



# News Release

## IDAHO DEPARTMENT OF WATER RESOURCES

The Idaho Water Center, 322 E. Front St., Boise, ID - TEL: (208) 287-4800 FAX: (208) 287-6700

[www.idwr.idaho.gov](http://www.idwr.idaho.gov)

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For Media Information Contact:  
Bob McLaughlin – 208-287-4828

### **IDWR Interim Director Issues Curtailment Order to Ground Water Users in the Magic Valley**

Idaho Department of Water Resources (IDWR) Interim Director Gary Spackman today issued a curtailment order to approximately 250 water right holders of 315 junior water rights in south-central Idaho's Magic Valley. The curtailment order is part of a continuing response to a water delivery call made in 2005 by senior water right holder Clear Springs Foods. The order provides six days for the North Snake and Magic Valley Ground Water Districts to take necessary actions to avoid curtailment. The curtailment is scheduled to take effect on July 31, 2009 unless appropriate actions are taken.

The curtailment order affects holders of certain ground water rights in portions of Blaine, Cassia, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls counties with priority dates junior to January 8, 1981. The affected water rights include agricultural, commercial, industrial, municipal, stockwater, non-exempt domestic and other consumptive uses. The curtailment order impacts approximately 8,889 acres of land irrigated by ground water.

On March 26, 2009 former IDWR Director David Tuthill accepted a plan from the North Snake and the Magic Valley Ground Water Districts that required construction of a pipeline project by June 1, 2009 to deliver water directly to injured senior water right holder Clear Springs Foods.

On May 15, 2009, upon agreement by Clear Springs Foods and the ground water districts, former Director Tuthill entered an order staying construction of the pipeline for two years. It was agreed by the parties and ordered by the Director that the ground water districts would continue converting 9,300 acres from ground water to surface water irrigation; commence converting an additional 1,060 acres from ground water to surface water; and continue enrolling acreage in the Conservation Reserve Enhancement Program.

The parties agreed and the Director ordered that these actions would constitute acceptable and sufficient replacement water by the ground water districts for the 2009 and 2010 calendar years. The Director determined that these actions would increase water in the Buhl Gauge-to-Thousand Springs reach of the Snake River, thereby benefitting Clear Springs Foods.

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The ground water districts informed IDWR on July 9, 2009, that the total number of converted acres in 2009 was less than planned. Investigation by the Water District 130 and 140 watermaster found less than half of the 9,300 acres targeted for conversion actually were being converted this year. As a result, Interim Director Spackman determined that the ground water districts' actions were not sufficient to meet their obligations to Clear Springs Foods.

Curtailment orders are necessary to satisfy the director's duty under Idaho law to administer water rights. When a water right is filed, it is assigned a priority date which determines whether it is junior or senior to another water right. The older the priority date, the more senior the water right is.

A delivery call is made when the holder of a senior water right experiences a shortfall in water that the right holder is authorized to receive for a beneficial use. The call is made on junior water rights that are diverting from a common water supply. Under the State of Idaho's conjunctive management rules, IDWR requires the holders of junior water rights to either mitigate the effects of their diversions or stop diverting water to satisfy the senior right.

Information about the curtailment order can be found on the Idaho Department of Water Resources' web site at [www.idwr.idaho.gov](http://www.idwr.idaho.gov) under the heading "Major Issues" and "2009 Potential Curtailment".

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