BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION )
FOR PERMIT NO. 15-7347 IN THE ) ORDER TO AUGMENT
NAME LAWRENCE V. (VIC) RICHES ) RECORD

On April 9, 2012, James Cefalo, hearing officer for the Idaho Department of Water Resources ("IDWR"), issued a Preliminary Order Issuing Permit ("the preliminary order"). The preliminary order was issued following a hearing.

Protestants Brent and Shauna Clark ("Clarks") timely petitioned the hearing officer to reconsider his decision. On April 30, 2012, the hearing officer denied the petition for reconsideration.

Following the denial of the petition for reconsideration, Clarks timely filed exceptions in the form of an administrative appeal to the Director of IDWR. The exceptions raised concerns about the sufficiency of the ground water supply and possible injury to Clarks' domestic ground water right and to surface water rights.

In reviewing the record, the Director determined that IDWR data and records about ground water levels and surface water flows in the Malad River Basin were not a part of the administrative hearing record. As a result, the hearing officer was not able to review the water data and determine whether these data would bear on the sufficiency of water supply or injury factors statutorily required for consideration when IDWR reviews a new water right application.

IDWR water data described above should be available to and considered by IDWR before a final decision is issued.

ORDER

IT IS HEREBY ORDERED that the administrative hearing record in the above contested case shall be augmented with Malad River Basin ground water level and stream flow data in IDWR's possession. A summary of the ground water level and stream flow data is appended to this order as Attachment no. 1. The full data set supporting the attached summary can be found electronically at either of the following hyperlinks:
http://www.idwr.idaho.gov/WaterManagement/Orders/default.htm or
http://waterdata.usgs.gov/id/nwis/inventory/?site_no=10118200&agency_cd=USGS&amp

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If the parties have difficulty accessing the data, they may contact Deborah Gibson, Assistant to the Director, P.O. Box 83720, Boise, ID 83720-0098, phone number (208) 287-4803.

IT IS FURTHER ORDERED that the parties shall have an opportunity for a hearing to present additional evidence and testimony about the Malad River Basin water data. **Any party desiring an additional hearing shall request a hearing in writing with the Director of IDWR on or before July 23, 2012.** Additional evidence presented at any hearing granted will be strictly limited to information about ground water levels and stream flows in the Malad River Basin.

Dated this 25th day of June, 2012.

[Signature]

Gary Spackman
Interim Director
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of June, 2012, a true and correct copy of the document(s) described below was served by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Document(s) Served: Order to Augment Record

Lawrence V. (Vic) Riches, Jr.  
10410 W. Loyola Dr.  
Los Altos, CA 94024

Brent Clark  
Two Buck Chuck, LLC  
54778 Happy Valley Ln  
Mt. Vernon, OR 97865

David Reel  
5176 South 4400 West  
Malad, ID 83252

G. Marlynn Holgate  
4016 W. Samaria Rd.  
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Brad Warren  
5199 South 4600 West  
Malad, ID 83252

Dahrl U. Hughes  
5196 South 4400 West  
Malad, ID 83252

Kody Warren  
5196 South 4600 West  
Malad, ID 83252

Deborah J. Gibson  
Assistant to the Director
ATTACHMENT NO. 1
MEMO

State of Idaho
Department of Water Resources

322 E Front Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 287-4800  Fax: (208) 287-6700

Date: June 25, 2012
To: Gary Spackman, Hearing Officer
cc: Sean Vincent, Hydrology Section Manager
From: Mike McVay, Hydrology Section; Liz Cresto, Hydrology Section
Subject: Water-level data for wells in the Malad Basin, Oneida County, Idaho

This memorandum was prepared in response to an order to augment the record for the Application for Permit No. 15-7347.

The groundwater data records begin on various dates and continue until March of 2012. The following hydrographs illustrate the water-level information collected from the seven Malad Basin wells that IDWR currently monitors.

The surface water and spring data records begin on various dates and continue for varying lengths of time. All surface water flow records cease by the 1980’s. Hydrographs of surface water data as well as hyperlinks to the USGS data center are included in the following pages.

Groundwater and surface water data are provided electronically in accompanying spreadsheets titled Malad_GW_Data.xlsx and Malad_SW_Data.xlsx, respectively.
Figure 1. Location map for wells in the Malad Basin that are measured by IDWR.
Figure 2. Water levels in well 16S 36E-14DBC1.
Figure 3. Water levels in well 15S 36E-22ABA1. Note that negative depths indicate that the water level is above land surface.
Figure 4. Water levels in well 15S 35E-22AAB1.
Figure 5. Water levels in well 15S 36E-03BAA1.
Figure 6. Water levels in well 15S 35E-01DAA1. Note that negative depths indicate that the water level is above land surface.
Figure 7. Water levels in well 14S 35E-22ABA1.
Figure 8. Water levels in well 14S 35E-13DBA1.
USGS 10118200 MALAD RIVER BEL MALAD SPRINGS NR MALAD ID

http://waterdata.usgs.gov/id/nwis/inventory/?site_no=10118200&agency_cd=USGS

--- Provisional Data Subject to Revision ---
USGS 10118500 WRIGHT CREEK NR DANIELS ID

http://waterdata.usgs.gov/id/nwis/inventory/?site_no=10118500&agency_cd=USGS&format=pdf

![Graph showing daily discharge and period of approved data](image-url)
USGS 10122500 DEVIL CREEK AB CAMPBELL CREEK NR MALAD CITY ID

http://waterdata.usgs.gov/id/nwis/inventory/?site_no=10122500&agency_cd=USGS

![Graph showing daily discharge, cubic feet per second from 1940 to 1960. Daily mean discharge, period of approved data, and estimated daily mean discharge are indicated.]
USGS 10123000 DEVIL CREEK AB EVANS DIVIDERS NR MALAD CITY ID
http://waterdata.usgs.gov/id/nwis/inventory/?site_no=10123000&agency_cd=USGS&amp;
USGS 10123500 DEVIL CREEK NR MALAD CITY ID
http://waterdata.usgs.gov/id/nwis/inventory/?site_no=10123500&agency_cd=USGS&
USGS 10124000 DEEP CREEK AB THIRD CREEK NR MALAD CITY ID

http://waterdata.usgs.gov/id/nwis/inventory/?site_no=10124000&agency_cd=USGS&

USGS 10124000 DEEP CREEK AB THIRD CREEK NR MALAD CITY ID

DAILY Discharge, cubic feet per second

Nov 1931 Jan 1932 Mar 1932 May 1932 Jul 1932 Sep 1932

Daily mean discharge
Period of approved data
USGS 10124500 THIRD CREEK NR MALAD CITY ID

http://waterdata.usgs.gov/id/nwis/inventory/?site_no=10124500&agency_cd=USGS&
USGS 10125000 DEEP CREEK BL FIRST CREEK NR MALAD CITY ID

http://waterdata.usgs.gov/id/nwis/inventory/?site_no=10125000&agency_cd=USGS&

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Daily mean discharge      Period of approved data
Estimated daily mean discharge

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USGS 10125500 MALAD RIVER AT WOODRUFF ID

http://waterdata.usgs.gov/id/nwis/inventory/?site_no=10125500&agency_cd=USGS&
This is a list of sites that the USGS has collected some data but the data is not available online. These sites typically have very limited data. Data for the sites is not limited to flow data. Other types of data such as water quality could have been collected.

10120350  LTL MALAD RIVER AB ST JOHNS CANAL NR MALAD CITY ID
10120400  ST JOHNS CANAL NR MALAD CITY ID
10120700  MALAD RIVER NR MALAD CITY ID
10121500  MALAD RIVER BEL SPRINGS, NEAR MALAD CITY, ID
10122000  MALAD RIVER NEAR SAMARIA, ID
10124600  DEEP CREEK RES NR MALAD CITY ID
10125080  DEEP CREEK NR MALAD CITY ID
10125100  CROTHERS RES AT MALAD CITY ID
10125200  MALAD RIVER NR WOODRUFF ID
13073800  TAILRACE OF POWERPLANT ON BIRCH CREEK NR MALAD ID
420322112144101  16S 36E 10BBD1S WOODRUFF SPRINGS
420740112125601  15S 36E 11DCD1S
420847112135001  15S 36E 03DAC1S
420919112205401  15S 35E 03AAB1S  water quality samples
421024112142201  14S 36E 27CD1S  water quality samples
421127112135900  14S 36E 27DB 1S  water quality samples
421318112125300  14S 35E 09AD 1S  water quality samples
421550112151900  13S 36E 28DB 1S  water quality samples
422024112261801  12S 34E 36BCB1S  water quality samples
422039112262801  12S 34E 26DDC1S
422243112271501  12S 34E 14CBA1S LITTLE  water quality samples