



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

August 2, 2010

Hannum
2449 South 2300 West
West Haven, Utah 84401

Re: Application for Permit 15-7332, Rule 40.05 Requirements

Dear Applicant,

This letter is meant to confirm that your application for permit to divert ground water is still pending before the Idaho Department of Water Resources (IDWR). About one year ago, we were instructed by the Oneida County Commissioners to stop processing new permits for ground water diversion within the Malad River drainage. Water users within the basin have reported declining aquifer levels and spring flows. USGS monitoring wells in the basin confirm the reports. Just recently, the county commissioners have agreed that permitting of ground water rights can resume within the basin. IDWR has chosen to proceed with caution, however, and will require every applicant to submit additional, detailed information regarding their proposed diversion.

Under IDWR Water Appropriation Rule 40.05, an applicant seeking a new permit bears the burden of demonstrating that the water supply is sufficient for the proposed appropriation. Rule 40.05 allows IDWR to require applicants to submit additional information in certain circumstances. The full language of Rule 40.05 can be found at <http://adm.idaho.gov/adminrules/rules/idapa37/37index.htm>. Because of the high potential for injury to existing water users in the Malad River basin, IDWR is requiring all applicants for new ground water irrigation permits to submit the following information before their applications will be considered:

Rule 40.05

- c.ii For applications appropriating groundwater, a plat [or map] . . . locating the proposed well relative to all existing wells and springs and permitted wells within a one-half mile radius of the proposed well.
- c.iii Information . . . concerning any design, construction, or operation techniques which will be employed to eliminate or reduce the impact on other water rights.

Information . . . on the water requirements of the proposed project, including, but not limited to, the required diversion rate during the peak use period and the

average use period, the volume to be diverted per year, the period of year that water is required, and the volume of water that will be consumptively used per year

- d.ii Information . . . on the quantity of water available from the source applied for, including, but not limited to, . . . information concerning the properties of the aquifers that water is to be taken from for groundwater sources, and information on other sources of supply that may be used to supplement the applied for water source.

The information described above is meant to be fairly technical and detailed. Some applicants may not have the technical expertise needed to collect and analyze the relevant data. Given recent budget cuts and limited staff resources, IDWR does not plan on conducting a hydrologic study of the basin and cannot compile the requested information. To assemble the information required by Rule 40.05, you may need to hire an engineer or hydrogeologist to collect hydrologic data. IDWR cannot process or evaluate your application for diversion of ground water until the required information is submitted.

You should also be aware that there are number pending applications for permit that have been filed in the last two years. IDWR is evaluating the applications in the order they were received, provided the applicants submit the required information. Rule 40.05 allows IDWR to set a 30-day window for submitting requested information. Because the data collection process may require some pump tests and data collection, however, I am extending the deadline. If you have not supplied the specific information described above by December 1, 2010, your application for permit, No. 15-7332, will be voided.

Feel free to contact me directly if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'James Cefalo', is written over the printed name.

James Cefalo
Water Resources Program Manager
IDWR – Eastern Region