BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF THE TWIN FALLS MORATORIUM AREA	**)** **)** **)** **)**	**ORDER EXTENDING MORATORIUM**

WHEREAS, On January 11, 1984, the Director of the Idaho Department of Water Resources ("Department") designated an area in Twin Falls and Jerome Counties as a ground water management area ("GWMA") pursuant to Section 42-233b, Idaho Code, because the thermal-artesian ground water system was approaching the conditions of a critical ground water area; and

WHEREAS, on July 24, 1987, the Director of the IDWR established a five (5) year moratorium on approving applications to appropriate water and limiting development under existing permits to divert and use water from the thermal-artesian ground water system in the area within the GWMA lying within Townships 9 and 10 South and Ranges 16, 17 and 18 East, Boise Meridian ("Twin Falls Moratorium Area"), because the area continued to experience declines in artesian pressures; and

WHEREAS, on July 22, 1992, and on July 24, 1997, the Director extended the moratorium for successive five (5) year periods; and

WHEREAS, on April 25, 2002, the College of Southern Idaho filed a petition seeking extension of the moratorium for an additional five (5) year period; and

WHEREAS, on June 12, 2002, the Department gave notice that extension of the moratorium was being considered; and

WHEREAS, input at a public meeting the Department conducted in Twin Falls on June 28, 2002, and nine (9) written comments received following the meeting from water right holders and other interested persons support actions, such as continuing the moratorium, to protect the resource if studies and other actions are initiated to obtain information needed to develop and implement policies to utilize the water and low temperature geothermal resources in the public interest; and

WHEREAS, hydrogeologic data collected over the past fifteen (15) years indicate artesian pressures have not fully stabilized and the data needed to make an accurate determination of the average rate of recharge to the thermal aquifer are not yet available;

ORDER

NOW THEREFORE, pursuant to Section 42-1805(7), Idaho Code, and IDAPA Rule

37.03.08055 (Water Appropriation Rule 55), IT IS HEREBY ORDERED as follows:

1) The order dated July 24,1987, establishing a moratorium on approval of applications to appropriate and limiting development of existing permits to use the thermal-artesian ground water system in the Twin Falls Moratorium Area is further extended.

2) The provisions of this order are effective for five (5) years from the date issued unless rescinded or modified by order of the Director or a court of competent jurisdiction.

3) An advisory committee of representative water users and others interested in management of the water resources within the Twin Falls Moratorium Area is hereby created to assist in drafting a management plan in accordance with Section 42-233b, Idaho Code. The matters to be considered by the advisory committee to draft a plan and by the Director in the adoption of a plan will include the following:

   a. Requirements and conditions needed to allow development of the resource in the public interest while protecting existing water rights in accordance with Idaho law.

   b. Needed revisions to the area covered by the Twin Falls moratorium order and the management plan.

   c. Well construction and maintenance requirements.

   d. The adequacy of existing monitoring and reporting programs, including the measurement and reporting of withdrawals, and the need and sources of funding for studies of the resource.

4) The Twin Falls Moratorium Area Advisory Committee is hereby created. The Department will accept nominations for appointment to the committee though August 30, 2002. When appointed by the Director, the committee will meet at the call of the Director at a location within the area to provide guidance in the preparation of a management plan. The entities represented by the members are responsible for the costs and expenses incurred by their representative to attend the meetings and to otherwise serve on the committee.

Dated this 24th day of July 2002.

Signed – Norman C. Young
for KARL J. DREHER, Director