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Water Agreement Works for Now but More Must Be Done **Surface Water Coalition comments on 2024 water user agreement**

IDAHO – After weeks of negotiations between the senior surface water and junior groundwater users diverting from the Eastern Snake River Plain Aquifer (ESPA), an agreement was reached that avoids any further threats of a water curtailment during 2024 to signatory groundwater districts in southeastern Idaho.

“The Surface Water Coalition (SWC) is pleased that all the groundwater districts agreed to comply with the agreed upon 2016 Mitigation Plan for 2024. Although the SWC members signed the 2024 Stipulation Agreement, the long-term issues with ESPA water supplies remain. Despite all of the efforts that have been made since the 2016 Mitigation Plan was signed, the ESPA continues to see declining aquifer levels, declining spring discharges, and declining reach gains into the Snake River, which are the source of supply to the SWC senior water rights. While we have empathy for our groundwater counterparts because we understand the pain that comes with a water shortage, uncertainty remains concerning future agreements when some junior water right users chose not to follow the 2016 Stipulated Mitigation Plan that we all agreed to nearly 10 years ago,” said Jay Barlogi, Twin Falls Canal Co. General Manager.

Despite some groundwater districts failing to comply with the agreed upon mitigation plan, the Surface Water Coalition opened the door to discussions with the Idaho Ground Water Appropriators in an effort to avoid curtailment this year and resolve the issues between irrigation water users. The 2016 Mitigation Plan, agreed to by the groundwater districts and approved and upheld by the Idaho Department of Water Resources (IDWR) and the District Court, stated that groundwater users would receive safe harbor from curtailment if they performed the requirements of the plan. Three groundwater districts did not comply with the approved mitigation plan and as a result were subject to curtailment this year.

In an effort to reset and avoid threats to Idaho’s harvest season, the SWC forgave over 55,000 acre-feet of water that was owed as a result of prior breaches of the 2016 Mitigation Plan by three groundwater districts and 12,000 of additional groundwater district reductions required by IDWR this year. This was done in good faith and in hopes that future negotiations will result in an updated long-term mitigation plan that both senior and junior water right holders can agree to and implement for the benefit of the aquifer and senior water supplies. This new mitigation agreement must be finalized prior to October 1, 2024.

“At the end of the day, surface water and groundwater users are all neighbors and know that agriculture is the backbone of Idaho,” Barlogi continued. “While the past few weeks have sparked a considerable amount of confusion and uncertainty, the SWC is ready to put the conflict behind us, restore our aquifer, protect private property rights, and continue to uphold the Idaho Constitution. The next few months will be intense; however, I am hopeful that we will come to an agreement that works for all parties and for Idaho and avoids injury to senior surface water rights into the future.”

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The Surface Water Coalition (SWC) was formed in 2005 by a group of canal companies and irrigation districts responsible for delivering water from the Snake River to approximately 550,000 acres of farmland. The SWC was established to address common water management challenges, advocate for water rights, and ensure the efficient and sustainable use of water resources for agricultural purposes in Idaho.