

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

IN THE MATTER OF DESIGNATING )  
THE LINDSAY CREEK MANAGEMENT ) ORDER  
AREA )  
\_\_\_\_\_ )

This matter having come before the Director of the Idaho Department of Water Resources ("Department") as a result of concern over the effect of additional ground water pumping on the availability of water to existing wells and senior water rights from a shallow aquifer in the general area of the Lindsay Creek drainage in Nez Perce County, the Director Finds, Concludes and Orders as follows:

FINDINGS OF FACT

1. The Director of the Department of Water Resources has the responsibility to administer the use of ground water in the state of Idaho to protect prior surface and ground water rights and yet allow full economic development of the resource in the public interest. The Director is also authorized to determine areas having a common ground water supply.
2. Conditions in the shallow aquifer in the Lindsay Creek area are approaching the conditions of a critical ground water area. This conclusion is based on reports of well owners, impending land use changes, review of well driller's reports of wells drilled in the area, knowledge of the hydrogeology of the Lewiston area and separate reports completed by a consulting geologist and a Department hydrogeologist.
3. Preliminary estimates by the Department of the amount of underflow in the shallow aquifer indicates that the average rate of future natural recharge to the aquifer is limited. Underflow through the shallow aquifer between Lindsay Creek which forms the southern extent of the aquifer, and an unnamed draw which is tributary to Lindsay Creek

along Old Lapwai Road which forms the northern extent of the aquifer, is only about 190 acre-feet per year.

4. There is an application for permit to appropriate water pending before the Department which proposes diverting ground water from the Lindsay Creek area aquifers. This application, if approved, could result in the diversion of up to 110 acre-feet per year.

5. At least 14 wells have been constructed for domestic purposes and an unknown number of uses from springs rely upon the shallow aquifer for a water supply.

6. A home owner may use water without a permit to appropriate water from the Department of Water Resources under the exemption for domestic uses allowed by Idaho Code 42-227. The average home falling under the domestic exemption uses about 1.2 acre-feet per year. One hundred and seventy homes could use about 200 acre-feet per year.

7. Ground water withdrawals from the shallow aquifer could exceed normal domestic withdrawals depending on future zoning of the Lindsay Creek area. Subdivision of large tracts into five or ten acre domestic or ranchette parcels which develop water from the shallow aquifer for irrigation purposes could result in depletion of the aquifer. Land use patterns in the Lewiston area indicate that landowners with five and ten acre tracts irrigate most of the parcel. Water requirements to irrigate 50 ten-acre lots could exceed 1,500 acre feet per year.

8. Some well owners in the area have reported recent problems with water levels dropping to the point that their pumps have become inoperable.

9. Injury may occur to prior ground water rights relying upon the shallow aquifer system if the additional ground water is pumped by junior priority ground water diversions.

10. A public meeting was held in Lewiston on January 16, 1992 to discuss management options for the Lindsay Creek area. The meeting was attended by about 25 people, mostly residents or landowners within the area. The meeting resulted in a general consensus supporting improved management and additional study of the ground water resource to protect existing investments which rely upon the shallow aquifer.

#### CONCLUSIONS OF LAW

1. Section 42-226, Idaho Code, declares all ground waters to be the property of the state, whose duty it is to supervise the appropriation and allotment of the same.

Aquifers are to be administered to assure that early appropriations of ground water are protected in the maintenance of reasonable ground water pumping levels. Section 42-237a g., Idaho Code, provides that diversions from an aquifer shall not exceed the average rate of future natural recharge to the aquifer.

2. In order to prevent withdrawals from proposed wells from having an adverse impact on prior water rights diverted from surface water and/or ground water supplied by the shallow aquifer, the construction and use of additional wells in the area must be monitored and controlled.

3. Section 42-233b, Idaho Code, authorizes the Director of the Idaho Department of Water Resources to designate "ground water management areas" to allow increased management of the ground water resources. Additional information on the availability of water and the likely affect on existing water rights is required before new uses of ground water will be authorized. Water users may be required to gather diversion data and report withdrawals of ground water. Withdrawal of water may also be curtailed on the basis of priority if the supply is insufficient to satisfy water right demands.

4. The Director of the Department of Water Resources should designate a ground water management area for Lindsay Creek geographic area near Lewiston, Idaho.

#### ORDER

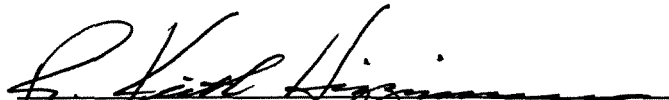
NOW, THEREFORE IT IS HEREBY ORDERED that the following described area be included within and designated as the "Lindsay Creek Management Area" pursuant to the provisions of Section 42-233b, Idaho Code:

Beginning at the intersection of the Old Lapwai Road and the Lindsay Creek Road, located within the NE1/4 NW1/4, S4, T35N, R5W; thence in an easterly direction along the Old Lapwai Road until it crosses the section line common to S3, T35N, R5W and S34, T36N, R5W; thence, easterly along section lines to the W 1/16 corner common to S35, T36N, R5W and S2, T35N, R5W; thence, northerly to the center of the SW1/4, S35, T36N, R5W; thence easterly to the center of the SW1/4, S36, T36N, R5W; thence, northerly to the center of the NW1/4, S36, T36N, R5W; thence, easterly to the center of the NE1/4, S36, T36N, R5W; thence, northerly to the E1/16 corner common to S36 and S25, T36N, R5W;

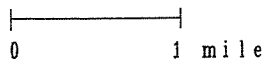
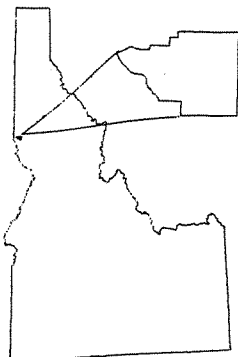
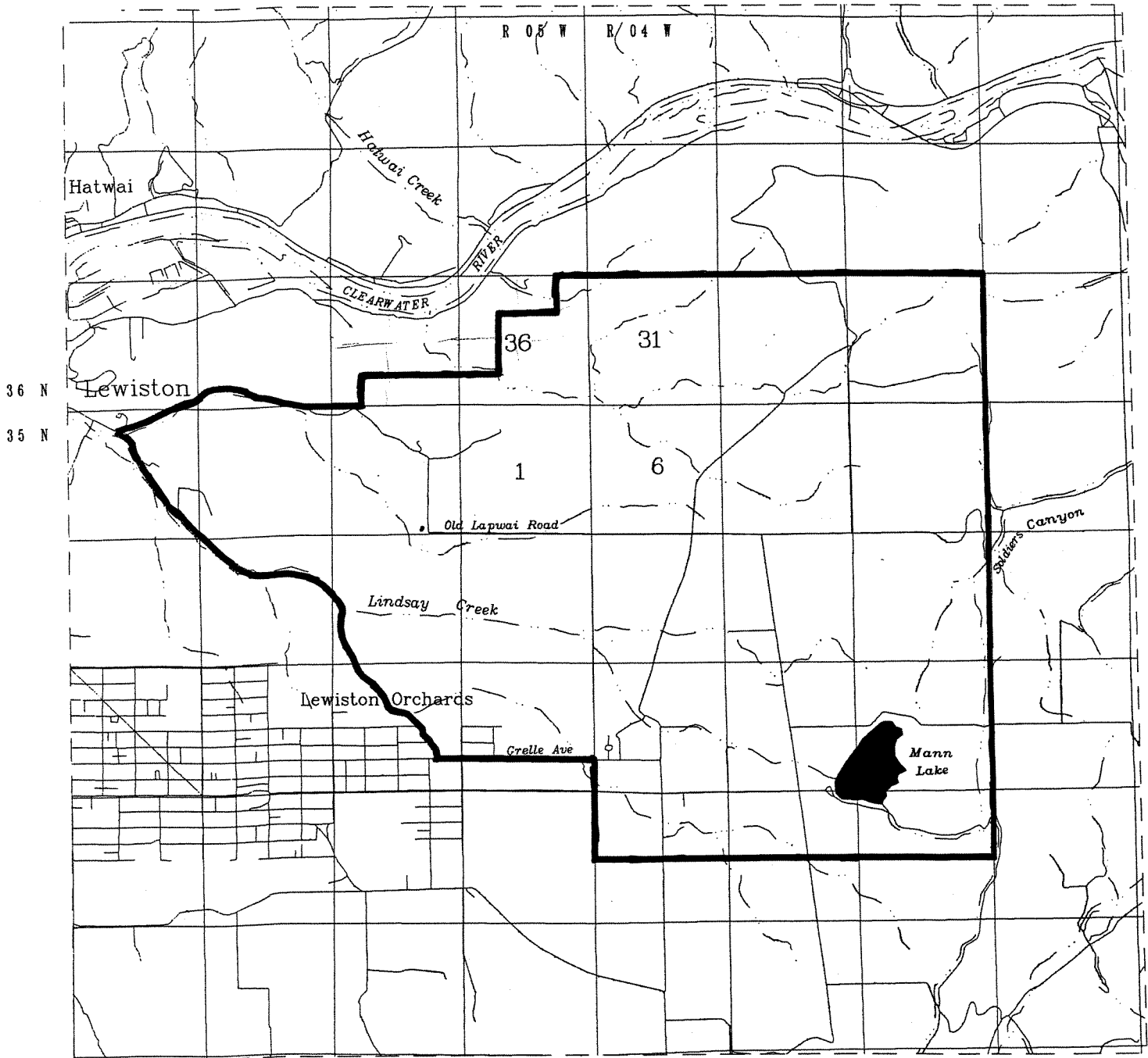
thence, easterly to the NE corner of S33, T36N, R4W; thence, southerly to the East 1/4 corner of S21, T35N, R4W; thence, westerly to the West 1/4 corner of S19, T35N, R4W; thence northerly to Grelle Ave.; thence, westerly along Grelle Ave. to a point where the Lindsay Creek Road intersects with Grelle Ave., located in the NE1/4 SE1/4, S14, T35N, R5W; thence in a northwesterly direction along the Lindsay Creek Road to the True Point of Beginning.

Attached to this Order is a map identified as Attachment 1, which graphically shows the boundaries of the management area.



DATED this 5<sup>TH</sup> day of MARCH, 1992.

  
R. KEITH HIGGINSON, Director  
Idaho Department of Water Resources

# Lindsay Creek Groundwater Management Area



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ATTACHMENT NO. 1

Lindsay Creek GWMA

MANAGEMENT POLICY  
FOR  
THE LINDSAY CREEK MANAGEMENT AREA

I. GENERAL

A. Introduction

The Lindsay Creek Area is located in north central Idaho wholly within Nez Perce County. Lindsay Creek is a tributary to the Clearwater River. The management policy covers an area underlain by a shallow aquifer located adjacent to an north of Lindsay Creek.

B. Geohydrologic Characteristics of Lindsay Creek Area

Several aquifers underlie the Lewiston area. Each of these aquifers occur within basalt flows of the Columbia River Group. Interflow zones between successive flows and joint fractures within individual flows provide the primary conduits for ground water to move. Lacustrine and fluvial sediments of the Latah Formation are interbedded between the basalt flows. Because of their lower hydraulic properties, they generally restrict vertical movement of ground water and cause the aquifers to be separated from each other.

Recharge to the aquifers occurs from infiltration of precipitation in the higher elevations. The deeper aquifers also receive recharge from the Clearwater and Snake Rivers. Discharge from the aquifers occurs through springs and seeps in the lower elevations and through pumpage from wells. Due to their stratified nature and the dramatic elevation differences between areas of recharge and discharge, the basalt aquifers predominantly occur under confined conditions. That is, the water level in a well will rise above the point at which it was first encountered.

Within the Lindsay Creek area, the top of the shallowest basalt aquifer occurs at depths of 120 to 150 feet below land surface. The base of the aquifer is generally encountered at depths of less than 250 feet. Most domestic wells in the area obtain water from this unit.

The areal extent of this aquifer appears to be extremely limited. Local drainages that are tributary to the Clearwater River are deeply incised into the surrounding uplands have cut into the shallow basalt aquifer. The northern extent is defined by an unnamed

draw and the southern extent is defined by the Lindsay Creek drainage. The underflow in the shallow aquifer is estimated to be in the range of 190 acre-feet per year.

## II. STATUTORY REQUIREMENT AND AUTHORITIES

A. Section 42-226, Idaho Code, declares all ground water to be the property of the state, and charges the state with supervising the appropriation and allotment of the same. One of the purposes of this is to assure that early appropriators of ground water are protected in the maintenance of reasonable ground water pumping levels.

B. Section 42-233b., Idaho Code, authorizes the Director of the Department of Water Resources to designate a "Ground Water Management Area" when the water supply in the area may be approaching conditions which could lead to designation as a critical ground water area.

C. Section 42-235, Idaho Code provides that to protect the public health, safety and welfare and environment and to prevent the waste or mixture of any water from a well a permit to drill a well shall be required.

D. Section 42-237 a.g., Idaho Code, empowers the Director to prohibit or limit the withdrawal of water from any well during the period that he determines that water to fill any water right is not available.

## III. MANAGEMENT POLICY

Management policies which could be used in connection with future use of water in the Lindsay Creek area include the designation of all or a portion of the drainages of a ground water management area, critical ground water area or to issue a moratorium on additional permits for development.

The designation of a ground water management area for the Lindsay Creek area is a preferred management policy. Under this policy, additional approvals of well drilling permits and applications for permit to appropriate of ground water from the shallow basalt aquifer system can be granted upon a showing by the applicant and a determination by the Department that the water supply is adequate and other water rights will not be injured.

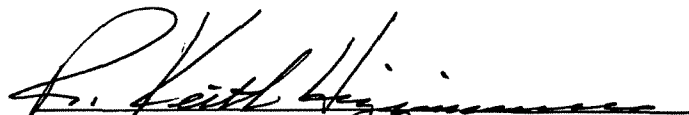
The Director may require record keeping and reporting and may also issue orders if needed to reduce or stop ground water diversions.

This management policy allows the processing of all pending filings. Most applications, including those for domestic purposes which include irrigation of lawns and gardens, will be required to obtain water from the deeper aquifer systems unless the applicants can demonstrate there is adequate water supplies from the shallower aquifer and there will be no injury or can provide acceptable mitigation to prior rights.

This management policy encourages further study of the aquifer and ground water resources of the area. Additional studies and water resource data can be used to demonstrate and/or determine whether or not there are adequate water supplies in the shallow aquifer. Data gathered in any further study should at least include ground water level trends in the shallow aquifer, trends in spring discharges from the aquifer, an inventory of well construction deficiencies, and water quality sampling of springs and shallow wells.

Drilling permits for use of water from the deeper aquifer systems will be conditioned to require the shallow aquifer system to be cased and sealed from the deeper aquifer systems.

DATED this 5<sup>TH</sup> day of MARCH, 1992.

  
R. KEITH HIGGINSON, Director  
Idaho Department of Water Resources