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IGWA's Response to IDWR Director Weaver's Order to Keep Curtailment on Big and Little Lost Basins

IDAHO FALLS, Idaho – April 16, 2026 – Idaho Ground Water Appropriators, Inc. (IGWA) called for fair and consistent application of the [2024 Stipulated Mitigation Plan](#) in Wednesday morning's status conference before Idaho Department of Water Resources Director Matt Weaver regarding a motion requesting a stay of curtailment affecting groundwater users in the Big Lost and Little Lost basins. IGWA is disappointed in Director Weaver's dismissal of the consistent application of the 2024 Stipulated Mitigation Plan by continuing to curtail groundwater districts that have worked hard to take the correct steps to join a mitigation plan.

Idaho's [statewide drought emergency was declared](#) on April 13 after record-low snowpack conditions were documented across much of the state. Under a longstanding delivery call by the Surface Water Coalition (SWC), water users who do not participate in approved mitigation plans are subject to curtailment. The 2024 Plan was designed to bridge wet and dry years.

Wednesday's discussions included IDWR, IGWA, SWC, and the three districts in the Big Lost and Little Lost basins facing curtailment. Everyone agreed to move forward with an expedited technical review of the proposed First Addendum to the 2024 Mitigation Plan, which would add the three groundwater districts to the existing framework. These farmers already have crops in the ground and they can't pump water. A technical group comprised of experts from each party could take weeks to confirm if the incorporation of the new districts is consistent with the 2024 plan and does not adversely affect water users already participating in it. These farmers don't have that time. Their livelihoods are at stake all because of the government's inability to act.

Counsel for the SWC informed Director Weaver that they would only agree to temporarily stop curtailment against the Big Lost and the Little Lost if A&B Irrigation District, a member of the SWC that holds groundwater rights, is excused from providing mitigation. A&B's groundwater rights do not participate in the 2024 Plan. A&B has its own separate approved mitigation plan for its groundwater rights. A&B recently proposed a new mitigation plan that would drastically reduce the amount of mitigation it would be required to provide to the SWC—a fraction of the

mitigation required of groundwater users who participate in the 2024 Plan. This is not the fair and equal treatment of water users that Idaho law requires.

"Right now, there are farmers in Butte County who planted crops in good faith, completed every required step, and still can't turn on a pump," said IGWA Executive Director, Lara Herway. "That's not a water law problem – IGWA acted in good faith. Our members acted in good faith. The only party that hasn't is the one blocking an agreement that's already signed."

At Wednesday's conference, arguments were made suggesting the Big Lost and Little Lost districts had years to prepare to join the 2024 mitigation plan but waited until the last minute. That is not the real story.

The Big Lost and Little Lost basins weren't part of the Eastern Snake Plain Aquifer (ESPA) until the Legislature enacted [Senate Bill 1341](#), which expanded the groundwater supply in the Eastern Snake River Plain to include the Big Lost and Little Lost basins. This legislation required the basins to create groundwater districts, elect a board, retain legal counsel, understand a highly technical and long-running water rights process, gather technical data, have the board vote on what mitigation plan to join, and then take the necessary steps to join a mitigation plan. This is not simple work, and it did not happen overnight. It required many hours of effort by various stakeholders and government agencies to complete.

IGWA commends these farmers for their hard work, concessions, time, and treasure put into conforming to Idaho law and protecting the ESPA.

"We weren't even considered part of the Eastern Snake Plain Aquifer until the legislature made it so. From there, we had to build everything from scratch — form a district, seat a board, hire an attorney, vote to join a mitigation plan, and work through IGWA to get it done," stated Little Lost River Ground Water District Chairman, Kirk Nickerson. "We did every single thing that was asked of us, and we did it in good faith. I have crops in the ground right now. My neighbors have crops in the ground. We are doing everything we can to protect our livelihoods and work to protect the ESPA for generations to come. We can't do that if we can't pump water. We've met the standards of the 2024 agreement and we deserve to be treated the same as everyone else in the plan. This should have been resolved long before it came to this."

The timeline reflects steady progress, not delay. Little Lost joined the mitigation plan in January. Big Lost and Upper Big Lost joined in March. These groundwater users were not sitting on their hands. They were doing the work necessary to join the plan and comply with the same framework that applies to other participating groundwater users across the Eastern Snake Plain Aquifer and tributary basins.

"These are farmers who followed the law, met every deadline, and signed on the dotted line," says TJ Budge, Legal Counsel for IGWA. "They did exactly what was asked of them. The curtailment they're facing today is not a reflection of their compliance — it's a consequence of a process that stalled after they held up their end. IGWA will continue fighting to ensure that

groundwater users who act in good faith are protected, and we expect the Department to recognize that when it reviews the record."

That 2024 agreement was designed to protect senior water rights, give junior groundwater users a clear path to mitigate, and reduce the risk of unnecessary disruption by establishing one enforceable framework. It should be applied as written. Water users who take the required steps to join and comply should be evaluated under the same standards as everyone else already in the plan. These farmers are working tirelessly to find solutions while following the proper process, and they should not be punished because others are trying to gain leverage.

"We did not waste a single day," said Big Lost River Ground Water District Chairman, Mike Telford. "The moment this valley became part of the Eastern Snake Plain Aquifer, we got to work. We held up our end completely. What's happening now isn't a compliance issue — it's our little valleys being held hostage so someone else can get a better deal than what the 2024 agreement already provides. The groundwater community has done the hard work and followed the rules. We deserve to be treated fairly."

IGWA will continue to advocate for a resolution that honors the 2024 mitigation agreement, protects the integrity of Idaho water law, and ensures the fair treatment of water users.

About Idaho Ground Water Appropriators

Idaho Ground Water Appropriators (IGWA) represents groundwater users across the Eastern Snake Plain Aquifer and tributary basins. IGWA protects groundwater rights, promotes smart water use, and works to ensure Idaho's aquifer supports agriculture, communities, and the economy for generations to come. IGWA's efforts span advocacy and legal representation, aquifer protection, conflict resolution, and public education. For more information, visit idahogroundwater.org.

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