



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 24, 2016

Re: Deadline for Submittal of Management Program in the Oakley Fan Critical Ground Water Areas

Dear Water User:

Water rights records on file at the Idaho Department of Water Resources ("Department") indicate that you are the owner of the above referenced ground water right(s) which was claimed and decreed in the Snake River Basin Adjudication ("SRBA") as an expansion right(s) pursuant to Idaho Code § 42-1416B. An expansion right represents an expanded use of a ground water right located within a Critical Ground Water Area ("CGWA"), where the expanded use occurred after the designation of the CGWA and in violation of mandatory permit requirements.

On February 5, 2015, the Department held a public information meeting informing the owners of expansion rights that a management program must be approved by the Department in order for expansion rights to be used after 2016. This letter is to inform you that the Department has set June 15, 2016, as the deadline for submitting a management program. All expansion rights will be curtailed in 2017 if a management program is not submitted and accepted by the Department.

Idaho Code § 42-1416B requires expansion rights to be curtailed "unless the director of the Department finds that a management program exists which will, within a time period acceptable to the director, limit the average annual water withdrawals from the aquifer designated in the critical ground water area to no more than the average annual recharge to the aquifer." The Department must determine whether an adequate management program exists within two years after the completion of the SRBA. The SRBA was completed on August 25, 2014, through the issuance of a final unifying decree by the SRBA District Court. The June 15, 2016, deadline gives the Department time to review and act on a proposed program.

A management program is defined as "a program to recharge the aquifer, limit withdrawals from the aquifer, or provide surface water supplies for all, or a portion, of the land irrigated with water withdrawn from the aquifer, including any actions designed to bring the withdrawals into balance with the average annual recharge to the aquifer" (Idaho Code § 4216B(5)(b)). Based on this definition, an acceptable and effective management program must stabilize the aquifer so that water withdrawals are equivalent to the annual average rate of recharge. Entities like the Southwest Irrigation and Goose Creek Irrigation Districts may have the ability to implement such a comprehensive management program. Multiple individual management plans addressing individual expansion rights will not likely address aquifer stabilization.

A copy of this notice has been sent to all holders of expansion rights in the Oakley Fan CGWAs. A map of the Oakley Fan CGWAs, a list of Oakley Fan CGWA expansion rights, and other related information may be found on the IDWR website as follows:

http://idwr.idaho.gov/WaterInformation/GroundWaterManagement/expansion_rights.htm

For personal assistance regarding this matter, please contact Tim Luke, IDWR State Office, at 208-287-4959, or the IDWR Twin Falls Regional Office at 208-736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Luke".

Tim Luke, Water Compliance Bureau

- c. IDWR Southern Region
 - Southwest Irrigation District
 - Goose Creek Irrigation District
 - Magic Valley Ground Water District