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Irrigators want thousands of wells shut down Call could force farms, industries to stop pumping

Five Magic Valley canal companies and irrigation districts demanded Idaho officials to force thousands of farms, businesses and communities to stop pumping from wells and deliver the water they are due.

Twin Falls and Northside Canal companies, who together provide water to 362,000 acres of farmland in the Magic Valley, are among the largest owners of rights to spring water that flows from the Eastern Snake Plain Aquifer. Their "call for water," the legal maneuver made Tuesday, signals a breakdown in negotiations on a plan designed to stabilize the storage of groundwater in the Lake Erie-sized aquifer and increase spring flows.

"If this isn't resolved it will be litigated," said House Speaker, Bruce Newcomb, R-Burley, who irrigates his crops with groundwater pumped from the aquifer.

The companies and districts did not say how much water they are demanding so the economic impact remains unclear. But their water rights have such high priority that state officials could order hundreds of thousands of acres dried up, and wells for hundreds of businesses and thousands of homes shut off, a University of Idaho model shows.

However, Karl Dreher, Idaho Department of Water Resources Director, said he needs the companies and districts to show him how much the reduction of spring flows has hurt the people they serve.

"About a million acres of land are irrigated on the Eastern Snake Plain Aquifer with groundwater junior in priority to the natural flow rights held by the Twin Falls Canal Co.," Dreher said. "Until we are able to see what their allegation of injury is and to evaluate it, it is premature to say what portion, if any, of that million acres may or may not be subject to curtailment."

The two canal companies established their water rights in 1900, from 60 to 80 years before farmers sank thousands of wells into the aquifer to irrigate their crops. These senior rights have priority under Idaho water law. The other three irrigation districts all have similar senior water rights.

But until a decade ago, groundwater and surface water rights were administered separately. Senior surface right holders, including the canal companies and districts, regularly shut off junior surface water users. But groundwater users were allowed to continue pumping water even during the worst droughts.

"The last few years senior spring users have been short of water," said Sen. Charles Coiner, R-Hansen, a Twin Falls Canal Co. board member. "We feel we have to shift the burden of curtailment to junior users." The canal companies and irrigation district want to continue to negotiate, Coiner said.

"We're not closing our doors to discussion," he said.

But Tim Deeg, an American Falls farmer who has been one of the leading negotiators for groundwater pumpers, was not optimistic.

"It's going to make it very difficult to continue negotiations," Deeg said. "I'm real disappointed."

Twin Falls Canal Co. and the groundwater pumpers had an interim agreement in effect until Dec. 31. Under the agreement, the pumpers had paid for the leasing of water to offset the loss of spring flows due to the companies and districts.

Dreher will have to decide how much of the drop in spring flows is due to drought, how much is due to pumping and how much water can reasonably be expected to be delivered over time if wells are shut down. He said he will shut down wells no matter what the economic impact.

Dreher made a similar order in 2004 in the Thousand Springs area near Hagerman and Jerome. His order in 2004 was pulled after the Idaho Legislature negotiated a one-year deal.

Since then, an interim committee, Dreher and other state officials have been crafting a proposal aimed at stabilizing the aquifer with a combination of programs to dry up lands irrigated with groundwater, convert lands to surface irrigation, reduce the need for water by spring users and by artificially seeping billions of gallons of water into the aquifer. Lawmakers were hoping they could endorse such a plan this session. John Simpson, an attorney for the canal companies, said now the issue is out of lawmakers' hands.

"Before the Legislature can resolve it, the parties or the director must resolve it," Simpson said. "That does not preclude the parties from continuing to talk."

The water calls place a cloud of uncertainty over the economy of the Magic Valley and eastern Idaho, Newcomb said.

"It raises the spectre so people all across the state see this is serious business," Newcomb said.