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Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF CREATING A) AMENDED PRELIMINARY
GROUND WATER MANAGEMENT) ORDER CREATING A
DISTRICT IN THE AREA OF) GROUND WATER
BRUNEAU, OWYHEE COUNTY,) MANAGEMENT DISTRICT
IDAHO)

On or about December 17, 1999, a petition for creation of a ground water management district was filed with the Idaho Department of Water Resources (IDWR) by several waterusers who divert ground water and irrigate lands located near Bruneau, Idaho. A map of a proposed ground water management district was attached to the petition. IDWR conducted a hearing for the petition on February 23, 2000 at the Bruneau American Legion Hall. Notice of the hearing was published on January 19 and 26, 2000 in the Owyhee Avalanche and in the Mountain Home News. In addition, written notice of the hearing was mailed to the owners of water rights describing points of diversion within the proposed boundary.

Twenty-eight people attended the hearing. Sid Erwin, Cindy Bachman, Frank Bachman, and John Urquidi testified at the hearing. Additional information and comments were received by IDWR for 14 days following the hearing.

IDWR issued a Preliminary Order Creating a Ground Water Management District on May 19, 2000. The order granted the public until June 6, 2000 to petition for reconsideration or file exceptions to the proposed decision. A written request for inclusion or exclusion from the district, or a written request for modification of the boundaries were considered as petitions for reconsideration.

Requests for inclusion were received from two waterusers, Paul Miller and John Denton. A request for exclusion was received from Ron Roeder. Finally, Simplot Self Declaration Revocable Trust and Simplot Livestock Company (jointly referred to as "Simplot") requested that additional lands owned by Simplot be included in the district. Lands and points of diversion owned by Paul Miller and John Denton were added to the district by including their water rights to the list of water rights contained in "Attachment 1." The lands are also depicted in "Attachment 2." Additional lands and points of diversion owned by Simplot were also included in the district by listing water rights appurtenant to lands owned by Simplot in "Attachment 1." The additional Simplot lands are also depicted in "Attachment 2." IDWR corresponded with Ron Roeder, informing him that his water rights and lands would not be included in the district.

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REQUEST OF
State of Idaho IDWR
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Based on the information submitted at the hearing, during the comment period, and submitted as petitions for reconsideration, IDWR finds, concludes, and orders as follows:

FINDINGS OF FACT

1. The low temperature geothermal ground water in and around the Bruneau area supplies water for a variety of beneficial uses, including water for irrigation, stockwater, and domestic purposes.
2. Two separate low temperature geothermal aquifers have been identified in the Bruneau area. The warmest water is found in a volcanic aquifer, generally at depths exceeding 1000 feet below land surface. Water in the volcanic aquifer is under artesian pressure, and will often freely flow from wells drilled into it. Low temperature geothermal water is also contained in a shallower sedimentary rock aquifer. Water in the sedimentary rock aquifer is not as warm as water in the volcanic aquifer. Water in the sedimentary rock aquifer is under artesian pressure, but usually will not freely flow from a well drilled into it.
3. Pressures or water depths of wells completed in both the volcanic and sedimentary aquifers have been measured in several wells. The lengths of data records vary from 4-5 years to the longest data gathering period of approximately 50 years.
4. Pressures/water levels in the volcanic aquifer have declined over the longer periods of record. Water pressures/levels declined most during the 1960's and 1970's, when irrigation from ground water increased significantly. A naturally flowing, low temperature geothermal spring called the Indian Bathtub, located in the SE1/4SE1/4NW1/4, Section 3, T8S, R6E, ceased flowing following the period of rapid water pressure/level declines. Ground water pressures/levels continued to decline until the early 1990's. Eight monitoring wells were drilled near the Indian Bathtub, and water pressures/levels were measured from 1990 until the present. Water pressures/levels in the monitoring wells did not decline more than five feet during the period of measurement. The water levels in these monitoring wells did not decline significantly from 1990 to the present.
5. Ground water pressures/levels in the sedimentary aquifer have not declined significantly over the period of record.
6. Drought conditions in the state of Idaho during the period from 1987-1992 reduced the natural recharge to the aquifers in the Bruneau area. Lack of precipitation also increased ground water withdrawals from the aquifers during the irrigation season. Less recharge and increased pumping probably caused additional declines in ground water pressures/levels.
7. Beginning in the late 1980's and early 1990's, several thousand acres of irrigated land were idled for approximately ten years by the Conservation Reserve

Program. This reduction of acres irrigated, and a corresponding reduction in water withdrawals, may have counteracted the effect of the drought on ground water pressures/levels during the later years of the drought. Many of these lands are now being recultivated and reirrigated. Irrigation of these additional lands is increasing the diversions of water from the low temperature geothermal aquifers in the Bruneau area.

8. Many of the low temperature geothermal wells were constructed several decades ago, and the well bores were not carefully cased and sealed. Because of the low temperature geothermal water is often corrosive, some of the casings and wellhead piping may also have deteriorated. As a result, low temperature geothermal water is being lost, below or above ground surface, resulting in further pressure or water level declines.

9. The contrast between declines in the water pressures/levels in the volcanic aquifer and the stability of water pressures/levels in the sedimentary aquifer may be caused by the difference in pressure between the two aquifers. Because water will often free flow from wells completed in the volcanic aquifer, water will freely waste to the surface if a flowing artesian well is not shut off or if the well leaks water because of faulty construction or disrepair near the land surface. Because of the pressure gradient between the volcanic aquifer and the sedimentary aquifer, water in the volcanic aquifer may also migrate into the sedimentary aquifer if wells completed in the volcanic aquifer are not properly cased and sealed through the sedimentary aquifer.

10. IDWR inventoried the low temperature geothermal wells in the Bruneau area during the late 1980's and printed a report in 1991 describing the investigation. The investigation discovered that many low temperature wells were wasting water at the ground surface and also stated that many of the wells were also leaking below the ground surface.

11. Annabelle Erwin owns two free flowing, low temperature wells used for irrigation in the Bruneau area. Her son, Sid Erwin, testified at the hearing that when he shut off the flow from the wells in the fall of 1999, he measured the lowest pressure in the wells he had ever measured.

12. Frank and Cindy Bachman own a free flowing, low temperature well used for watering stock in the Bruneau area. Cindy Bachman testified that the well ceased to flow for the first time during the late summer of 1999.

13. The petition for formation of the ground water management district was signed by 14 water users who own water rights to divert low temperature geothermal water in the Bruneau area. A map was attached to the petition that proposed a management district boundary circumscribing the lands of the petitioners. Computations by IDWR determined that the combined flow rates of the water rights owned by the petitioners total more than half of the water rights describing points of diversion within the area proposed by the map.

14. The proposed area is located within the Bruneau-Grandview Ground Water Management Area created by IDWR in 1982.

15. At the hearing, Simplot requested inclusion in the district of lands owned by Simplot located within and near the proposed boundary. Simplot submitted a map showing the additional lands to be included.

16. At the hearing, John Urquidi requested that lands owned by Urquidis be excluded from the district.

17. After the hearing, requests for inclusion were also received from Carmen and Caren Hutton, Asa Black or Ace Black Ranches, and Keith Thomas. Following the issuance of the original preliminary order, requests for inclusion were also received from Paul Miller and John Denton.

18. IDWR identified water rights owned by the requesting landowners and determined where the irrigated lands were located. The water rights authorize a total diversion of 201cfs and irrigation of 9,580 acres. The quantity of ground water authorized for beneficial use on lands owned by requesting landowners is a significant portion of the ground water diverted in the Bruneau area.

19. Ace Black Ranches does not own any ground water irrigation water rights. Ace Black Ranches owns a domestic and stockwater well identified as a point of diversion by water right no. 51-10160. The well is a low temperature, free flowing artesian well.

20. The lands of the waterusers requesting inclusion are located within the Bruneau-Grandview Ground Water Management Area. These lands also overly the volcanic aquifer in which ground water pressures/levels have been declining.

21. Sid Erwin testified that there is money available to investigate and repair/abandon leaky artesian wells. Sid Erwin also testified that the district would be an organization that could seek the funding for the benefit of all the waterusers within the district.

CONCLUSIONS OF LAW

1. Title 42, Chapter 51, Idaho Code, authorizes the Director of IDWR to form a ground water management district for the purpose of financing the repair or abandonment of poorly constructed, improperly maintained, or improperly operated artesian wells where water levels or water pressures in the aquifer are declining because of flow, leakage or waste from the wells.

2. Idaho Code § 42-5103 states:

Within ninety (90) days after the hearing has been concluded, the director after due consideration of all relevant data and testimony shall determine whether the proposed district will provide the benefits described, whether the boundaries proposed are proper with respect to the benefits to be provided, and whether the formation of the district will serve the interest of the water users proposed to be benefited. On the basis of his determination, the director shall enter an order establishing the ground water management district and defining the boundaries thereof to reflect the area to be benefited or denying the formation of the district. If the director orders formation of the district, he shall cause copies of the order, duly certified, to be filed with the secretary of the state and board of county commissioners, county recorder, county assessor and county treasurer of each county in which any part of the district is situated.

3. Idaho Code § 42-5104 states:

(1) The board of directors of the ground water management district shall consist of three (3) members. Each member shall be a water user, or representative of a water user within the district.

(2) The first board of directors shall be appointed by the director of the department of water resources. Water users within the district, or groups thereof, may submit to the director, or the director may solicit therefrom, the names of qualified individuals to be considered for appointment to the board.

4. The ground water management district would promote local control over the low temperature aquifers, seek and obtain money for investigation, repair and abandonment, and eliminate leaks and other losses from the aquifer.

5. Formation of the district benefits IDWR by giving the state a local group with which to work instead of having to deal with each well owner within the district.

6. The waterusers who petitioned for creation of the district will benefit from repair or abandonment of leaky wells because the depletion of the water supply for their water rights will be slowed or arrested by the repair or abandonment.

7. Only lands, water rights, and points of diversion owned by those seeking inclusion in the district should be included within the district boundaries. The lands, water rights, and points of diversion of waterusers who did not request inclusion should not be included within the boundaries of the district.

8. Wells used for domestic purposes as defined in Idaho Code § 42-111 should not be included in the management district. Notwithstanding this general

statement Ace Black Ranches requested that a low temperature well used for domestic and stockwater purposes be included in the district. The well described as a point of diversion by water right no. 51-10160 will be included in the district.

ORDER

IT IS HEREBY ORDERED that the **Bruneau Ground Water Management District is created**. The lands irrigated and points of diversion described by the water rights listed in "Attachment 1" are included in the Bruneau Ground Water Management District.

A map titled "Attachment 2" generally depicts the boundaries of the district and the lands located within the district.

The district shall operated in accordance with the provisions of Chapter 51, Title 42, Idaho Code.

By copy of this order, served upon the requesting landowners, IDWR requests input for the appointment of three directors of the ground water management district as required by Idaho Code § 42-5104.

Dated this 27th day of July, 2000.



GARY SPACKMAN
Hearing Officer

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 3/5th day of July, 2000, the above and foregoing document was served upon the following by placing a copy of the same in the United States Mail, via Certified Mail, postage prepaid and properly addressed to the following:

FRANK & CINDY BACHMAN
PO BOX 186
BRUNEAU ID 83604

TONY BLACK
HC 85 BOX 102
BRUNEAU ID 83604

ERIC DAVIS
BRUNEAU CATTLE CO
HC 85 BOX 138
BRUNEAU ID 83604

JEAN C JEWETT CAMPBELL
HC 85 BOX 118
BRUNEAU ID 83604

JOHN & CHARMAINE DENTON
HC 85 BOX 115
BRUNEAU ID 83604

ANNABELLE ERWIN
HC 85 BOX 178
BRUNEAU ID 83604

BASILIO SUSAETA
C/O PAUL MILLER
HC 85 BOX 168
BRUNEAU ID 83604

PAUL MILLER
HC 85 BOX 168
BRUNEAU ID 83604

ASA BLACK
ACE BLACK RANCHES
HC 85 BOX 101
BRUNEAU ID 83604

CHRIS BLACK
HC 85 BOX 173A
BRUNEAU ID 83604

HARLEY RANCHES
STAR RT BOX 49
HAMMETT ID 83627

CARMON & CAREN HUTTON
HC 85 BOX 146
BRUNEAU ID 83604

I E RANCHES LLC
HC 85 BOX 169
BRUNEAU ID 83604

ANTHONY & NORMA JOLLEY
FAMILY TRUST
PO BOX 641
BRUNEAU ID 83604

PETE MERRICK
HC 85 BOX 149
BRUNEAU ID 83604

JOHN YOUNG
HC 85 BOX 150
BRUNEAU ID 83604

CRAIG CHRISTIANSEN
HC 85 BOX 171
BRUNEAU ID 83604

RICHARD & MARY REINEKE
539 HILL RD
MELBA ID 83641

CHESTER & CATHERINE SELLMAN
HC 85 BOX 169A
BRUNEAU ID 83604

RONALD N GRAVES
JR SIMPLOT SELF DEC TRUST
PO BOX 27
BOISE ID 83707

MARION L SECRIST
HC 85 BOX 111
BRUNEAU ID 83604

M KEITH & GRACE THOMAS
HC 85 BOX 145
BRUNEAU ID 83604

EUGENE & MARY TINDALL
HC 85 BOX 167
BRUNEAU ID 83604

HERMAN YOUNG & SONS
445 N 350 E
MONA UT 84645

The foregoing is a true and certified copy of
the document on file at the department of
Water Resources.

Signed this 5th day of July, 2000

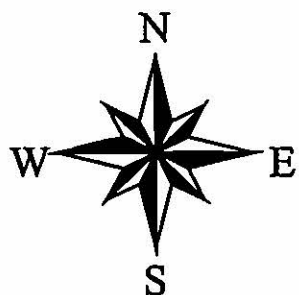
Deborah J. Gibson

Deborah Drew-Ellis
Deborah Drew-Ellis
Administrative Assistant
Water Allocation Bureau

ATTACHMENT 1

Water rights included in the Bruneau Groundwater Management District

51-02089A	51-02164	51-07021
51-02089B	51-02165	51-07022
51-02091	51-02167	51-07041
51-02107	51-02169	51-07047
51-02108	51-02170	51-07054
51-02109	51-02173	51-07058
51-02110	51-02178	51-07064A
51-02113	51-02184	51-07064B
51-02117	51-02192A	51-07082A
51-02120	51-02196	51-07092
51-02121	51-02213A	51-07102A
51-02122	51-02213B	51-07102B
51-02123	51-02228	51-07107
51-02126	51-04004	51-07110
51-02127	51-04018	51-07118
51-02135	51-04019	51-07119
51-02137	51-04020	51-07131
51-02138	51-04021	51-07181
51-02139	51-04023	51-07281
51-02143	51-04048	51-10004
51-02146	51-04049	51-10056
51-02148	51-04051	51-10093
51-02150	51-04058	51-10160
51-02152	51-07008	51-12762
51-02154	51-07013	51-12892
51-02163A	51-07015	



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