



IDAHO DEPARTMENT OF
WATER RESOURCES

NEWS RELEASE - FOR IMMEDIATE RELEASE

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Two Magic Valley-area ground water districts move to comply with approved mitigation plans and avoid curtailment

BOISE - (June 6, 2024) – On Wednesday, June 5, two Magic Valley-area ground water districts – North Snake and Magic Valley – filed notice with the Idaho Department of Water Resources (Department) demonstrating that they are now operating under an approved mitigation plan, officials said Thursday.

In response to North Snake’s and Magic Valley’s filings, the Surface Water Coalition delivered a notice of non-objection to the Department supporting the ground water district’s filings conditioned on adherence to their approved 2016 mitigation plan for the remainder of the irrigation season. As a result, approximately 2,400 junior ground water rights owned by members of those two districts will be protected from curtailment under the Department’s May 30 curtailment order.

Department agents will be in the field starting Monday, June 10, to confirm individual water users' compliance with the curtailment order. Water users not complying with the curtailment order may have their diversions closed and locked or subject themselves to civil penalties under Idaho Code, §§ 42-351(2) and 42-1701B(6).

Officials said the recent filing by the two ground water districts allows them to join the company of several other entities in compliance with approved mitigation plans. Importantly, groundwater users complying with approved mitigation plans are protected from curtailment.

“We are hoping to see more ground water districts join one of the two approved mitigation plans available to them to avoid curtailment,” said Brian Patton, Deputy Director of IDWR.

As part of the Surface Water Coalition’s conjunctive administration delivery call, IDWR issued a curtailment order on May 30, affecting ground water rights junior to March 31, 1954. To avoid curtailment, ground water districts can operate under one of two approved mitigation plans – one dating to 2009 in which ground water users would purchase storage water for injured seniors or the 2016 settlement mitigation plan.

The entities confirmed to be operating under an approved mitigation plan are:

- Aberdeen-American Falls Ground Water District
- A & B Irrigation District
- Coalition of Cities
- Henrys Fork Ground Water District

- Madison Ground Water District
- Magic Valley Ground Water District
- North Snake Ground Water District
- Southwest Irrigation District
- Water Mitigation Coalition

Unfortunately, four ground water districts continue to be in non-compliance with an approved mitigation plan. These districts are:

- Bingham Ground Water District
- Bonneville-Jefferson Ground Water District
- Carey Valley Ground Water District
- Jefferson-Clark Ground Water District

Since the issuance of the May 30 curtailment order, two questions have arisen related to it. The first question concerns the applicability of the curtailment order to certain in-house or exempt uses. Consistent with past curtailments, non-consumptive uses, culinary in-house uses, and exempt uses of water for domestic and livestock purposes are not subject to curtailment.

The second question concerns the Department's mailing of the curtailment order to some banking institutions. Curtailment notices were mailed to select institutions when, according to the Department's official Water Right Database, they were identified as the water right's "current owner" of record.

Background

Under Idaho's prior appropriation water law, water users with senior water rights have priority over water users with junior rights. On the Eastern Snake River Plain, IDWR has administered both surface and ground water resources together as one whole, or "conjunctively," since 2005. In general, ground water rights are junior to surface water rights.

The April 74,100 acre-foot shortfall is based on several factors, including mountain snowpack, reservoir content, irrigation need, and aquifer conditions.

The Director of IDWR is required to issue an order at the beginning of the irrigation season and again in early July determining the shortfall in senior surface water user water supplies due to the pumping impacts of junior ground water users. When the Department calculates a shortfall, junior ground water users must mitigate their impacts or be curtailed.

Please see the [IDWR FAQ](#) about the May 30 curtailment order.

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