

## MEMORANDUM

**DATE:** March 3, 2006

Application Processing #54

**TO:** Water Appropriation Bureau and Regional Offices

**FROM:** Gary Spackman 

**RE:** Application Processing Memorandum No. 54 is Repealed

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Application Processing Memorandum No. 54 is repealed. The memorandum, which was issued in 1992, authorized the processing of applications for new water rights in the Snake River Basin moratorium areas if the uses were established before the commencement of the Snake River Basin Adjudication on November 19, 1987.

On November 19, 2005, the Director issued a "Final Declaratory Ruling RE: Pre-1987 Processing and Interlocutory Order Denying Motion for Stay" in the matter of application for permit no. 36-16125 (Delis Farms). In the order, the Director wrote:

It is further ordered and declared that there is no existing valid exception from the processing prohibition of the Non-Trust Water Moratorium or the Trust Water Moratorium for applications for permits that propose appropriation of water for beneficial uses completed on or before November 19, 1987. Any applicants proposing appropriation of water from ground water in the Non-Trust Water Moratorium and the Trust Water Moratorium for beneficial uses of water completed on or before November 19, 1987, must mitigate for the predicted depletions to the Snake River and tributary springs that will be caused by the proposed diversion and use of ground water.

IDWR staff may have applied the pre-1987 moratorium exception in other restricted areas outside the Non-Trust Water Moratorium and Trust Water Moratorium areas. Use of the pre-1987 exception should cease in those areas as well.



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DEPARTMENT OF WATER RESOURCES

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CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

MEMORANDUM TO: Staff

FROM : R. Keith Higginson *RKH*

DATE : July 1, 1992

SUBJECT : Snake River Basin Moratorium Application Processing #54

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As expected, the moratorium on new uses of surface and ground water of the Snake River Basin upstream from the Weiser gaging station has generated several questions concerning intent.

You will recall that the moratorium provided several exceptions:

- domestic uses
- nonconsumptive uses
- drought wells
- drilling permits to replace or deepen

It appears that a number of situations have been identified where applications for permits have been filed to cover presently existing uses of water. I see no reason to hold up the processing and approval of such permits since it will make no difference on the quantity of water that is being withdrawn in the basin during this drought period. If we are not going to consider issuing permits to cover such existing uses then we need to issue cease and desist orders to stop the use. I don't want to take that action where there is an alternative.

Therefore, the purpose of this memo is to advise that it is the intent of the moratorium order issued on May 15, 1992 to hold up the issuance of permits authorizing new or expanded uses of water within the Snake River Basin. The moratorium may be interpreted to allow the continued processing and approval of applications proposing to cover an existing use. Such existing use must predate the start of the Snake River Basin Adjudication in November 1987.