

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF MANAGEMENT) OF GROUND WATER WITHIN THE) BEAR RIVER GROUND WATER) MANAGEMENT AREA)	PRELIMINARY ORDER ADOPTING A GROUND WATER MANAGEMENT PLAN
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The Department of Water Resources (“Department”) is responsible for managing the allocation and use of ground water resources in the State of Idaho. A ground water management area, with an associated advisory committee, has been designated in the Bear River Basin to facilitate management of ground water in the area. The advisory committee has submitted a report entitled “Water Management Report for the Bear River Ground Water Management Area” recommending provisions for consideration of applications to appropriate ground water and other ground water management matters. Based upon this report and his understanding of the law governing management of ground water, the Administrator of the Department’s Water Management Division now enters the following Findings of Fact, Conclusions of Law, and Preliminary Order adopting a ground water management plan for the area:

FINDINGS OF FACT

1. The Bear River Ground Water Management Area (“BRGWMA”) was designated by order of the Department issued August 12, 2001 (“Order”).
2. The Order created an advisory committee, comprised of representative water user and citizen group interests with the Department’s Administrative Basins 11 and 13, charged with assisting in drafting a management plan for the BRGWMA.
3. On September 4, 2002, the advisory committee submitted a water management report for the BRGWMA.
4. On January 6, 2003, the Department distributed a draft ground water management plan, based upon the recommendation set forth in this report, for review and comment by members of the advisory committee and others expressing an interest in ground water management in the area.
5. No objections to the provisions of the draft ground water management plan were received during the designated comment period.

CONCLUSIONS OF LAW

1. The Bear River Ground Water Management Area exists in accordance with the provisions of Section 42-233b, Idaho Code.

2. Section 42-233b, Idaho Code, provides, in pertinent part:

When the director of the department of water resources designates a ground water management area, or at any time thereafter during the existence of the designation, the director may approve a ground water management plan for the area. The ground water management plan should provide for managing the effects of ground water withdrawals on the aquifer from which withdrawals are made and on any other hydraulically connected sources of water.

3. A ground water management plan, incorporating as appropriate the recommendations of the advisory committee, should be adopted for the BRGWMA.
4. The preliminary order adopting the ground water management plan should be issued in accordance with Rule 730 of the "Rules of Procedure of the Department of Water Resources," IDAPA 37.01.01 and Section 67-5245, Idaho Code. Notice of issuance of the preliminary order should be mailed to holders of pending applications to appropriate ground water and by legal notice published in a newspaper of general circulation in each of the counties covered in whole or part by the BRGWMA.

ORDER

IT IS HEREBY ORDERED that a Ground Water Management Plan be adopted, and the same is HEREBY ADOPTED, for the Bear River Ground Water Management Area. The adopted plan is fully set out as Attachment A to this Order, and is hereby made a part of this order.

Notice of the issuance of this Order shall be given as set out in Conclusion of Law no. 4.

Signed at Boise, Idaho this 24th day of February, 2003.

_____/Signed/_____
Norman C. Young
Administrator
Water Management Division