



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

P: 208.287.4800 • F: 208.287.6700 • [www.idwr.idaho.gov](http://www.idwr.idaho.gov) • [idwrinfo@idwr.idaho.gov](mailto:idwrinfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

March 13, 2020

«OwnerName»

«StreetAddress1»

«StreetAddress2»

«StreetAddress3»

«City» «ST» «PostalCode»

**RE: Notice of Pending Curtailment of Ground Water Rights with Priority Dates Junior to July 13, 1962 and Not Included in a Mitigation Plan – Rangen Delivery Call**

Your water right no(s): «WaterRights»

Dear Water User:

The above referenced ground water right or rights are located in Water District 140 (“WD140”) and are affected by the 2011 water right delivery call at the Rangen fish hatchery near Hagerman, Idaho. **The purpose of this letter is to notify you that the Idaho Department of Water Resources (“Department”) will initiate curtailment of the above-listed water right(s) unless the right(s) are covered by an approved mitigation plan.** The Department will send you a Curtailment Notice after twenty-one (21) days of the date of this letter unless you deliver, directly to the WD140 watermaster, written proof of participation with one of the local ground water districts that have an approved mitigation plan.

**Background Information Regarding the Rangen Delivery Call and Approved Mitigation Plan**

In 2014, the Director of the Department determined that diversion and use of ground water rights within WD140 that are junior to July 13, 1962, cause material injury to Rangen’s July 13, 1962, priority water right. See *Final Order Regarding Rangen, Inc. ’s Petition for Delivery Call; Curtailing Ground Water Rights Junior to July 13, 1962* In the Matter of Distribution of Water to Water Right Nos. 36-2551 and 36-7694 (January 29, 2014).

In 2017, various irrigation and ground water districts in the Eastern Snake Plain Aquifer and WD140, including the Magic Valley Ground Water District and the Southwest and Goose Creek Irrigation Districts (collectively the “Districts”), purchased the Rangen water rights and fish hatchery. In 2018, the Idaho Ground Water Appropriators, Inc. (“IGWA”), on behalf of the Districts, requested the Department approve the Districts’ ownership of the Rangen water rights “as a mitigation plan to protect the ground water rights of District members from curtailment, with the Rangen delivery calls remaining in place as against water rights that do not belong to or are not in good standing with the Districts.” See *Stipulated Mitigation Plan and Request for Order* (“IGWA Mitigation Plan”) In the Matter of the Distribution of Water to Water Right Nos. 36-2551, 36-7604 and 36-15501 (April 5, 2018).

On March 11, 2019, the Department approved the IGWA Mitigation Plan. *Order Approving IGWA’s 2018 Mitigation* In the Matter of the Mitigation Plan Filed by the Idaho Ground Water

Appropriators for the Distribution of Water to Water Rights Nos. 36-2551, 36-7694, and 36-15501. Approval of this plan prevents curtailment of junior priority rights only if those rights are participating in the IGWA Mitigation Plan pursuant to Rule 40.01.b of the Department's Rules for Conjunctive Management of Surface and Ground Water Resources. The Director's approval of the IGWA Mitigation Plan does NOT apply to holders of junior ground water rights who are not members of the Districts participating in the IGWA Mitigation Plan, or who are not otherwise participants in any other mitigation plan.

According to the assessment rolls of the IGWA participating Districts, the above-listed water right(s) are not included for mitigation or membership purposes. As a result, The Department will send you a Curtailment Notice unless you deliver written proof of mitigation participation with one of the IGWA participating Districts within twenty-one (21) days of receipt of this letter.

In-house culinary uses and the use of water for stock water as defined by Idaho Code § 42-1401A(11) and domestic purposes as defined by Idaho Code § 42-111 (see attachment) are not subject to curtailment.

If you believe that the above referenced water right or water rights are already part of IGWA's mitigation plans, please contact the ground water districts for written proof of your participation. If your right or rights are not included in or assessed by one of the Districts for mitigation purposes, you must contact the District closest to you to enroll your right or rights for mitigation. If you need to know which district is closest to you, please contact this office, or refer to the *Map of Ground Water Districts* using the following link: <https://idwr.idaho.gov/water-rights/groundwater-districts/map.html>

Contact information for the Districts is attached to this letter. If you have questions concerning this notice or the water rights identified on this notice, please contact Brian Higgs, WD140 watermaster, at 208-604-1280 or by e-mail at [brian@waerwellconsultants.com](mailto:brian@waerwellconsultants.com) or IDWR Water Distribution Staff at either 208-736-3033 or 208-287-4800.

Sincerely,



Tim Luke  
Water Compliance Bureau

Encl: Ground Water Districts Contact Information;  
Idaho Code §§ 42-111 and 42-1401A(4) and (11)

C: Brian Higgs, Water District 140 Watermaster  
TJ Budge, Idaho Ground Water Appropriators, Inc.  
Goose Creek Irrigation District  
Magic Valley Ground Water District  
Southwest Irrigation District

## **Ground Water and Irrigation Districts Contact Information**

### **Goose Creek Irrigation District**

PO Box 207  
Oakley, ID 83346

Phone: 208-878-8382

### **Magic Valley Ground Water District**

PO Box 430  
Paul, ID 83347

Secretary: Lindsey Beck  
Treasurer: Emily Haynes  
Phone: 208-339-6471  
Email: [mvgwd@hotmail.com](mailto:mvgwd@hotmail.com)

### **Southwest Irrigation District**

PO Box 910  
Burley, ID 83318

Phone: 208-878-8382

## TITLE 42 - IRRIGATION AND DRAINAGE -- WATER RIGHTS AND RECLAMATION

### CHAPTER 1 - APPROPRIATION OF WATER -- GENERAL PROVISIONS

42-111. Domestic purposes defined. (1) For purposes of sections 42-221, 42-227, 42-230, 42-235, 42-237a, 42-242, 42-243 and 42-1401A, Idaho Code, the phrase "domestic purposes" or "domestic uses" means:

(a) The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to one-half (1/2) acre of land, if the total use is not in excess of thirteen thousand (13,000) gallons per day, or

(b) Any other uses, if the total use does not exceed a diversion rate of four one-hundredths (0.04) cubic feet per second and a diversion volume of twenty-five hundred (2,500) gallons per day.

(2) For purposes of the sections listed in subsection (1) of this section, domestic purposes or domestic uses shall not include water for multiple ownership subdivisions, mobile home parks, or commercial or business establishments, unless the use meets the diversion rate and volume limitations set forth in subsection (1)(b) of this section.

(3) Multiple water rights for domestic uses or domestic purposes, as defined in this section, shall not be established or exercised in a manner to satisfy a single combined water use or purpose that would not itself come within the definition of a domestic use or purpose under this section. The purpose of this limitation is to prohibit the diversion and use of water, under a combination of domestic purposes or domestic uses as defined in this section, to provide a supply of water for a use that does not meet the exemption of section 42-227, Idaho Code, and is required to comply with the mandatory application and permit process for developing a right to the use of water pursuant to chapter 2, title 42, Idaho Code.

### CHAPTER 14 - ADJUDICATION OF WATER RIGHTS

42-1401A. DEFINITIONS. The following terms are defined for purposes of this chapter as follows:

(4) "Domestic use" is defined in section [42-111](#), Idaho Code.

(11) "Stock watering use" means the use of water solely for livestock or wildlife where the total diversion is not in excess of thirteen thousand (13,000) gallons per day.

CASEY AND SHANE CLAYSON  
118 E 100 S  
BURLEY ID 83318  
WR #: 45-7496

CALVIN C CRANE  
356 S 250 E  
BURLEY ID 83318  
WR #: 45-7303

GARY FOWLER  
212 PLEASANT WAY  
RUPERT ID 83350  
WR #: 45-7192

GOOSE CREEK IRRIGATION DISTRICT  
PO BOX 207  
OAKLEY ID 83346  
WR #:

J R SIMPLOT CO  
C/O JAMES B ALDERMAN  
PO BOX 27  
BOISE ID 83707-0027  
WR #: 45-2746

MAGIC VALLEY GROUND WATER DISTRICT  
PO BOX 430  
PAUL ID 83347  
WR #:

MC CAIN FOODS USA INC  
ATTN: IAN S MITCHELL  
2275 CABOT DR  
LISLE IL 60532  
WR #: 45-7241

JIMMY R OLIVER  
PO BOX 13  
ELM MOTT TX 76640-0013  
WR #: 45-7650

KRISTINE P SOMSEN  
641 N 1250 E  
JACKSON ID 83350-5047  
WR #: 45-2743 AND 45-7192

BRIAN HIGGS  
WATER DISTRICT 140  
355 W 500 S  
BURLEY ID 83318  
WR #:

KARI L AND TROY W CRANE  
251 E 300 S  
BURLEY ID 83318-5680  
WR #: 45-4067B

DAVID A AND HELEN B CRANER  
517 CEDAR DR  
BURLEY ID 83318  
WR #: 45-7442

GARY L FOWLER AND SARA D SOMSEN-FOWLER  
47 S 600 E  
RUPERT ID 83350  
WR #: 45-2743

IDAHO GROUND WATER APPROPRIATORS  
C/O TJ BUDGE - RACINE OLSON PLLP  
PO BOX 1391  
POCATELLO ID 83204-1391  
WR #:

JOSEF & RITA EHRLER TRUST  
JOSEF A EHRLER  
PO BOX 1000  
JOSEPH OR 97846  
WR #: 45-7377

MC CAIN FOODS USA INC  
218 W HWY 30  
BURLEY ID 83318  
WR #: 45-2749 AND 45-7137

RALPH M MITCHELL  
69 LAURIE LN  
BURLEY ID 83318  
WR #: 45-7640

G FRANK SOMSEN  
641 N 1250 E  
JACKSON ID 83350  
WR #: 45-7192

SOUTHWEST IRRIGATION DISTRICT  
PO BOX 910  
BURLEY ID 83318  
WR #:

BOYD WHITWORTH  
901 E 18TH ST  
BURLEY ID 83318  
WR #: 45-7638