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Contact: Mathew Weaver, Deputy Director, Idaho Department of Water Resources, 208-287-4800

IDWR issues order to Snake Plain water users for 2016 irrigation season, predicting 44,200 acre-foot shortfall; junior ground water pumpers may be affected

BOISE - (April 20, 2016) - The Director of the Idaho Department of Water Resources (IDWR) issued a water order yesterday, predicting a 44,200 acre-foot shortfall to senior priority surface water rights in the Eastern Snake River Plain region. The shortfall prediction means that certain ground water users, junior to February 8, 1989, may be subject to curtailment in the 2016 irrigation season, if they are not participants in an approved mitigation plan, such as the 2010 mitigation plan approved for members of the Idaho Ground Water Appropriators, Inc. (IGWA).

Currently, there are three approved mitigation plans for the Eastern Snake Plain Aquifer (ESPA) surface water delivery call. These plans benefit members of IGWA, A&B Irrigation District, and Southwest and Goose Creek Irrigation Districts. While other mitigation plans have been submitted to the Department recently, they have not yet been approved and may not be approved in time to avoid curtailment.

"By law, we have to keep people with senior water rights whole, and we want to make the junior ground water pumpers aware that despite the recent historic settlement agreement between the Surface Water Coalition and IGWA, if junior ground water pumpers are not participating in an approved mitigation plan such as IGWA's, they will likely be subject to curtailment this year." said Mathew Weaver, Deputy Director of IDWR.

Much water litigation has resulted over conflicts between Snake River surface water users who have senior water rights under the basic principal of Idaho water law — first in time, first in right— and ground water users with junior water rights in the ESPA. Consequently, the Director of IDWR is required to issue an order at the beginning of the irrigation season, determining any shortfall in water supply to the senior surface water right holders, and determining the obligations of junior ground water pumpers to curtail water use or mitigate for depletions to the holders of senior priority water rights.

Overall, the water conflicts have arisen because water levels in the ESPA have been declining since the 1950s. Declining aquifer levels have affected spring flows and surface water flows in the Snake River, particularly in the Blackfoot to Milner reach of the Snake River and the Thousand Springs region near Hagerman. This results in predicted shortfalls to the senior surface water right holders even in years such as this one, when federal storage reservoir operators forecast 3.2 million acre-feet of runoff from April to July at the Heise Gauge of the Snake River, which is 99 percent of normal.

Under the recent historic water settlement agreement between the Surface Water Coalition (SWC) and IGWA, the participating ground water users have agreed to voluntarily reduce pumping by 240,000 acre-feet annually to mitigate impacts to Snake River water users with senior water rights.

IGWA's current mitigation plan in place since 2010 and their settlement agreement with the SWC, which is currently being considered by the Director as a replacement mitigation plan, are key to participating ground water users to avoid curtailment this year and in the future, as well as avoiding future large-scale litigation issues related to water use in the ESPA area that could affect cities, commerce, industry, agriculture and the Southern Idaho economy.

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