



IDAHO DEPARTMENT OF
WATER RESOURCES

NEWS RELEASE - FOR IMMEDIATE RELEASE

Contact: Brian Patton, Deputy Director, Idaho Department of Water Resources, 208-287-4800

IDWR Director finds ESPA ground water districts' mitigation plans deficient in addressing water shortfall; ground water users have a week to resolve issue

BOISE - (May 10, 2024) – In the ongoing Surface Water Coalition's conjunctive administration delivery call, Director Mathew Weaver of the Idaho Department of Water Resources (IDWR) issued a new order on Friday, finding that the mitigation notices filed by ground water districts in the Eastern Snake Plain Aquifer (ESPA) region are deficient and fail to demonstrate that their actions, including securing storage water, meet the requirements of their approved mitigation plans. Director Weaver also found that two ground water districts are not seeking coverage under any approved mitigation plan.

In the order signed May 10, 2024, Director Weaver gave the ground water districts until May 17, 2024, to submit additional documentation to address their deficiencies and ensure that they were mitigating for the predicted 74,100 acre-foot shortfall to senior water users.

In past years, the Idaho Ground Water Appropriators (IGWA) cooperated with the Department on behalf of all ground water districts overlying the Eastern Snake Plain to submit documentation demonstrating the ground water user's compliance with their approved mitigation plan. This year, in contrast to previous years, individual districts submitted documentation on their own. Because the ground water districts acted independently there was less consistency in their filings and more uncertainty by the Department as to what was actually offered.

"Because of my uncertainty in the materials submitted by the individual ground water districts and the deficiencies in some of their filings, which are perhaps attributable to the fact that this is the first year they have acted independently, without IGWA's coordinating hand, I felt compelled to give them extra time to clarify and augment their mitigation actions." Weaver said. "I hope they use this opportunity to take additional steps to mitigate for all of their patrons."

On April 18, Weaver issued the April As-Applied Methodology Order for the 2024 irrigation season, affecting junior ground water users in the ESPA region. The April order determined a shortfall of 74,100 acre-feet of water to the Twin Falls Canal Co. (TFCC). TFCC has senior water rights dating to October 1900. The April Order gave junior ground water users until May 2 to supply mitigation notices with the Department demonstrating their compliance with their approved mitigation plans.

The Methodology Order is the court-approved process IDWR uses to determine injury to senior water right holders caused by junior-priority water users pumping from the ESPA.

Under Idaho water law, water users with senior water rights have priority over water users with junior rights. On the Eastern Snake River Plain, IDWR administers both surface and ground water resources together as one whole, or “conjunctively”. In general, ground water rights are junior to surface water rights.

The 74,100 acre-foot shortfall is based on a number of factors including mountain snowpack, reservoir content, irrigation need, and aquifer conditions. The shortfall volume relies on the U.S. Army Corps’ and Bureau of Reclamation’s joint Hesie Gage Runoff Forecast. In April, the agencies forecasted 3.30 million acre-feet of runoff at the Snake River Heise gage from April 1 through July 31, equating to 102% of the 30-year normal. This week, in their May forecast, the agencies reduced their forecast to 2.96 million acre-feet, or 93% of normal.

The Director of IDWR is required to issue an order at the beginning of the irrigation season, and then again in early July, determining any shortfall in water supply to the senior surface water right holders. When the Department calculates a shortfall, junior ground water pumpers must mitigate their impacts or curtail their junior uses.

Please see the Director’s May 10 order for more details. As required by law, the Director will issue an updated order in July after considering the new water supply and crop water need information available at that time.

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