ADMINISTRATOR'S MEMORANDUM

To: Water Management Division

From: Norman C. Young NCY

APPLICATION PROCESSING
No. 59

RE: **PROCESSING OF APPLICATIONS TO APPROPRIATE WATER IN THE LOWER BOISE RIVER BASIN (BASIN 63)**

Date: June 20, 1996

On May 5, 1995, Director Higginson issued an Amended Moratorium Order which removed the moratorium on processing most applications for new appropriations of public water proposing a consumptive use in the Boise River Basin. As a result of the May 5, 1995 Amended Moratorium Order, the department has subsequently approved approximately 80 water right applications proposing irrigation use. The approvals were essentially limited to the use of "drought wells" which were constructed in 1992 under temporary approvals issued by the department.

There are approximately 170 additional applications proposing consumptive ground water use in the Lower Boise River Basin which extends downstream from Lucky Peak Reservoir to the mouth of the Boise River near Parma, Idaho.

During the 1995-1996 legislative session, the legislature appropriated $300,000 for a study of ground water availability (study) in the Lower Boise River Basin. The appropriation was matched by United Water Idaho to make a total of $600,000 available for the first year of the study. The study is expected to take approximately five (5) years to complete, although preliminary data concerning water availability is expected to be available within one (1) year.

Within the Boise River Basin two aquifers have been designated as having limited water supplies, i.e. the Boise Front Low Temperature Geothermal Ground Water Management Area and the Southeast Boise Ground Water Management Area.

Even though the moratorium has been lifted by the May 5, 1995, Amended Moratorium Order, the department should withhold approvals of most consumptive use applications in the Lower Boise River Basin until preliminary data from the study is available to be reasonably sure there is sufficient water for appropriation without injury to prior water rights.

Until further instructions are given, the following provisions apply to the processing of applications for ground water in Basin 63 downstream from Lucky Peak Dam:

1. All applications proposing a consumptive use of ground water, whether now pending or filed in the future are to be held without further processing except as herein provided.

2. These instructions do not affect the authorization to continue development of any existing approved application (permit).

3. These instructions do not apply to any application for domestic purposes as such term is defined in Section 42-111, Idaho Code. Applications for ground water permits seeking water for multiple ownership subdivisions or mobile home parks will be processed provided each unit satisfies the definition for the exemption of requirement to file an application for permit as described in said section.

4. These instructions do not apply to any application proposing a non-consumptive use of water as the term is used in Section 42-605A, Idaho Code.

5. These instructions to not apply to applications for drilling permits to replace or deepen existing wells having valid existing water rights nor to applications for transfer of existing water rights.

6. These instructions do not change or affect the administration of any area within the Boise River Basin that has been previously designated as a ground water management area pursuant to Section 42-233b, Idaho Code.

7. These instructions do not prevent the Director from reviewing for approval on a case-by-case basis an application which otherwise would not be processed at this time if,

a) Protection and furtherance of the public interest as determined by the Director, requires immediate consideration and approval of the application;

b) The Director determines that the development and use of the water pursuant to an application will have no effect on prior surface and ground water rights because of its location, insignificant consumption of water or mitigation provided by the applicant to offset injury to other rights.