



IDAHO DEPARTMENT OF
WATER RESOURCES

NEWS RELEASE - FOR IMMEDIATE RELEASE

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IDWR Director expands moratorium on new Snake River water rights from Upper Snake region to Swan Falls gage at Murphy, including tributaries
Previous moratorium covered area from King Hill to Milner Dam

BOISE - (Oct. 21, 2022) - The Director of the Idaho Department of Water Resources (IDWR) on Friday issued a new moratorium order on processing new water right applications for surface and ground water in the Snake River Basin.

The order covers an area extending to the east, upstream from the Murphy water-flow gage at Swan Falls Dam to the Upper Snake region, including the main stem Snake, Henrys Fork, South Fork Snake River, other tributary streams and ground water aquifers in the basin. (see map of affected area on page 3)

The order, signed Friday, Oct. 21st by IDWR Director Gary Spackman, is designed to protect existing surface water and ground water users in the Snake River Basin, officials said. In essence, the order determines that the Snake River, its tributaries and ground water aquifers are largely fully appropriated, except in limited circumstances.

In addition, minimum stream flows set by and decreed to the Idaho Water Resource Board at the Murphy gage are declining to levels where flows of 3,900 cubic feet per second from April 1 – Oct. 31, and 5,600 cfs from Nov. 1 to March 31 are extremely close to being violated, officials said.

Idaho Power Company also has decreed water rights for the same flow amounts at the Murphy gage. The Board's water rights at the Murphy gage and Idaho Power's water rights at the Murphy gage were decreed under the Snake River Basin Adjudication.

The order noted that in March 2015, the average daily flow at the Murphy gage fell below the 5,600 cfs minimum for two days.

The Director's order determines that continued growth and increased demand for Snake River surface water and ground water are diminishing existing water supplies to the point where further development would injure existing water users, including agricultural users, cities, businesses, processing plants and more.

There are limited exceptions to the Director's order, if applicants can show that new applications for water rights would not affect or injure existing water rights.

A previous moratorium has been in place for any new surface or ground water right applications from Milner Dam to King Hill since 1993.

Spackman cited a litany of water issues leading to the moratorium order, including a steady string of water calls from Snake River senior surface water users to curtail junior surface water and ground water users, the creation of many Ground Water Districts, Ground Water Management Areas and Critical Ground Water Areas underlying the Snake River Plain and its tributaries.

“Declining water supplies in the Snake River Basin above Milner Dam have prompted delivery calls and additional demands for water administration from holders of senior water rights,” the order said. “A variety of administrative activities and judicial decisions have resulted in: (a) expanded administration of existing ground water and surface water rights; (b) the enjoinder of new water appropriations for a period of time; and (c) greater scrutiny of new water right applications resulting in near-cessation of new appropriations. The need to protecting existing water rights justifies the re-establishment of a moratorium upstream from Milner Dam.”

The moratorium order could affect approximately 700 existing water rights applications for surface and ground water use, officials said. The order highlights that 474 ground water applications are pending in the Eastern Snake Plain Aquifer (ESPA) region, proposing the diversion of an additional 79 cfs to irrigate 151,000 acres of land.

At a broader level, IDWR hydrologists evaluated the potential impacts to the Snake River from pending water right applications for irrigation, commercial, municipal and industrial uses of ground water in the ESPA region. Using the ESPAM 2.2 model, they predicted a “steady state depletion of 184,000 acre feet per year (254 cfs) to the Snake River upstream from Milner Dam, including a steady state depletion of 100,000 acre-feet per year (138 cfs) to the Snake River between near Blackfoot and Minidoka,” the order said. “The model prediction shows that granting pending applications will reduce flows to the Snake River upstream from Milner Dam to the detriment of senior water users.”

In July 2022, IDWR hydrologists also evaluated the potential of pending water rights applications for irrigation, commercial, municipal and industrial uses of ground water in the ESPA and tributary basins. The ESPAM 2.2 model “predicted a steady state depletion of 73,000 acre-feet per year (101 cfs) to ESPA spring discharge between Milner Dam and King Hill,” the order said.

For more information about the moratorium order, contact Mat Weaver, IDWR Deputy Director, at 208-487-4800.

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