

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

IN THE MATTER OF MANAGEMENT    )  
OF GROUND WATER WITHIN THE       )  
LEWISTON PLATEAU GROUND           )  
WATER MANAGEMENT AREA           )  
\_\_\_\_\_)

**FINAL ORDER**  
**ADOPTING GROUND WATER**  
**MANAGEMENT PLAN**

The Director of the Idaho Department of Water Resources (“Director” or “Department”) is responsible for managing the allocation and use of ground water resources in the state of Idaho. Previously, the Director designated a ground water management area for the Lewiston Plateau. An advisory committee was formed to facilitate management of ground water in the Lewiston Plateau area located in Nez Perce County within the State of Idaho. The advisory committee submitted to the Director a “Recommended Management Plan.” The plan recommends policy and strategies to curb the trend of declining ground water levels within the shallow aquifers to protect the resource and the water rights of existing ground water users, while maximizing the public benefit for future uses of ground water resources in areas where sustainable water supplies can be identified. Based upon the recommended plan and his understanding of the law governing management of ground water resources, the Director adopts the ground water management plan for the Lewiston Plateau Ground Water Management Area in the following Findings of Fact, Conclusions of Law, and Order.

**FINDINGS OF FACT**

1. On May 20, 2013, the Director designated the Lewiston Plateau Ground Water Management Area (“LPGWMA”) by final order (“Designation Order”).
2. The Lewiston Plateau area is located in Nez Perce County within the State of Idaho and includes the City of Lewiston and the Lewiston Orchards Irrigation District. The area overlies two aquifer systems; a deep regional basalt aquifer in the Grande Ronde Formation, and a series of shallow perched aquifers in the basalt flows and sedimentary interbeds of the Wanapum and Saddle Mountain Formations.
3. The Designation Order created the LPGWMA Advisory Committee, comprised of members from representative water user and citizen groups from the area. The advisory committee was created to draft a management plan to manage the effects of ground water withdrawals on the aquifer(s).
4. The LPGWMA Advisory Committee met several times to draft a recommended ground water management plan for the LPGWMA. The Department conducted a public meeting on September 16, 2014 in Lewiston, Idaho to discuss a version of the plan dated August 12, 2014 (“draft plan”). The Department received written comments regarding the draft plan following the public

meeting. After considering the comments received, the Department revised the draft plan on November 18, 2014 and delivered copies to the LPGWMA Advisory Committee.

5. On February 3, 2015, the LPGWMA Advisory Committee met to review the November 18, 2014 revised draft plan and agreed to recommend its approval as written. The advisory committee further recommended use of a higher resolution map of the LPGWMA as part of the plan. On February 12, 2015, the LPGWMA Advisory Committee submitted the November 18, 2014 revised draft plan as the "Recommended Management Plan" to the Department for approval by the Director.

### CONCLUSIONS OF LAW

1. The LPGWMA was designated pursuant to the provisions of Idaho Code § 42-233b, which provides in pertinent part:

When the director of the department of water resources designates a ground water management area, or at any time thereafter during the existence of the designation, the director may approve a ground water management plan for the area. The ground water management plan should provide for managing the effects of ground water withdrawals on the aquifer from which withdrawals are made and on any other hydraulically connected sources of water.

2. A ground water management plan, incorporating as appropriate the recommendations of the advisory committee, should be adopted for the LPGWMA.

### ORDER

IT IS HEREBY ORDERED that the Director adopts the "Recommended Management Plan" dated November 18, 2014 for the LPGWMA as a final ground water management plan. The document will be retitled "Final Ground Water Management Plan" and will be dated March 25, 2015. The Final Ground Water Management Plan is attached to this Order and is incorporated into this Order and notice of the order shall be mailed to participants of the public information meetings for establishment of LPGWMA on February 13, 2013 and management plan held on September 16, 2014.

DATED this 25<sup>th</sup> day of March, 2015.

  
GARY SPACKMAN  
Director

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25<sup>th</sup> day of March, 2015, a true and correct copy of the documents described below were served on the following as noted.

Documents Served: Final Order Adopting Ground Water Management Plan  
Explanatory Information to Accompany a Final Order

Emailed to:

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**LEWISTON PLATEAU GROUND  
WATER MANAGEMENT AREA**

**FINAL GROUND WATER  
MANAGEMENT PLAN**

**March 25, 2015**

# **LEWISTON PLATEAU GROUND WATER MANAGEMENT AREA GROUND WATER MANAGEMENT PLAN**

## **I. INTRODUCTION**

Ground water resources supply much of the drinking water, irrigation and industrial needs of the newly designated Lewiston Plateau Ground Water Management Area ("LPGWMA"). The area covers approximately 52,000 acres and includes various private ground water users that fall within outlying areas of Nez Perce County and two major municipalities, the City of Lewiston and the Lewiston Orchards Irrigation District. The City of Lewiston is the second largest city in the northern Idaho region, behind Coeur d'Alene, and the ninth largest city in the state. As of 2012, the population census for the city was 32,051 residents as compared to the county wide population census of 39,531. The majority of this population is dependent on ground water to supply its needs. Therefore, careful management of the ground water supplies is essential for the long-term economic vitality of the area. In 1988, the Lewiston Basin Aquifer (also referred to as the Russell Aquifer or Regional Aquifer) was federally designated a sole source aquifer which means it is the principal source of the water supply for the area.

On March 5, 1992, the Director ("Director") of the Idaho Department of Water Resources ("IDWR") issued an order designating the Lindsay Creek Ground Water Management Area ("GWMA") along with a management policy pursuant to Idaho Code § 42-233b. The area was designated as a result of concerns over the effect of additional ground water pumping on existing wells and senior water rights from the shallow aquifers in the general area of the Lindsay Creek drainage in Nez Perce County.

Ground water level monitoring data from the Lindsay Creek GWMA and the Tammany Creek area to the south indicate that the shallow aquifers overlying the Grande Ronde basalt formation have continued to experience declines in water levels since at least the year 2000. The continued declines in the expanded area caused the Director to conclude that the Lindsay Creek GWMA and the associated management policy were not effectively administering and protecting existing water rights and the ground water resources in the area. On May 20, 2013, the Director signed an order designating the new Lewiston Plateau Ground Water Management Area and rescinding the Lindsay Creek GWMA. A copy of the Final Order is included in Appendix A. The LPGWMA redefines the area of concern beyond the Lindsay Creek area and provides an opportunity to develop a new management plan, based on input from the public, to allow for increased management of the ground water resources and protection of prior water rights.

The deep regional aquifer within the LPGWMA provides a water source for three major water suppliers (City of Lewiston, Lewiston Orchards Irrigation District, and Asotin PUD). Despite extensive usage, water levels in the regional aquifer have not declined<sup>1,2</sup>. Well depths for the City of Lewiston wells and Lewiston Orchards Irrigation District wells completed into the regional aquifer range from 385 feet to 2,617 feet. The regional aquifer underlies about 14 square miles in the northwestern-most part of Nez Perce County. The aquifer extends about three miles south of downtown Lewiston, perhaps as far as Tammany Creek. The eastern boundary is inferred to generally follow the Lindsay Creek drainage from the Clearwater River to the southeast for four miles and then south to Tammany Creek. The location of the eastern boundary is not currently well understood<sup>2</sup>. The location of the southern boundary is also uncertain.

There are also a series of shallow aquifers within the LPGWMA. These shallow aquifers receive varying amounts of usage dependent on the density of small private well development. Appendix B is a map of the LPGWMA with three designated subareas (A, A-1, and B), which are based on current population density and hydrogeological knowledge of the area. The density of wells completed in the shallow aquifers is highest along Tammany Creek (Area A), and along Lindsay Creek and in the Plateau east of Lindsay Creek (Area A-1). Well density in Area B is very sparse west of Tammany Creek. In the southeast corner of Area B, the well density is higher in a small (1/2 square mile) area of development. The regional aquifer has been identified throughout various parts Area A, but the location and extent of the regional aquifer is not well defined. In Areas A-1 and B, the extent and existence of the regional aquifer have not been determined.

A key component of the Director's order establishing the LPGWMA is the development of this Ground Water Management Plan ("Plan") to manage the effects of ground water withdrawals on the area aquifers. Prior to establishing the LPGWMA, a public meeting was held on February 12, 2013 at the Department of Fish and Game office in Lewiston to solicit public input regarding declining ground water levels and management alternatives for the expansion of the Lindsay Creek Ground Water Management Area. More than 80 individuals of the public and private sectors attended the meeting of which approximately 14 expressed interests in being included in a Citizens Advisory Committee ("Advisory Committee"). The Advisory Committee, comprised of local public and private interests, was then formed to assist and advise the Director with the development of this Plan. The Advisory Committee met six times, once a month, between April 24<sup>th</sup> and September 25<sup>th</sup> 2013. Each scheduled Advisory Committee meeting was open to the general public, and notice was posted at the

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<sup>1</sup> Neely, Kenneth, W., 2012, Summary of Ground Water Level Data and Trends in the Lindsay Creek Ground Water Management Area and the Tammany Creek Area, 2012. IDWR Open File Report, 21

<sup>2</sup> Ralston, D., 2013. Shallow Aquifer Systems in the Lewiston Basin. Memo to IDWR, 3 p.



Department of Water Resources office in Coeur d'Alene. Minutes of each meeting were recorded and approved by the committee throughout the process. In addition, copies of the minutes were posted on the Nez Perce County website so local citizens could be kept informed of the committee's progress. All comments received supported the development of a ground water management plan. This Plan was developed with input and recommendations of the Advisory Committee.

This Plan recommends policy and strategies to curb the trend of declining water levels within the shallow aquifers to protect the resource and the water rights of existing ground water users, while maximizing the public benefit for future uses of ground water resources in areas where sustainable supplies can be identified.

## **II. PURPOSE AND AUTHORITY**

This Plan recommends policy to govern the administration of ground water resources within the boundaries of the LPGWMA pursuant to *Idaho Code*.

Idaho Code § 42-223(4) provides that a water right shall not be lost or forfeited if the reason for nonuse of the water is to comply with the provisions of a ground water management plan.

Idaho Code § 42-226 declares all ground water in Idaho to be the property of the state, and charges the state with supervising the appropriation and allotment of the same.

Pursuant to Idaho Code § 42-231, it is the duty of the Director to "control the appropriation and use of the ground water of this state as in this act provided and to do all things reasonably necessary or appropriate to protect the people of the state from depletion of ground water resources contrary to the public policy expressed in this act."

Idaho Code § 42-233b authorizes the Director to designate a "Ground Water Management Area" when the water supply in the area may be approaching conditions that could lead to designation as a "Critical Ground Water Area." This section also authorizes the Director to approve a ground water management plan, the purpose of which is to provide for managing the effects of ground water withdrawals on the aquifer and any other hydraulically-connected sources of water.

Idaho Code § 42-233b also provides that "applications for permits made within a ground water management area shall be approved by the director only after he has determined on an individual basis that sufficient water is available and that other prior water rights will not be injured." The section also authorizes the Director to "require all water right holders within a designated water management area to report withdrawals of ground water and other necessary information for

the purpose of assisting him in determining available ground water supplies and their usage.”

Idaho Code § 42-235 provides that “prior to beginning construction of any well, or changing the construction of any well, the driller or well owner shall obtain a permit from the director of the department of water resources to protect the public health, safety and welfare and the environment, and to prevent the waste of water or mixture of water from different aquifers.”

Idaho Code § 42-237a provides in pertinent part that the Director is empowered:

- b. To require wells to be constructed and maintained to prevent waste of ground water through leaky wells or casings,
- c. To prescribe uniform scientific methods to determine water levels,
- g. To supervise and control the exercise and administration of all rights to the use of ground waters. Water in a well shall not be deemed available...if withdrawal therefrom...would affect the present or future use of any prior surface or ground water right or result in the withdrawing of the ground water supply at a rate beyond the reasonably anticipated average rate of future natural recharge.

Idaho Code § 42-701(1) provides that appropriators or users of any public water of the state shall construct and maintain, when required by the Director, a measuring device for the purpose of assisting the watermaster or IDWR in determining the amount of water that may be diverted.

Idaho Code § 42-701(5) provides that appropriators or users of any public water of the state shall, upon written notice by the Director, measure and report diversions of water, to include the depth to water in any well.

Idaho Code § 42-706(1) provides that the Director is authorized to create water measurement districts to properly administer uses of the water resource.

Pursuant to Idaho Administrative Code, IDAPA Rule 37.03.09.025.01, the well driller must construct each well as follows:

- (a) The Director may add conditions of approval to a drilling permit issued pursuant to Rule 45 of the rules to require that a well be constructed, modified or decommissioned (abandoned) in accordance with additional standards when necessary to protect ground water resources and the public health and safety from existing contamination and waste or contamination during the construction, modification or decommissioning (abandonment) of a well.
- (b) In consideration of the geologic and ground water conditions known to exist or anticipated at the well site.

- (c) Such that it is capable of producing, where obtainable, the quantity of water to support the allowed or approved beneficial use of the well, subject to law.

Idaho Administrative Code, IDAPA Rule 37.03.09.025 provides standards for the construction of cold water wells.

Pursuant to Idaho Administrative Code, IDAPA Rule 37.03.09.045.01e, the Director will not give a verbal approval or allow the use of a start card permit for wells constructed in a designated Area of Drilling Concern, Critical Ground Water Area, or Ground Water Management Area.

### **III. DEFINITIONS**

- A. Lewiston Plateau Ground Water Management Area. That part of the Lewiston Plateau situated south of the Clearwater River and east of the Snake River within IDWR's Administrative Basin 85 as shown on the map in Appendix B of this plan.
- B. Director. The Director of the Idaho Department of Water Resources.
- C. Injury. Injury to a senior priority water right occurs when water diverted under a junior priority water right diminishes the amount of water that otherwise would have been physically and legally available for the use authorized under the senior priority water right.
- D. Regional Aquifer. The Regional Aquifer is composed dominantly of basalt flow contact zones of the Grande Ronde Formation and is hydraulically connected to and receives recharge from the Snake River.
- E. Shallow Aquifer(s). The Shallow Aquifers are "perched" above the Grande Ronde formation and are composed dominantly of basalt flow contact zones of the Saddle Mountain and/or Wanapum Formations, and are not hydraulically connected to the Snake River but may receive small amounts of recharge from precipitation and irrigation.

### **IV. GOALS**

The goals of the Plan are to:

- A. Protect existing shallow aquifers from further decline.
- B. Protect existing and future ground water rights and ground water quality.

- C. Improve the understanding about the existence and location of the regional and shallow aquifers.
- D. Encourage education and outreach efforts that promote conservation of the ground water resources.
- E. Provide reasonable growth opportunities from available water supplies.

## **V. WATER USE POLICIES**

The Advisory Committee recommends the following water use policies for the protection and conservation of ground water resources, to the extent economically and practically feasible, to achieve the goals outlined in Section IV.

- A. Promote the use of surface water, where available, for new uses of water.
- B. Divert from the regional aquifer for new municipal, domestic or other ground water uses as appropriate.
- C. Encourage use or development of these same sources to replace use from shallow aquifers particularly when water users are considering deepening wells currently sourced from the shallow aquifers.
- D. Promote community water systems and/or the expansion of existing municipal water systems.
- E. Condition or restrict new domestic water rights, as defined by Idaho Code § 42-111, from the shallow aquifers through well drilling permits.<sup>3</sup>
- F. Require applicants for new ground water uses/rights from the shallow aquifers to establish that there is a sufficient supply of water available to support the new appropriation and that other prior water rights will not be injured by a new appropriation.
- G. Require conservation plans for all new municipal or community water rights or changes to existing water rights held by municipal purveyors, and for all systems regulated as public water systems.

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<sup>3</sup> Wells for domestic purposes, as defined in Idaho Code § 42-111, are not subject to the application for permit (water appropriation) requirements referenced under Idaho Code § 42-229. Pursuant to IDAPA 37.03.09.045.01e, the use of start card drilling permits will not be allowed in Ground Water Management Areas, and a written application ("long form") must be received and approved by IDWR prior to drilling.

## **VI. IMPLEMENTATION STRATEGIES**

The Director will implement the goals and policies through the following strategies:

### **Monitoring**

1. Monitoring in the LPGWMA shall be continued as a cooperative effort among ground water users and IDWR. Monitoring consists of a ground water level monitoring network. The Director may require metering and water use reporting as well as water quality/characteristic testing to aid in distinguishing water sources. The Director may consider creating a water measurement district to the extent such district can assist with collection of necessary data and funding for an expanded ground water level monitoring network.
2. The existing ground water level monitoring network will be maintained by IDWR with the intent to expand contingent upon funding availability. Data from the monitoring network shall be maintained in IDWR's data base.
3. Annual data for the period January 1 through December 31 from the above monitoring activities will be compiled in an annual report prepared by IDWR. The summary report will be presented to the LPGWMA Advisory Committee at its annual meeting. The monitoring results will be reviewed and evaluated by the Advisory Committee and IDWR to determine if changes in the ground water level monitoring network are necessary.
4. The Director may require monitoring and reporting for any new ground water diversion approval within the LPGWMA to the extent that such monitoring would be expected to yield data relevant to the boundaries and conditions of the LPGWMA.
5. IDWR approved monitoring equipment shall be required for any data collection activities required by the Director.
6. The Director shall condition all future well drilling permits to require the installation of monitoring conduits for electrical tape water level measuring and transducer deployment. The Director will encourage the installation of a monitoring conduit in existing wells at the time of well modification and/or well/pump maintenance. Additionally, drilling permits may be conditioned to provide for an access agreement between IDWR and the landowner for well monitoring purposes.

## A. New Applications

Applications to (1) drill a well, (2) appropriate water, or (3) transfer the point of diversion to another aquifer or the location of the well a horizontal distance of more than one-quarter of a mile in the LPGWMA may be approved by the Director only after he has determined, based upon information submitted by the applicant, that sufficient water is available and other prior water rights will not be injured. Based upon current hydrologic information available to the Department, the Director concludes future diversions of water from the shallow aquifers in the LPGWMA, including domestic uses as defined by Idaho Code § 42-111, will likely injure existing water rights whose authorized points of diversion divert ground water from the shallow aquifers in the LPGWMA. Approval of future uses of water diverted from the shallow aquifer in the LPGWMA, including exempt domestic uses as defined in Idaho Code § 42-111, should be restricted. When considering any application for water right, application for transfer, or application for drilling permit seeking to divert water from shallow aquifers underlying the LPGWMA, the Director will presume that future diversions from shallow aquifers will likely injure existing water rights and the applicant must prove, by clear and convincing evidence, that the proposed diversion will not injure other water rights and that there is sufficient water in the shallow aquifer for the purpose sought. This same hydrologic information leads the Director to conclude that it is likely sufficient water is available for appropriation from the deeper regional aquifer, where it exists in the LPGWMA. Use of the deeper regional aquifer should be encouraged.

Because the extent of the shallow aquifers within the LPGWMA is not well defined in all areas and existing information suggests there is limited opportunity for development in certain subareas, the subareas shown in Appendix B will be used to initially define areas where exempt domestic uses from the shallow aquifers may be considered under certain conditions.

1. Area A: Applications for new appropriations of ground water and applications for well drilling permits for exempt domestic wells will be limited to use from the regional aquifer unless the applicant can establish, by clear and convincing evidence, that the proposed diversion of water will not injure other water rights, and that there is sufficient water for the purpose sought. The location and extent of the regional aquifer is unknown. Refer to Section VII – Construction, Modification, and Deeping of Wells for well development requirements.
2. Area A-1: Applications for new appropriations of ground water will be limited to use from the regional aquifer. The location and extent of the



regional aquifer is unknown. Refer to Section VII – Construction, Modification, and Deeping of Wells for well development requirements.

Well drilling permits for exempt domestic wells as defined in Idaho Code § 42-111 may be approved into shallow aquifers if the applicant can show by clear and convincing evidence, that there is a sufficient water supply and that there will be no injury to prior water rights. If approved, exempt domestic wells will likely be limited to a single family residence in-house use only, and well development will likely not be allowed into the upper Saddle Mountain basalt formation, estimated to be located between 150 to 250 feet below ground level.

3. Area B: All applications for new appropriations of water, except domestic use in some cases, will be limited to use from the regional aquifer. The location and extent of the regional aquifer is unknown. Refer to Section VII – Construction, Modification, and Deeping of Wells for well development requirements. Due to the low density of development, well drilling permits for domestic uses may be approved into the shallow aquifers under limited conditions as described below.

On average, there are approximately 12 inches of natural precipitation in the Lewiston area per year. Of the 12 inches of natural precipitation, it is estimated that 0.5 inches<sup>4</sup> can be attributed to shallow ground water recharge. The estimated recharge amount over the 52,000 acres of surface area within the ground water management area yields an approximate recharge volume of 2,167 acre-feet per year. On a per acre basis, the amount of recharge is estimated at 0.04 acre-feet and for a 40 acre parcel of land the volume is calculated to be 1.67 acre-feet. The 1.67 acre-feet is of similar magnitude to the 1.2 acre-feet of annual volume that is generally allotted to a new domestic water right license issued by IDWR. Under Idaho Code § 42-237(a) "Water in a well shall not be deemed available to fill a water right therein if withdrawal therefrom of the amount called for by such right would affect...the present or future use of any prior surface or ground water right or result in the withdrawing of the ground water supply at a rate beyond the reasonably anticipated average rate of natural recharge." The estimated amount of natural recharge per 40 acres justifies a minimum separation of 1,000 linear feet in the horizontal plane between any wells diverting water from a shallow aquifer. In densely developed areas, withdrawal from the shallow aquifers will exceed the natural recharge to the aquifers. Because of the low density of development in Area B, well drilling permits for exempt domestic uses may be approved into the shallow aquifers if there are no other wells completed into any shallow aquifer within a horizontal distance of 1,000 linear feet of the proposed well site. If approved,

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<sup>4</sup> Estimated and provided to IDWR by Dr. Dale Ralston, PE, 2013

exempt domestic wells will likely be limited to a single family residence, stockwater, and irrigation of less than ½ acre of lawn and garden not to exceed an annual volume of 1.2 acre-feet.

The provisions above do not preclude an application for appropriation or application for well drilling permit from being considered for additional uses from the shallow aquifers if the Director determines, based on information submitted by the applicant, that sufficient water is available and other prior water rights will not be injured.

The Director may condition permits for any new use well in the LPGWMA to include, but not limited to, well pump and recovery testing, water quality testing, geochemical testing, geophysical testing, data analysis, subsurface exploration, and construction oversight and as-built documentation of well construction by a professional engineer or geologist.

All approved applications for permit for new appropriations of water held by a municipal provider for a system regulated as a public water supply shall include a condition requiring a conservation plan for diversion and use of the water.

## **VII. CONSTRUCTION, MODIFICATION, OR DEEPENING OF WELLS**

The shallow aquifers within the LPGWMA appear to have limited extent, limited recharge, and according to current data collected, most are declining<sup>5</sup>. These aquifers are not known to be hydraulically connected with the regional aquifer. Wells monitored in the LPGWMA appear to be completed in several separate shallow aquifers as indicated by “differences in the magnitude of the declines, the variability in seasonal water levels cycles, the varying individual responses to pumping, and the differences in water level elevations and top-of-aquifer elevations”<sup>5</sup>. The LPGWMA also includes the Lindsay Creek Nitrate Priority Area, an area with an increasing nitrate concentration trend in the shallow aquifers<sup>6</sup>.

IDAPA 37.03.09.025 (Well Construction Standards Rules) require that waters of unlike temperature, pressure, or quality must not be allowed to comeingle. The following items provide specific casing and sealing requirements, consistent with existing well construction standards, to ensure that aquifers are not comingled through the process of constructing, modifying, or deepening of wells within the

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<sup>5</sup> Neely, Kenneth, W., 2012, Summary of Ground Water Level Data and Trends in the Lindsay Creek Ground Water Management Area and the Tammany Creek Area, 2012. IDWR Open File Report, 21,

<sup>6</sup> Neely, Kenneth, W., 2013 Trend Analyses for Idaho's Nitrate Priority Areas, 2002-2011. Water Information Bulletin #50, part 8, 54 p.

LPGWMA. Otherwise, these waters may be subject to waste or contamination, contrary to the intent of the Well Construction Standards Rules and this Plan. The specific requirements are as follows:

- A. Construction of new wells for new uses, modification, or deepening of existing wells, and replacement of existing wells may be authorized only by IDWR approval of a Drilling Permit Application and associated completion plan. Drilling Permit Applications must be accompanied by a well completion design acceptable to the director. Due to the complexity of the aquifer systems, the need to prevent comingling, waste, and contamination between aquifers, and to ensure monitoring data is useful to further understand the aquifers, the well completion design for new and replacement wells shall be prepared by a professional engineer or professional geologist. Design plans for modification or deepening of existing wells may also require completion by a professional engineer or professional geologist, depending on the type of change. Approved drilling permits may contain specific additional conditions or requirements.

The required well construction completion design must include the following information:

1. Existing and/or anticipated static water levels and locations of water bearing intervals.
2. A description of existing or anticipated geologic and hydrologic conditions.
3. A narrative describing seal installation methods or procedures.
4. Dimensional drill-hole diameters and existing and anticipated depths.
5. The well site elevation above mean seal level (+/- 20 ft) and GPS location coordinates in degrees, decimal minutes.
6. Dimensional casing schedule including diameter and wall thickness.
7. Design details and specifications for the monitoring conduit including, but not limited to conduit material, type, pressure rating, inside and outside diameter, installed conduit length, coupling type, and conduit fastener types and spacing to support the monitoring conduit inside the well casing.
8. A detailed well development design schematic including specification of all proposed materials.

9. A written workplan for IDWR approval describing methods proposed to demonstrate sufficient water is available and that other water rights will not be injured shall be required under the conditions of the drilling permit.
- 
- B. Wells proposed to be completed into the regional aquifer must be cased and sealed into the geologic formation that confines the regional aquifer. The annular seal must extend through, or into this confining layer to a depth meeting or exceeding the requirements of the Idaho Well Construction Standards (IDAPA 37.03.09). Annular seals placed below the static water level should consist of neat cement or other approved cement grout mixtures that are fluid enough to be positively placed in the minimum required annular space. Full depth annular seals (lowermost confining layer to land surface) are recommended to ensure seal placement into or through confining layer(s) as required. Once the sealing process has been completed, the search for the regional aquifer shall continue by deepening the well to a proposed design elevation below the nearest adjacent water surface elevation of the Snake River.
  - C. Wells proposed to be completed into or through the shallow aquifer(s) must be cased and sealed in a manner that prevents comingling of water between shallow aquifers or wasting of water from shallow aquifers into unsaturated zones. Annular formation seals may be required in addition to the minimum required surface seal to prevent waste or comingling. Annular seals placed below the static water level should consist of neat cement or other approved cement grout mixtures that are fluid enough to be positively placed in the minimum required annular space. Full depth annular seals (lowermost confining layer to land surface) are recommended to ensure seal placement into or through confining layer(s) as required.
  - D. It is recommended that wells completed into the shallow aquifer system(s) should be of sufficient diameter to allow for future deepening and subsequent sealing of the modified or deepened well. As an example, wells completed as 6 inch nominal wells may not provide adequate space to allow for required additional casing and annular seals if proposed to be deepened.
  - E. New use wells and modified existing wells will be required to be completed with installation of a monitoring conduit to allow for water level monitoring. Well drilling permits shall be conditioned to require monitoring conduits as part of the well construction requirements with the responsibility of installation with the well driller under the oversight of the professional engineer or professional geologist. The well driller will be responsible for attaching the professional engineer's/professional geologist as-built well

schematic/description depicting the details of the monitoring conduit installation to the completed well driller's report prior to submitting to IDWR. The schematic/description shall include as a condition of the well drilling permit: material specifications including, but not limited to, conduit material, type, pressure rating, inside and outside diameter, installed conduit length, coupling type, and conduit fastener types and spacing to support the monitoring conduit inside the well casing. Monitoring conduits shall be of sufficient size to accommodate data collection equipment as conditioned on the drilling permit.

- F. The Director may consider written request for waivers.

## **VIII. DECOMMISSIONING OF WELLS**

Decommissioning of any well within the LPGWMA requires prior approval by IDWR. Decommissioning shall be consistent with the requirements of *Idaho Code* § 42-235 and IDAPA 37.03.09, Well Construction Standards Rules.

## **IX. ADVISORY COMMITTEE**

- A. The Advisory Committee recommends that the Director hold a public meeting in the local area to present the Plan.
- B. The Advisory Committee shall meet at least once a year no later than June 30 to continue to perform duties described in the LPGWMA order including recommending solutions to issues that arise in the LPGWMA. Minutes from this annual meeting shall be provided to the Director.
- C. The Plan shall be reviewed at a minimum of every 5 years and modified as needed by the Advisory Committee. Any modifications to the Plan shall be submitted to the Director for approval.

# ***APPENDIX A***

IDWR Order Designating the Ground Water Management Area

May 20, 2013



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

IN THE MATTER OF THE LEWISTON	)	<b>FINAL ORDER RESCINDING</b>
PLATEAU GROUND WATER	)	<b>LINDSAY CREEK GWMA</b>
MANAGEMENT AREA	)	<b>AND DESIGNATING</b>
	)	<b>LEWISTON PLATEAU GWMA</b>
_____	)	

On April 2, 2013, the Idaho Department of Water Resources ("Department") issued a *Recommended Order Rescinding Lindsay Creek GWMA and Designating Lewiston Plateau GWMA* ("Recommended Order") in the above captioned matter. The Department published notice of the Recommended Order in *The Lewiston Tribune* on April 4 and 11, 2013.

Any party thereafter had fourteen (14) days under the Department's Rules of Procedure in which to file a petition for reconsideration or exceptions to the Recommended Order with the Director of the Department or fifteen (15) days to request a hearing pursuant to Idaho Code §42-1701A(3).

No petitions, exceptions, or requests for hearing were filed to the Recommended Order. In accordance with Rule 720 of the Department's Rules of Procedure, a recommended order will become final only after review and issuance of a final order by the Director. In accordance with Rules 720 and 740 of the Department's Rules of Procedure, and after review, the Director hereby adopts the Recommended Order in its entirety.

**ORDER**

IT IS HEREBY ORDERED that the Recommended Order of the Department entered on April 2, 2013, as attached hereto as Attachment A, is adopted as a Final Order of the Department.

IT IS FURTHER ORDERED that the Department shall publish notice of this order in two (2) consecutive weekly issues of a newspaper of general circulation in the Lewiston Plateau GWMA.

DATED this 20<sup>th</sup> day of May, 2013.

A handwritten signature in black ink, appearing to read "Gary Spackman", written over a horizontal line.

Gary Spackman  
Director

## Attachment A

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

IN THE MATTER OF THE LEWISTON	)	RECOMMENDED ORDER
PLATEAU GROUNDWATER	)	RESCINDING LINDSAY CREEK
MANAGEMENT AREA	)	GWMA AND DESIGNATING
	)	LEWISTON PLATEAU GWMA
	)	

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On March 5, 1992, the Director of the Department of Water Resources ("Director" or "Department") entered an order designating the Lindsay Creek Ground Water Management Area ("Lindsay Creek GWMA"), along with a management policy, pursuant to Idaho Code § 42-233b. The area was designated as a result of concerns over the effect of additional ground water pumping on existing wells and senior water rights from the shallow aquifer in the general area of the Lindsay Creek drainage in Nez Perce County.

Ground water level monitoring in the Lindsay Creek GWMA and in the Tammany Creek area to the south (the combined area will be referred to as the "Lewiston Plateau area") indicate that the shallow aquifers have experienced declines in water levels since at least 2000. The existing Lindsay Creek GWMA and associated management policy is no longer effective to administer the appropriation of water and protect existing water rights and the ground water resource in the area because the area of concern has grown.

The Director, having responsibility for administering the appropriation of water in the State of Idaho, the protection of rights to the use of water within the state, the protection of the public interest in the waters of the state, and the conservation of the water resources of the state and having this matter come before the Director as a result of concerns over the effect of pumping on the shallow water aquifers within the Lewiston Plateau area located in Nez Perce County, enters the following Findings of Fact, Conclusions of Law, and Order.

#### FINDINGS OF FACT

1. The hydrogeology of the Lewiston Plateau area consists of two aquifer systems. A deep regional basalt aquifer in the Grande Ronde Formation that extends at least 10 miles to the south and east of Lewiston, and a series of shallow perched aquifers in the basalt flows and sedimentary interbeds of the Wanapum and Saddle Mountain Formations that exist throughout most of the area.

2. Hydraulic communication between wells completed in the deep regional basalt aquifer is very good, and water levels have not declined in this aquifer despite extensive usage by three major water suppliers in the area.

3. Wells completed in the shallow aquifers of the Wanapum and Saddle Mountain Formations have experienced water level declines. Water levels in four Lindsay Creek GWMA monitoring wells declined an average of 6.9 feet from 2006 to 2011. Water levels in seven

RECOMMENDED ORDER RESCINDING LINDSAY CREEK GWMA  
AND DESIGNATING LEWISTON PLATEAU GWMA

monitoring wells in the Tammany Creek area declined an average of 7.4 feet in the same time period.

4. In areas where individual wells have been constructed on 1 to 5 acre subdivision tracts, land owners have been experiencing accelerated water level declines in the shallow aquifers. This has resulted in the necessity to deepen existing wells or construct new wells in an effort to find an adequate water source at a lower level.

5. On February 13, 2013, the Department held a public meeting to engage and inform the public of the Department's intent to establish a new groundwater management area within the Lewiston Plateau area. The new ground water management area would replace the existing Lindsay Creek Groundwater Management Area and associated management policy that was established in 1992. At the meeting, there was no opposition to improved management to protect existing water rights and the ground water resource of the shallow aquifers.

#### CONCLUSIONS OF LAW

1. Idaho Code § 42-233a defines a "critical ground water area" as any ground water basin, or designated part thereof, not having sufficient ground water to provide a reasonably safe supply for irrigation of cultivated lands, or other uses in the basin at the then current rates of withdrawal, or rate of withdrawal projected by consideration of valid and outstanding applications and permits, as may be determined by the Director.

2. Idaho Code § 42-233b authorizes the Director to designate a "ground water management area" to allow increased management of the ground water resources in areas of the state that may be approaching the conditions of a critical ground water area. It also authorizes the Director to approve a ground water management plan for the area. The plan shall provide for managing the effects of ground water withdrawals on the aquifer and on hydraulically connected sources of water.

3. Based on declining water levels, the Director concludes that conditions in the shallow perched aquifers of the Wanapum and Saddle Mountain Formations within the Lewiston Plateau area may be approaching conditions of a critical ground water area.

4. Idaho Code § 42-233b provides, "Applications for permits made within a ground water management area shall be approved by the director only after he has determined on an individual basis that sufficient water is available and that other prior water rights will not be injured."

5. Injury can occur to senior groundwater right holders established in a shallow aquifer of limited water capability if new pumping is not appropriately managed. In order to prevent withdrawals from new wells from having an adverse impact on prior water rights diverted from surface water and/or ground water supplied by the shallow aquifers, new applications for permits in the area must be controlled consistent with Idaho Code § 42-233b.

6. Idaho Code § 42-233b also allows the Director to require water users to report withdrawals of ground water and other necessary information for the purpose of assisting the Department in determining available ground water supplies and its usage.

7. The Director is authorized to order the installation and maintenance of measuring devices and to require measurement and reporting of water withdrawals in accordance with Chapter 7 of Title 42, Idaho Code.

8. To assist the Department in determining available ground water supplies and its usage, the Director should, as part of the ground water management plan, develop a way to monitor conditions and availability of water in the aquifer.

9. The Director of the Department of Water Resources should designate a ground water management area for the Lewiston Plateau area located in Nez Perce County and should make provisions for a management plan to be developed using an advisory committee with representation from water user and citizen group interests. The ground water management area designated should replace the existing Lindsay Creek Ground Water Management Area and associated management policy.

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The following described area is included within and designated as the Lewiston Plateau Groundwater Management Area ("Lewiston Plateau GWMA") pursuant to the provisions of Idaho Code § 42-233b.

Beginning at the intersection of the centerlines of the Snake and Clearwater Rivers, which is the True Point of Beginning, thence following the centerline of the Snake River south to the south boundary line of Section 17, Township 34 North, Range 5 West, Boise Meridian, thence east along the south boundary lines of Sections 17, 16, 15, 14 and 13, Township 34 North, Range 5 West to the southwest corner of Section 18, Township 34 North, Range 4 West. Thence continuing east along the south boundary line of Sections 18 and 17 to the southeast corner of Section 17, Township 34 North, Range 4 West, thence north along the east boundaries of Sections 17, 8 and 5 of Township 34 North, Range 4 West to the intersection with the west boundary line of the Nez Perce Indian Reservation. Thence, northwest along said boundary line of the Nez Perce Indian Reservation to the centerline of the Clearwater River, thence following the centerline of the Clearwater River west 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.

2. The Lindsay Creek GWMA and associated management policy created by order dated March 5, 1992 is rescinded, to be effective when a management plan for the Lewiston Plateau GWMA is approved by the Director.

3. Management of water appropriations within the Lewiston Plateau GWMA shall be guided by a management plan adopted by the Director. An advisory committee of representative water user and citizen group interests within the Department's Administrative Basin 85 will be selected to assist in drafting the management plan. The advisory committee and the Department will consider the following matters in preparation of a management plan.

- a. The requirements and conditions needed to protect existing water rights and interests of the public as applications for new consumptive uses from ground water are considered;
- b. The need for policies to encourage development and use of water supply systems to provide water for multiple ownership subdivisions rather than individual wells for each residence or business;
- c. The need for the continuation and expansion of the Department's existing Lewiston Plateau ground water monitoring program or other mechanisms to monitor the condition and availability of water within the Lewiston Plateau GWMA;
- d. The need to restrict future drilling into shallow aquifers within all or parts of the ground water management area;
- e. The requirements and conditions for future well construction into the deeper regional and shallow aquifers.

4. The Lewiston Plateau GWMA Advisory Committee is hereby created with the following membership and responsibilities:

- a. Committee membership: two (2) member representing municipalities within the Lewiston Plateau GWMA, two (2) members representing Nez Perce County, one (1) member from the land development community within the Lewiston Plateau GWMA, one (1) member representing the well construction industry in the area, three (3) members representing private citizens within the Lewiston Plateau GWMA and one (1) member from a private engineering firm doing business in the area. The Department will ask for nominations from various entities as the committee is formed. The Director or his designee will chair the advisory committee meetings;
- b. Responsibilities: the advisory committee will meet at the call of the Director at a location within the Lewiston Plateau GWMA 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 the members in attending the meetings and otherwise serving on the committee.

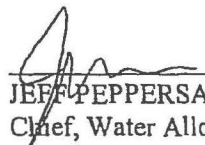
5. All applications within the Lewiston Plateau GWMA proposing new consumptive or non-consumptive uses of ground water, whether now pending or filed in the future, will be approved by the director only after he has determined on an individual basis that sufficient water is available and that other prior water rights will not be injured. A management plan may provide specific standards or requirements to allow such determinations to be made in a timely and appropriate manner.



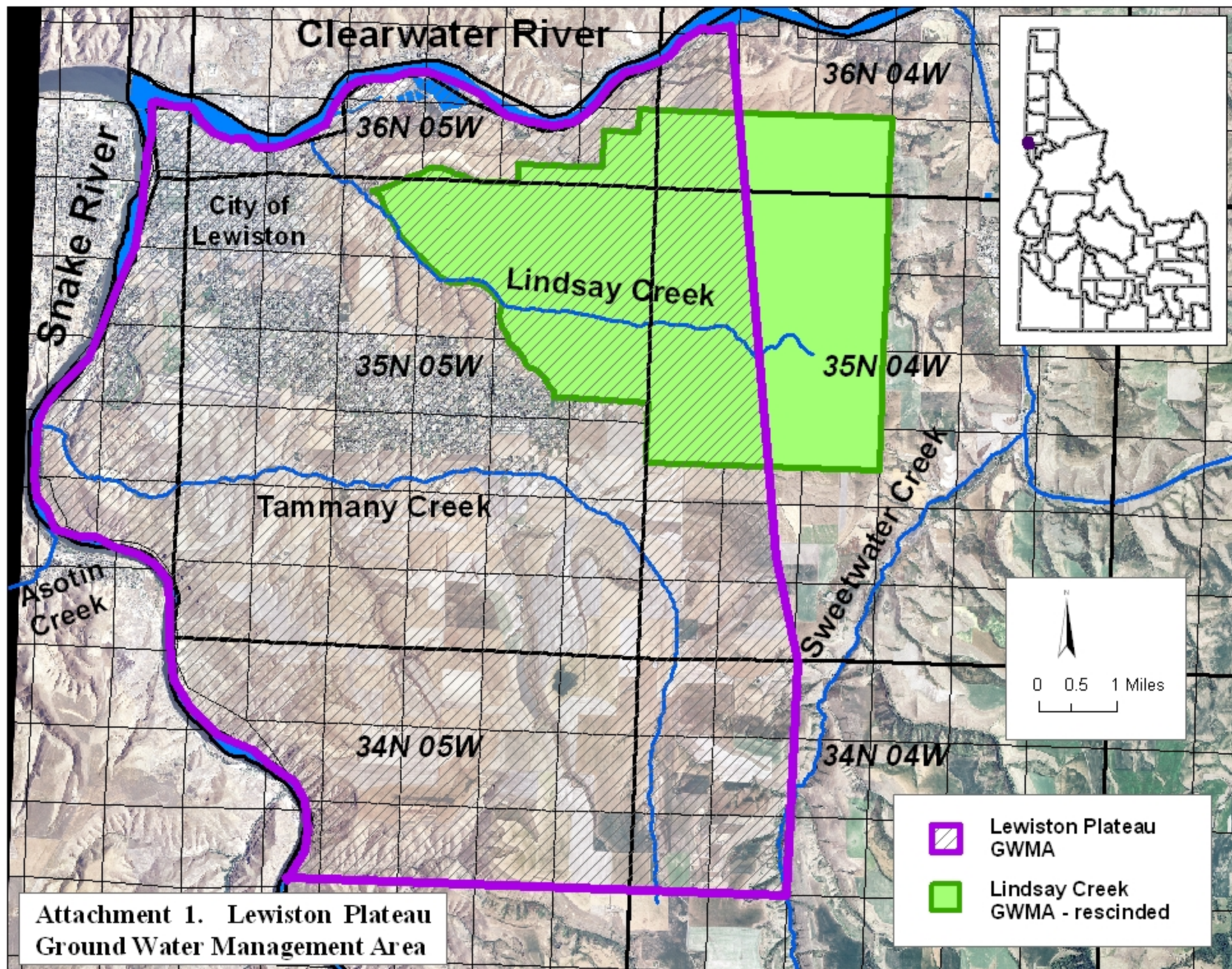
6. This order does not affect the authorization to continue development of any existing approved applications (permit).

7. The Director shall publish notice of this order in two (2) consecutive weekly issues of a newspaper of general circulation in the Lewiston Plateau GWMA.

DATED this 2 day of April, 2013.

  
JEFF PEPPERSACK  
Chief, Water Allocation Bureau







## **EXPLANATORY INFORMATION TO ACCOMPANY A FINAL ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 740.02)

The accompanying order is a "Final Order" issued by the department pursuant to section 67-5246, Idaho Code.

### **PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a final order within fourteen (14) days of the service date of this order as shown on the certificate of service. **Note: The petition must be received by the Department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5246(4), Idaho Code.

### **REQUEST FOR HEARING**

Unless the right to a hearing before the director or the water resource board is otherwise provided by statute, any person who is aggrieved by the action of the director, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the director to contest the action. The person shall file with the director, within fifteen (15) days after receipt of written notice of the action issued by the director, or receipt of actual notice, a written petition stating the grounds for contesting the action by the director and requesting a hearing. See section 42-1701A(3), Idaho Code. **Note: The request must be received by the Department within this fifteen (15) day period.**

### **APPEAL OF FINAL ORDER TO DISTRICT COURT**

Pursuant to sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by a final order or orders previously issued in a matter before the department may appeal the final order and all previously issued orders in the matter to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of: a) the service date of the final order, b) the service date of an order denying petition for reconsideration, or c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See section 67-5273, Idaho Code. The filing of an appeal to district court does not in itself stay the effectiveness or enforcement of the order under appeal.

NOTICE OF DESIGNATION OF LEWISTON PLATEAU  
GROUND WATER MANAGEMENT AREA

Notice is hereby given that on May 20, 2013, the Director of the Idaho Department of Water Resources issued a final order rescinding the Lindsay Creek Ground Water Management Area and Designating the Lewiston Plateau Ground Water Management Area (GWMA). This action, conducted pursuant to Section 42-233b, Idaho Code, was initiated on a determination that the ground water system in the area may be approaching the conditions of a critical ground water area.

The location of the Lewiston Plateau GWMA is shown on the attached map (see Attachment 1) with the boundaries described as follows:

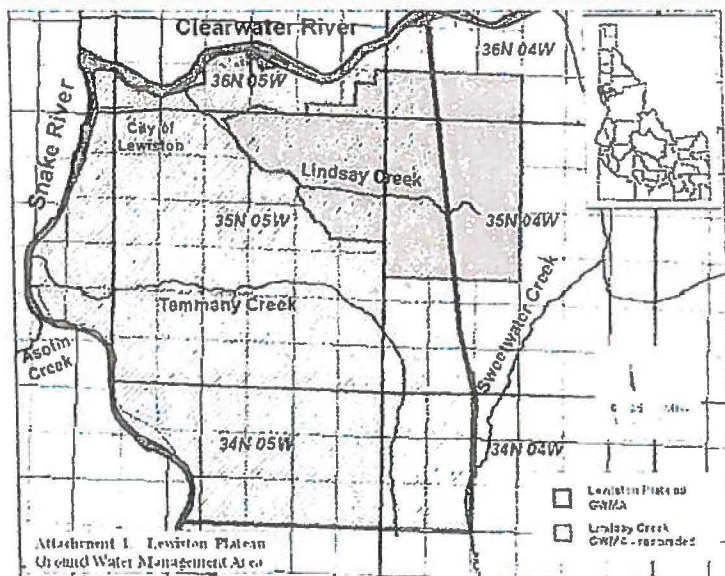
Beginning at the intersection of the centerlines of the Snake and Clearwater Rivers, which is the True Point of Beginning, thence following the centerline of the Snake River south to the south boundary line of Section 17, Township 34 North, Range 5 West, Boise Meridian, thence east along the south boundary lines of Sections 17, 16, 15, 14 and 13, Township 34 North, Range 5 West to the southwest corner of Section 18, Township 34 North, Range 4 West. Thence continuing east along the south boundary lines of Sections 18 and 17 to the southeast corner of Section 17, Township 34 North, Range 4 West, thence north along the east boundaries of Sections 17, 8 and 5 of Township 34 North, Range 4 West to the intersection with the west boundary line of the Nez Perce Indian Reservation. Thence, northwest along said boundary line of the Nez Perce Indian Reservation to the centerline of the Clearwater River, thence following the centerline of the Clearwater River west to the True Point of Beginning.

The final order designating the Lewiston Plateau GWMA provides that management of water appropriations in the area shall be guided by a management plan adopted by the Director. The order also provides for creation of an advisory committee of representative water user and citizen group interests to assist in drafting the management plan. All applications within the Lewiston Plateau GWMA proposing new consumptive or non-consumptive uses of ground water, whether now pending or filed in the future, will be approved by the Director only after he has determined on an individual basis that sufficient water is available and that other prior water rights will not be injured. A management plan may provide specific standards or requirements to allow such determinations to be made in a timely and appropriate manner.

Any person aggrieved by this order may file a Petition for Reconsideration with the Department within 14 days of the service date of the order. Further explanatory information regarding review is attached to the order. Petitions for reconsideration must be filed with the Department at IDWR, Northern Region, 7600 N Mineral Dr., Suite 100, Coeur d'Alene, ID 83815, or IDWR, State Office, P.O. Box 83720, Boise, ID 83720-0098.

A copy of the order can be viewed on the Department's website at:

[http://www.idwr.idaho.gov/WaterInformation/GroundWaterManagement/LindsayCreek/Lc\\_gwma.htm](http://www.idwr.idaho.gov/WaterInformation/GroundWaterManagement/LindsayCreek/Lc_gwma.htm)

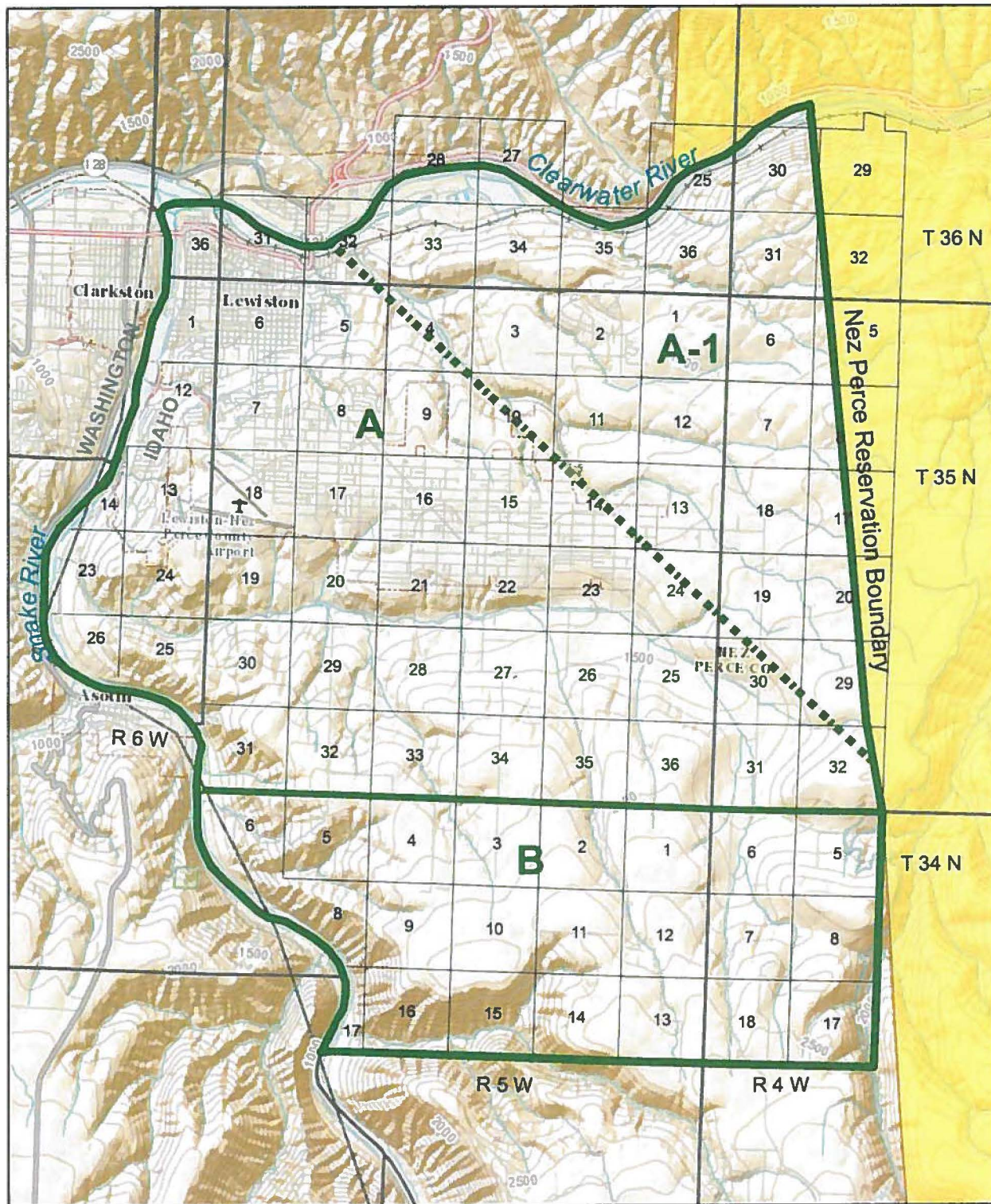


Gary Spackman, Director  
PUBLISHED June 6 and 13, 2013

# ***APPENDIX B***

Boundary Map of the Lewiston Plateau Ground Water Management Area  
Showing Areas A, A1, and B





## Lewiston Plateau Ground Water Management Area

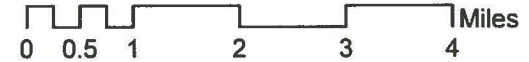
■■■■ Administrative Boundary

■ Nez Perce Reservation

■ Lewiston Plateau GWMA Boundary

Subareas are designated as "A", "A-1" and "B"

basemap from USGS



Map by:  
Idaho Department of Water Resources



Location map

## **EXPLANATORY INFORMATION TO ACCOMPANY A FINAL ORDER**

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 740.02)

The accompanying order is a "Final Order" issued by the department pursuant to section 67-5246, Idaho Code.

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### **REQUEST FOR HEARING**

Unless the right to a hearing before the director or the water resource board is otherwise provided by statute, any person who is aggrieved by the action of the director, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the director to contest the action. The person shall file with the director, within fifteen (15) days after receipt of written notice of the action issued by the director, or receipt of actual notice, a written petition stating the grounds for contesting the action by the director and requesting a hearing. See section 42-1701A(3), Idaho Code. **Note: The request must be received by the Department within this fifteen (15) day period.**

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- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
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