

# IGWA Bulletin

## MEMBERSHIP MAKES A DIFFERENCE

EXECUTIVE DIRECTOR LYNN TOMINAGA

IGWA's annual membership year begins on October 1st and ends on September 30<sup>th</sup> which often confuses those of us who think in terms of January to December. It makes sense for the association. Each fall we enter into a merry go round of workshops, convention and trade show, more workshops, all culminating on April 1<sup>st</sup> when licenses are renewed. Then it is time to tally, report and plan for the next go round.

In 2017 the Continuing Education Committee (CEC) proposed, and IGWA's board of directors approved, changes to our programming that affect credits for drillers, adds a pump track, and includes changes to the trade show. *See page 20 for details.*

Most years I like to remind you of the benefits you receive from membership. Today, I want to focus on **the difference you make** through your membership. *Membership makes a difference.*

Western states, including Idaho, must balance the competing needs to sustain an adequate water supply, protect water quality, adapt to climate change or variability in order to maintain economic development and population growth. The Idaho Water Resource Board recently approved a Sustainability Initiative. Idahoans who reviewed the Initiative this summer, weighed in on concerns that ranging widely from fish and recreation to water conservation, and private property rights. If adopted by the legislature, the Initiative will become part of the State Water Plan.

Idaho Department of Water Resources (IDWR) denied the city of Meridian's petition to create a West Ada Area of Drilling Concern (WAADC). Meridian wanted to protect its drinking water supply from possible ground water contamination, concerns that are similar to those raised about Idaho's new oil and gas industry.

Recently, IDWR's Director Gary Spackman announced that a Ground Water Management Area will be created to stabilize ground water declines on the Eastern Snake Plain. Adjudications for the Bear River and Palouse Basins are also being discussed

There may be some interest in again reviewing Idaho's domestic exemption. This comes at a time when Montana and Washington's State Supreme Courts have issued rulings that potentially limit permitting rural water wells in those states.

In responding to these issues, IGWA relies on the knowledge, experience, and expertise that you bring to your job every day. Drillers play an important role in ensuring that families have clean water to drink, businesses and farms have the water to maintain our economic base, and Idaho's valuable ground water resource is preserved and protected. Drillers also take care of their own. Without you, there is no Crisis Fund. We couldn't do it without you! Thank you.

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## WASHINGTON STATE SUPREME COURT RULES AGAINST RURAL WATER WELLS

The Washington State Supreme Court issued a 6-3 ruling on October 7 that could undo Whatcom County's exemption of private wells for new homes in rural areas. This could negatively affect NGWA members doing business in this county.

In the long-awaited Hirst decision, after years of legal process, the Lynden Tribune reports at issue is the allowance of exempt private wells in the Nooksack River drainage where many sub-basins are closed to new applications for water permits.

That exemption, across the state, has been for up to 5000 gallons a day taken for residential purposes. It has allowed homes to continue to be built in rural Whatcom.

The Building Industry Association of Whatcom County (BIAWC) sent out an alert of the decision to its members.

"The court is siding with Hirst, saying the county must protect in-stream flows, and cannot rely on the Department of Ecology's rule to do that," said Linda Twitchell, BIAWC government affairs director. "I don't know if this means an immediate moratorium on permits, or what. But it looks like this will undermine reliance on Ecology's rule allowing development that depends on permit-exempt private wells in closed basins."

The county argued it was following the state rule when the case—brought by the anti-sprawl group Futurewise and several citizens—developed in 2013 with the state Growth Management Hearings Board. The case had now been appealed up from a 2015 state Court of Appeals ruling that favored the county.

"We reject the county's arguments," the high court says. "The Growth Management Act (GMA) requires counties to ensure an adequate water supply before granting a building permit or subdivision application. The county merely follows the Department of Ecology's 'Nooksack Rule'; it assumes there is an adequate supply to provide water for a permit-exempt well unless Ecology has expressly closed that area to permit-exempt appropriations."

"This results in the county's granting building permits for houses and subdivisions to be supplied by a permit-exempt well even if the cumulative effect of exempt wells in a watershed reduces the flow in a water course below the minimum in-stream flow. We therefore hold that the county's Comprehensive Plan does not satisfy the GMA requirement to protect water availability and that its remaining arguments are unavailing."

The Supreme Court remanded to the Growth Hearings Board for further handling.

State Senator Doug Ericksen (R-Ferndale) said the ruling threatens property users statewide.

Chair of the Senate's Energy, Environment and Telecommunications Committee, Ericksen said he plans to introduce a measure in the 2017 legislative session "to fix a major problem in Washington water law" created by the ruling. He said the ruling creates "an artificial water shortage."

Obviously, NGWA is concerned about the Court's decision and its impact on the citizens of the state who depend upon decentralized water supply systems, said Kevin McCray, CAE, NGWA CEO. "NGWA's legal counsel is reviewing the Court's decision and within the next few days will have thoughts and recommendations for the NGWA Board of Directors as to the best path forward from the national association's role."

Source NGWA

## EXEMPT WELL REGULATION STRUCK DOWN BY MONTANA SUPREME COURT

The Associated Press reported September 14 the Montana Supreme Court struck down a regulation that resulted in about 3000 permit-exempt water wells being drilled each year since 1993.

According to the AP, there are now about 113,000 exempt wells across the state, and there would have been 78,000 more by the end of the decade if the regulation stayed in place, the majority opinion written by Justice Laurie McKinnon says.

“The loophole that existed amounted to a giveaway of our water resources in our state,” said Laura King, the attorney who represented the Clark Fork Coalition and four people who sued to strike down the regulation. “We are thrilled with the court’s decision and the fact that the court has realized that large water users can’t bypass the permitting process and drill a large number of wells.”

Under the court’s ruling, according to the Montana Association of Realtors, the state will revert to a permitting system that could harm builders, homeowners, and farmers.

“Exempt wells have served Montanans for years and the detailed scientific studies conducted determined that these exempt wells have virtually no impact on groundwater and stream flows,” association CEO Taylor Oldroyd said.

Source NGWA

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## PRELIMINARY ORDER ISSUED REGARDING THE PROPOSED WEST ADA AREA OF DRILLING CONCERN

TOM NEACE P.G., MANAGER, GROUND WATER PROTECTION SECTION,

On Friday September 30, 2016, the Idaho Department of Water Resources (“IDWR”) issued a Preliminary Order regarding the proposed creation of the “West Ada Area of Drilling Concern” (“WAADC”). The City of Meridian petitioned IDWR to create the WAADC to protect the deep aquifer systems underlying Meridian and its municipal public water system from aquifer contamination. Some aquifers underlying the Meridian area contain naturally occurring contaminants such as arsenic and uranium, as well as human caused contaminants like nitrates, pesticides and bacteria. Recent and historic well construction practices in the Meridian area have caused comingling of aquifers and spreading of contaminants.

The petition to create the WAADC was denied by IDWR. In its order, IDWR determined that formal designation of the WAADC was premature based on insufficient information to support the proposed Area of Drilling Concern boundaries. Additional data and evaluation of the hydrogeologic conditions in the areas surrounding the proposed WAADC are necessary to establish defensible boundaries of any Area of Drilling Concern. In the interim, the Well Construction Standards Rules (Rules) provide the necessary regulatory framework to ensure newly constructed wells prevent comingling between aquifers and migration of contaminants.

The Preliminary Order became a Final Order on October 14, 2016. There were no objections submitted to the Department regarding the Order. All documents associated with the Department’s administrative process can be found at: <https://idwr.idaho.gov/wells/areas-of-drilling-concern.html>

IDWR will modify current well construction permitting processes in the proposed WAADC area to protect ground water from contaminant migration. Effective November 1, 2016, long form permit applications will be required for all wells in the proposed WAADC area. A prospectus will be required for all wells prior to drilling to show all pertinent construction and sealing details. Newly drilled domestic wells will be limited to less than 200 feet of depth with appropriate well seals to prevent comingling of aquifers. All wells deeper than 200 feet below ground surface will require a full length pumped grout seal from the production zone to the surface as currently required by the Rules. Well screens will be limited to 20 feet in length to prevent cross contamination between aquifers. Well owners will be encouraged to have their wells sampled for nitrate, arsenic and uranium to evaluate the quality of the ground water.

For additional information contact Tom Neace at 208-287-4935

Several IGWA members attended IDWR’s public hearing on this issue, raising a number of issues and testifying against the proposal. IGWA also submitted comments to IDWR, opposing the petition.

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## WATER RESOURCES DEVELOPMENT ACT OF 2016 MOVES ON TO U.S. HOUSE OF REPRESENTATIVES

On a vote of 95 to 3, the U.S. Senate on September 15 passed the Water Resources Development Act (WRDA) of 2016, which includes the Water Supply Cost Savings Act. The bipartisan Savings Act (S. 1642) now moves to the U.S. House of Representatives for action.

The House planned to take up its version of the WRDA sometime the week of September 26. The House bill is much narrower than the Senate's and does not contain the Savings Act. If the House passes its bill, both sides will go to conference in an attempt to work out differences before the 114th Congress adjourns in December.

"We're pleased NGWA's assistance has contributed to half of this effort's ultimate necessary success," said NGWA CEO Kevin McCray, CAE. "There is still work to do with the House."

The National Ground Water Association supports the bill as a way to reduce the federal, state, and local costs of providing quality drinking water in small communities by facilitating greater use of well water systems as an alternative to traditional, centralized, drinking water systems.

"I am proud of the NGWA staff, volunteers, and our partners that helped our representatives make a great choice for the evaluation of water projects across the United States," said David Henrich, CWD/PI, CVCLD, chair of NGWA's government affairs committee. "The Savings Act firmly puts groundwater supply as a primary option for cost effectively serving our nation's water needs."

The latest U.S. Environmental Protection Agency Drinking Water Needs survey indicates more than \$384 billion in investment is needed in drinking water infrastructure over the next 20 years. With more than 42 million Americans relying on domestically supplied drinking water from groundwater, the potential benefits to them and those who operate farm-based and small businesses are significant.

The legislation has three objectives: 1. To require the U.S. Department of Agriculture and the EPA to create a drinking water technical clearinghouse to provide resources on cost-effective, alternative drinking water systems. 2. To establish a self-certification process of local governments or nonprofit organizations serving 500 persons or fewer that wells or well systems were considered when applying for a grant for federal assistance. 3. To direct the USDA and EPA to report to Congress no later than three years after the law's enactment on the use of alternative drinking water systems.

Senators John Boozman (R-Arkansas), Jon Tester (D-Montana), and Ben Cardin (D-Maryland) introduced the legislation on June 22, 2015.

"Comprehensive water infrastructure reform has been a long time coming and I am exceedingly proud of what we have been able to accomplish in this bill," Senator Cardin said.

"WRDA provides new federal tools to address many of the issues faced as our water infrastructure crumbles due to age and growing demands. Americans have a right to expect water coming from their taps is safe to drink and Congress will do everything within its power to ensure that happens. Every community in America—urban, rural, and suburban neighborhoods—will be helped by the provisions we've been able to include in this bipartisan bill."

Overwhelming support for Senate WRDA legislation provides important momentum for upcoming conference negotiations. If Senate provisions are adopted, the Savings Act would be signed into law by December—providing an important boost to rural communities seeking information on drinking water systems.

Other key backers of the legislation are the Water Systems Council and the Water Quality Association.

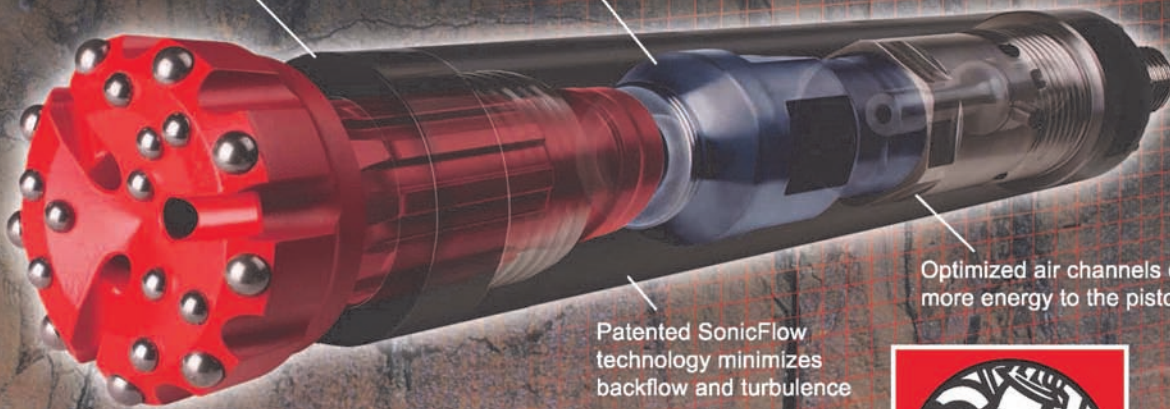
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## ATTENTION MANUFACTURERS & SUPPLIERS:

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**IGWA CRISIS FUND ACTIVATED TO SUPPORT WARD FAMILY!!** If you would like to provide additional support, there are two options. A GoFundMe account, Chalet Ward Memorial, has been established on-line; or, contributions may be made to the Chalet Ward Memorial Fund, Attn: Amber Whitaker, DL Evans Bank, PO Box 517, Albion, ID 83311



Chalét Ann Ward, 35, of Almo returned home to her Heavenly Father on Sunday, October 10, 2016, from injuries sustained in a vehicle accident.

Chalét was born Sept. 26, 1981, in Burley, to Natalie Kim Hollibaugh Chavez and Tracy Joe Chavez. She grew up in the Mini-Cassia area where she attended Minico High School and then Declo High School. She married the love of her life, and her eternal companion, Lucas Ward, on Dec. 31, 2007; they were later sealed in the Twin Falls Idaho Temple on Dec. 30, 2010. Together they have five beautiful children, Quintin, Kai, Gemma, Sophie, and Mia.

Chalét had a passion for life and family. She was a loving wife, mother, sister, daughter, granddaughter and friend. She lived for her morning phone calls with her sister Chelsea, Wednesday afternoons with her grandma Beve, and working with her brother TJ. When Chalét wasn't at the well rig digging tools out of a hole, she was loving her kids and teaching them to be great people.

Chalét had a way with words. Honesty was her best policy. She was a warrior in the face of challenges; she never met a challenge that she didn't face head-on. She was a hard worker. She loved to make herself pretty, but she wasn't afraid to get down in the dirt. She taught many life lessons to all those in her path. She loved fiercely and was loyal. She lit up every room she entered into. She was a selfless server and her children's number one fan. She was an active member of The Church of Jesus Christ of Latter-day Saints in her Almo community, where she had served as a Relief Society teacher, Cub Scout and 4-H leader.

She was preceded in death by her husband, Lucas Ward; her father, Tracy Joe; and her grandfather, Thaddeus Hollibaugh.

She is survived by her five children; her mother, Natalie Kim Chavez of Heyburn; her brother, TJ-Tracy Joe- (Erica) Chavez of Twin Falls; sister, Chelsea (Elias) Longoria of Peoria, Ariz.; grandmother, Beverly Hollibaugh; father and mother-in-law, Clark (Sara Jane) Ward, brother-in-law, Austin (Laura) Ward of Almo; sister-in-law, Keely (Casey) Richmond of Declo; uncles, Kurt (Monica) Hollibaugh and Kelly (Lisa) Hollibaugh; as well as many cousins.

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## IN REMEMBRANCE



**Owen James Lloyd**, 99, of Almo, died Wednesday, Oct. 12, 2016. Dad passed away peacefully and is no doubt happy to be with family and friends who have gone on before him. He was born in View, Idaho, March 10, 1917, to Willis Jacob and Mary Ann Bowen Lloyd. He was the 4th of what would become a family of ten children. At the age of two, his family moved to Almo, Idaho. He grew up on the ranch, herding sheep and otherwise helping with family chores. He soon developed an interest in all things mechanical and joined the CCC as a young man, where he learned to operate and maintain a variety of road building equipment.

After leaving the CCC camp, he moved to Riverton, Utah, and worked as a truck driver and auto mechanic. There he met and married Mom, Florence A. Wiberg. They were married Jan. 2, 1938, and had a wonderful marriage and many adventures. They lived in several locations, trying to make a living in the depression years. Soon Jeanette and Merle joined their family as they moved from Utah to Idaho to Nevada, and then to California, where Michael was born. By this time, the world was involved in WWII. Dad was working as a fireman on steam locomotives on the Western Pacific Railroad. When the war ended, he moved his little family to Almo, where we could grow up in the same great little town he did. He and Mom built a new house and garage, where he ran “Lloyd’s Repair Shop” and Mom worked in the Tracy Store until the children were grown. Dad soon earned the reputation of being able to fix anything. In Almo, he served as water master, presented the “Sunrise Salute” the morning of the 4th of July and was MC at some of the programs. In his later years, he helped preserve the history of Almo and loved to tell the stories of people and days gone by.

In 1957, he went to Alaska to work for the summer, and for several years after, he and Mother went and worked for the BLM each summer. Dad also worked as a well driller and traveled to several locations around the U.S. with Mom. Then, wanting another adventure, they moved to Hawaii and developed a small “homestead” on the Big Island. They loved Hawaii’s climate and the friendly people. However, by now they had several grandchildren, and decided to move back to Salt Lake City to be closer to family. Soon they wanted a warmer climate and moved to St. George, Utah. They loved being there and making many new friends. They remained there until health problems made it necessary to again be closer to family, and they moved to Burley. Mother passed away there in 2012.

Dad and Mom’s marriage was solemnized in the Logan Utah LDS Temple in 1967, and together they served a mission in Tonga and were temple workers. Dad served in a branch presidency in Hawaii, was the High Priest Group leader in their ward in Salt Lake and served in several other church callings.

He was preceded in death by his parents; his wife; and seven of his siblings. He is survived by his daughter, Jeanette (Stan) Lloyd of Elba; son, Merle (Charlotte) Lloyd of Sandy, Utah; and son, Michael (Betsy) Lloyd of Levan, Utah; sister, Venola Archibald of Oakley; and a brother, Zon Lloyd of Poulson, Mont. He has 15 grandchildren; 35 great-grandchildren; and six great-great-grandchildren.



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## Dress Code

The last time we talked, I asked a question: Does your company need a dress code? There has been some discussion on this matter over the years. When I was a kid, everyone wanted to wear bell bottoms or have a fancy pair of Hash jeans. Because I came from a family with very little money, I was just happy to have clothes that covered my body.

As an employer, we want the best for our employees. This must include the fact that they are safe while on the job, so they can return home each and every night to their families. But, if your employee deals with the public, it may be appropriate to have them dress to a certain standard of appearance. This might include a shirt with your company logo, or even a certain color that is used by all. Remember that the way an employee dresses, how he acts and how he talks (polite or coarse), is the first thing a potential customer experiences.

Then there is the issue of safety. The other day I walked into my shop where a worker was working on a piece of equipment. He was wearing a old jacket that had a large tear in the side. As he was pulling on a bar, it entered this hole and then pulled the jacket off his torso. I told him to stop, get unwound from the metal and go change his jacket. But first I took a picture for my presentations. To him it was just an old jacket. To me it was a time bomb, waiting to take him out. I have seen it before. If you have ever had to unwind a person from a shaft or auger, you know what I mean.

We know that some jobs are just dirty and grimy. This is why we never wear our best. Why ruin new clothes? Right? But, there is a difference between dirty and ratty. Ratty is just unsafe. Loose clothing is a calling card to dismemberment. The before mentioned person, when completely unwrapped, lost both legs and both arms. And yes, he was wearing loose and ratty clothing. But, he was just working on a farm. What bad stuff can happen to you there? We have not even touched upon footwear and safety equipment like hard hats or gloves. Dressing correctly can save your life.

Friends, you know the rules. Do your employees? Maybe a dress code that they have read and signed, and you keep on hand, is the best course of action for both the employee and your company.

What is the image that you portray to the public? Is it one of professionalism and safety? There are a multitude of informative articles on this subject. Look them up. Let's all get on the same page. Dress right! Dress smart! Dress safe! Dress for success!

**Mike**



## NEW FEATURE

*Contributed by Scott Weaver, NORCO*

### **OSHA 2016 TOP TEN WORKPLACE VIOLATIONS**

In order to help business owners maintain awareness the following is a list of OSHA's 2016 fiscal year most cited workplace violations. The figures are preliminary as of Sept. 30:

1. Fall Protection, 1926.501 (C) — 6,929 citations (+208 from 2015)
2. Hazard Communication, 1910.1200 — 5,677 citations (+485 from 2015)
3. Scaffolds, 1926.451 (C) — 3,906 citations (-389 from 2015)
4. Respiratory Protection, 1910.134 — 3,585 citations (+280 from 2015)
5. Lockout/Tagout, 1910.147 — 3,414 citations (+412 from 2015)
6. Powered Industrial Trucks, 1910.178 — 2,860 citations (+100 from 2015)
7. Ladders, 1926.1053 (C) — 2,639 citations (+150 from 2015)
8. Machine Guarding, 1910.212 — 2,451 citations (+156 from 2015)
9. Electrical Wiring, 1910.305 — 1,940 citations (-464 from 2015)
10. Electrical, General Requirements, 1910.303 — 1,704 citations (-269 from 2015)

Source: Industrial Distribution



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## Idaho Auctions Thousands More Acres for Oil and Gas Development (BOISE)

Oil and gas leases for 4,462 acres of State-owned mineral estates were auctioned today at the Idaho Department of Lands (IDL) office in Boise.

Two hundred twenty-one of the 225 leases auctioned are for a total of 2,317 acres of the mineral estate owned by the Idaho Transportation Department (ITD). These leases average 10 acres in size. ITD will receive a total of \$7,897 from the lease auction.

A total of \$2,702 in rentals and fees will be deposited in the state endowment fund benefiting Idaho public schools. This was for 4 leases covering 2,145 acres.

Overall, the high bonus bid was \$45.00 per acre. There was competitive bidding on 45 leases.

Morris Creighton of Galveston, TX paid \$3,695.20 in bonus bids for 13 leases covering 91 total acres. Alta Mesa Idaho (AM Idaho, LLC) acquired 209 leases and paid \$449.20 in bonus bids on 2 of those leases covering 11 acres.

A summary of the leases auctioned by county is as follows: 82 leases in Canyon County covering 968 acres; 73 leases in Payette County covering 1,282 acres; 31 leases in Gem County covering 211 acres; 23 leases in Ada County covering 305 acres; 13 leases in Washington County covering 53 acres; 2 leases in Bonneville County covering 1,280 acres; 1 lease in Cassia County covering 305 acres

Stipulations were put in place for all tracts auctioned, in order to protect the environment, surface owners (where split estate scenario was present), and other values. A tract list for all counties, maps of leases auctioned, and lease stipulations are available on the IDL web site here: <https://www.idl.idaho.gov/oil-gas/leasing/index.html>

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## State of Idaho Releases Oil and Gas Production Data

The Idaho Department of Lands has released oil and gas production data that is no longer exempt from disclosure.

The new data covers five wells, and brings the total number of wells with publicly available production information to six.

Approximate total production for July 1, 2015, through June 30, 2016, (Fiscal Year 2016) from these six wells is as follows: Natural Gas: 2.6 billion cubic feet Condensate: 81,000 barrels Natural Gas Liquids: 88,000 barrels

The production occurs in two separate fields in Payette County - the Willow and Hamilton fields.

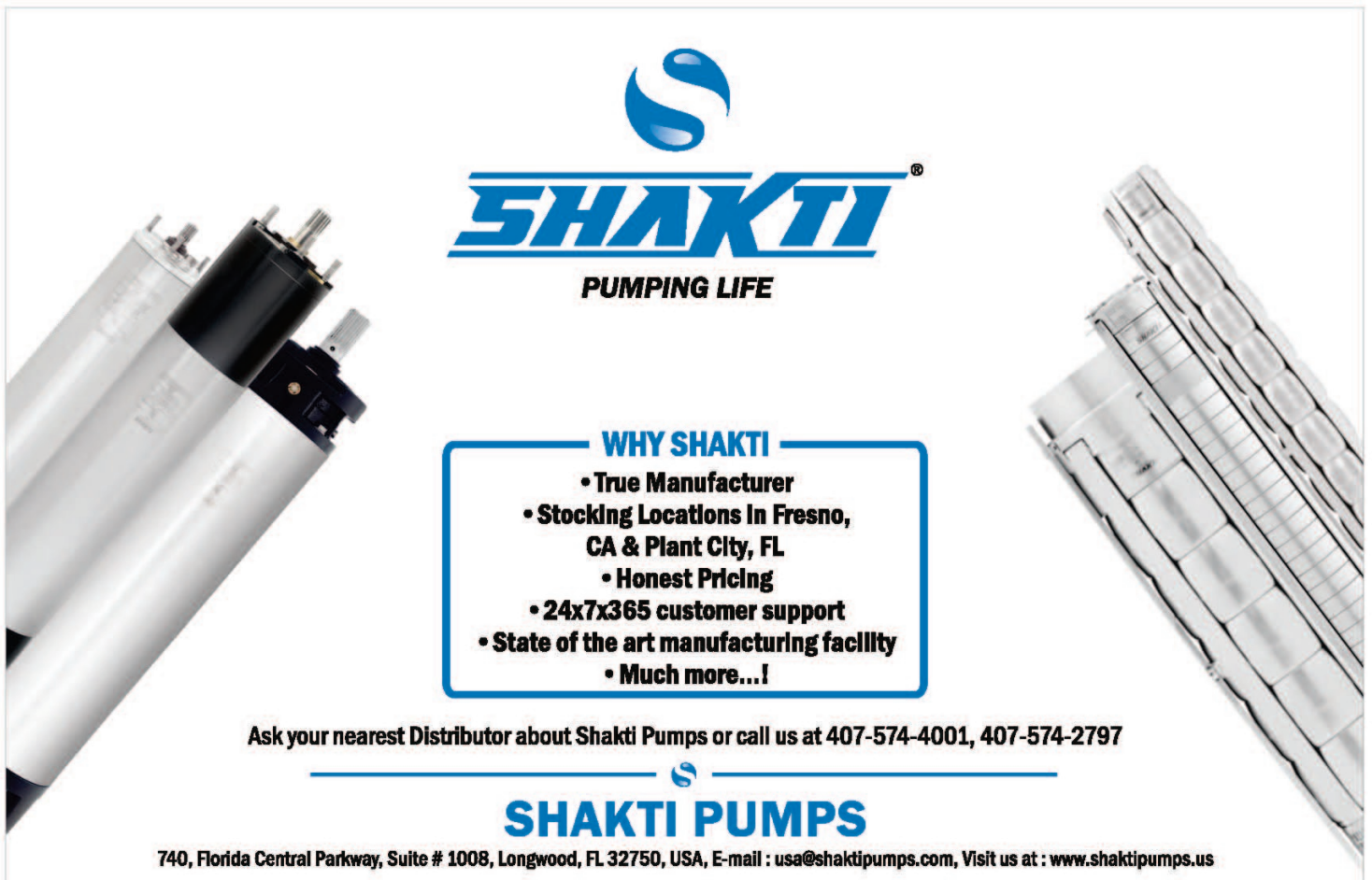
Willow Field accounts for the major portion of the production. Combined production from the five producing wells averages about 7.5 million cubic feet of gas per day, 242 barrels of condensate per day, and 263 barrels of natural gas liquids (NGL's).


The Hamilton Field production is dry gas from a single well which has produced a total of 7.7 million cubic feet of gas over the same period of time.

Production records for two other wells, and a separate production interval in another well, both in Willow Field, are still exempt from disclosure and will not be available until next spring.

Idaho is the thirty-first oil and gas producing state.

The production reports are hosted by the Idaho Geological Survey and can be downloaded [here](#). Maps depicting well locations are [here](#).




  
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## CEC CHANGES FOR 2016-2017

In planning for the coming year, the Continuing Education Committee (CEC) proposed, and the board of directors approved, changes to our programming. This year IGWA will offer **one (1)**, not two (2), credits of Idaho Rules and Regulations at its regional workshops. The change does not affect the 2 credits of out-of-state Rules & Regulations that are also offered at these workshops. IGWA offers out-of-state Rules & Regulations to serve Idaho drillers who are working and licensing in multiple states, not to bring out-of-state drillers to Idaho. The cost of the workshops has been reduced to reflect the change in credits.

Two (2) credits of Idaho Rules & Regulations will continue to be offered at the two (2) day annual convention in January. This year the convention will offer a total of 10 credits for drillers.

IGWA will also offer a parallel track for pump installers. This is in response to interest expressed by our members. While Idaho does not license pump installers, surrounding states do. Without this new pump track our members must go out of state for these credits. IGWA will continue to apply to the surrounding states for credit reciprocity for all credits offered at the workshops and convention.

Vendors will see several changes to our trade show. Vendor Check in and Set-up begins at 9 a.m. Day 1 (Wednesday January 25th)

The trade show will open at 3:00 p.m. on Day 1 (January 25th) after classes end for the day. Time with Vendors is scheduled from 3—6 p.m. IGWA will sponsor a no-host social for members and vendors.

On Day 2 Time with Vendors continues from 7:30—9:30 a.m. Classes will resume at 9:30. The trade show closes at noon when the Annual Crisis Fund Auction begins. Vendors are welcome to stay for the Auction and the rest of the convention or tear down.

The trade show floor space will be separate from the main hall to accommodate the scheduling changes.

### **Vendor registration opens on November 11, a first-come, first-serve basis.**

Continuing education leading to licensure and the implementation of best management practices is increasingly important in the drilling industry. Access to affordable, quality continuing education drives membership and addresses concerns for public health and safety. We appreciate our trade show vendors and workshop sponsors, who help bring quality programming to Idaho.



*IGWA would like to recognize the 2016-2017 CEC Workshop Sponsors listed above*