

USE TYPEWRITER OR
BALL POINT PEN

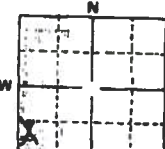
State of Idaho
Department of Water Resources

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources, within 30 days after the completion or abandonment of the well.

RECEIVED

SEP 27 1977

1. WELL OWNER Name <u>RALPH S. PARKINSON</u> <u>JAMES S. BRADCOCK</u> Address <u>ARCO IDAHO 83213</u> Owner's Permit No. <u>34-7176</u>		7. WATER LEVEL Department of Water Resources Eastern District Office Static water level <u>20</u> feet below land surface Flowing? ☐ Yes ☒ No G.P.M. flow Temperature <u>90.0</u> ° F. Quality <u>good</u> Artesian closed-in pressure <u>0</u> p.s.i. Controlled by ☐ Valve ☐ Cap ☐ Plug																																																											
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning)		8. WELL TEST DATA ☒ Pump ☐ Baller ☐ Other Discharge G.P.M. <u>4200</u> Draw Down <u>50'</u> Hours Pumped <u>9</u>																																																											
3. PROPOSED USE ☐ Domestic ☒ Irrigation ☐ Test ☐ Other (specify type) ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection		9. LITHOLOGIC LOG <u>042745</u> <table border="1"><thead><tr><th rowspan="2">Hole Diam.</th><th colspan="2">Depth</th><th rowspan="2">Material</th><th colspan="2">Water</th></tr><tr><th>From</th><th>To</th><th>Yes</th><th>No</th></tr></thead><tbody><tr><td>20"</td><td>0</td><td>5</td><td>SOIL</td><td></td><td></td></tr><tr><td></td><td>5</td><td>15</td><td>GRAVEL</td><td></td><td></td></tr><tr><td></td><td>15</td><td>26</td><td>CLAY + GRAVEL</td><td></td><td></td></tr><tr><td></td><td>26</td><td>70</td><td>SAND + GRAVEL</td><td></td><td></td></tr><tr><td></td><td>70</td><td>77</td><td>CLAY</td><td></td><td></td></tr><tr><td></td><td>77</td><td>110</td><td>SAND + GRAVEL</td><td></td><td></td></tr><tr><td></td><td>110</td><td>118</td><td>SANDY CLAY</td><td></td><td></td></tr><tr><td></td><td>118</td><td>160</td><td>SAND + GRAVEL</td><td></td><td></td></tr></tbody></table>		Hole Diam.	Depth		Material	Water		From	To	Yes	No	20"	0	5	SOIL				5	15	GRAVEL				15	26	CLAY + GRAVEL				26	70	SAND + GRAVEL				70	77	CLAY				77	110	SAND + GRAVEL				110	118	SANDY CLAY				118	160	SAND + GRAVEL		
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	118	160	SAND + GRAVEL																																																										
4. METHOD DRILLED ☒ Cable ☐ Rotary ☐ Dug ☐ Other																																																													
5. WELL CONSTRUCTION Diameter of hole <u>20</u> inches Total depth <u>160</u> feet Casing schedule: ☒ Steel ☐ Concrete Thickness <u>250</u> inches Diameter <u>20</u> inches From <u>1</u> feet <u>160</u> feet inches inches feet feet inches inches feet feet inches inches feet feet inches inches feet feet Was casing drive shoe used? ☒ Yes ☐ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☒ Yes ☐ No How perforated? ☒ Factory ☐ Knife ☒ Torch Size of perforation <u>1/8</u> inches by <u>3</u> inches Number <u>3500</u> From <u>4</u> To <u>150</u> <u>720</u> perforations <u>30</u> feet <u>120</u> feet <u>720</u> perforations <u>30</u> feet <u>120</u> feet Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☒ No Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>20</u> Material used in seal ☐ Cement grout ☐ Pudding clay ☒ Well cuttings Sealing procedure used ☐ Slurry pit ☐ Temporary surface casing ☐ Overbore to seal depth																																																													
6. LOCATION OF WELL Sketch map location must agree with written location.  Subdivision Name _____ Lot No. _____ Block No. _____ County <u>BUTTE</u> <u>SW 1/4 SW 1/4 Sec. 34 T. 5 N. 1/2 R. 1</u>		10. Work started <u>May 9/77</u> finished <u>May 27/77</u>																																																											
11. DRILLERS CERTIFICATION Firm Name <u>Anthony Well Drilling</u> Firm No. <u>226</u> <u>PO BOX 319</u> Address <u>ARCO, IDAHO 83213</u> Date <u>9/24/77</u> Signed by (Firm Official) <u>J. T. Guthrie</u> <u>J. T. Guthrie</u>																																																													

USE ADDITIONAL SHEETS IF NECESSARY

EXHIBIT

Protestant
PK 12
5-17-12

Supervisor/Operator:  Date: 1/14/2010

Form 238-7
6/02

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Office Use Only
Well ID No. 813533
Inspected by _____
Twp _____ Rge _____ Sec _____
1/4 _____ 1/4 _____ 1/4 _____
Lat: _____ Long: _____

1. WELL TAG NO. D 0032569
DRILLING PERMIT NO. _____
Water Right or Injection Well No. 34-70590

2. OWNER:
Name Maic Hansen
Address 2700 North 3500 West
City Moore State Id Zip 83255

3. LOCATION OF WELL by legal description:
You must provide address or Lot, Blk, Sub. or Directions to well.
Twp. 4 North ☒ or South ☐
Rge. 26 East ☒ or West ☐
Sec. 17 SW 1/4 SE 1/4 SE 1/4
Gov't Lot _____ County Butte
Lat: _____ Long: _____
Address of Well Site 2700 North

(Give at least name of road or landmark)
City Moore
Lt. _____ Blk. _____ Sub. Name _____

4. USE:
☐ Domestic ☐ Municipal ☐ Monitor ☒ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)
☐ New Well ☐ Modify ☐ Abandonment ☒ Other replace

6. DRILL METHOD:
☐ Air Rotary ☐ Cable ☐ Mud Rotary ☒ Other reverse

7. SEALING PROCEDURES

Seal Material	From	To	Weight / Volume	Seal Placement Method
<u>5/8 Bentonite</u>	<u>0</u>	<u>20</u>	<u>25 yds</u>	<u>dry pour</u>

Was drive shoe used? ☐ Y ☐ N Shoe Depth(s) _____
Was drive shoe seal tested? ☐ Y ☐ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
<u>18"</u>	<u>2</u>	<u>193</u>	<u>.375</u>	<u>Steel</u>	☒	☐	☒	☐

Length of Headpipe _____ Length of Tailpipe _____
Packer ☐ Y ☐ N Type _____

9. PERFORATIONS/SCREENS PACKER TYPE

Perforation Method _____
Screen Type & Method of Installation Johnson Wire Wrap

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
<u>193</u>	<u>313</u>	<u>10x10</u>		<u>18"</u>	<u>MS</u>	☒	☐

10. FILTER PACK

Filter Material	From	To	Weight / Volume	Placement Method
<u>3/8 pea gravel</u>			<u>33 yds</u>	<u>dry pour</u>

11. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

135' ft. below ground Artesian pressure _____ lb.
Depth flow encountered _____ ft. Describe access port or control devices: 1/2 pipe

12. WELL TESTS:

☐ Pump ☐ Bailor ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
	<u>N/A</u>		

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments: _____

Depth first Water Encounter _____

13. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Water	Y	N
<u>26"</u>	<u>0</u>	<u>6</u>	<u>top soil</u>			
	<u>6</u>	<u>10</u>	<u>clay</u>			
	<u>10</u>	<u>38</u>	<u>Sand, gravel</u>			
	<u>38</u>	<u>64</u>	<u>Ben clay w/ gravel @ 44'</u>			
	<u>64</u>	<u>74</u>	<u>Sand, small gravel</u>			
	<u>74</u>	<u>80</u>	<u>fine brown sand</u>			
	<u>80</u>	<u>88</u>	<u>sticky brown clay</u>			
	<u>88</u>	<u>109</u>	<u>fine Ben sand w/ Ben clay</u>			
	<u>109</u>	<u>153</u>	<u>Brown clay sand</u>			
	<u>153</u>	<u>170</u>	<u>Sand, small gravel</u>			
	<u>170</u>	<u>185</u>	<u>Ben clay w/ sand & gravel</u>			
	<u>185</u>	<u>214</u>	<u>Ben clay w/ gravel</u>			
	<u>214</u>	<u>243</u>	<u>sand, gravel</u>			
	<u>243</u>	<u>249</u>	<u>Brown clay</u>			
	<u>249</u>	<u>265</u>	<u>Sand, small gravel</u>			
	<u>265</u>	<u>268</u>	<u>fine to small coarse sand</u>			
	<u>268</u>	<u>314</u>	<u>Sand, small gravel</u>			
	<u>314</u>	<u>320</u>	<u>Brown Basalt w/ gravel</u>			

RECEIVED

JUN 21 2004

WATER RESOURCES
WESTERN REGION

RECEIVED

MAY 21 2004

WATER RESOURCES
WESTERN REGION

Completed Depth 320 (Measurable)

Date: Started 4-28-04 Completed 5-6-04

14. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name Riverside E Inc Firm No. 333

Principal Driller _____ Date _____
and _____

Driller or Operator II John Dwyer Date 5-19-04

Operator I _____ Date _____

Principal Driller and Rig Operator Required.
Operator I must have signature of Driller/Operator II.



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900.

Jan 2, 1995
Golden West Cafe
6:00 PM

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR



M E M O

TO: Norm Young
THRU: Alan Robertson, Hal Anderson
FROM: Steve Baker
SUBJECT: Possibility of a Transition Zone near the Mouth of Big Lost River Valley

DATE: July 14, 1989

On June 23, I wrote a memo in response to a request by Glen Saxton to delineate a line near the mouth of the Big Lost River Valley where ground water and surface water are "no longer" in communication with each other. Upon review of this memo, you had some question of whether a region exists north of this line where wells completed below a certain depth could withdraw ground water without having adverse effects on existing water users in the valley. In the following paragraphs I have addressed the possibility for the existence of this so called "transition zone."

The data sets that are necessary to develop a complete and accurate respond to your request are sparse. Lithologic data (well logs) are not of adequate detail or depth to define the geologic framework of the area. Nested piezometer data are also lacking to understand the distribution of hydraulic head both horizontally and vertically. So with this in mind, please realize my findings are tentative and subject to change as more data is collected.

As stated in the memo to Glen, the flow of ground water near the mouth of the valley is complex. Relatively steep hydraulic gradients are indicated by the significant differences in water table elevations in the valley with those that occur in the plain immediately to the south. If it is assumed that horizontal flow predominants in the aquifer near Darlington, then the water table drops 1100 feet over 17 miles as it merges with the Snake River Plain aquifer system, .4 miles south of Arco.

The flow of ground water in the area is further complicated by the high degree of heterogeneity of the material filling the valley. From at least two million years ago to as recent as

2,000 years ago, volcanism in the plain has intermittently caused basalt flows to intrude into the mouth of the valley. As flows advanced up the valley, temporary lakes were created allowing fine-grained sediments to settle out and accumulate. Eventually, the basalt dams would be breached and free-flowing streams would be reestablished.

The occurrence of these lake deposits impedes the downward movement of ground water near the mouth of the valley. Permeable sands and gravels between these impeding layers laterally convey portions of the underflow leaving the valley. Ultimately, the water in these zones leaks downward through the fine-grained sediments. The flow net shown in Figure 1 illustrates this concept. The equipotential lines that are drawn represent lines of equal hydraulic head.

Most wells in the valley are less than 250 feet deep, especially, west and north of Arco. As a result, knowledge of the water-bearing zones below this depth is extremely limited. A test hole drilled by the U.S. Geological Survey (USGS) about five miles south of Moore (well 4N-26E-2labbl) offers the primary source of data regarding the hydrogeology of the deeper water-bearing zones in this area. The driller's log and other pertinent notes for the well are shown in Figure 2. As shown on the log, a 245 foot head difference is indicated between the upper sand and gravel layer where water was first encountered and the fourth sand and gravel layer (between 280 to 425 feet). In order to have this significant difference in hydraulic head, the intervening clay layers must be relatively tight and occupy a fairly large areal extent.

If wells were completed and pumping from this lower water-bearing zone, they would undoubtedly alter the current flow regime. However, their effects should be more regionally distributed and of lower magnitude than wells pumping from shallower zones. The severity of these effects cannot be determined at this time. Only after the drilling and testing of wells completed in this lower zone can the potential effects be fully assessed.

Because the lateral extent of the third clay layer in well 4N-26E 2labbl (between 235-280 feet) is uncertain, an arbitrary line was selected to delineate the northern boundary of this so-called "transition zone." With this in mind, the boundary between townships 4N and 5N appears to be a reasonable dividing line. As more wells are drilled or deepened into this lower water-bearing zone, the line may be subject to change. A high-resolution seismic survey may help to delineate the extent of the clay layers and associated water-bearing zones.

July 14, 1989

Before I close, I would like to note a potential problem that currently exists near the mouth of the valley that you may not be aware of. Many of the wells drilled in this area are open to multiple water-bearing zones. If significant differences in head exist between the zones, then downward flow will occur from the upper to the lower zones. When this occurs, a significant drainage of the upper water-bearing zone(s) can take place, whether or not the wells are pumping. USGS personnel during their 1985 study, noted several wells where cascading water was occurring in them. This type of well completion that has been used for deeper wells may be in part responsible for declining water-levels in shallow domestic wells.

If you have any questions regarding my findings, please contact me.

SB:cjk

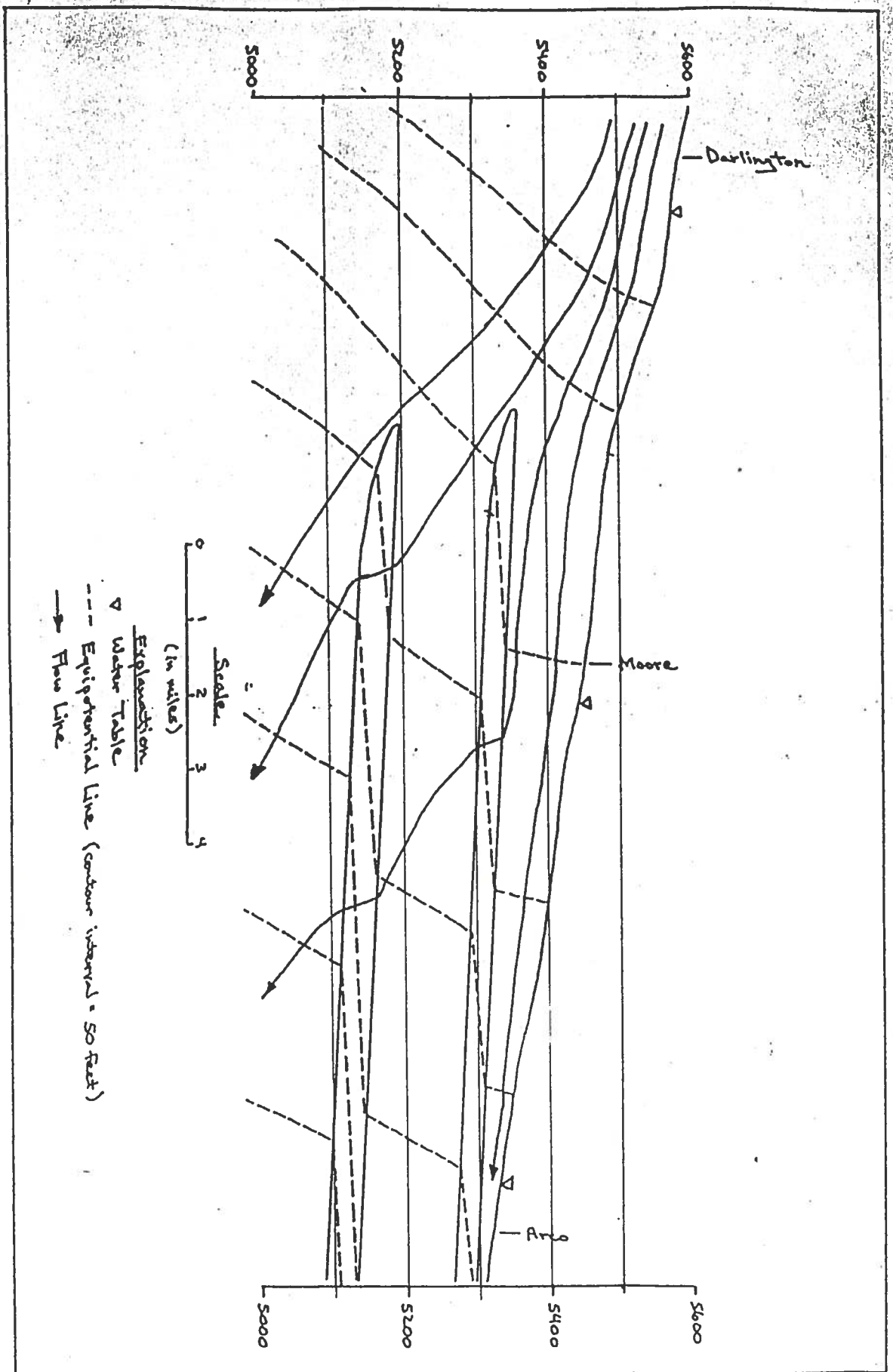


Figure 1. Conceptual Flow Net of Aquifer System Near Mouth of Big Lost River Valley

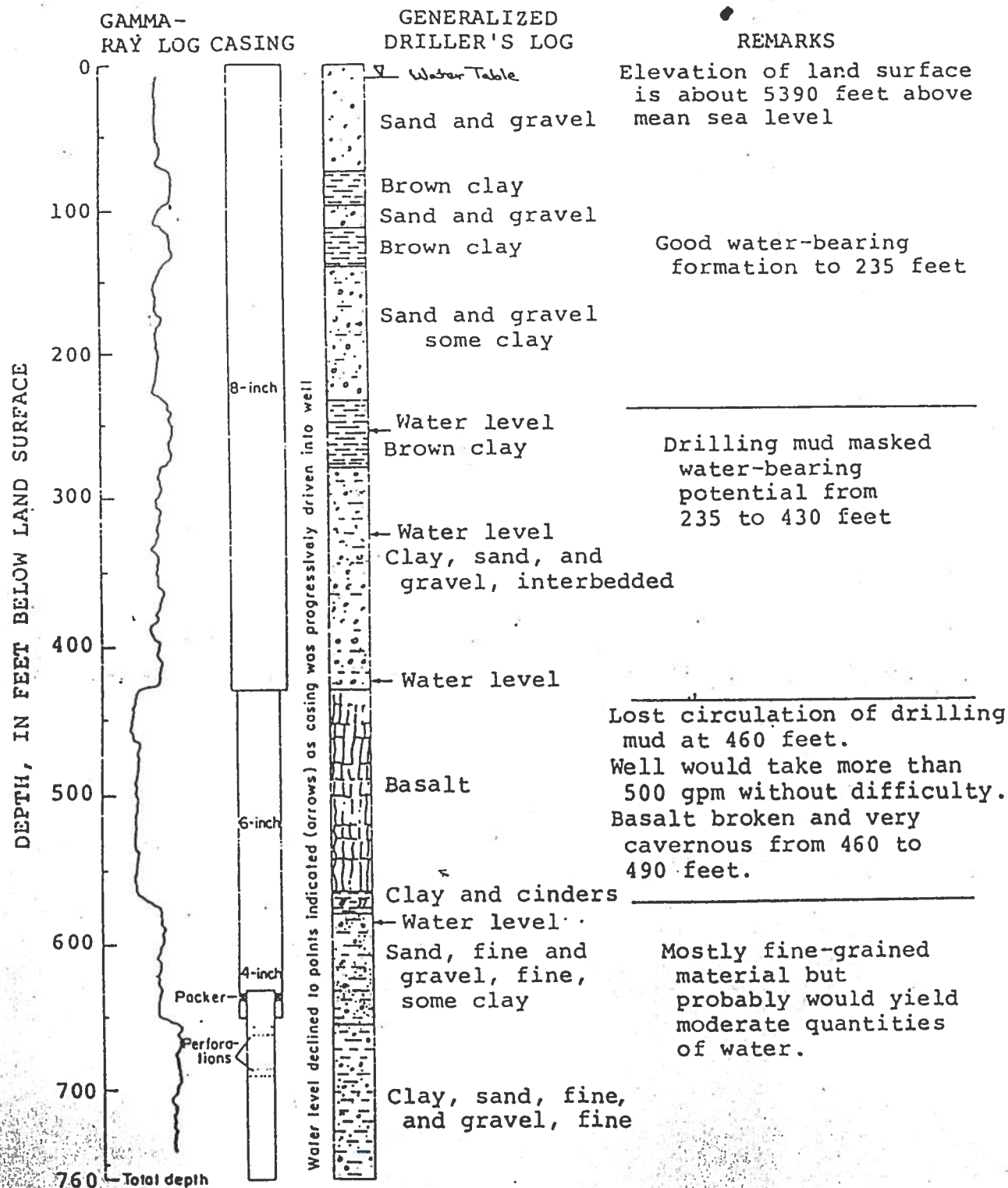


FIGURE 2 -- Logs and water levels in well 4N-26E-21abbl.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

MEMORANDUM

TO: GOVERNOR CECIL D. ANDRUS

FROM: R. KEITH HIGGINSON, DIRECTOR *RKH*

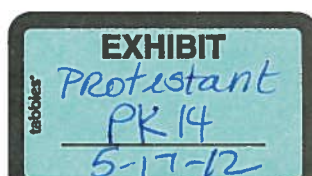
RE: CORRESPONDENCE FROM CHARLES P. TRAUGHBER

DATE: MAY 22, 1994

This memorandum is in response to your request for a response to the April 29, 1994 letter from Mr. Traughber. Mr. Traughber's accusations of uncontrolled expansion of water use and illegal water diversions are simply not factual. In my letter to Mr. Traughber of January 3, 1994, copy attached, I asked specifically if he knew of any illegal water diversions to let me know because I take very seriously my responsibility to supervise the distribution of water. Mr. Traughber's response dated January 12, 1994, copy enclosed, discusses at great length his dissatisfaction with the present condition of Spring Creek but provides nothing as far as illegal water use is concerned. It should also be noted that a moratorium on new development is in place in the Big Lost River Basin and no new water right permits are being issued or have been issued in recent years.

Water distribution in the Big Lost River Basin this year is based upon the list of water rights in Director's Report of Water Rights to the Snake River Basin Adjudication Court and the Court's Order for interim administration. The Court's Order for interim administration was entered AFTER the same Court had ruled §§42-1416 and 42-1416A, Idaho Code, were unconstitutional. The Court's reasoning was that the list of water rights in the Director's Report is still the best list available for water distribution even though there will ultimately need to be some corrections to the list before all water rights are decreed. I agree.

Also as described in my January 3, 1994 letter to Mr. Traughber I am well aware of the prior appropriation doctrine in Idaho. I am equally aware of the constitutional requirements to allow the appropriation of the unappropriated waters of the state. The best scientific data available still shows there is unappropriated water in the Big Lost River Basin and the Temporary Water Distribution Rules for Water District 34 that I have adopted will protect senior surface water rights from interference from ground water pumping.



Cecil D. Andrus

May 22, 1994

Page 2

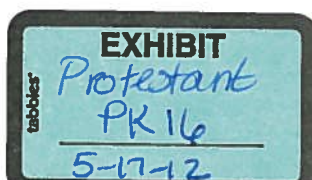
The lower Lost River Basin has suffered in recent years as a result of drought conditions as have other streams in the state. It should also be noted that last year, the first year of above average runoff in seven years, water did return to the lower Lost River and ground water levels recovered significantly in the area. This year, unfortunately, the Lost River Drainage again faces much below average runoff forecasts and there will be little chance of having water in the lower Lost River this year.

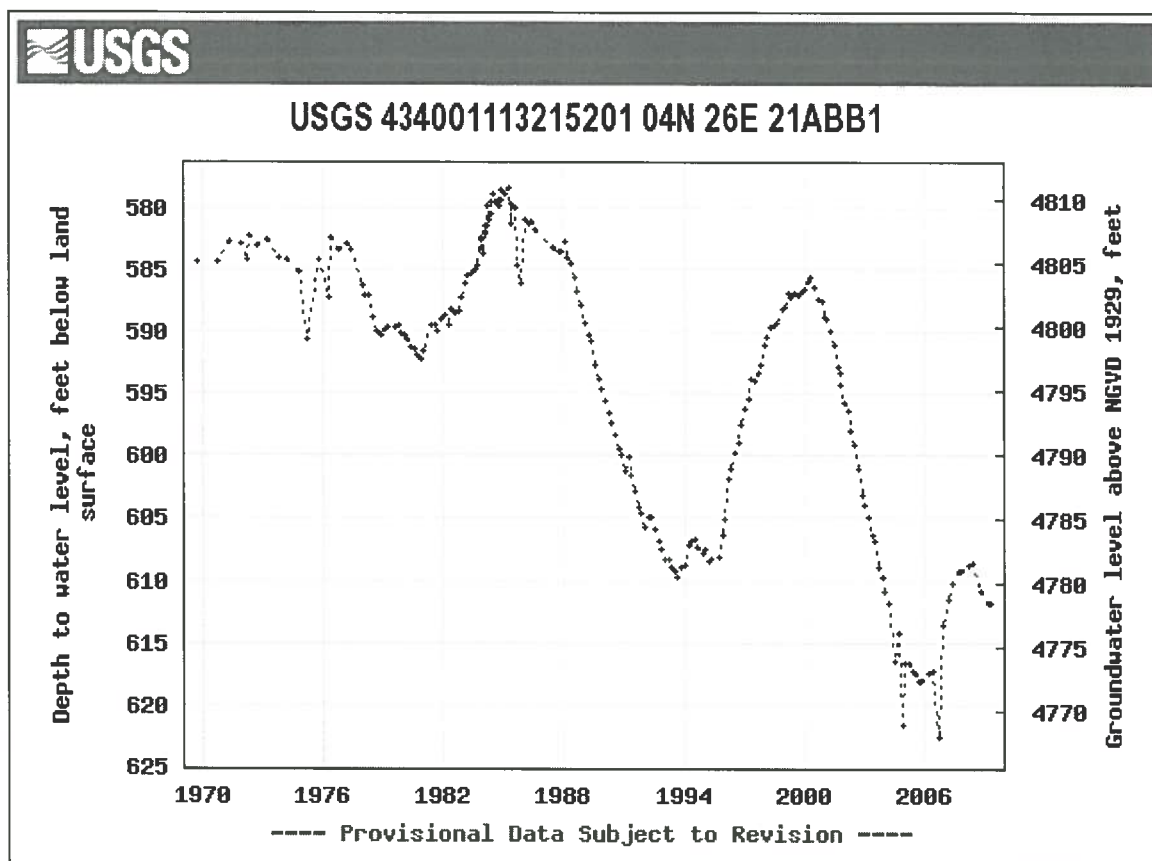
As you can see from the attached correspondence, Mr. Traughber has not been satisfied with any of the Department's responses to his inquiries and allegations. I do, however, remain committed to the proper distribution of water to those entitled to its use. If there are water diversions which Mr. Traughber or others believe are not in compliance with the current court order I would ask to be informed and will take appropriate regulatory action.

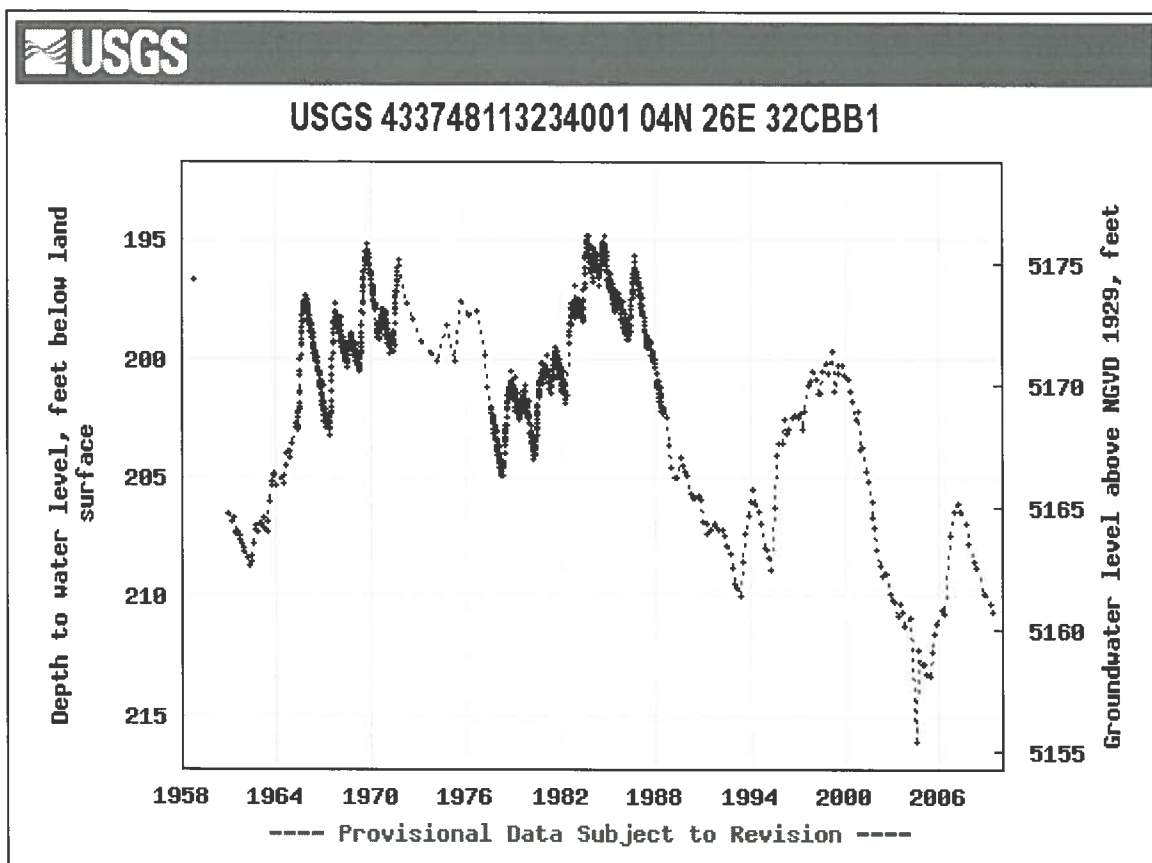
Six USGS well measurements, 2009

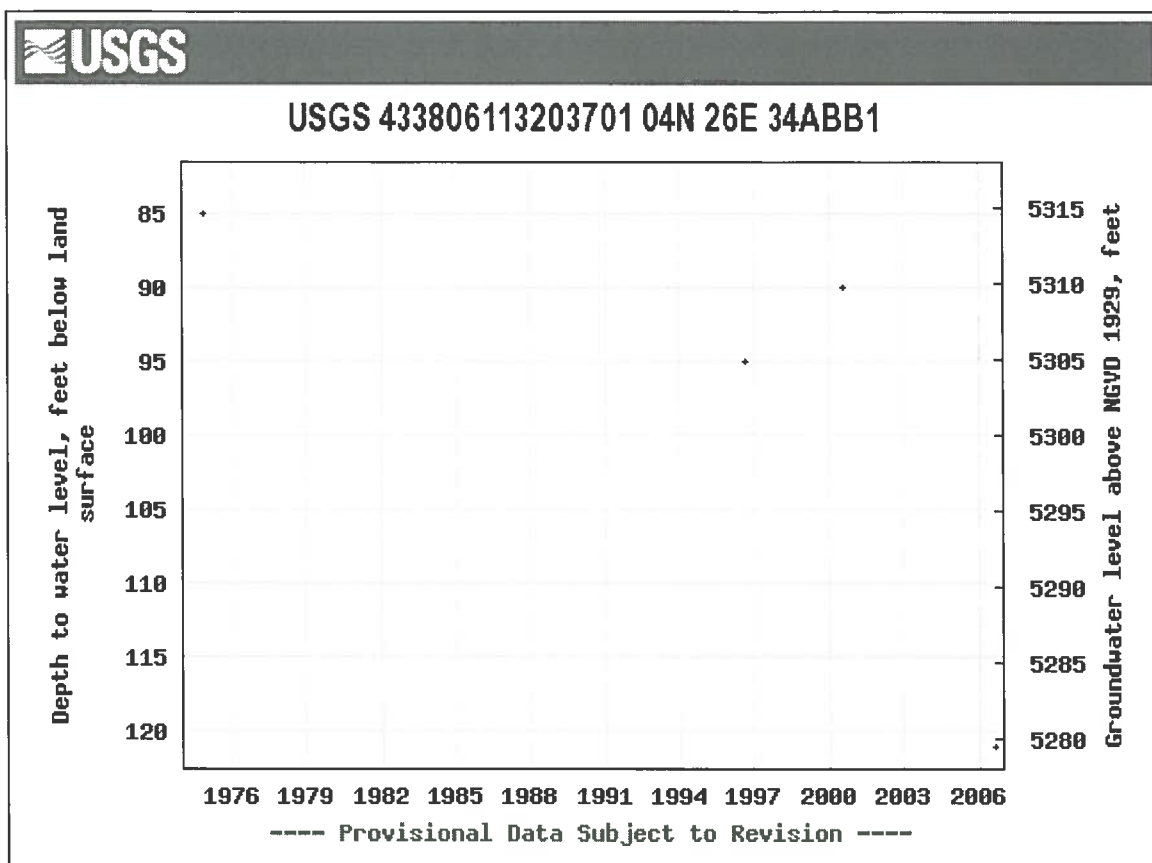
Ground Water Levels, above Sea Level

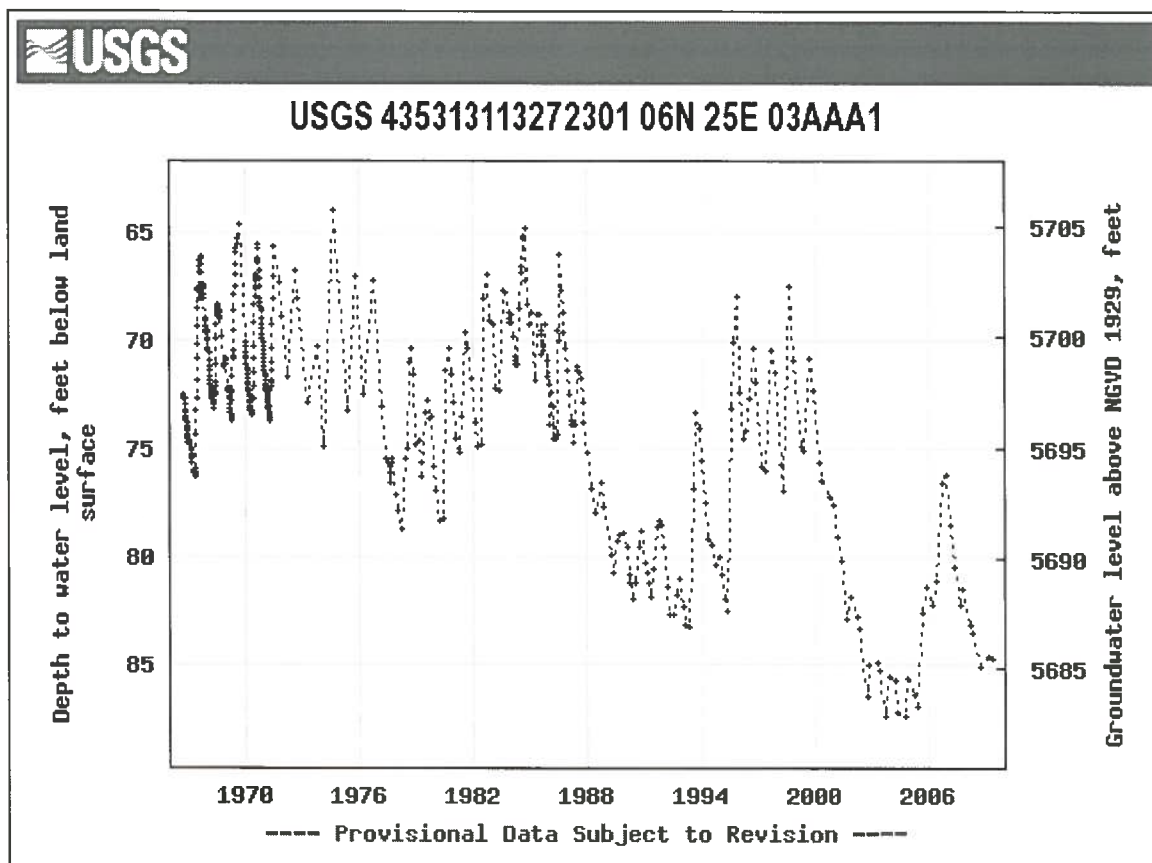
Range 25 East													Range 26 East												
Township 6 North	6	5	4	5685	2	1	6	5	4	3	2	1	Township 6 North												
	7	8	9	10	11	12	7	8	9	10	11	12													
	18	17	16	15	14	13	18	17	16	15	14	13													
	19	20	21	22	23	24	19	20	21	22	23	24													
	30	29	28	27	26	25	30	29	28	27	26	25													
	31	32	33	34	35	36		32	33	34	35	36													
Township 5 North	6	5	4	3	2	1	6	5	4	3	2	1	Township 5 North												
	7	8	9	10	11	12	7	8	9	10	11	12													
	18	17	16	15	14	13	18	17	16	15	14	13													
	19	20	21	22	23	24	19	20	21	22	5420	24													
	30	29	28	27	26	25	30	29	Moore	27	26	25													
	31	32	33	34	35	36	31	32	33	Well	35	36													
Township 4 North	6	5	4	3	2	1	6	5	4	3	2	1	Township 4 North												
	7	8	9	10	11	12	7	8	9	10	11	12													
	18	17	16	15	14	13	18	17	16	15	14	13													
	19	20	21	22	23	24	19	20	4778	22	23	24													
	30	29	28	27	26	25	30	29	28	27	5265	25													
	31	32	33	34	35	36	31	5161	33	5279	35	Arco													
Range 25 East						Range 26 East																			

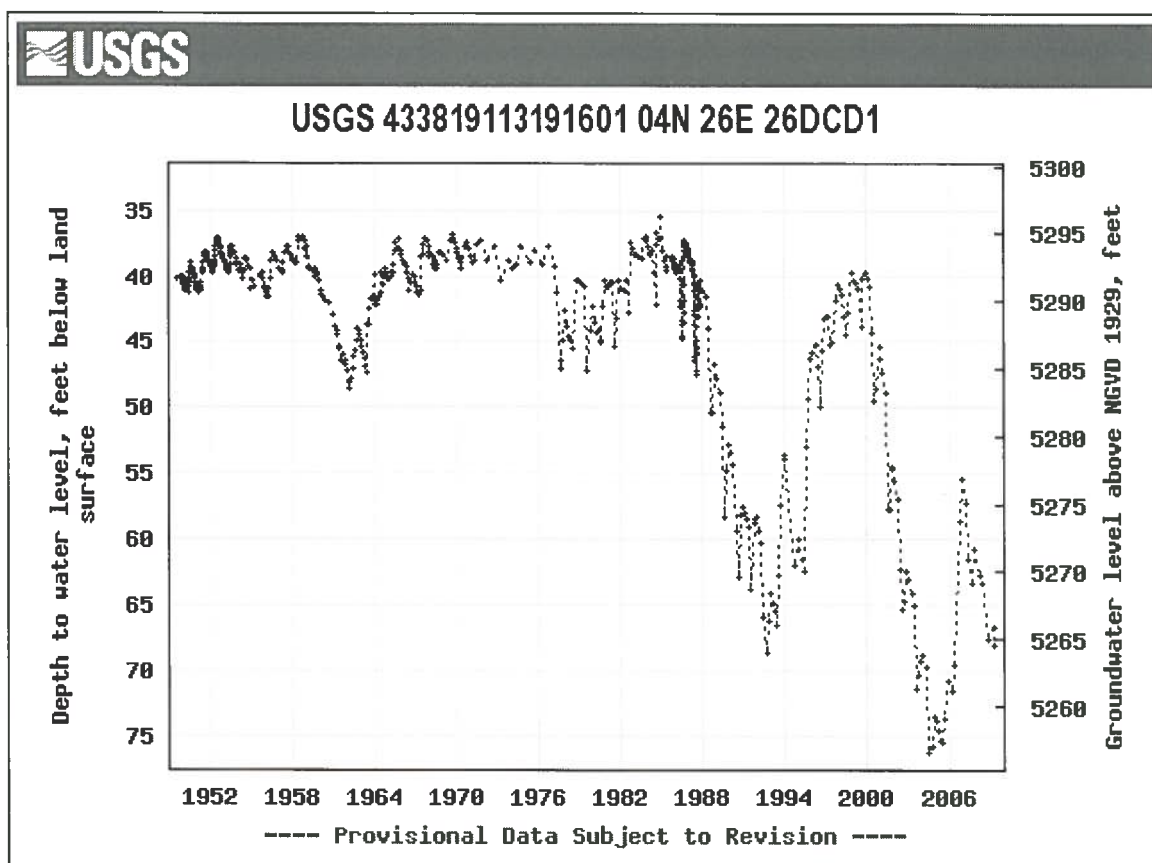


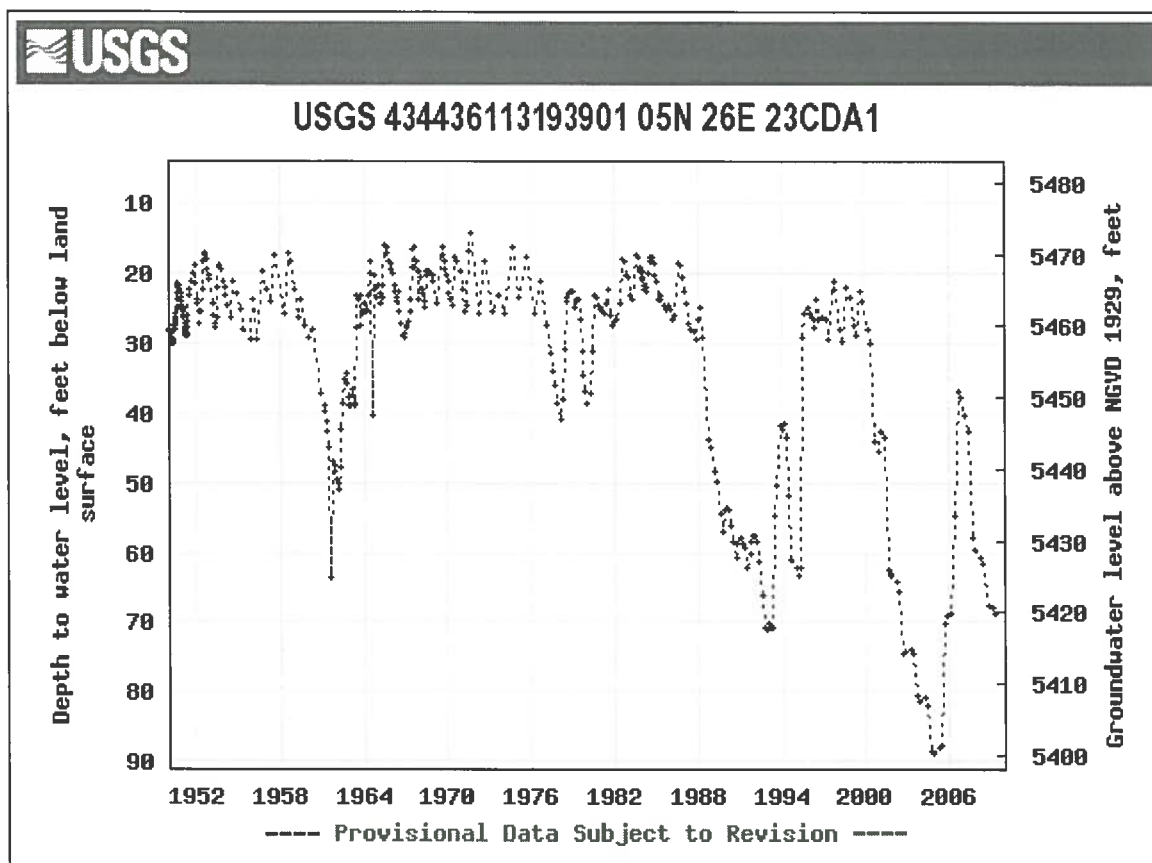












AMENDMENT XIV

Passed by Congress June 13, 1866. Ratified July 9, 1868.

Section 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.



BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR)
PERMITS FOR THE DIVERSION AND USE)
OF SURFACE AND GROUND WATER WITHIN)
THE EASTERN SNAKE RIVER PLAIN AREA)
AND THE BOISE RIVER DRAINAGE AREA)
_____)

AMENDED
MORATORIUM ORDER

The Director of the Department of Water Resources, having responsibility for the administration of the appropriation of the water of 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, enters the following Findings of Fact, Conclusions of Law and Order:

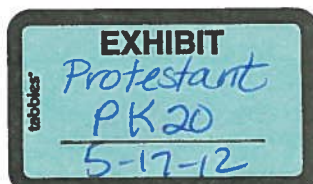
FINDINGS OF FACT

1. On May 15, 1992, the Director of the department issued a moratorium order against the approval of certain new applications in the Snake River Basin upstream from the USGS gaging station at Weiser, Idaho. On January 6, 1993, the Director amended the moratorium order to eliminate the non-trust water area from the scope of the May 15, 1992 moratorium order. Conditions have since changed making further amendment of the May 15, 1992 order appropriate.

2. The Snake River Basin in Idaho has experienced six consecutive years of drought, and while the snowpack and precipitation are now near or above average across much of southern Idaho, residual effects of the drought are still evident in ground water levels, spring flows and anticipated stream flows.

3. Ground water aquifers have become stressed by the reduction in natural recharge due to changes in diversion and use of surface waters throughout the basin and by the increased volume of pumping occurring to augment scarce surface water supplies during the drought period. The lowered water levels in the

ORDER - Pg 1



aquifers across much of the Snake River Basin in southern Idaho have resulted in numerous wells, often those used for domestic and municipal water supply purposes becoming unusable. Lowered ground water levels also reduce spring and base flow discharge needed to maintain stream and river flows.

4. The need to supplement or replace inadequate surface supplies has prompted many waterusers to pursue ground water as an alternative source of supply.

5. Many wells throughout the Snake River Basin, including domestic wells in the Boise River Area, have either been replaced or drilled deeper during the duration of the drought.

6. The 1993 Idaho legislature authorized a three year study to determine the relationship between the Snake Plain Aquifer and the flow of the Snake River.

7. Even though the water supplies in the state are approaching normal for the 1993 irrigation season, ground water levels which have been declining will not fully recover in 1993.

8. The term "non-trust water area" means that area depicted as such on Exhibit "A" attached hereto and by this reference incorporated herein.

9. The term "Eastern Snake River Plain Area" means the trust water area of the Snake Plain Aquifer upstream from the USGS gaging station on the Snake River at King Hill. To further define the western boundary of this area, department designated hydrologic basin nos. 37 and 47, among other basins, are included in the area and hydrologic basin nos. 51 and 61, among other basins, are not included in the area.

10. The term "Boise River Drainage Area" means hydrologic basin no. 63 as designated in department records.

11. This Amended Moratorium Order does not pertain to the non-trust water area.

12. The Snake River Basin Moratorium Order issued by the department on May 15, 1992 and amended on January 6, 1993, includes and overlaps both the Big Lost River drainage for which the department has previously issued a moratorium order on August 7,

1990 and the Mud Lake and Vicinity Area for which the department issued a moratorium order on December 1, 1989.

CONCLUSIONS OF LAW

1. The Director of the Department of Water Resources is responsible for administration of the appropriation and use of the water of the state of Idaho. Section 42-202, Idaho Code, reads in pertinent part:

For the purpose of regulating the use of the public waters and of establishing by direct means the priority right to such use, any person, association or corporation hereafter intending to acquire the right to the beneficial use of the waters of any natural streams, springs or seepage waters, lakes or ground water, or other public waters in the state of Idaho, shall, before commencing of the construction, enlargement or extension of the ditch, canal, well, or other distributing works, or performing any work in connection with said construction or proposed appropriation or the diversion of any waters into a natural channel, make an application to the department of water resources for a permit to make such appropriation.

2. The Director of the Department of Water Resources is responsible for supervision of water distribution in the state of Idaho. Section 42-602, Idaho Code, reads, in pertinent part,

It shall be the duty of the department of water resources to have immediate direction and control of the distribution of water from all of the streams to the canals and ditches diverting therefrom. The department must execute the laws relative to the distribution of water in accordance with rights of prior appropriation.

3. The Director of the Department of Water Resources is authorized under the provisions of Section 42-1805(7), Idaho Code, as follows:

After notice, to suspend the issuance or further action on permits or applications as necessary to protect existing vested water rights or to ensure compliance with the provisions of chapter 2, title 42, Idaho Code, or to prevent violation of the minimum flow provisions of the state water plan.

4. Rule 7,1. of the Department of Water Resources Rules and Regulations for Water Appropriation provides that a moratorium on processing of applications for permit shall be entered by issuance of an order of the Director of the Department of Water Resources.

Notice of the order shall be by certified mail to affected applicants and permit holders and by publishing a legal notice in newspapers of general circulation in the area.

5. A moratorium on issuance of permits to divert and use surface and ground water from the Eastern Snake River Plain Area and tributary drainages and the Boise River Drainage Area should be established to protect existing water rights.

6. The department should rescind the moratorium order issued on August 7, 1990 for the Big Lost River drainage and the moratorium order issued on December 1, 1989 for the Mud Lake and Vicinity Area to remove the duplicate effect associated with this Amended Moratorium Order.

7. This amended moratorium order is not intended to affect the provisions of the moratorium order issued by the department on January 6, 1993 in the non-trust water area.

ORDER

IT IS, THEREFORE HEREBY ORDERED that prior order of the department dated May 15, 1992 and amended January 6, 1993 in connection with the Snake River Basin upstream from the USGS gaging station at Weiser, Idaho is superceded by this Amended Moratorium Order.

IT IS, FURTHER HEREBY ORDERED that a moratorium is established on the processing and approval of presently pending and new applications for permits to appropriate water from all surface and ground water sources within the Eastern Snake River Plain Area and all tributaries thereto and within the Boise River Drainage Area.

- The following provisions apply to the administration of the moratorium:

1. The moratorium shall be in effect on and after its entry and shall remain in effect until withdrawn or modified by order of the Director.

2. The moratorium includes applications filed on all public water sources within the Eastern Snake River Plain Area and all tributaries thereto and within the Boise River Drainage Area.

3. The moratorium applies to all applications proposing a

consumptive use of water filed after the date of the order and to all applications filed prior to the entry of the order for which approval has not been given, except as herein provided.

4. The moratorium does not affect the authorization to continue development of any existing approved application (permit).

5. The moratorium does not apply to any application for domestic purposes as such term is defined in Section 42-111, Idaho Code. For the purposes of this exception, applications for ground water permits seeking water for multiple ownership subdivisions or mobile home parks will be considered provided each unit satisfies the definition for the exception of requirement to file an application for permit as described in said section.

6. The moratorium does not apply to any application proposing a non-consumptive use of water as the term is used in Section 42-605A, Idaho Code.

7. The moratorium does not apply to applications for drilling permits to replace or deepen existing wells having valid existing water rights nor to applications for transfer of existing water rights.

8. This moratorium does not change or affect the administration of any area that has been previously designated as a critical ground water area, pursuant to Section 42-233a, Idaho Code, or a ground water management area pursuant to Section 42-233b, Idaho Code.

9. The 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 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 drought related moratorium; or

b) The Director determines that 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 location, insignificant consumption of water or mitigation provided by the applicant to offset injury to other rights.

10. This moratorium does not change or supercede any of the

provisions of the moratorium order issued by the department on January 6, 1993 in the non-trust water area of the Snake River Basin and shall not be interpreted as declaring an end to the drought emergency as referenced in provision 8(b) of the moratorium order for the non-trust water area.

11. This moratorium supercedes and rescinds the Moratorium Order issued on December 1, 1989 for the Mud Lake and Vicinity Area. Pending applications for permit or applications for transfer will be treated under the terms of this amended moratorium order.

12. This moratorium supercedes and rescinds the Final Order of the department issued on August 7, 1990 which established a moratorium on the issuance of new permits within the Big Lost River drainage. Pending applications for permit or applications for transfer will be treated under terms of this amended moratorium order and may be considered for approval by the department in connection with proposed mitigation or compensation for prior water rights.

Dated this 30TH day of April, 1993.


R. KEITH HIGGINSON
Director

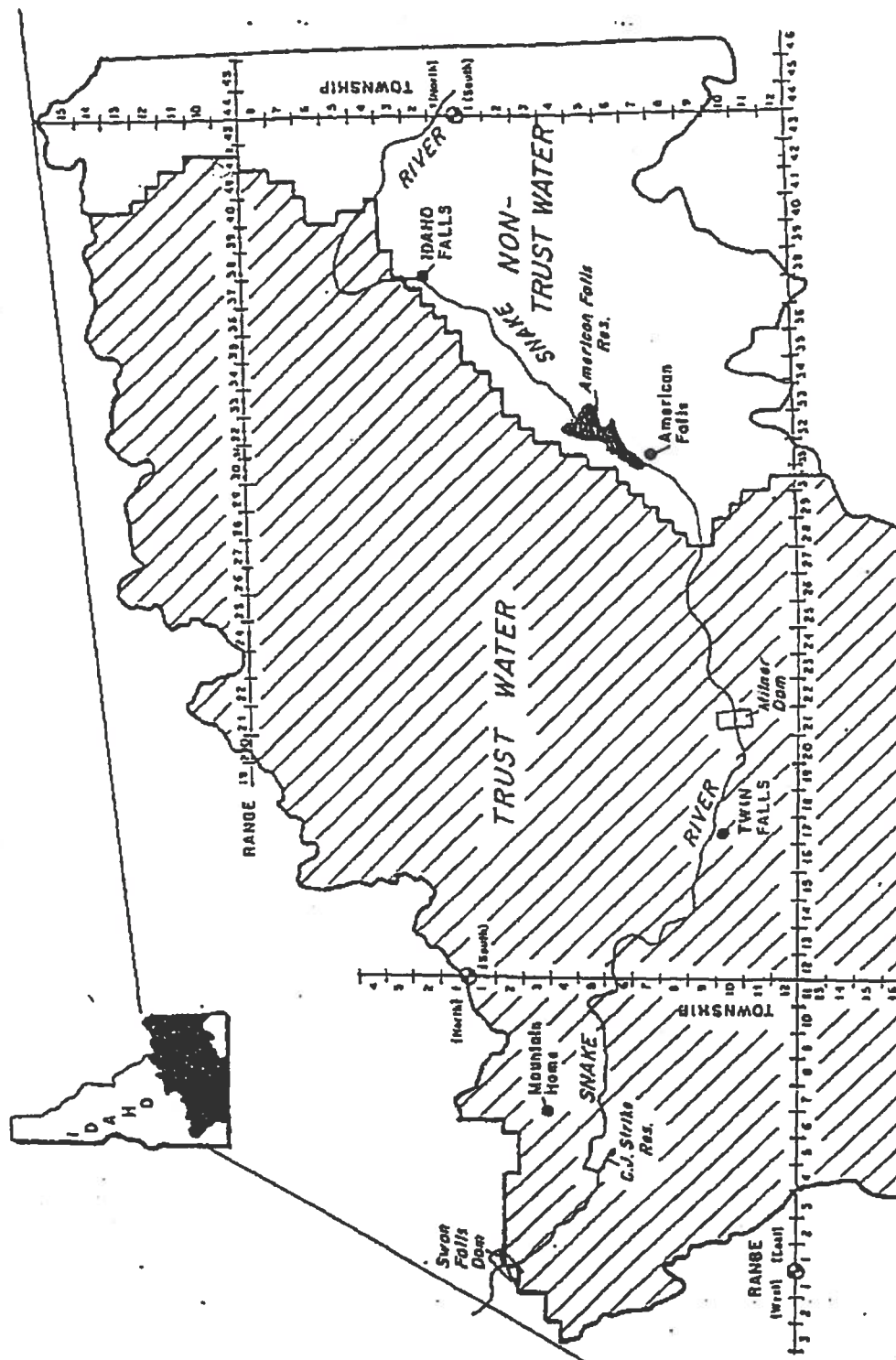


EXHIBIT A