BACKGROUND

On November 4, 2015, the Director ("Director") of the Idaho Department of Water Resources ("Department") designated the Malad Valley Ground Water Management Area ("MVGWMA") and established a temporary moratorium on the processing and approval of presently pending and new applications for permit to appropriate water from ground water within the MVGWMA. See Order Designating GWMA and Establishing Temporary Moratorium, In the Matter of the Malad Valley Ground Water Management Area (Nov. 4, 2015) ("Designation Order"). The MVGWMA was designated and the temporary moratorium was established due to reported declines in aquifer water levels in the area. Designation Order at 3-4. The temporary moratorium remains in effect through November 4, 2017. Id. at 4.

In the Designation Order, the Director ordered that management of ground water appropriations within the MVGWMA shall be governed by a management plan to be developed with assistance from an advisory committee of representative water users and communities within the MVGWMA.

An advisory committee was assembled and met several times to draft a recommended ground water management plan for the MVGWMA. The advisory committee subsequently submitted to the Director its Malad Valley Ground Water Management Area Draft Management Plan ("Management Plan").

On November 3, 2017, the Director approved the Management Plan recommended by the advisory committee with a few modifications. See Order Approving Ground Water Management Plan, In the Matter of Management of Ground Water Within the Malad Valley Ground Water Management Area (Nov. 3, 2017) ("Approval Order").

The Management Plan and the Approval Order recommend the creation of a Water Measurement District as described in Chapter 7, Title 42, Idaho Code, to include water users who divert water from any source (surface water or ground water) within the Malad Valley.

The Management Plan and the Approval Order recommend the extension of the temporary moratorium for five years to allow for the collection of additional data to determine if extensions beyond five years are warranted in the future.
ANALYSIS

The temporary moratorium was established pursuant to Rule 55 of the Department’s Water Appropriation Rules (IDAPA 37.03.08) to protect existing ground water rights and to protect the aquifer from depletion. The conditions creating the need for a moratorium have not changed; the moratorium should be extended, consistent with the Management Plan and the Approval Order.

ORDER

IT IS HEREBY ORDERED, pursuant to Idaho Code § 42-1805(7) and IDAPA Rule 37.03.08.055 (Water Appropriation Rule 55), that the order dated November 4, 2015, establishing a temporary moratorium on the processing and approval of presently pending and new applications for permits to appropriate water from ground water within the MVGWMA is extended for five (5) years, from November 4, 2017, unless rescinded or modified by order of the Director or a court of competent jurisdiction. New and pending applications to appropriate water in the area subject to the moratorium shall be held without further processing unless they meet one or more of the exceptions stated in this order. The following provisions apply to the administration of the moratorium:

1. The moratorium does not affect the authorization to continue development of any existing approved permit to appropriate water.
2. The moratorium does not apply to any application for domestic purposes as such term is defined in Idaho Code § 42-111.
3. The moratorium does not apply to any application proposing a non-consumptive use of water as the term is used in Idaho Code § 42-605A.
4. This moratorium does not apply to applications for drilling permits to replace or deepen existing wells having valid, existing water rights.
5. This moratorium does not apply to applications for transfer, including applications to add points of diversion to valid, existing water rights.
6. This moratorium does not prevent the Director from reviewing for approval on a case-by-case basis an application which otherwise would not be approved under the terms of this moratorium if:
   a. Protection and furtherance of the public interest, as determined by the Director, requires consideration and approval of the application irrespective of the general moratorium; or
   b. The Director determines the development and use of the water pursuant to an application will have no effect on prior surface and ground water rights because of its timing, location, insignificant consumption of water or mitigation provided by the application to offset injury to other rights.

IT IS FURTHER ORDERED that before this moratorium expires, the Department shall review all available data and work with the advisory committee for the MVGWMA and/or any advisory committee formed for a Water Measurement District created in the MVGWMA, pursuant to Idaho Code § 42-705, to evaluate the benefits and need for continuation of the moratorium.
IT IS FURTHER ORDERED that the Department shall serve a copy of this order by certified mail upon holders of applications for permits proposing appropriation of ground water within the MVGWMA and shall publish notice of this order for three consecutive weeks as required by IDAPA Rule 37.03.08.055 (Water Appropriation Rule 55).

IT IS FURTHER ORDERED that this order shall be effective on November 4, 2017.

Any person who is aggrieved by this order shall be entitled to a hearing before the Director to contest the order. The person shall file with the Director, within fifteen (15) days after receipt of written notice of the order, or receipt of actual notice, a written petition stating the grounds for contesting the order and requesting a hearing. See Idaho Code § 42-1701A(3).

Dated this 3rd day of November 2017.

GARY SPACKMAN
Director
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of November 2017, a true and correct copy of the document described below was served on the following as noted.

Document Served: Order Extending Temporary Moratorium

ONEIDA COUNTY COMMISSION
10 COURT STREET
MALAD CITY ID 83252

CACHE VALLEY BANK
101 N MAIN
LOGAN UT 84321

DAVID R HARRIS
1010 S WOODRUFF RD
MALAD CITY ID 83252

ONEIDA COUNTY COMMISSION
10 COURT STREET
MALAD CITY ID 83252

DAVID HARRIS
10101 S HWY 191
MALAD ID 83252

GRANT HARRIS
10190 S OLD HWY 191
MALAD ID 83252

WILLIAM CHIVERS
1033 CENTRAL FAIR LN
NAMPA ID 83651

TRIPLE R DEVELOPMENT LLC
THE CREATIVE CENTER OF LOS ALTOS
10410 W LOYOLA DR
LOS ALTOS CA 94024

RANDY MOULDING
10485 W 900 S
IDAHO FALLS ID 84404

NORMAN J YOUNGMAN
105 W NORTH ST
OGDEN UT 84404

WESTERN AG CREDIT FLCA
10980 S JORDAN GATEWAY
PO BOX 95850
SOUTH JORDAN UT 84095-0850

WELDON P JENSEN
1102 N 850 E
BOUNTIFUL UT 84010

DIXIE L EVANS
LOIS J HOLT
IDAHO FALLS ID 83401

DAVID RICHARDS
HAYLEY RICHARDS
11311 N 8400 W
MALAD CITY ID 83252

CODIANNE CHRISTENSEN
1145 S 5400 W
MALAD ID 83252

DAN K BASTIAN
1150 N 5600 W
MALAD CITY ID 83252

NEIL SCHOENENBERGER
PLYMOUTH PEAK LLC
11577 S OLD HWY 191
MALAD ID 83252

WILLIAM G WALDRON
11802 WINTON ST
GARDEN GROVE CA 92845

DON H HARRIS
12295 S 300 E
WOODRUFF ID 83252

PAUL GUNNELL
12295 S 300 E
MALAD CITY ID 83252

BRENT CHRISTENSEN SUSAN MARIE CHRISTENSEN
1231 S 5400 W
MALAD ID 83252

FOX HOLLOW PROPERTIES
125 N 5400 W
MALAD CITY ID 83252

JOE BALDINI
1300 E HWY 36
MALAD CITY ID 83252

RALPH HANSON
1330 E HWY 36
MALAD CITY ID 83252

BANK OF IDAHO
135 N BRIDGE ST
PO BOX 126
ST ANTHONY ID 83445

Order Extending Temporary Moratorium, Page 4
ONEIDA COUNTY SCHOOL
DIST #351
175 JENKINS AVE
MALAD CITY ID 83252
CINDY HOWARD
1754 W 1500 S
MALAD CITY ID 83252
DALE DANIELS
176 W 500 N
MALAD CITY ID 83252
RAMONA JONES
MARGARET JONES
179 N MAIN
MALAD CITY ID 83252
ANDREW BYBEE
1790 CEDAR VIEW RD
SODA SPRINGS ID 83276
GARY T DAVIS
180 BANNOCK ST
MALAD CITY ID 83252
GRANT ROTH
180 BIRCH ST
MALAD CITY ID 83252
BILL WEEKS
JALYN WEEKS
1800 N 3400 W
MALAD ID 83252
J F FREDRICKSON CO
185 S MAIN
PO BOX 5
MALAD CITY ID 83252
MIKE ASAY
BILL ASAY
1850 N 5600 W
MALAD CITY ID 83252
MIKE MARSHALL
1897 N 1700 W
MALAD CITY ID 83252
J LYNN STAYNER
190 NORTH 3900 WEST
MALAD CITY ID 83252
M J DAVIS MEMORIAL LTD
PARTNERSHIP MELVIN J DAVIS
1970 LA BELLEZZA GROVE
COLORADO SPRINGS CO 80919
LOUISE J HANSON
198 WEST ANDERSON
IDAHO FALLS ID 83401
HESS BROTHERS CONTRACTORS
200 W 700 N
MALAD CITY ID 83252
E GENE CALDWELL
KAY R CALDWELL
201 N 70 E
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COLLEEN MONTGOMERY
RICHARD LEMONS
2010 S 5400 W
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DAVID R HARRIS
2012 BROOKSIDE
CALDWELL ID 83605
DON EVANS
MARGARET T EVANS
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214 W 300 N
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LORIN P OR WALTER JONES INC
2140 W HWY 38
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MARY BOYCE
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VERLIN WILLIAMS
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JENNIE ALDER
2154 S OLD HWY 191
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EDWARD RAY JONES
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Order Extending Temporary Moratorium, Page 10
DELon ATKINSON  
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MALAD ID 83252  

DAVID E EVANS  
519 FRUITVALE RD  
VACAVILLE CA 95688  

GARY R MOORE  
MARILYN G MOORE  
5225 W 2000 N  
MALAD CITY ID 83252  

ELDON NIELSEN  
523 S 8TH  
POCATELLO ID 83201  

RYAN D WARD  
523 N 600 W  
MALAD CITY ID 83252  

BRETT CORDINGLY  
5365 W 2000 N  
MALAD CITY ID 83252  

THAYNE O DANIELS  
537 BANNOCK ST  
MALAD CITY ID 83252  

MYRON P & BUELAH SORENSEN TRUST  
5392 COUNTRY CLUB DR  
POCATELLO ID 83204  

E MICHAEL STAYNER  
5397 SHOSHONE TRAIL  
POCATELLO ID 83204  

LOIS J HOLT  
543 N 200 WEST #4  
MALAD ID 83252  

DONALD S VAUGHAN  
5434 S OLD HWY 191  
MALAD CITY ID 83252  

LONNY SCHOW  
554 S 5400 W  
MALAD CITY ID 83252  

PARLEY DAVIS  
5550 W 300 N  
MALAD CITY ID 83252  

KATHLEEN KERSTETTER  
5575 W 2000 N  
MALAD ID 83252  

MATTHEW TUBBS  
DENEICE TUBBS  
5585 W 1000 N  
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BRUCE CHRISTENSEN  
5650 W HWY 38  
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BRENT C CLARK  
5678 W 500 S  
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DAVID P JONES  
5705 S OLD HWY 191  
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FARRELL T DANIELS  
THELMA C DANIELS  
577 BANNOCK ST  
MALAD CITY ID 83252  

WILLIAM KEITH JOHN  
579 N 200 W  
MALAD CITY ID 83252  

AUSTIN TUBBS  
5830 W 2500 N  
MALAD CITY ID 83252  

CITY OF MALAD  
59 BANNOCK ST  
MALAD ID 83252  

ERROL C THOMAS  
ELLEN SUE THOMAS  
591 N 200 W  
MALAD CITY ID 83252  

VERLIN W MOON  
RT 1 BOX 91  
MALAD CITY ID 83252  

BOYD C TOVEY  
JAMES D TOVEY  
602 BROOKDALE DR  
BOISE ID 83702  

DALE VAUGHAN  
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6074 S OLD HWY 191  
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<td>C/O JESSE D HARRISON 390 S 3600 W</td>
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<td>50 E NORTH TEMPLE ST SALT LAKE CITY UT 84150-6320</td>
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<td>ILENE J DURBIN</td>
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<td>CANDICE MC HUGH MC HUGH BROMLEY PLLC</td>
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DAN THOMAS
25920 N 8800 W
PORTAGE UT 84331

KATHRYN DAWSON
PO BOX 133
MALAD CITY ID 83252

DALE HARRISON
PO BOX 14
MALAD CITY ID 83252

MIKE ERRAMOUSPE
PO BOX 15
MALAD CITY ID 83252

DURBANO LAND & CATTLE CO
PO BOX 1556
OGDEN UT 84402

TED D MAC FARLANE
PO BOX 159
RIVERSIDE UT 84334

ONEIDA PERLITE CORP
PO BOX 162
MALAD CITY ID 83252

JOE ANN JENKINS TRUST
PO BOX 21
MALAD ID 83252

NECIA HOOPES
PO BOX 237
SUGAR CITY ID 83448

SHANNA ETHERINGTON
PO BOX 242
MALAD ID 83252

2M BRAND LLC
PO BOX 269
ROCKLAND ID 83271

2M BRAND LLC
PO BOX 270
ROCKLAND ID 83271

NGW RANCH LLC
NEIL SCHOENENBERGER
PO BOX 3285
OGDEN UT 84409

BRUCE JACKSON
PO BOX 33
MALAD CITY ID 83252

JEFFREY R LOUDER
CATHY LOUDER
PO BOX 353
COALVILLE UT 84017

DELBERT V OWENS
KAREN J OWENS
PO BOX 368
INKOM ID 83245

NORTHWEST FARM CREDIT SERVICES FLCA
PO BOX 386
PRESTON ID 83263

KEN TIMOTHY
PO BOX 45
MALAD CITY ID 83252

J F FREDRICKSON
HELEN T HILL
PO BOX 5
INKOM ID 83245

ERIC HARTVIGSEN
PO BOX 53
MALAD ID 83252

MARCUS M JONES
TED D MAC FARLANE
PO BOX 5572
PO BOX 66
MALAD CITY ID 83252

TRAVIS BURTON
HEIDI BURTON
PO BOX 681
MILLVILLE UT 84326

LYNN A WRIGHT
SHAUNA WRIGHT
PO BOX 77
MALAD CITY ID 83252

JAMES B WILLIAMS
PO BOX 839
SODA SPRINGS ID 83276

D L EVANS BANK
PO BOX 87
TWIN FALLS ID 83303

FARM CREDIT SERVICE OF AMERICA
RANDALL C BUDGE
PO BOX 878
POCATELLO ID 83202-0878

RACINE OLSON LAW
PO BOX 1391
POCATELLO ID 83204-1391

J STUART DAVIS
RFD
MALAD CITY ID 83252
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<td>FULLER &amp; FULLER LAW OFFICE</td>
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<td>SENATOR MARK HARRIS</td>
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<td>632 HWY 34</td>
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The following were served by certified mail with return receipt requested:

BRYAN NIELSEN  
320 N 400 W  
LOGAN UT 84321  
15-7375

GORDON SMITH  
RHEA SMITH  
1605 GRANDVIEW DR N #46  
TWIN FALLS ID 8330  
15-74171

LAWRENCE VICTOR RICHES JR.  
171 MAIN ST #280  
LOS ALTOS CA 94022  
15-7385

CLINT PRICE  
910 W GRANDVIEW DR  
MALAD CITY ID 83252  
15-7418

SAMARIA WATER AND IRRIGATION CO  
C/O DAVID REEL  
5130 S 4400 W  
Samaria ID 83252  
15-7388

JOSEPH WAYMAN  
2839 N 3900 W  
MALAD CITY ID 83252  
15-7419

SCOTT LYON  
8031 S 2750 E  
SOUTH WEBER UT 84405  
15-7410

JOHN E WITTMAN  
SUSAN J WITTMAN  
595 BANNOCK ST  
MALAD CITY ID 83252  
15-7420

TYLER HOOPES  
NORTH RIDGE FARMS LLC  
PO BOX 122  
MALAD CITY ID 83252  
15-7412, 15-7413

MEADOW RANCH LLC  
3640 S YELLOWSTONE  
IDAHO FALLS ID 83402  
15-7422

DANIEL EVANS  
5071 S 4600 W  
Samaria ID 83252  
15-7415

Emalee Rushing  
Administrative Assistant