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Attorneys for Wellsprings Group, LLC

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

IN THE MATTER OF APPLICATIONS
FOR PERMITS FOR THE DIVERSION
AND USE OF SURFACE AND GROUND
WATER WITHIN THE SNAKE RIVER
BASIN

**WELLSPRINGS GROUP, LLC’S
CHALLENGE AND REQUEST FOR
HEARING**

COMES NOW the Wellsprings Group, LLC (“Wellsprings”), pursuant to I.C. § 42-1701A(3), and hereby files this *Challenge and Request for Hearing* in the above-captioned matter.

On October 21, 2022, the Director of the Idaho Department of Water Resources (“IDWR” or “Department”) issued the *Amended Snake River Basin Moratorium Order* (“Amended Moratorium Order”). Wellsprings owns water right nos. 37-2446, 37-4100, 37-4368B, 37-4369, 37-8205, 37-12158, 37-12159, 37-12160, 37-21614, 37-22127, and 37-22128. Wellsprings’ water rights are located within the “Snake River Moratorium Area” as that boundary is described in Appendix A to the *Amended Moratorium Order*. Moreover, the places of use of Wellsprings’ water rights are also located within the “Big Wood River Ground Water Management Area” as that location is referenced on page 28 of the *Amended Moratorium Order*.

According to the *Amended Moratorium Order*: “Applications for municipal water use and for domestic use from community water systems shall be considered fully consumptive.”

Amended Moratorium Order at 28 (emphasis added). There were no findings of fact made to support the Director’s conclusory assumption that water use for domestic and municipal water systems “shall be considered fully consumptive.” The same “shall be considered fully consumptive” language was used by Deputy Director Mathew Weaver on page 8 of the *Order Establishing Moratorium In the Matter of the Big Wood River Ground Water Management Area* (“Big Wood Moratorium”) that he signed and issued on May 17, 2022. The *Big Wood Moratorium* was challenged by the City of Bellevue, with intervention granted to number of parties, including Wellsprings.

In addition to using the same language regarding future domestic and/or municipal applications, the *Amended Moratorium Order* also directly implicates the *Big Wood Moratorium* when it states:

7. This moratorium applies to applications to appropriate water within the following established moratorium areas:

- Banbury Hot Springs Ground Water Management Area
- Big Wood River Ground Water Management Area
- Twin Falls Ground Water Management Area
- Water District No. 13-T

Amended Moratorium Order at 28 (footnotes omitted) (emphasis added). *See also id.* at 15 (“In May 2022, the Department established a moratorium enjoining the processing and approval of new and pending applications for permits to appropriate water from surface and ground water sources within the BWRGWMA.”).

The Director does not explain in the *Amended Moratorium Order* how water users in the Big Wood River Ground Water Management Area (“BWRGWMA”) can proceed with new applications for permit, subjecting Wellsprings to two, overlapping moratorium orders that may conflict with each other.

If the Amended Moratorium Order’s language that all domestic and/or municipal applications “shall be considered fully consumptive” is not changed to reflect the reality of wastewater disposal with returns to the waters of the state, I.C. § 42-202B(1), Wellsprings’ ability to file new application(s) for permit for domestic and/or municipal purposes of use, without 1 to 1 mitigation, will be infringed. Moreover, the Director should inform water users how he intends to regulate new applications for permit that are now subject to overlapping and competing moratorium orders.

Based on the foregoing, and because the only relief allowed for in the *Amended Moratorium Order* is to contest this action by requesting a hearing, Wellsprings hereby challenges the *Amended Moratorium Order* and requests a hearing in this matter pursuant to I.C. § 42-1701A(3). Wellsprings reserves the right to supplement this filing with a list of issues if so directed by the Department.

DATED this 4th day of November, 2022.



CHRIS M. BROMLEY
Attorneys for Wellsprings Group, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of November, 2022, I served a true and correct copy of the foregoing document on the person(s) whose names and addresses appear below by the method indicated:

Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720
file@idwr.idaho.gov

Via US Mail, Postage Paid
 Via Facsimile
 Hand-Delivered
 Via Efiling



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