

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF GROUND WATER
APPROPRIATIONS IN SOUTHERN
CANYON COUNTY

**FINAL ORDER ESTABLISHING
SOUTHERN CANYON COUNTY
TEMPORARY MORATORIUM**

BACKGROUND

Due to ongoing concerns regarding ground water availability and the potential impacts of pending water appropriation applications and permits in the part of Canyon County located south of Lake Lowell (“South Canyon County”), the Director of the Idaho Department of Water Resources (“Department”) instructed staff to investigate and prepare a memorandum evaluating ground water resources in South Canyon County.

On November 13, 2025, Department staff provided the Director a final memorandum titled *Evaluation of Groundwater Resources South of Lake Lowell* (“*Staff Memorandum*”). The *Staff Memorandum* contains an analysis of the region, ground water data, and conclusions and recommendations for further action.

FINDINGS OF FACT

1. The Department currently monitors ground water levels in eleven wells south of Lake Lowell. *Staff Memorandum*, 4. This monitored region (hereafter “Monitored Region”) begins immediately south of Lake Lowell, extending to the southernmost monitored well in the network. *Id.*, 2; *see Figure 1*. The periods of monitoring data for the eleven wells vary, with four years as the least amount of monitoring time, and 58 years as the longest time.

2. Currently, the long-term (year over year) water levels in the Monitored Region are predominantly stable or increasing. *Id.*, 19.

3. Currently, the analysis of the well monitoring network in the Monitored Region does not indicate statistically significant decreasing water levels in the region. However, seasonal fluctuations are present, water levels decline during the irrigation season and recover over the winter. *Staff Memorandum*, 19-20.

4. South of the Monitored Region is an area of South Canyon County where the Department currently does not have the ability to monitor or confidently model ground water levels. *Id.*, 15.

5. IDWR has records for 38 underground injection wells within the study area of the *Staff Memorandum*. *Id.*, 14. Of the 38 injection wells, 32 were active between 2006 and 2024. *Id.* IDWR does not have records for injection frequency, duration, or magnitude for most of the 38 injection wells. *Id.*, 14-15.

6. In 2016, the U.S. Geological Survey and the Department began developing an updated version of the Treasure Valley Groundwater-Flow Model (“TVGWFM”), relying on data collected over the prior two decades, as well as data collected during the model development. The TVGWFM covers the westernmost portion of the western Snake River Plain, from Boise to Oregon. Hundt, S.A., and Bartolino, J.R., *A Groundwater-Flow Model of the Treasure Valley, Southwestern Idaho, 1986-2015*, April 2023, (hereinafter “*Final Report*”).¹ The area covered by the TVGWFM includes South Canyon County. The goals of the TVGWFM were broad: to support water-supply planning, improve the understanding of surface and ground water interactions at a basin-scale, and facilitating conjunctive management of surface water and ground water. *Final Report* at 2. After the TVGWFM was completed, the model developers noted, “[t]he model has poor performance around and to the southwest of Lake Lowell, limiting the precision of scenarios that address water level impacts in that region.” *Id.* at 105.

7. There are currently 799 ground water rights on file in South Canyon County, of which 378 water rights authorize irrigation as the sole beneficial use.² Collin Macheel, *Memorandum Regarding Water Right Permits and Applications Summary for Southern Canyon County*, Dec. 31, 2025, at 2. These irrigation rights have a combined diversion rate of approximately 266 cfs. *Id.*

8. There are currently 21 pending applications for permit to appropriate ground water from South Canyon County, proposing to divert approximately 121.2 cfs for irrigation of 7,000.3 acres. *Id.*

9. There are eleven approved permits to appropriate ground water from the region, and proof of beneficial use has been filed for two. *Id.* The approved permits authorize development of up to approximately 11 cfs of water, including 7.48 cfs for irrigation of approximately 433.9 acres in South Canyon County. *Id.* Because proof of beneficial use has not been filed yet for nine of those permits, there is limited information available to the Department about the extent of completed development for those permits. *Id.* at 1.

10. Many of the pending applications and permits propose to divert and use water in the region south of the Monitored Region. *Staff Memorandum*, 16; see *Figure 9*.

11. Twelve of the pending applications have points of diversion solely in the Monitored Region. Collin Macheel, *Memorandum Regarding Water Right Permits and Applications Summary for Southern Canyon County*, Dec. 31, 2025, at 3.

12. Six of the pending applications have points of diversion south and west of the Monitored Region. *Id.*

¹ On September 28, 2023, an update to the TVGWFM was finalized by the U.S. Geological Survey and the Department. <https://idwr.idaho.gov/water-data/projects/treasure-valley/>.

² This total does not include unrecorded domestic water rights established by beneficial use under statutory filing exemptions.

13. Three of the pending applications have points of diversion in both the Monitored Region and area south of the Monitored Region. *Id.*

14. Five permits have points of diversion solely in the Monitored Region. *Id.*

15. Six permits have points of diversion south and west of the Monitored Region. *Id.*

APPLICABLE LAW

The Director shall have the power and duty to,

[a]fter notice, to suspend the issuance or further action on permits or applications, including permits or applications for domestic purposes or uses as defined in section 42-111, Idaho Code, required pursuant to section 42-227, Idaho Code, as necessary to protect existing vested water rights or to ensure compliance with the provisions of chapter 2, title 42, Idaho Code, or to prevent violation of minimum flow provisions of the state water plan.

Idaho Code § 42-1805(7).

It shall likewise be the duty of the director of the department of water resources to control the appropriation and use of the ground water of this state as in this act provided and to do all things reasonably necessary or appropriate to protect the people of the state from depletion of ground water resources contrary to the public policy expressed in this act.

Idaho Code § 42-231.

ANALYSIS

A temporary moratorium may be established as necessary to protect existing vested water rights. I.C. § 42- 1805(7). While the *Staff Memorandum* concluded that the ground water levels in the Monitored Region are currently stable or increasing, it also noted potential impacts to the ground water system from regional injection wells and pending ground water use development. IDWR records indicate 32 injection wells have been active in the study area from 2006 to 2024 but due to a lack of data, there is significant uncertainty regarding the impact of injections on ground water levels. In addition, there are twelve pending ground water applications and five approved permits in that area, and it is uncertain what impact those current applications could have and what impact the permits will have on ground water levels once developed.

As to the area south of the Monitored Region, as stated in the *Staff Memorandum*, the Department does not have the ability to monitor or confidently model ground water levels. There are also a number of pending ground water applications and approved permits in this region, and it is uncertain what impact those current applications could have on water levels if developed.

To protect vested ground water rights and the people of the region from the depletion of ground water resources, it is necessary to quantify the impact of current injection well activities and the pending applications prior to approving additional ground water appropriations in South Canyon County. However, the Department cannot currently quantify these impacts because there is insufficient data to do so, and the TVGWFM is not reliable in the South Canyon County region. The TVGWFM was “built with multiple, broadly expressed objective and did not optimize performance for specific uses.” *Final Report*, at 2. The model developers reported “poor performance of the model in the region southwest of Lake Lowell” and did not recommend “using the model in its current form to estimate water level effects in that area.” *Staff Memorandum*, 18. But, model developers noted that by adjusting and improving the model, as well as collecting more data in the region, the model could be optimized to make specific forecasts within smaller geographic boundaries. *Id.* Adjustments and improvements could be made by “refining the model in an area of interest, collecting additional calibration data, applying more rigorous boundary conditions, or re-estimating model parameters to optimize model performance for a specific model forecast.” *Id.*

The Director acknowledges that determining injection well volumes and continuing to expand the Department’s monitoring network, coupled with collecting additional data and recalibrating models, will allow the Department to better ascertain ground water conditions in the region and determine impacts from future development. By refining the TVGWFM model, the Department would be better equipped to quantitatively evaluate ground water availability for future appropriation in the South Canyon County area, specifically the area south of the Monitored Region.

The Department is currently unable to say with certainty what the impacts of injection well activities and the future exercise of applications and permits to divert ground water south of the monitored region could be on that region as well as the monitored region. Because the impact of the pending applications and permits on the ground water levels in the South Canyon County region as a whole is not calculable with the current model, a temporary moratorium is necessary to protect existing vested water rights in that region.

CONCLUSION OF LAW

1. Ground water availability in the Monitored Region and the area south of the Monitored Region in South Canyon County may be impacted by existing injection wells and the development of approved permits. Issuing additional permits without better knowledge of the impacts of development pursuant to the approved permits could jeopardize the water supply necessary for existing ground water rights.

2. A temporary moratorium in South Canyon County as described below is necessary to protect vested ground water rights because the impact of pending applications and

permits in both the Monitored Region and the area south of the Monitored Region is not currently quantifiable.

ORDER

IT IS HEREBY ORDERED that a temporary moratorium is established on the processing and approval of presently pending and new applications for permits to appropriate water from ground water within the designated Southern Canyon County Temporary Moratorium Area (within IDWR Administrative Basin No. 63). The Southern Canyon County Temporary Moratorium Area is designated and described as:

All ground water within southern Canyon County south of Lake Lowell; including and south of Township 03N, Range 03W, Section 30; Township 03N, Range 04W, Section 25, 26, and 27; and Township 02N, Range 02W, Section 16; Areas west of Highway 45, and north and east of the Snake River.

A map of the boundary for the Southern Canyon County Temporary Moratorium Area is attached to this order and identified as Appendix A.

New and pending applications to appropriate water in the area subject to the moratorium shall be held without further processing unless they meet one or more of the exceptions stated in this order. The following provisions apply to the administration of the moratorium:

1. The moratorium shall be in effect as of the date of this order and shall remain in effect for five years unless withdrawn or modified by order of the Director.
2. The moratorium does not affect the authorization to continue development of any existing approved permit to appropriate water.
3. The moratorium does not apply to an appropriation of ground water established by beneficial use pursuant to the permitting exemption set forth in Idaho Code § 42-227 for domestic uses, as defined in Idaho Code § 42-111.
4. The moratorium does not apply to any application proposing a non-consumptive use of water as the term is used in Idaho Code § 42-605A. Applications for municipal purposes and for domestic use from community water systems shall be presumed to be fully consumptive.³ Applicants may rebut the presumption by providing substantial, detailed evidence that the proposed use is not fully consumptive, will not become more consumptive or fully consumptive over time, and will not injure existing vested water rights. A rebuttal of the presumption must address monitoring, reporting, and mitigation measures, to ensure that the proposed use does not become more consumptive or fully consumptive after it has been established. The Director may consider a rebutted presumption when assessing an application. Sufficiently

³ Community water system as used in this order is defined as a water system supplying water for domestic purposes that do not meet the Idaho Code § 42-111 definition of domestic purposes.

rebutting the presumption alone shall not entitle an applicant to approval of its application. Irrigation proposed in connection with a domestic use will be considered consumptive. Domestic, commercial, industrial, or other water uses that result in the discharge of wastewater to a municipal or publicly owned treatment works will be considered consumptive.

5. This moratorium does not apply to applications for drilling permits to replace or deepen existing wells having valid, existing water rights.

6. This moratorium does not apply to applications for transfer, including applications to add points of diversion to valid, existing water rights.

7. This moratorium does not prevent the Director from reviewing for approval on a case-by-case basis an application which otherwise would not be approved under the terms of this moratorium if:

a) Protection and furtherance of the public interest, as determined by the Director, requires consideration and approval of the application irrespective of the general moratorium; or

b) The Director determines that the development and use of the water pursuant to an application will have no effect on prior surface and ground water rights because of its timing, location, insignificant consumption of water, or mitigation provided by the application to offset injury to other rights.

IT IS FURTHER ORDERED that the Department shall serve a copy of this order by certified mail upon holders of applications for permits proposing appropriation of ground water within the moratorium area as shown in Appendix A and shall publish notice of this order for three consecutive weeks as required by IDAPA Rule 37.03.08.055 (Water Appropriation Rule 55).

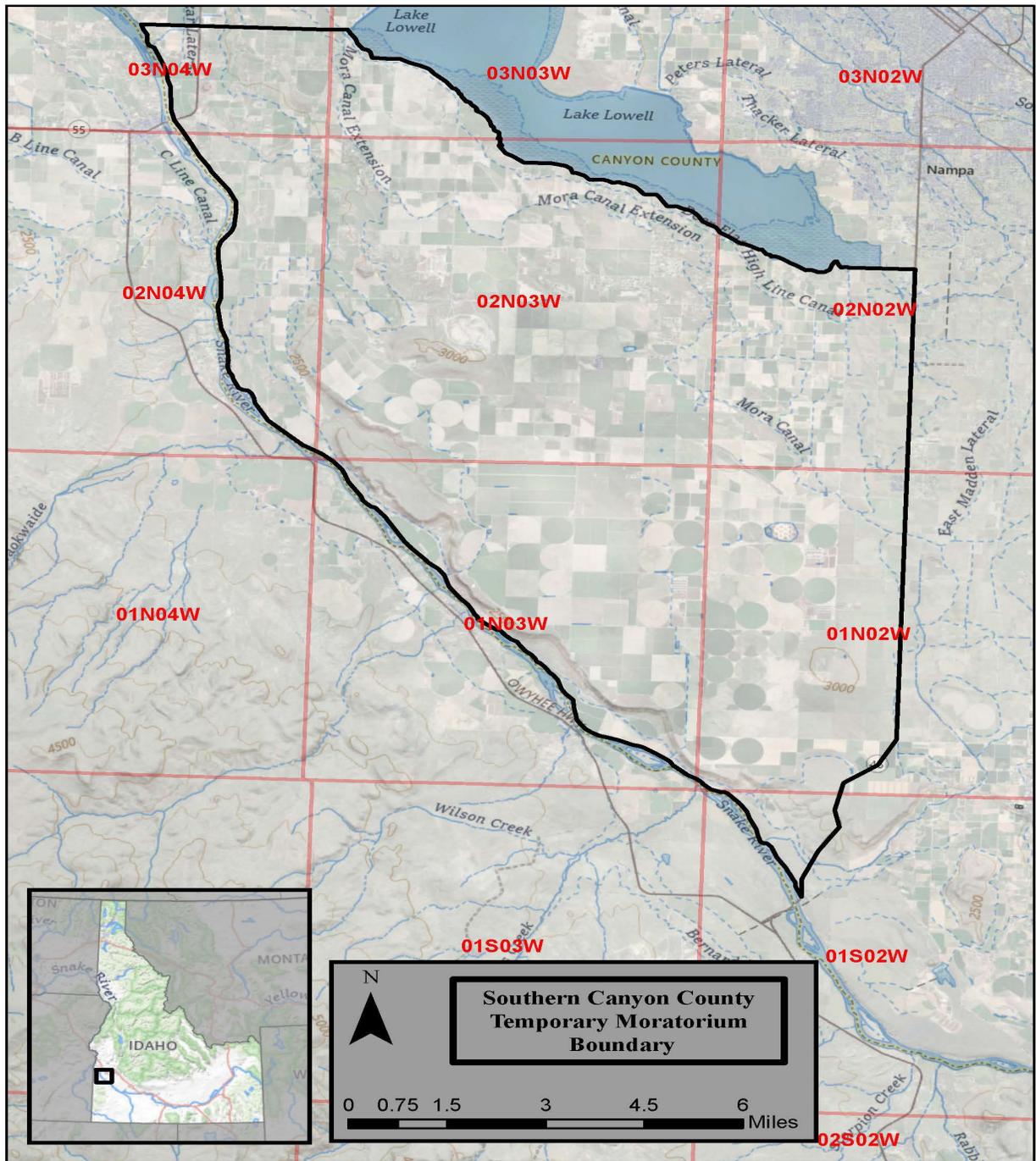
Pursuant to Idaho Code § 42-1701A(3), any person aggrieved by any decision, determination, order or other action of the Director, and who has not previously been afforded an opportunity for a hearing on the matter, shall be entitled to a hearing before the Director to contest the action. The person shall file with the Director, within fifteen (15) days after receipt of written notice of the action issued by the Director, or receipt of actual notice, a written petition stating the grounds for contesting the action by the Director and requesting a hearing.

DATED this 20th day of March 2026.



MATHEW WEAVER
Director

APPENDIX A



CERTIFICATE OF SERVICE

I hereby certify that on March 20, 2026, I mailed a true and correct copy, certified, postage prepaid, of the foregoing **(FINAL ORDER ESTABLISHING SOUTHERN CANYON COUNTY TEMPORARY MORATORIUM)** to the person(s) listed below:

FARM DEVELOPMENT CORP
575 W BANNOCK ST
BOISE, ID 83702-5917
63-33131

A D CATTLE CO INC
ALAN NOBLE FARMS
PO BOX 1582
BOISE, ID 83701
63-33132, 63-33133, 63-33135

SUNRIDGE DAIRY LLC
4890 DRY LAKE RD
NAMPA, ID 83686-9669
63-33644, 63-33713, 63-33756

NORTHWEST FARM CREDIT SERVICES
FLCA
16034 EQUINE DR
NAMPA, ID 83687-8490
63-33777

LAKEVIEW LAND CO LLC
10778 PERCH RD
CALDWELL, ID 83686
63-33777

BOWMONT FARMS LLC
4890 DRY LAKE RD
NAMPA ID 3686
63-33810

WESTERN FARMS INC
16909 MARSING RD
CALDWELL, ID 83607
63-33900

BRUCE DONNELL
BEVERLY DONNELL
11360 FARNER RD
NAMPA, ID 83686
63-34050

SOUTHSHORE 2 HOMEOWNERS ASSN
PO BOX 9
CALDWELL, ID 83606-0009
63-35796

SCHOBER & SON LLC
430 AURORA DR
NAMPA, ID 83686-8293
63-34157

PHILLIP MAMER
ELIZABETH MAMER
15754 LAKESHORE DR
CALDWELL, ID 83607
63-34280

LGD VENTURES LLC
PO BOX 9325
BOISE, ID 83707-3325
63-35575, 63-33576

JODI OLSON
TERRY MAHONEY
2020 PRIMROSE
NAMPA, ID 83686
63-34542

JON CARTER
TARA ROSE-CARTER
14284 LEWIS LN
NAMPA, ID 83686-9114
63-34608

CARSON RANCHES LLC
1004 7TH ST S
NAMPA, ID 83651-4124
63-34758

DOUBLE R LAND AND CATTLE LLC
9555 BOOKER LN
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63-35092

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63-34945

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I hereby certify that on March 20, 2026, I mailed a true and correct copy, postage prepaid, of the foregoing **(FINAL ORDER ESTABLISHING SOUTHERN CANYON COUNTY TEMPORARY MORATORIUM)** to the person(s) listed below:

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