

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

IN THE MATTER OF THE MALAD)	
VALLEY GROUND WATER)	ORDER EXTENDING
MANAGEMENT AREA)	TEMPORARY MORATORIUM
_____)	

BACKGROUND

On November 4, 2015, the Director (“Director”) of the Idaho Department of Water Resources (“Department”) designated the Malad Valley Ground Water Management Area (“MVGWMA”) and established a temporary moratorium on the processing and approval of presently pending and new applications for permit to appropriate water from ground water within the MVGWMA. *See Order Designating GWMA and Establishing Temporary Moratorium, In the Matter of the Malad Valley Ground Water Management Area (Nov. 4, 2015) (“Designation Order”).* The MVGWMA was designated and the temporary moratorium was established due to reported declines in aquifer water levels in the area. *Designation Order* at 3-4. The temporary moratorium remains in effect through November 4, 2017. *Id.* at 4.

In the Designation Order, the Director ordered that management of ground water appropriations within the MVGWMA shall be governed by a management plan to be developed with assistance from an advisory committee of representative water users and communities within the MVGWMA.

An advisory committee was assembled and met several times to draft a recommended ground water management plan for the MVGWMA. The advisory committee subsequently submitted to the Director its *Malad Valley Ground Water Management Area Draft Management Plan* (“Management Plan”).

On November 3, 2017, the Director approved the Management Plan recommended by the advisory committee with a few modifications. *See Order Approving Ground Water Management Plan, In the Matter of Management of Ground Water Within the Malad Valley Ground Water Management Area (Nov. 3, 2017) (“Approval Order”).*

The Management Plan and the Approval Order recommend the creation of a Water Measurement District as described in Chapter 7, Title 42, Idaho Code, to include water users who divert water from any source (surface water or ground water) within the Malad Valley.

The Management Plan and the Approval Order recommend the extension of the temporary moratorium for five years to allow for the collection of additional data to determine if extensions beyond five years are warranted in the future.

ANALYSIS

The temporary moratorium was established pursuant to Rule 55 of the Department's Water Appropriation Rules (IDAPA 37.03.08) to protect existing ground water rights and to protect the aquifer from depletion. The conditions creating the need for a moratorium have not changed; the moratorium should be extended, consistent with the Management Plan and the Approval Order.

ORDER

IT IS HEREBY ORDERED, pursuant to Idaho Code § 42-1805(7) and IDAPA Rule 37.03.08.055 (Water Appropriation Rule 55), that the order dated November 4, 2015, establishing a temporary moratorium on the processing and approval of presently pending and new applications for permits to appropriate water from ground water within the MVGWMA **is extended for five (5) years, from November 4, 2017**, unless rescinded or modified by order of the Director or a court of competent jurisdiction. New and pending applications to appropriate water in the area subject to the moratorium shall be held without further processing unless they meet one or more of the exceptions stated in this order. The following provisions apply to the administration of the moratorium:

1. The moratorium does not affect the authorization to continue development of any existing approved permit to appropriate water.
2. The moratorium does not apply to any application for domestic purposes as such term is defined in Idaho Code § 42-111.
3. The moratorium does not apply to any application proposing a non-consumptive use of water as the term is used in Idaho Code § 42-605A.
4. This moratorium does not apply to applications for drilling permits to replace or deepen existing wells having valid, existing water rights.
5. This moratorium does not apply to applications for transfer, including applications to add points of diversion to valid, existing water rights.
6. This moratorium does not prevent the Director from reviewing for approval on a case-by-case basis an application which otherwise would not be approved under the terms of this moratorium if:
 - a. Protection and furtherance of the public interest, as determined by the Director, requires consideration and approval of the application irrespective of the general moratorium; or
 - b. The Director determines 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 timing, location, insignificant consumption of water or mitigation provided by the application to offset injury to other rights.

IT IS FURTHER ORDERED that before this moratorium expires, the Department shall review all available data and work with the advisory committee for the MVGWMA and/or any advisory committee formed for a Water Measurement District created in the MVGWMA, pursuant to Idaho Code § 42-705, to evaluate the benefits and need for continuation of the moratorium.

IT IS FURTHER ORDERED that the Department shall serve a copy of this order by certified mail upon holders of applications for permits proposing appropriation of ground water within the MVGWMA and shall publish notice of this order for three consecutive weeks as required by IDAPA Rule 37.03.08.055 (Water Appropriation Rule 55).

IT IS FURTHER ORDERED that this order shall be effective on November 4, 2017.

Any person who is aggrieved by this order shall be entitled to a hearing before the Director to contest the order. The person shall file with the Director, within fifteen (15) days after receipt of written notice of the order, or receipt of actual notice, a written petition stating the grounds for contesting the order and requesting a hearing. *See Idaho Code § 42-1701A(3).*

Dated this 3rd day of November 2017.

A handwritten signature in blue ink that reads "Gary Spackman". The signature is written in a cursive style and is positioned above a horizontal line.

GARY SPACKMAN
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of November 2017, a true and correct copy of the document described below was served on the following as noted.

Document Served: Order Extending Temporary Moratorium

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LOGAN UT 84321

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DAVID HARRIS
10101 S HWY 191
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GRANT HARRIS
10190 S OLD HWY 191
MALAD ID 83252

WILLIAM CHIVERS
1033 CENTRAL FAIR LN
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THE CREATIVE CENTER OF LOS
ALTOS
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LOS ALTOS CA 94024

RANDY MOULDING
10485 W 900 S
IDAHO FALLS ID 84404

NORMAN J YOUNGMAN
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FOX HOLLOW PROPERTIES
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AGRICOLOR LLC
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SHERRY WANGSGARD
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PARLEY DAVIS
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KATHLEEN KERSTETTER
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ELDON JOHN
MIKE JOHN
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651 N 200 W
MALAD CITY ID 83252

BLAINE PRICE
JO ANN PRICE
6555 N OLD HWY 191
MALAD ID 83252

APRAL IPSEN
656 S 5400 W
MALAD CITY ID 83252

GEORGE SHACKLEY
659 E 2300 N
NORTH OGDEN UT 84414

BRETT BLAISDELL
685 N 5400 W
MALAD CITY ID 83252

LEON GLENN
69 BUSH AVE
MALAD CITY ID 83252

JON L VANDERWOOD
69 BUSH AVE
MALAD CITY ID 83252

GEORGE COUCH
DEBRA COUCH
690 N 300 E
MALAD ID 83252

HEPWORTH FAMILY
LANDHOLDINGS LLC
696 S 800 W
BURLEY ID 83318

DON P SCHWARTZ
701 N 500 W
MALAD CITY ID 83252

JIM M SEAMONS
LORRIE A SEAMONS
7085 W HWY 36
WESTON ID 83286

RICHARD D JONES
7271 N HULBERT
FRESNO CA 93711

FRANK AND GAYLE MADSEN
730 S 5400 W
MALAD CITY ID 83252

JULI A GLEED
738 W HWY 38
MALAD ID 83252

FARRELL ATKINSON
738 W HWY 38
MALAD CITY ID 83252

DAVID EVANS
760 INDEPENDENCE LN
EMMETT ID 83617

TERRY MURPHY
BARBARA MURPHY
7636 REDWOOD RD
LEHI UT 84043

CARALEA STACK
767 MAPLE ST
OGDEN UT 84403

THE VERLIN W & ONA T MOON
FAMILY TRUST
77 N STONE MOUNTAIN DRIVE
ST GEORGE UT 84770

PAUL R AND DARLENE EVANS
776 W HWY 38
MALAD CITY ID 83252

DOUGLAS THORPE
785 S 5400 W
MALAD CITY ID 83252

LLOYD W HUBBARD
PAUL HUBBARD FARMS LLC
789 W HWY 38
MALAD ID 83252

MARY YOUNG
794 W HWY 38
MALAD CITY ID 83252

JAMES SIMMONS
SHELLEY SIMMONS
799 S 5400 W
MALAD CITY ID 83252

BANK OF UTAH
80 E 800 S
BRIGHAM CITY UT 84302

HENDERSON CREEK
SPRING WATER USERS
RT 1 BOX 74
MALAD CITY ID 83252

OLIN HANNUM
NATALIE HANNUM
8001 S OLD HWY 191
MALAD ID 83252

USDA FARM SERVICE AGENCY
85 S 100 E
TERMONTON UT 84331

REED MC BRIDE
86 E 155 S
MALAD CITY ID 83252

BOYD MARK STONE
882 BRUNDAGE
CHUBBUCK ID 83202

CHAD RINDLISBACHER
890 N 4600 W
MALAD CITY ID 83252

GERALD BEETON DALE BEETON
9124 OUTLAW PASS
MENAN ID 83434

BEAU SMITH
CALLIE SMITH
924 N 300 E
MALAD CITY ID 83252

ELDEN D NIELSEN
930 W SAMARIA LN
MALAD CITY ID 83252

JAY CASTRILLO
94 E 50 S #13
MALAD CITY ID 83252

LINDA L ANDERSON
94 E 50 S #9
MALAD CITY ID 83252

THEDA THOMAS HUGHES
974 S 1150 W
CLEARFIELD UT 84015

USDA FARM SERVICE AGENCY
98 E 800 N STE 2
PRESTON ID 83263

WAYNE ROSS
AILEEN ROSS
987 S 5400 W
MALAD CITY ID 83252

ANTON JENSEN
LACIE JENSEN
99 N 4400 W
MALAD CITY ID 83252

KIRK MAC FARLANE
997 N 100 W
TREMONTON UT 84337

US DEPT OF INTERIOR
BUREAU OF LAND
MANAGEMENT
138 S MAIN ST
MALAD CITY ID 83252

US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
SWAN ISLAND
1220 SW 3RD AVE
PORTLAND OR 97204

JOSH PASKETT
4895 S 4400 W
MALAD ID 83252

DAVIS FARMS LTD
C/O GARY DAVIS
3190 W 2000 N
MALAD CITY ID 83252

MALAD VALLEY IRRIGATION
C/O GRANT JONES
2601 W 500 S
MALAD CITY ID 83252

ST JOHN IRRIGATING CO
C/O JESSE D HARRISON
390 S 3600 W
MALAD CITY ID 83252

YOUNG BROTHERS
LIVESTOCK II INC
C/O JOHN YOUNG
4990 N HWY 38
BRIGHAM CITY UT 84302

CHRISTOFFERSEN &
CHRISTOFFERSEN LLC C/O MEL
CHRISTOFFERSEN
448 E 400 S #204
SALT LAKE CITY UT 84111

SAMARIA CEMETERY DISTRICT
C/O RAE WILLIAMS
RT 1 BOX 43
MALAD CITY ID 83252

DEEP CREEK IRRIGATION CO
C/O RALPH HANSON
1330 EAST HWY 36
MALAD CITY ID 83252

POTTER RANCHES
C/O RICHARD POTTER
80 N 300 E
MALAD ID 83252

LEWISTON STATE BANK
C/O WESTERN AG CREDIT FLCA
PO BOX 95850
SOUTH JORDAN UT 84095

LEWISTON STATE BANK
C/O WESTERN AG CREDIT FLCA
PO BOX 95850
SOUTH JORDAN UT 84095

IRELAND BANK
C/O WESTERN AG CREDIT FLCA
PO BOX 95850
SOUTH JORDAN UT 84095-0850

CORP OF THE PRESIDING BISHOP
CHURCH OF JESUS CHRIST OF
LATTER DAY SAINTS REAL
ESTATE SERVICES DIV
50 E NORTH TEMPLE ST
SALT LAKE CITY UT 84150-6320

STATE OF IDAHO
DEPT OF LANDS
STATEHOUSE
BOISE ID 83720-0050

DOUGLAS R ADAMS FAMILY LIVINC
TRUST DOUGLAS R ADAMS-
TRUSTEE
BARBARA ADAMS-TRUSTEE
2141 N HWY 38
BRIGHAM CITY UT 84302

US DEPT OF AGRICULTURE
FOREST SERVICE
1249 VINNELL WAY STE 200
BOISE ID 83709

US DEPT OF AGRICULTURE
FOREST SERVICE
1405 HOLLIPARK DR
IDAHO FALLS ID 83401

US DEPT OF AG FOREST SERVICE
CARIBOU NATIONAL FOREST
4350 CLIFFS DR
POCATELLO ID 83204

ILENE J DURBIN
MARIE HIGLEY
C/O THE RALPH HUGHES ESTATES
PO BOX 234
MALAD ID 83252

CANDICE MC HUGH
MC HUGH BROMLEY PLLC
380 S 4TH ST STE 103
BOISE ID 83702

WILLIAM F HILL
PO BOX 11
DOWNEY ID 83234

DAN THOMAS
25920 N 8800 W
PORTAGE UT 84331

KATHRYN DAWSON
PO BOX 133
MALAD CITY ID 83252

DALE HARRISON
PO BOX 14
MALAD CITY ID 83252

MIKE ERRAMOUSPE
PO BOX 15
MALAD CITY ID 83252

DURBANO LAND & CATTLE CO
PO BOX 1556
OGDEN UT 84402

TED D MAC FARLANE
PO BOX 159
RIVERSIDE UT 84334

ONEIDA PERLITE CORP
PO BOX 162
MALAD CITY ID 83252

JOE ANN JENKINS TRUST
PO BOX 21
MALAD ID 83252

NECIA HOOPES
PO BOX 237
SUGAR CITY ID 83448

SHANNA ETHERINGTON
PO BOX 242
MALAD ID 83252

2M BRAND LLC
PO BOX 269
ROCKLAND ID 83271

2M BRAND LLC
PO BOX 270
ROCKLAND ID 83271

NGW RANCH LLC
NEIL SCHOENENBERGER
PO BOX 3285
OGDEN UT 84409

BRUCE JACKSON
PO BOX 33
MALAD CITY ID 83252

JEFFREY R LOUDER
CATHY LOUDER
PO BOX 353
COALVILLE UT 84017

DELBERT V OWENS
KAREN J OWENS
PO BOX 368
INKOM ID 83245

NORTHWEST FARM CREDIT
SERVICES FLCA
PO BOX 386
PRESTON ID 83263

KEN TIMOTHY
PO BOX 45
MALAD CITY ID 83252

J F FREDRICKSON
PO BOX 5
MALAD CITY ID 83252

HELEN T HILL
PO BOX 50
INKOM ID 83245

ERIC HARTVIGSEN
PO BOX 53
MALAD ID 83252

MARCUS M JONES
PO BOX 5572
POCATELLO ID 83202

TED D MAC FARLANE
PO BOX 66
MALAD CITY ID 83252

TRAVIS BURTON
HEIDI BURTON
PO BOX 681
MILLVILLE UT 84326

LYNN A WRIGHT
SHAUNA WRIGHT
PO BOX 77
MALAD CITY ID 83252

JAMES B WILLIAMS
PO BOX 839
SODA SPRINGS ID 83276

D L EVANS BANK
PO BOX 87
TWIN FALLS ID 83303

FARM CREDIT SERVICE OF
AMERICA
PO BOX 878
CASPER WY 82602-0878

RANDALL C BUDGE
RACINE OLSON LAW
PO BOX 1391
POCATELLO ID 83204-1391

J STUART DAVIS
RFD
MALAD CITY ID 83252

WALTER JONES
RFD BOX 17
MALAD CITY ID 83252

NORMAN L HOWELL
RFD BOX 63
MALAD CITY ID 83252

DONALD C HUGHES
RT 1 BOX 109
MALAD CITY ID 83252

REX ROSELL MILLS
RT 1 BOX 125-A
MALAD CITY ID 83252

IVAN W SCHWARTZ
CLEO D SCHWARTZ
RT 1 BOX 127
MALAD CITY ID 83252

DELL T TUTTLE
RT 1 BOX 137
MALAD CITY ID 83252

DESCHAMP BROTHERS
RT 1 BOX 139
MALAD CITY ID 83252

NOLAN A BLAISDELL
RT 1 BOX 149 B
MALAD CITY ID 83252

MARK W PETERSON
RT 1 BOX 152
MALAD CITY ID 83252

J DALE BLAISDELL
RT 1 BOX 156
MALAD CITY ID 83252

SAMUEL J DAVIS
RT 1 BOX 169
MALAD CITY ID 83252

BUFORD R MC DANIEL
HELEN H MC DANIEL
RT 1 BOX 171
MALAD CITY ID 83252

JAMES W MADSON
RT 1 BOX 190
MALAD CITY ID 83252

BLAINE K BLAISDELL
RT 1 BOX 22
MALAD CITY ID 83252

DOUGLAS THORPE
RT 1 BOX 222
MALAD CITY ID 83252

JOHN W PRICE
RT 1 BOX 231
MALAD CITY ID 83252

OREN J JONES
RT 1 BOX 243
MALAD CITY ID 83252

MRS EVAN PLATT PRICE
RT 1 BOX 31
MALAD CITY ID 83252

ALVIN T WILLIAMS
RT 1 BOX 426
MALAD CITY ID 83252

LESTER W ATKINSON
RT 1 BOX 42B
MALAD CITY ID 83252

ALVIN J THOMAS
GRACE B THOMAS
RT 1 BOX 47
MALAD CITY ID 83252

PAUL E TUBBS
RT 1 BOX 57
MALAD CITY ID 83252

DAVID R HARRIS
RT 1 BOX 69
MALAD CITY ID 83252

FULLER & FULLER LAW OFFICE
STEVEN R FULLER
PO BOX 191
PRESTON ID 83263

SENATOR MARK HARRIS
1619 8 MILE CREEK RD
SODA SPRINGS ID 83276

REPRESENTATIVE THOMAS F
LOERTSCHER
1357 BONE RD
IONA ID 83427

REPRESENTATIVE MARC GIBBS
632 HWY 34
GRACE ID 83241

UNITED STATES OF AMERICA
ACTING THROUGH USDI BLM
IDAHO STATE OFFICE
1387 S VINNELL WAY
BOISE ID 83709-1657

The following were served by certified mail with return receipt requested:

BRYAN NIELSEN
320 N 400 W
LOGAN UT 84321
15-7375

GORDON SMITH
RHEA SMITH
1605 GRANDVIEW DR N #46
TWIN FALLS ID 8330
15-74171

LAWRENCE VICTOR RICHES JR.
171 MAIN ST #280
LOS ALTOS CA 94022
15-7385

CLINT PRICE
910 W GRANDVIEW DR
MALAD CITY ID 83252
15-7418

SAMARIA WATER AND
IRRIGATION CO
C/O DAVID REEL
5130 S 4400 W
SAMARIA ID 83252
15-7388

JOSEPH WAYMAN
2839 N 3900 W
MALAD CITY ID 83252
15-7419

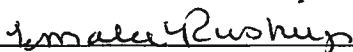
SCOTT LYON
8031 S 2750 E
SOUTH WEBER UT 84405
15-7410

JOHN E WITTMAN
SUSAN J WITTMAN
595 BANNOCK ST
MALAD CITY ID 83252
15-7420

TYLER HOOPES
NORTH RIDGE FARMS LLC
PO BOX 122
MALAD CITY ID 83252
15-7412, 15-7413

MEADOW RANCH LLC
3640 S YELLOWSTONE
IDAHO FALLS ID 83402
15-7422

DANIEL EVANS
5071 S 4600 W
SAMARIA ID 83252
15-7415



Emalee Rushing
Administrative Assistant