



## NEWS RELEASE - FOR IMMEDIATE RELEASE

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

### **Ruling in water rights case reinforces new mitigation plans, protects farmers**

BOISE – (Sept. 5, 2025) – District Court Judge Darren Simpson in Bingham County accepted a settlement between the Idaho Department of Water Resources (IDWR) and Jerry and Valerie Bingham on Thursday, a ruling that helps protect the water rights of hundreds of farmers across the Snake River Plain from their water being illegally taken.

The terms of the settlement require the Binghams to stop irrigating for the rest of the 2025 irrigation season because their water rights are junior to the priority date of 1900 for water rights in the Eastern Snake Plain Aquifer Area of Common Groundwater Supply, as specified in the [IDWR July curtailment order](#). To date, the Binghams have not joined an approved mitigation plan with an existing groundwater district to receive safe harbor. They had until August 10, 2025, to enroll in an approved mitigation plan.

As part of the settlement reached today, IDWR agreed to begin processing the Binghams' own proposed mitigation plan. The Binghams wanted to ensure IDWR processed their mitigation plan that was submitted to the Department August 19. IDWR confirmed that it was processing it and had taken the first step in the process by publishing notice of the proposed mitigation plan pursuant to the Conjunctive Management Rules.

IDWR will seek civil penalties against the Binghams at \$300 per acre for their illegal diversion of water.

Most junior water users in Eastern Idaho have signed on to approved mitigation plans including those agreed to in the 2024 Water Settlement Agreement, and thus, avoided any impact from the IDWR July curtailment order.

The Idaho Groundwater Appropriators (IGWA) and Lt. Gov. Scott Bedke both have gone on record saying they supported IDWR's legal actions against the Bingham family as a fairness issue. The legal action protects the integrity of the 2024 Water Agreement, they said.

"After extensive negotiations throughout 2024, water users entered into a landmark water mitigation agreement that protects the needs of senior water right holders, avoids large-scale curtailment of junior groundwater rights and sustains Idaho's economy and the longevity of the Eastern Snake Plain Aquifer," the IGWA statement said.

Bedke noted that IDWR's legal actions are backed by the Idaho Constitution, which calls for the enforcement of water rights under the Prior Appropriation Doctrine, or first in time, first in right.

However, the Binghams initially refused to curtail their water use on four of their wells whose priority dates are in the 1950s. IDWR initiated a civil enforcement action against the Binghams on Aug. 19, 2025. At the same time, IDWR filed a motion for preliminary injunction. The motion asked the Court to order the Binghams to cease diverting water until the case could be resolved.

A hearing on the motion occurred on Thursday.

Background:

- IDWR staff and the local Watermaster had several conversations with Jerry Bingham, where he was informed of the curtailment order and its requirements.
- The Bingham's attorney sent a letter to IDWR confirming their intent to not shut off their water use and refusal to join a groundwater district for the purposes of mitigation.
- IDWR has started the review process on the Bingham's mitigation plan; public notice of the plan will be forthcoming.
- On Aug. 20, 2025, the Department filed a motion for a temporary restraining order (TRO). The motion asked the Court to order the Bingham's to cease diverting water until the hearing on the Department's motion for preliminary injunction.
- On August 25, 2025, the Court granted the Department's motion for a TRO and issued an order telling the Bingham's to cease diverting water until the September 4 hearing.
- The Watermaster has confirmed that the Bingham's complied with the TRO.

#####