the same.

After all this, it seems to us that CAMP can only fail unless the Governors office is willing to lead out on some important questions that go right to the heart of the funding issue of CAMP.

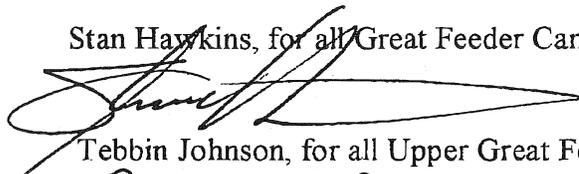
1. Could the Great Feeder Canals and others who make large contributions to the aquifer be credited for those contributions or removed from CAMP entirely?
2. If not, how can the overall question of "reasonable nexus", as it relates to fees and benefits, ever be reconciled as required by established case law?
3. Would the Governors office be willing to take an active role in establishing internal budgets and limits that insure that excessive amounts are not spent on bureaucracy and administration of Camp. Only this would insure adequate funding is available to make a real change in aquifer health.

As you can see, our patience is nearly gone and our faith is weak. If we could be released from any CAMP assessment as long as we contribute vast amounts of water to the aquifer, that would be our first preference. If that is not possible, we don't see any other alternative other than staying in the CAMP process to seek other resolution to our issues.

We hope that the facts and the questions raised herein can be addressed appropriately in the near future.

Best Regards,

Stan Haykins, for all Great Feeder Canals (interim camp member)



Tebbin Johnson, for all Upper Great Feeder Canals

