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## **IDWR issues curtailment order to approximately 160 junior ground water users in Eastern Snake Plain Aquifer area; juniors must join mitigation plans or face shutoff**

BOISE - (May 18, 2016) – On Wednesday May 18, the Director of the Idaho Department of Water Resources (IDWR) ordered the curtailment of approximately 160 ground water rights that divert from the Eastern Snake Plain Aquifer (ESPA). The curtailment order is in response to the Surface Water Coalition's (SWC) 2005 water delivery call and affects ground water rights on the ESPA junior to Feb. 8, 1989, that are not protected by one of four approved mitigation plans.

The May 18 curtailment order was issued almost one month after IDWR Director Gary Spackman issued an order predicting a 44,200 acre-foot shortfall to senior priority surface water rights in the ESPA and a May 3 deadline for junior water users to establish their ability to mitigate for the shortfall or face curtailment.

The May 18 curtailment order becomes effective at 12:01 a.m. June 3, 2016. Curtailed ground water rights can resume diversion by either joining a ground water district and seeking protection under the Idaho Ground Water Appropriator's (IGWA) existing mitigation plan, or by submitting and receiving approval of their own mitigation plan.

"To avoid a prolonged curtailment, a junior water user's quickest alternative is to join IGWA and participate in IGWA's already-approved mitigation plan," said Mathew Weaver, Deputy Director of IDWR.

"By law, we have an obligation to deliver water to senior water users in the ESPA region. Junior ground water users need to curtail until they can establish protection under an approved mitigation plan." Weaver said.

IDWR staff and the watermasters that oversee the delivery of ground water rights in the ESPA region will be going into the field this week to coordinate with junior water users affected by the curtailment order to identify ground water diversions and uses that will be curtailed.

Currently, there are four approved mitigation plans for the SWC delivery call. The Director has approved mitigation plans for IGWA, the A&B Irrigation District, and the Southwest and Goose Creek Irrigation Districts. A coalition of Idaho cities also has an approved mitigation plan.

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. As a consequence of that litigation, 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 decades-long decline in aquifer levels results in predicted shortfalls to the senior surface water right holders even in years such as this one, when federal storage reservoir operators forecasted at the start of the irrigation season a 3.2 million acre-feet runoff from April to July at the Heise Gage of the Snake River, which is approximately 99 percent of normal.

Under the recent historic water settlement agreement between the SWC and IGWA, the participating ground water users have agreed to voluntarily reduce pumping by 240,000 acre-feet annually to mitigate their impacts to Snake River and senior water right holders. The settlement agreement, which was recently adopted and approved by IDWR as IGWA’s mitigation plan, is the key to providing junior ground water pumpers safe harbor from curtailment under this and future year determinations of an injury obligation. It also prevents future large scale litigation on this issue, allowing the junior ground water pumpers to instead focus their efforts and resources on enhancing the aquifer, with the ultimate goal of recovering aquifer levels to a point at which large scale curtailment is no longer necessary.

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