

BEFORE THE DIRECTOR  
OF THE  
IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF ) ORDER MODIFYING BOUNDARIES OF  
THE RAFT RIVER ) THE RAFT RIVER CRITICAL GROUND-  
CRITICAL GROUNDWATER AREA ) WATER AREA

WHEREAS, on July 23, 1963 the following part of the State of Idaho containing the Raft River Groundwater basin was declared to be a "Critical Groundwater Area" pursuant to Sections 42-226 and 42-233a, Idaho Code.

Beginning at a point on the southerly boundary of the Burley Irrigation District on the Line common to Ranges 24 and 25 East; thence South on said range line to the westerly boundary of Marsh Creek Drainage; thence southerly on said westerly boundary to Harrison Mountain; thence southerly on the westerly boundary of Raft River Drainage to the south line of the state of Idaho; thence east on said line to a point on the easterly boundary of Raft River Drainage; thence northerly along said easterly boundary to the Snake River; thence westerly along the Snake River to the easterly line of the Burley Irrigation District; thence southerly and westerly along the boundary of said district to the point of beginning," and;

WHEREAS, after completion of various studies of the Raft River Valley, modifications have been made removing certain areas from the critical designation. On August 2, 1965, an area on the extreme northern boundary was removed. On September 19, 1966, the Albion Basin on the west side was removed. On November 16, 1970, the area generally north of the Yale road was removed from the critical designation and;

WHEREAS, the Director received on February 14, 1977, several petitions signed by more than eighty residents of the critical groundwater area requesting that the designation be removed from the upper Raft River Valley, Elba, Yost-Almo subbasins and;

WHEREAS, a public meeting was held in Elba, Idaho on May 6, 1977 to obtain information concerning the request, and all comments favored removing the critical designation from the upper areas of the Raft River Valley and;

WHEREAS, pursuant to Section 42-233a, Idaho Code, the Director of the Department of Water Resources gave notice to the public that he was considering modification of the critical groundwater area by removing the portion

generally described as the upper Raft River Valley, Elba and Yost-Almo subbasins from the designation, and further gave notice that he intended to hold a hearing May 26, 1977 at 7:30 p.m. in the Raft River High School, Malta, Idaho, to consider any oral or written statement that any person might wish to make in support of or against the proposed modification.

WHEREAS, at the hearing the hearing officer extended until June 6, 1977 the time within which written statements would be accepted and;

WHEREAS, public input at the hearing and as written statements has unanimously favored the removal of the critical designation from the Yost-Almo and Elba subbasins and; with some reservations, the removal of this designation from all upper areas of the Raft River Valley and;

WHEREAS, the average rate of underground water outflow from the Yost-Almo subbasin (including Junction Valley) is estimated to be 16,900 acre feet per year (USGS open file report, "The Raft River Basin, Idaho - Utah, as of 1966") and;

WHEREAS, the average rate of underground water outflow from the Elba subbasin has not been fully quantified but has, in part, been estimated to be 600 to 800 acre feet per year ("USGS Open File Report "The Raft River Basin, Idaho-Utah as of 1966") and;

WHEREAS, it is the opinion of the Director that underground water resource the Elba and Yost-Almo subbasin can be developed further without adverse effects to either the ground water resources of the remaining areas designated as critical groundwater areas or the water rights from streams and rivers in the Raft River Drainage. However, the development of ground waters in the Elba and Yost-Almo subbasins must be limited in volume, location and depth of waters appropriated, and place of use of the ground waters if adverse affects to prior rights are to be avoided.

NOW THEREFORE IT IS HEREBY ORDERED, that the Raft River Critical Groundwater area as described in the State Reclamation Engineer's order of July 23, 1963, be further modified to include only the area described as follows:

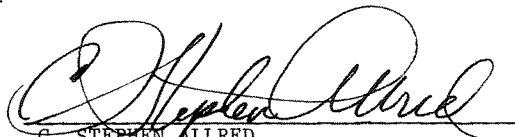
Beginning at the northeast corner of Section 36, T. 10 S., R. 25 E.B.M., that point lying on the line between Ranges 25 E. B. M. and 26 E. B. M.; thence South along said line to the intersection with the easterly boundary of the Marsh Creek Drainage; thence southerly along the drainage divide between the Raft River Basin and the Marsh Creek Drainage Basin to the southern-most intersection of said drainage divide with the line between ranges, 25 E.B.M. and 26 E.B.M.,

thence south along that range line to the boundary line between the states of Idaho and Utah; thence easterly along said boundary line to the intersection of said boundary line with the drainage divide between Raft River Drainage Basin and Black Pine Drainage Basin; Thence northeasterly along the eastern boundary of the Raft River Drainage to the intersection of the Section line common to Sections 26 and 35, T. 10 S., R 29 E.B.M.; then west along a line parallel to and one mile north of the line common to Township 10 South and Township 11 South, to the northeast corner of Section 31, T. 10 S., R. 28 E.B.M.; thence north to the northeast corner of Section 18, T. 10 S., R. 28 E.B.M.; thence west to the northwest corner of section 13, T. 10 S., R. 27 E.B.M.; thence south one mile, thence west one-half mile; thence south one mile; thence west one-half mile; thence south one mile to the northeast corner of Section 34, T. 10 S R. 27 E.B.M.; thence west along a line parallel to and one mile north of the line common to Township 10 South and Township 11 South to the point of beginning; and

IT IS FURTHER ORDERED, that development of the groundwater resources of the subbasins hereby removed from the critical designation be limited to an actual net withdrawal not to exceed the rate of underground water outflow listed herein, or as subsequently determined by the Director. Before taking action on any application to appropriate groundwater in the area hereby opened, the Director will consider the location of the proposed well, the aquifer layer from which water is to be obtained, the location of the place of use, the location of return flow, the requested diversion rate, and any other factor which may determine the affect of the proposed development upon the availability of water to fill prior surface and groundwater rights.

IT IS FURTHER ORDERED, that the above change in the critical designation shall be effective 8:00 a.m. July 22, 1977, and that any application for permit to appropriate groundwater properly filed with the Director for the areas hereby removed from the critical designation between the effective date of this order and the date of its issuance shall be given the date of priority of the time the order is effective.

DATED THIS DAY OF 30<sup>th</sup> June, 1977.

  
C. STEPHEN ALLRED  
Director