



State of Idaho

DEPARTMENT OF WATER RESOURCES

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

May 20, 2021

RE: Notice of Pending Curtailment of Ground Water Rights with Priority Dates Junior to May 30, 1989—Surface Water Coalition Delivery Call

Dear Water Right Holder,

You are receiving this letter because, according to the records of the Idaho Department of Water Resources (“Department”), you are the holder of one or more ground water rights subject to curtailment pursuant to the attached May 19, 2021, curtailment order issued by the Director of the Department in response to the water delivery call by members of the Surface Water Coalition (“SWC”). The SWC includes A&B Irrigation District, American Falls Reservoir District #2, Burley Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal Company, and Twin Falls Canal Company. The SWC called for delivery of their water rights under the Department’s Rules for Conjunctive Management of Surface and Ground Water Resources (IDAPA 37.03.11) (“CM Rules”).

The SWC delivery call applies to ground water rights for irrigation, commercial, industrial, municipal, non-exempt domestic uses, and other consumptive uses. Non-consumptive uses and culinary in-house uses of water are not subject to curtailment under the order.

The curtailment order requires that, at 12:01 a.m. on or before June 3, 2021, ground water users holding water rights bearing priority dates junior to May 30, 1989, within the Eastern Snake Plain Aquifer area of common ground water supply (“ESPA ACGWS”), and listed in Attachment A to the order, must curtail/refrain from diversion and use of ground water pursuant to those water rights, unless notified by the Department that the order of curtailment has been modified or rescinded as to their water rights. The curtailment order also requires that watermasters for the water districts within the ESPA ACGWS who regulate ground water are directed to review the water rights listed in Attachment A to the order and begin contacting the water right holders in their respective districts to evaluate and determine how the water rights will be curtailed.

Because you are the holder of one or more ground water rights listed in Attachment A to the curtailment order, you must curtail/refrain from any diversion under the above referenced water right(s) in compliance with the order, unless and until you receive further direction from the Department or watermaster after the watermaster has consulted with the Department.

The curtailment order explains that holders of ground water rights affected by the order may participate in an approved mitigation plan, such as the plan filed by the Idaho Ground Water Appropriator's Inc. and SWC in Docket No. CM-MP-2016-001. The ground water right holders shall have fifteen days to join, solely for mitigation purposes, the ground water district situated nearest the lands to which the water rights are appurtenant. *See* H.B. No. 737 (*Act Relating to the Administration of Ground Water Rights Within the Eastern Snake River Plain*, ch. 356, 2006, *Idaho Sess. Laws* 1089) and Idaho Code § 42-5259. Holders of ground water rights affected by the curtailment order may also submit a proposed mitigation plan to the Director in accordance with CM Rule 43. *See* IDAPA 37.03.11.043. Upon receipt of a proposed mitigation plan, the Director will publish notice for two successive weeks, after which ten days will be allowed for the filing of protests. The Director will then hold a hearing as necessary to determine whether a proposed mitigation plan will mitigate injury to the SWC caused by the ground water rights at issue. If holders of ground water rights affected by this order do not participate in an approved mitigation plan by June 3, 2021, the Director will curtail the junior priority ground water use.

Information regarding the ongoing status of this curtailment may be found at: <https://idwr.idaho.gov/legal-actions/delivery-call-actions/SWC/>. If you have questions concerning this notice, please contact the Department's State Office in Boise at 208-287-4800, or the watermasters for the water districts within the ESPA ACGWS who regulate ground water.

Respectfully,



Gary Spackman
Director