

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

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

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

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

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

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

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

ORDER

IT IS HEREBY ORDERED that the administrative hearing record in the above contested case shall be augmented with Malad River Basin ground water level and stream flow data in IDWR’s possession. A summary of the ground water level and stream flow data is appended to this order as Attachment no. 1. The full data set supporting the attached summary can be found electronically at either of the following hyperlinks:

<http://www.idwr.idaho.gov/WaterManagement/Orders/default.htm> or
http://waterdata.usgs.gov/id/nwis/inventory/?site_no=10118200&agency_cd=USGS&

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

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

Dated this 25th day of June, 2012.



Gary Spackman
Interim Director

CERTIFICATE OF SERVICE

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

Document(s) Served: Order to Augment Record

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

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

David Reel
5176 South 4400 West
Malad, ID 83252

G. Marlynn Holgate
4016 W. Samaria Rd.
Malad, ID 83252

Brad Warren
5199 South 4600 West
Malad, ID 83252

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

Kody Warren
5196 South 4600 West
Malad, ID 83252



Deborah J. Gibson
Assistant to the Director

ATTACHMENT NO. 1

MEMO

**State of Idaho
Department of Water Resources**

322 E Front Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700

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

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

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

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

Groundwater and surface water data are provided electronically in accompanying spreadsheets titled *Malad_GW_Data.xlsx* and *Malad_SW_Data.xlsx*, respectively.

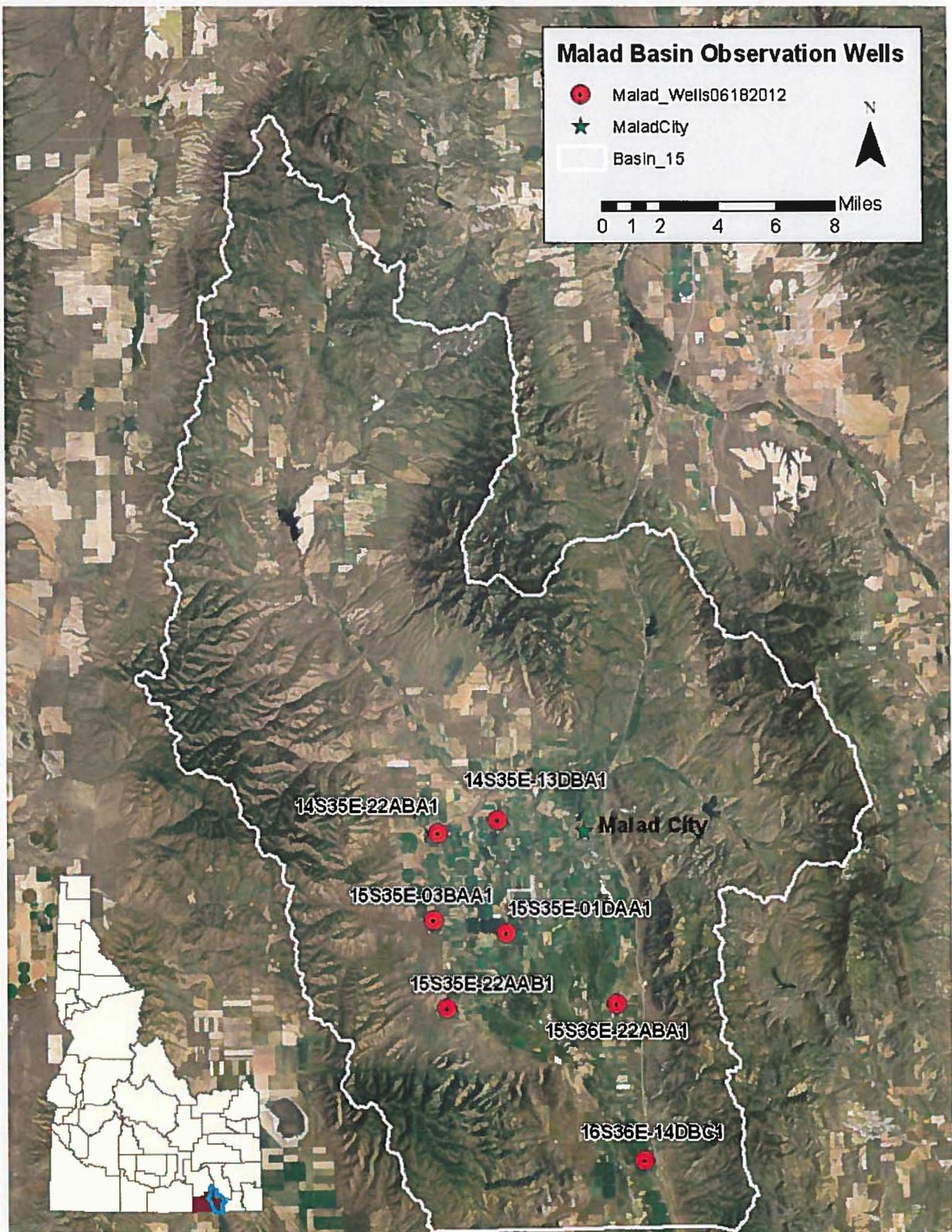


Figure 1. Location map for wells in the Malad Basin that are measured by IDWR.

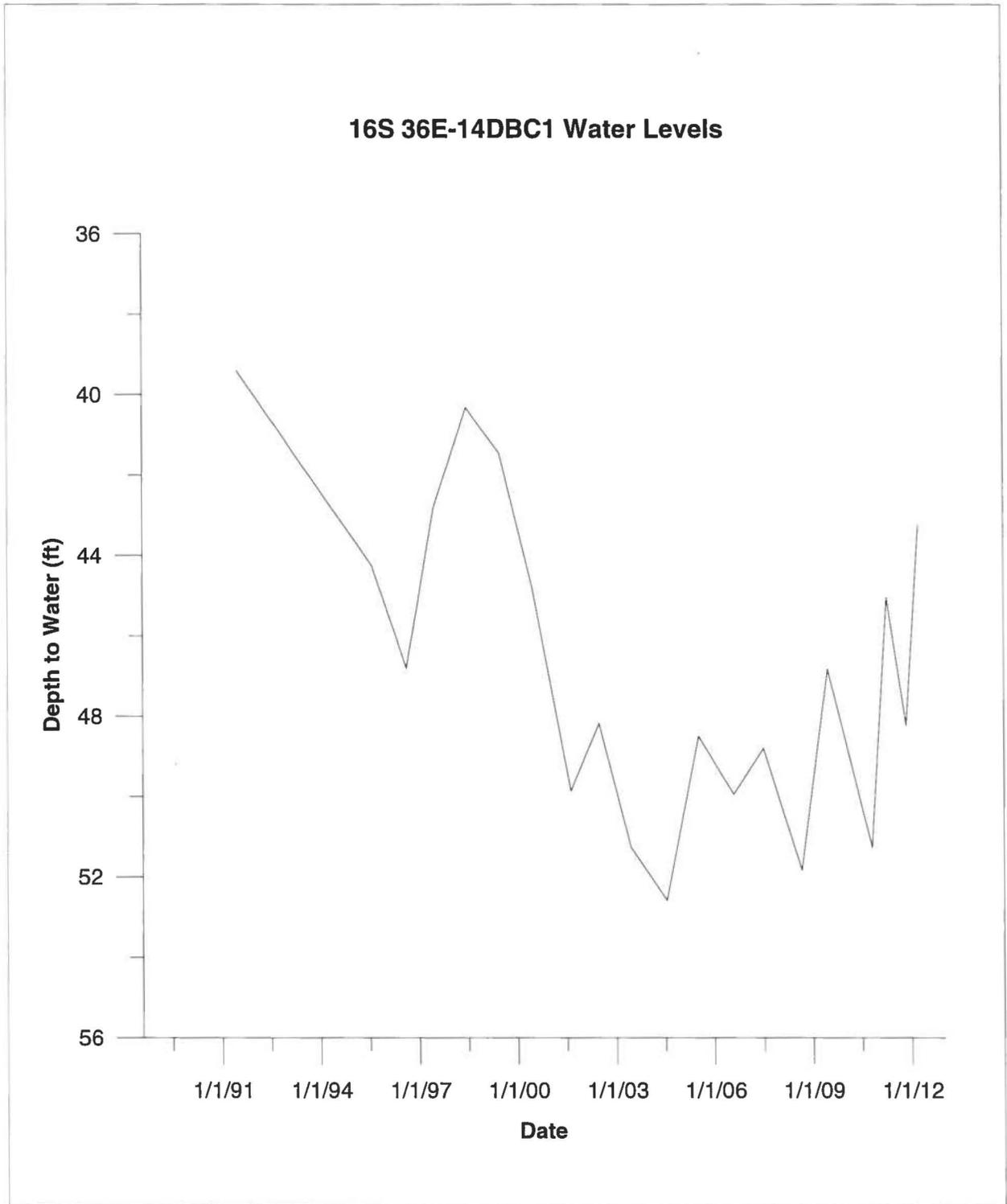


Figure 2. Water levels in well 16S 36E-14DBC1.

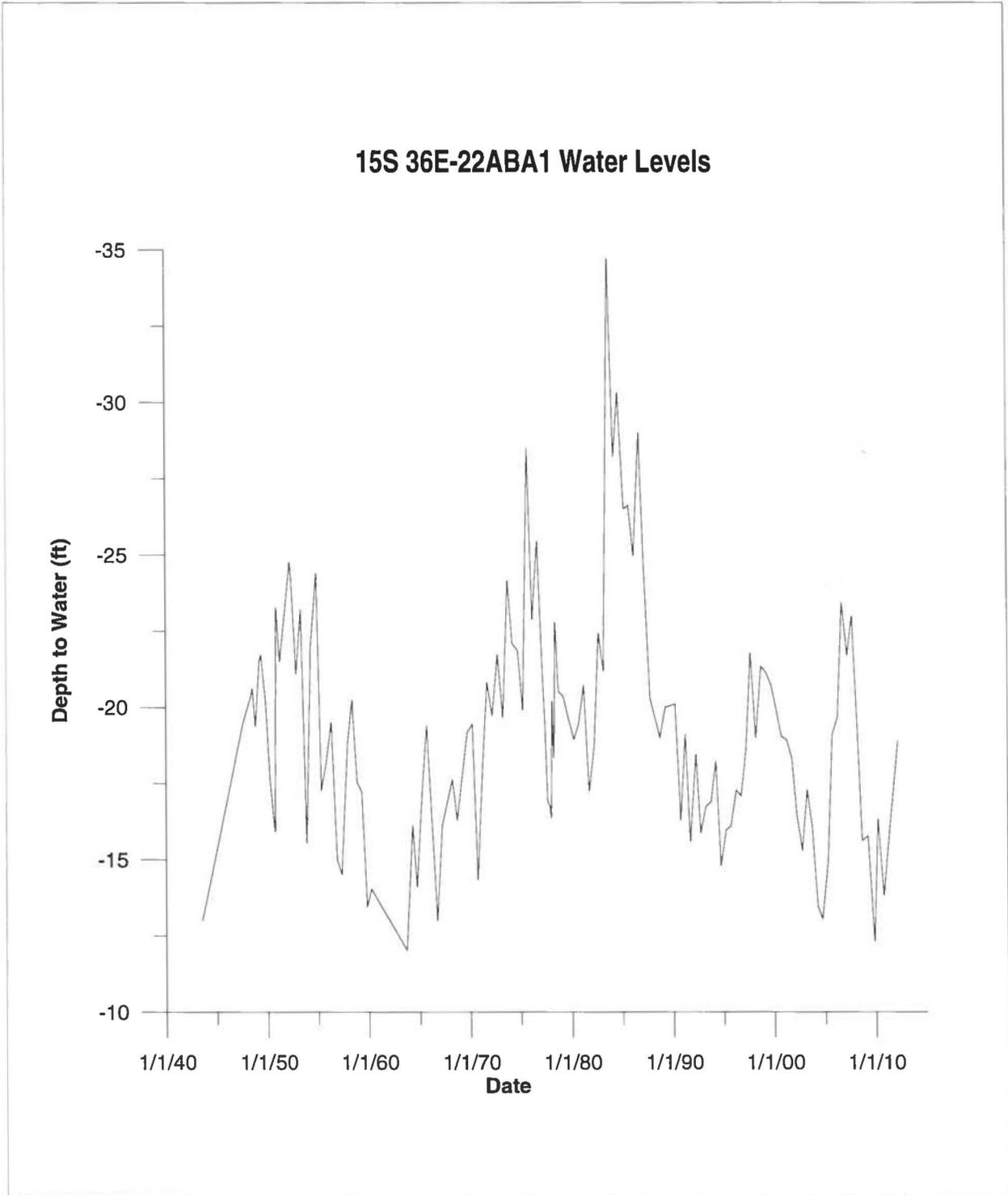


Figure 3. Water levels in well 15S 36E-22ABA1. Note that negative depths indicate that the water level is above land surface.

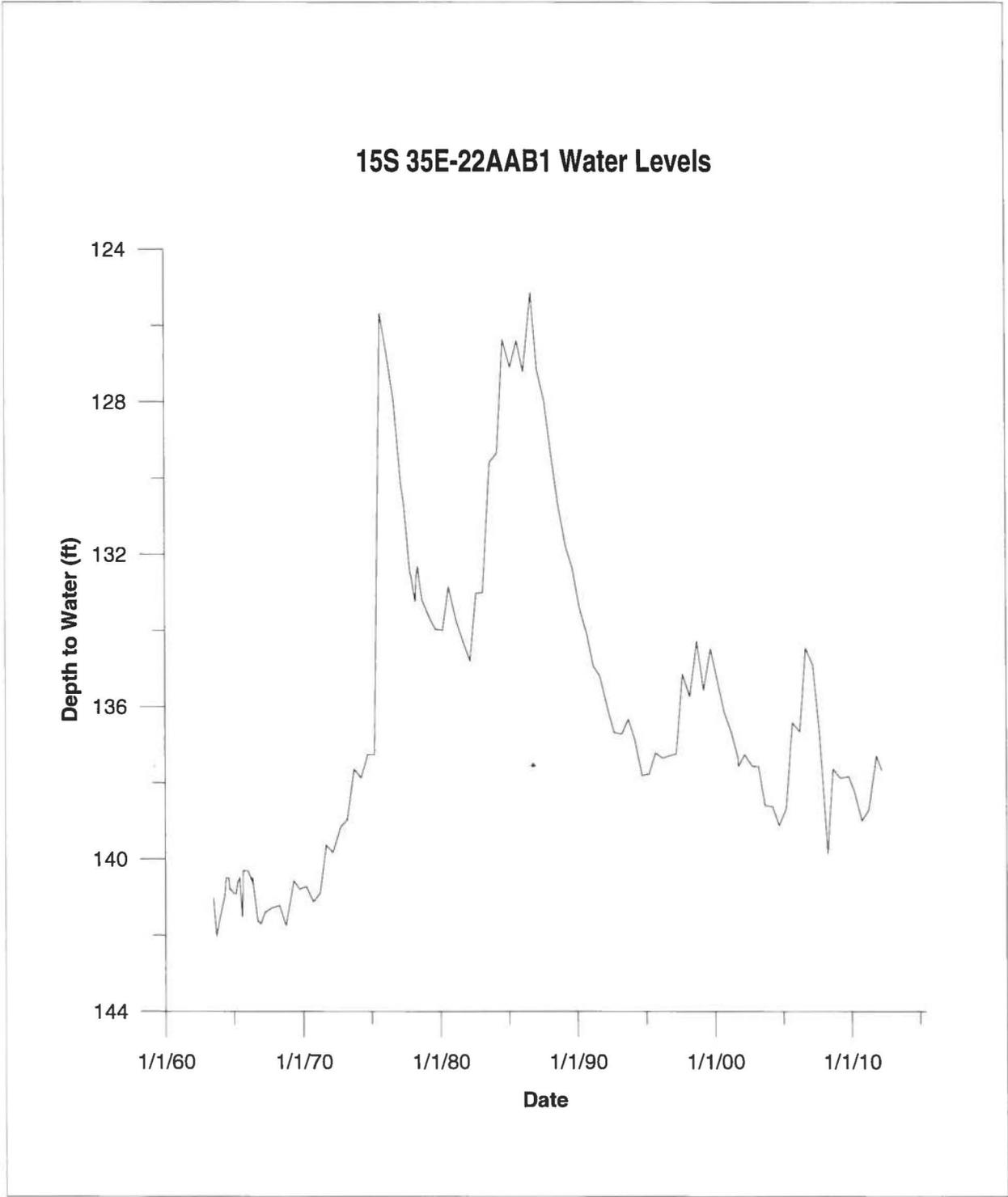


Figure 4. Water levels in well 15S 35E-22AAB1.

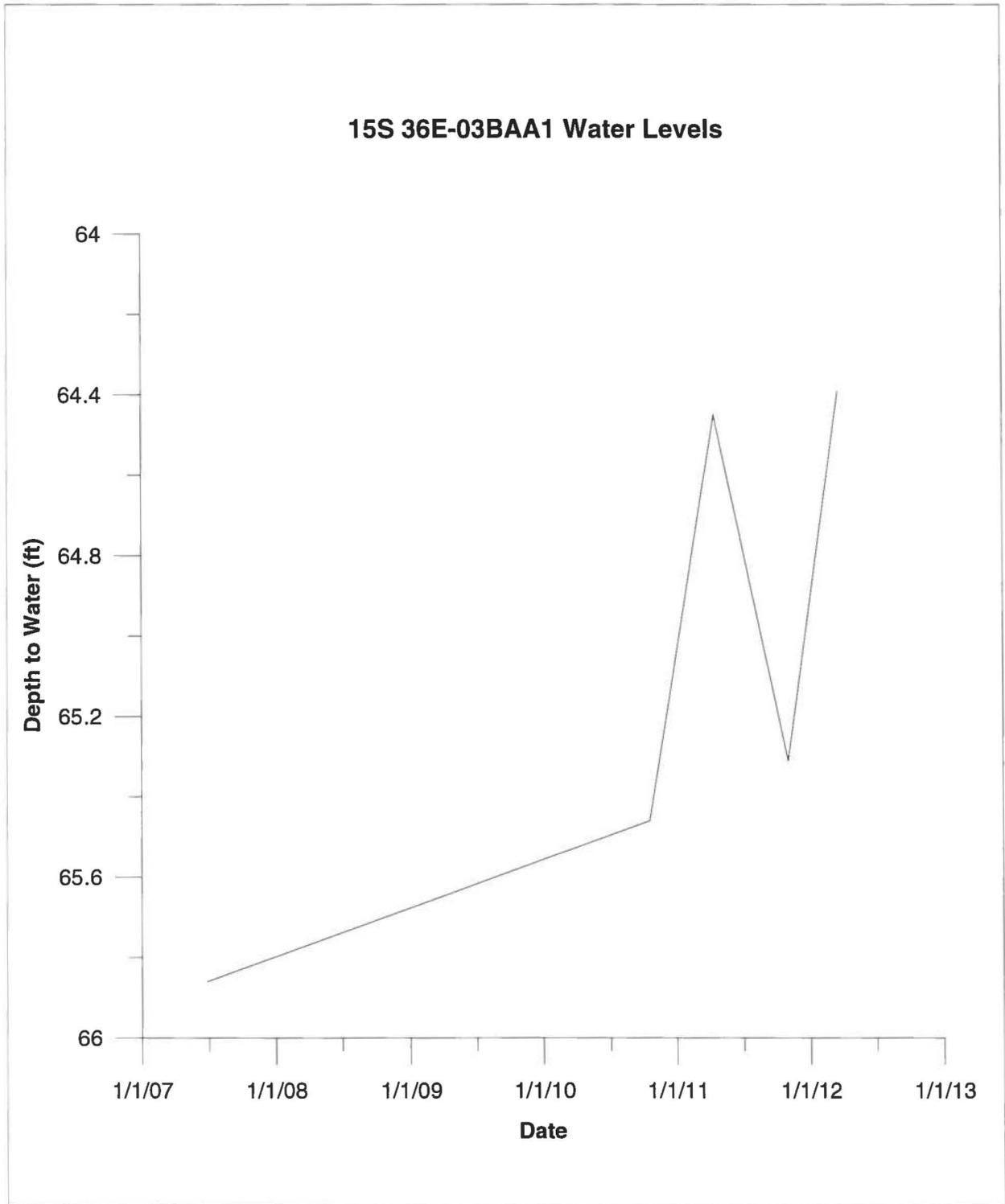


Figure 5. Water levels in well 15S 35E-03BAA1.

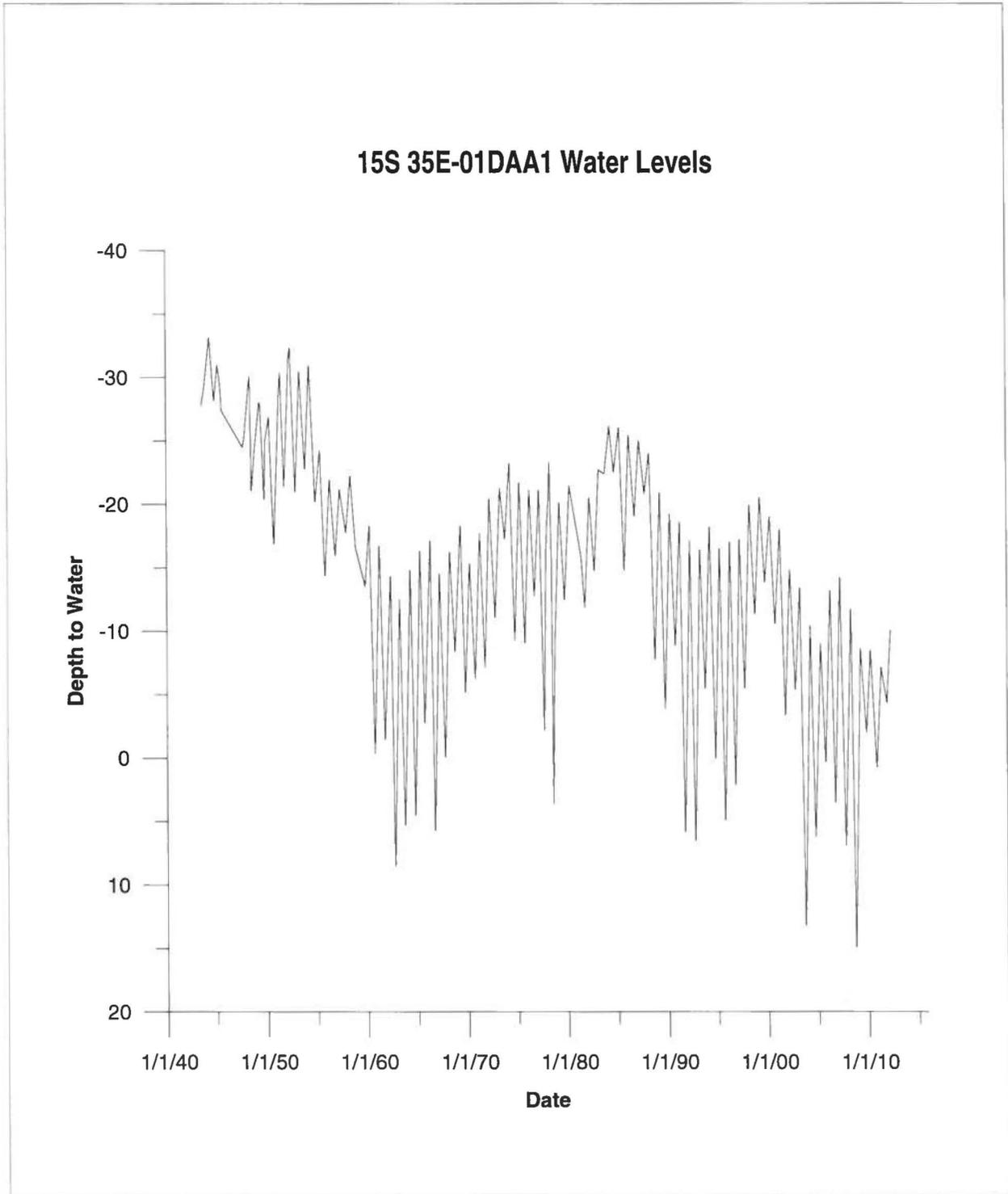


Figure 6. Water levels in well 15S 35E-01DAA1. Note that negative depths indicate that the water level is above land surface.

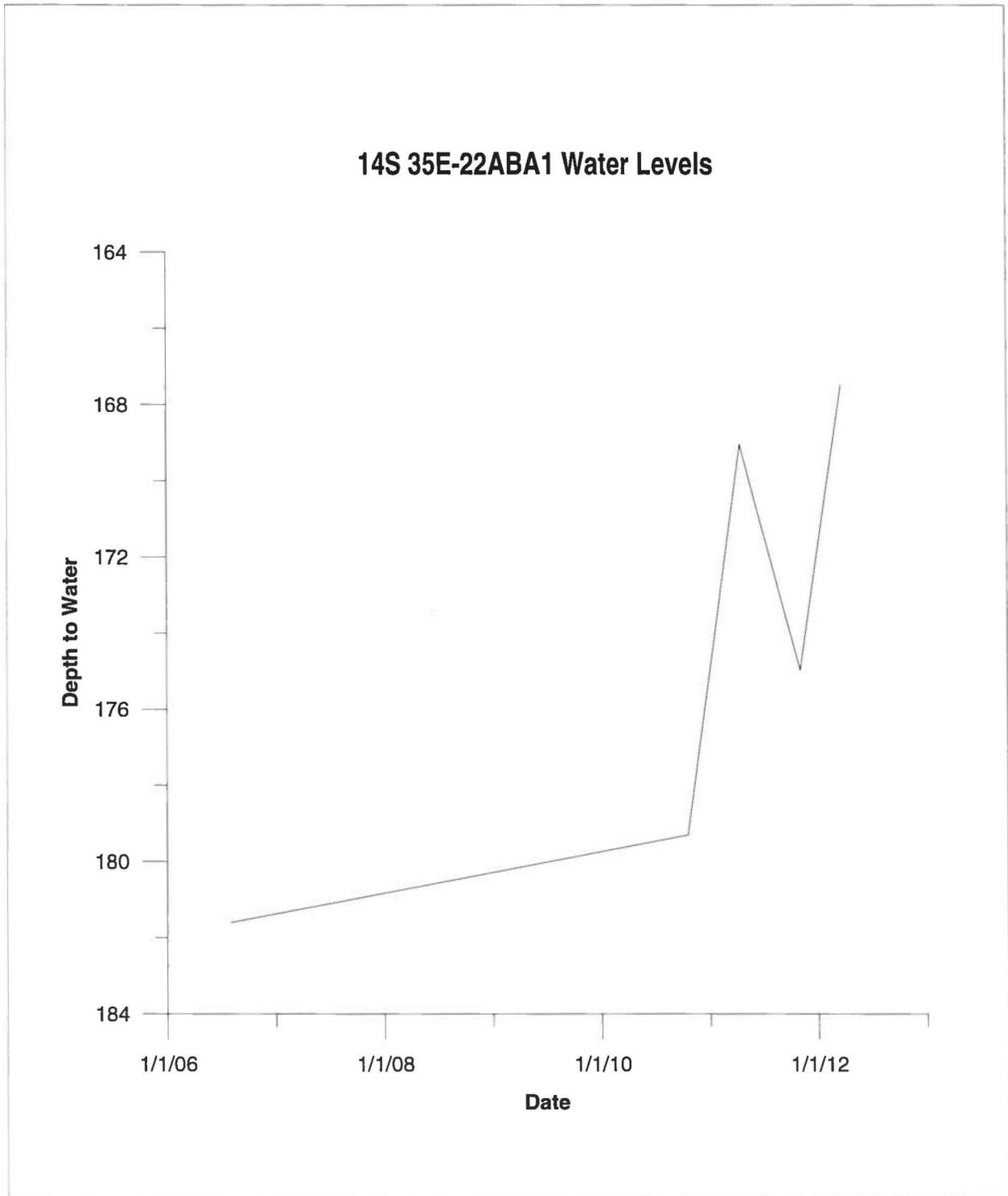


Figure 7. Water levels in well 14S 35E-22ABA1.

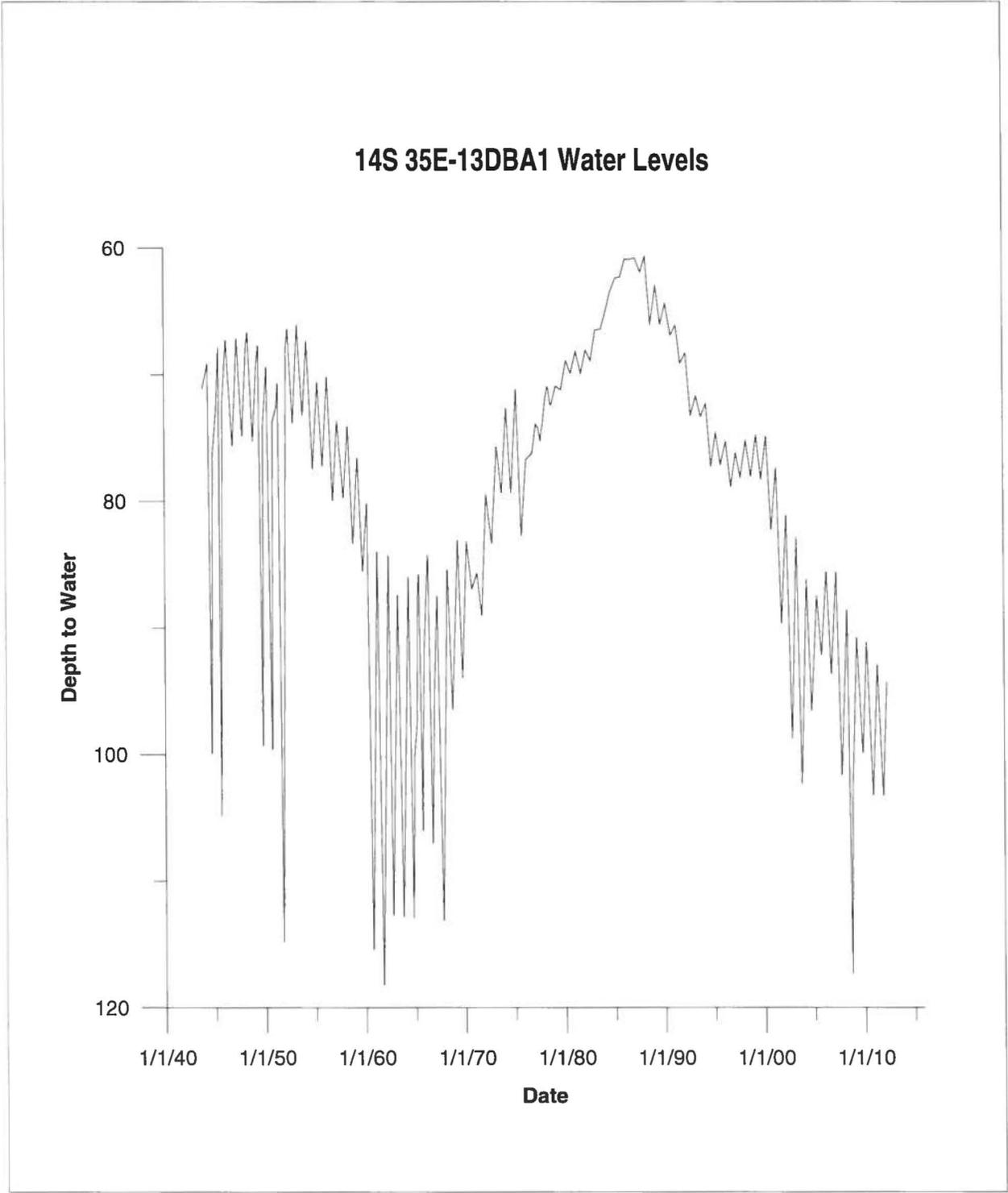
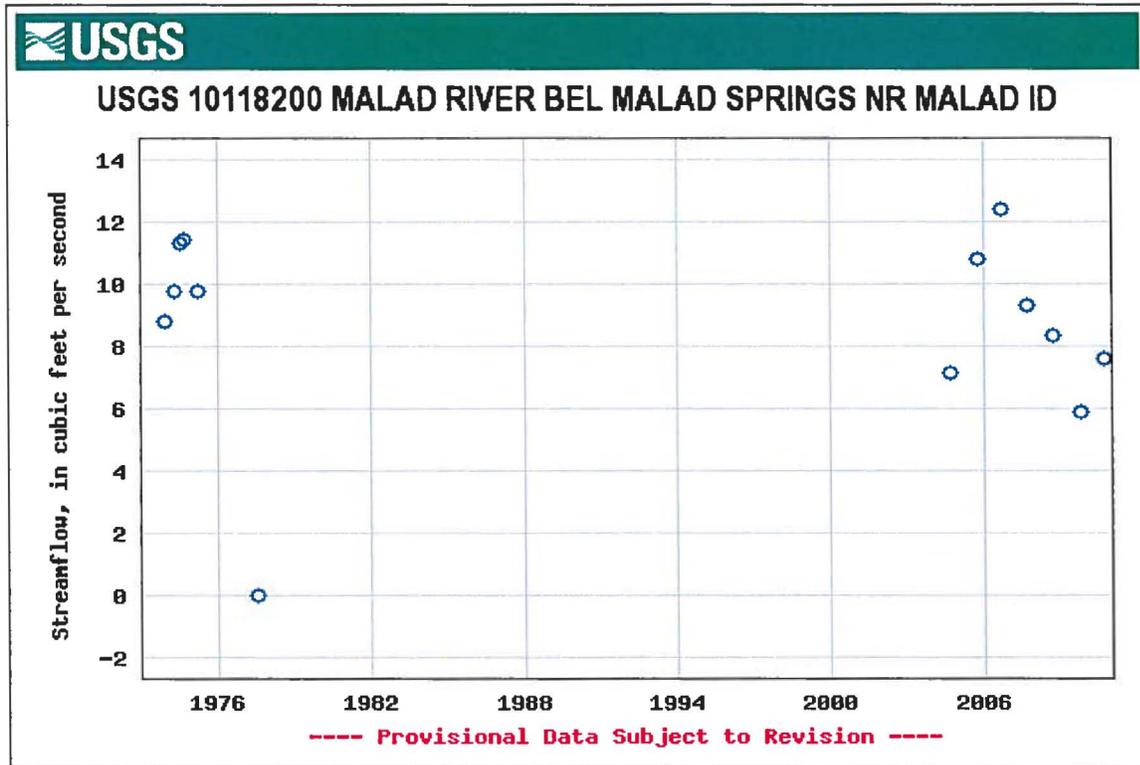


Figure 8. Water levels in well 14S 35E-13DBA1.

USGS 10118200 MALAD RIVER BEL MALAD SPRINGS NR MALAD ID

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

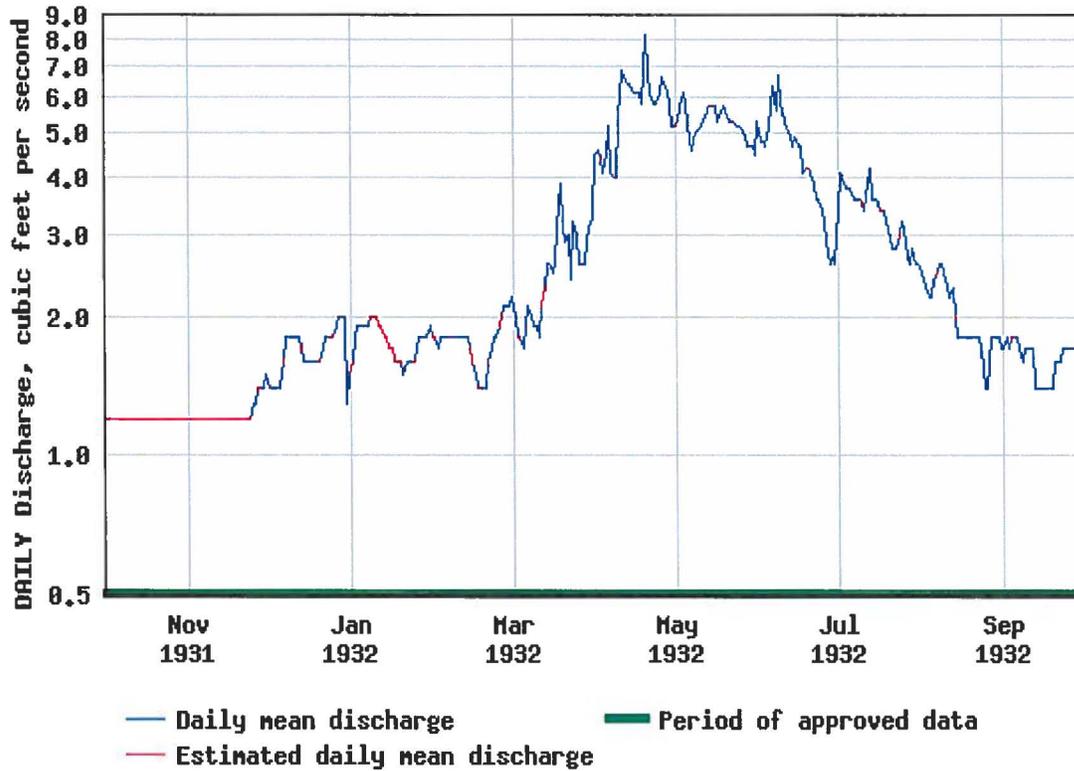


USGS 10118500 WRIGHT CREEK NR DANIELS ID

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



USGS 10118500 WRIGHT CREEK NR DANIELS ID

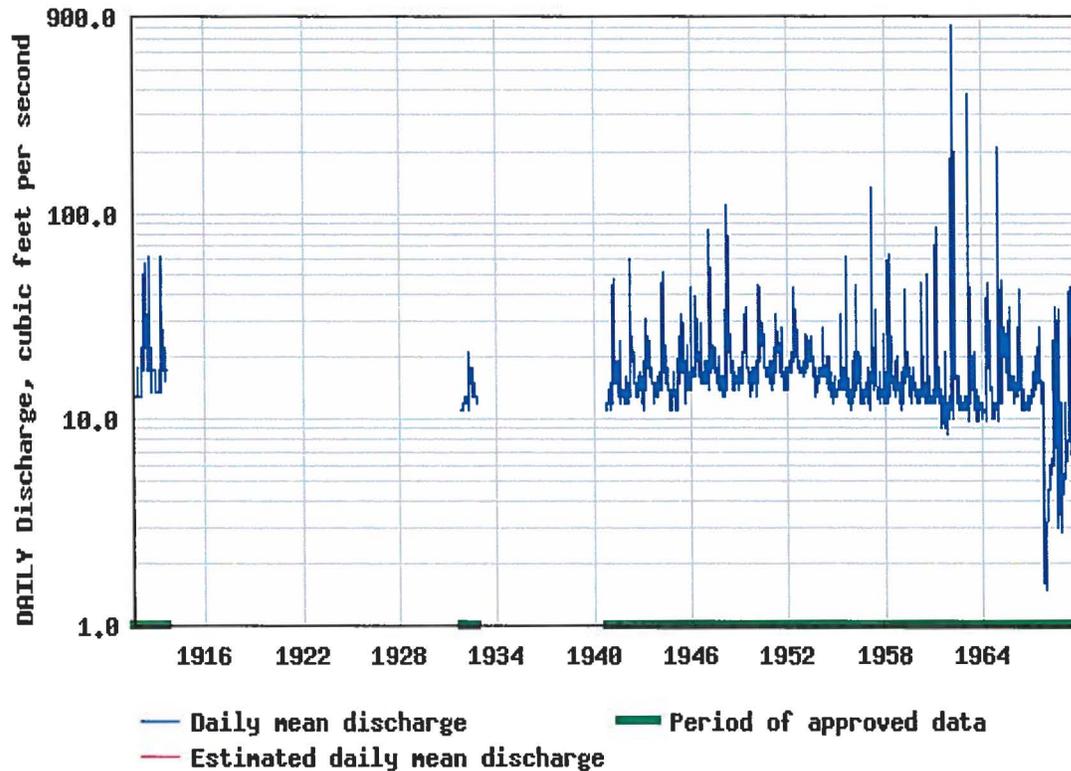


USGS 10119000 LITTLE MALAD RIVER AB ELKHORN RES NR MALAD CITY ID

http://waterdata.usgs.gov/id/nwis/inventory/?site_no=10119000&agency_cd=USGS&



USGS 10119000 LITTLE MALAD RIVER AB ELKHORN RES NR MALAD CITY ID

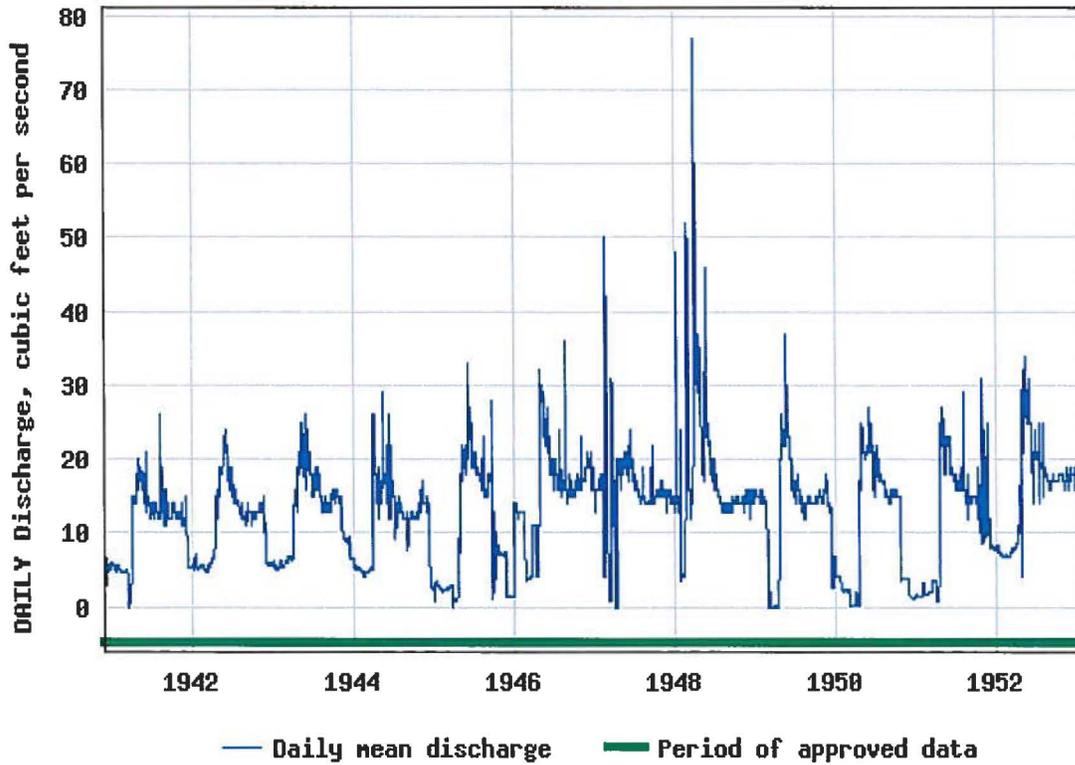


USGS 10120000 LTL MALAD RIVER BL ELKHORN RES NR MALAD CITY ID

http://waterdata.usgs.gov/id/nwis/inventory/?site_no=10120000&agency_cd=USGS&



USGS 10120000 LTL MALAD RIVER BL ELKHORN RES NR MALAD CITY ID

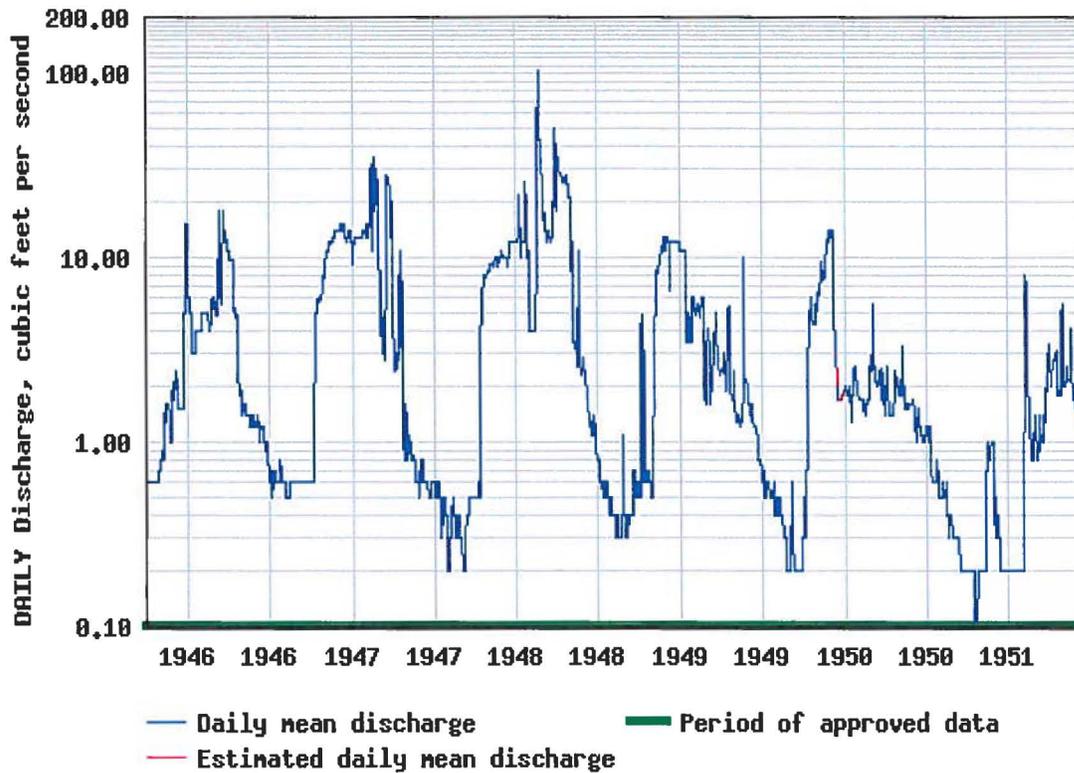


USGS 10120500 LTL MALAD R BL SAND RIDGE DAM SITE NR MALAD CITY

http://waterdata.usgs.gov/id/nwis/inventory/?site_no=10120500&agency_cd=USGS&

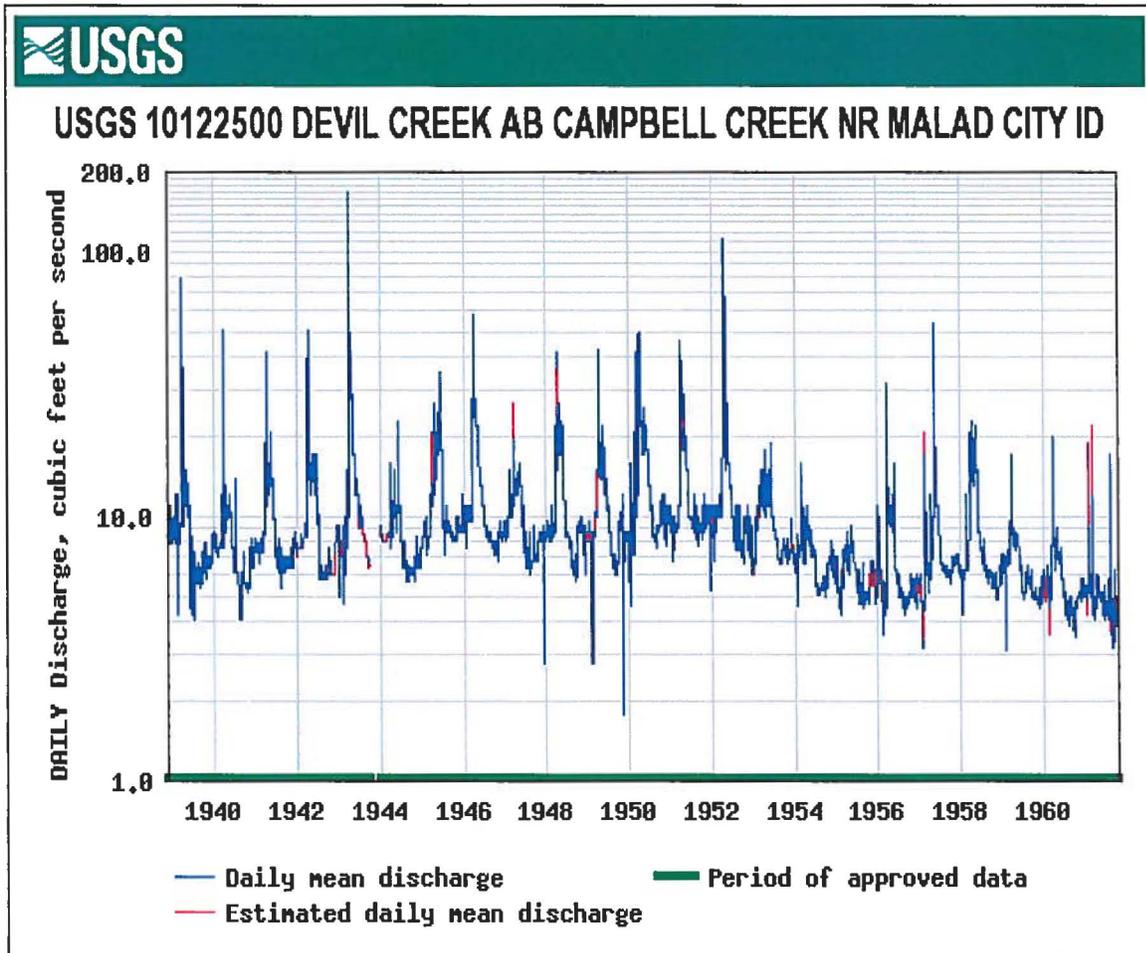


USGS 10120500 LTL MALAD R BL SAND RIDGE DAM SITE NR MALAD CITY



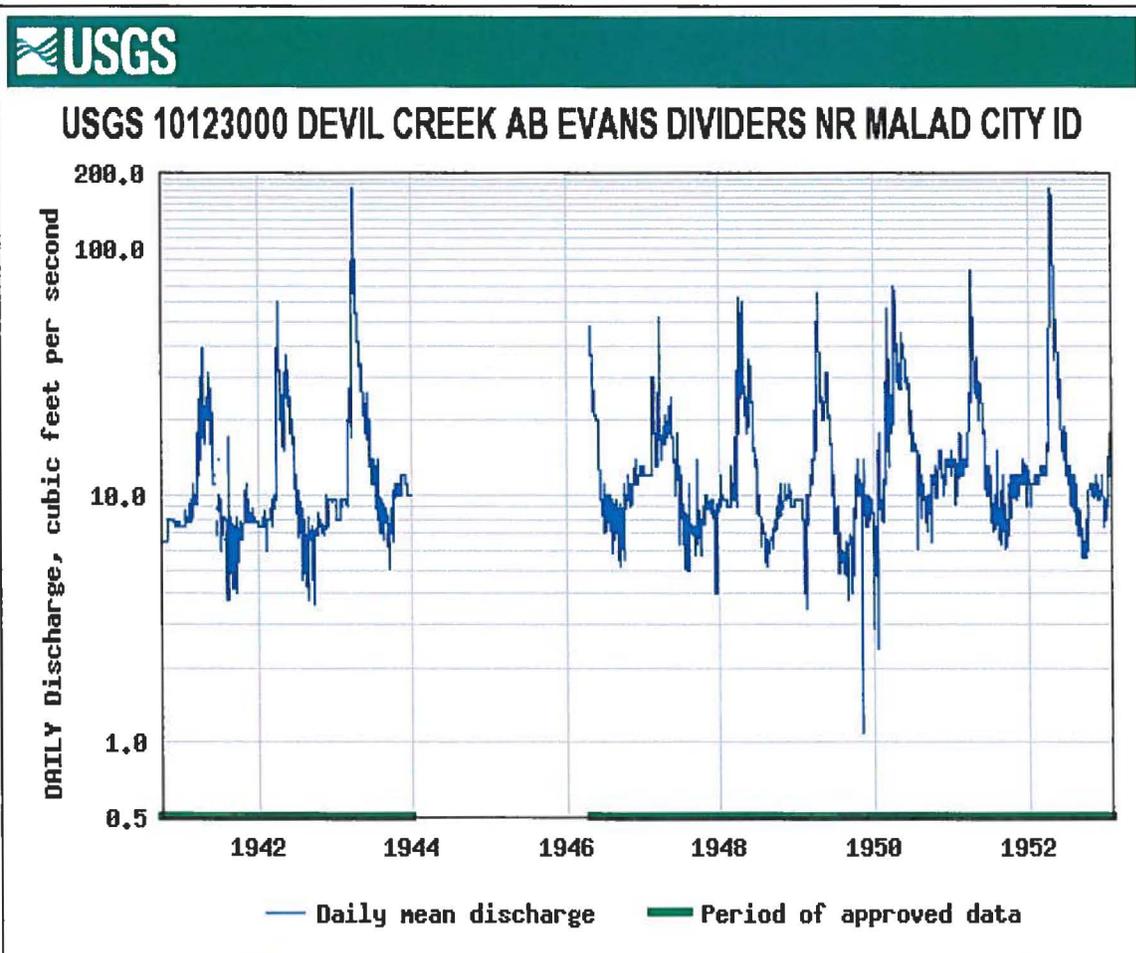
USGS 10122500 DEVIL CREEK AB CAMPBELL CREEK NR MALAD CITY ID

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



USGS 10123000 DEVIL CREEK AB EVANS DIVIDERS NR MALAD CITY ID

http://waterdata.usgs.gov/id/nwis/inventory/?site_no=10123000&agency_cd=USGS&

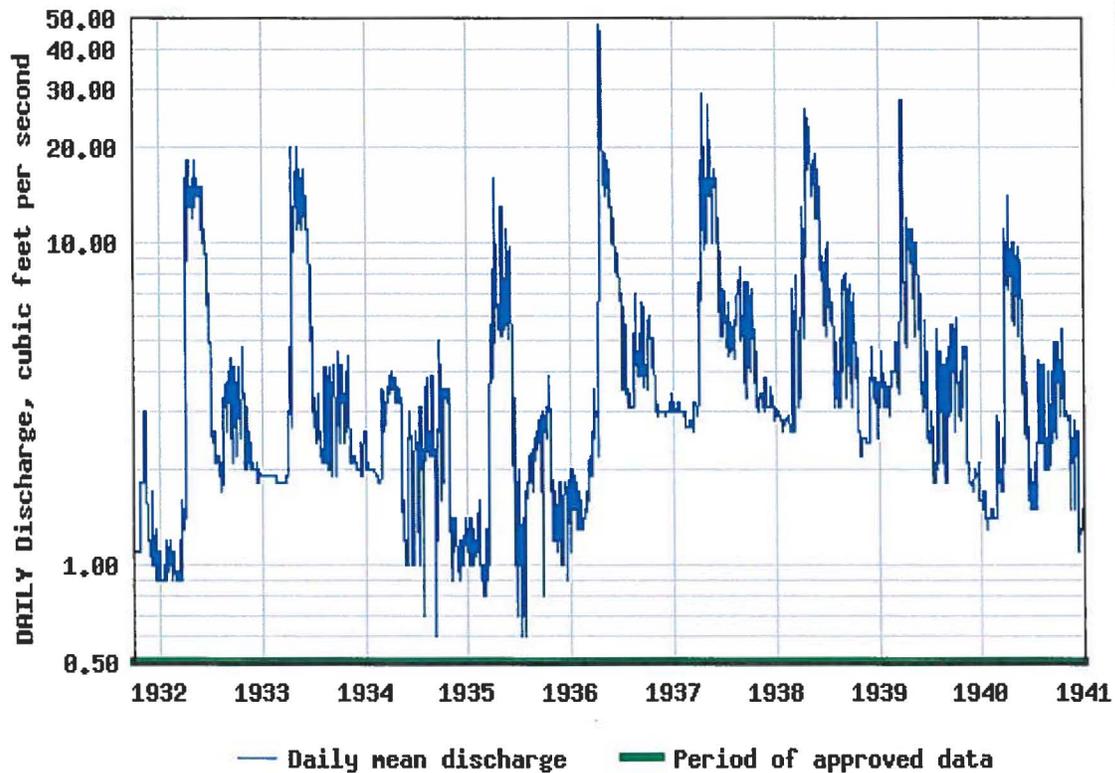


USGS 10123500 DEVIL CREEK NR MALAD CITY ID

http://waterdata.usgs.gov/id/nwis/inventory/?site_no=10123500&agency_cd=USGS&

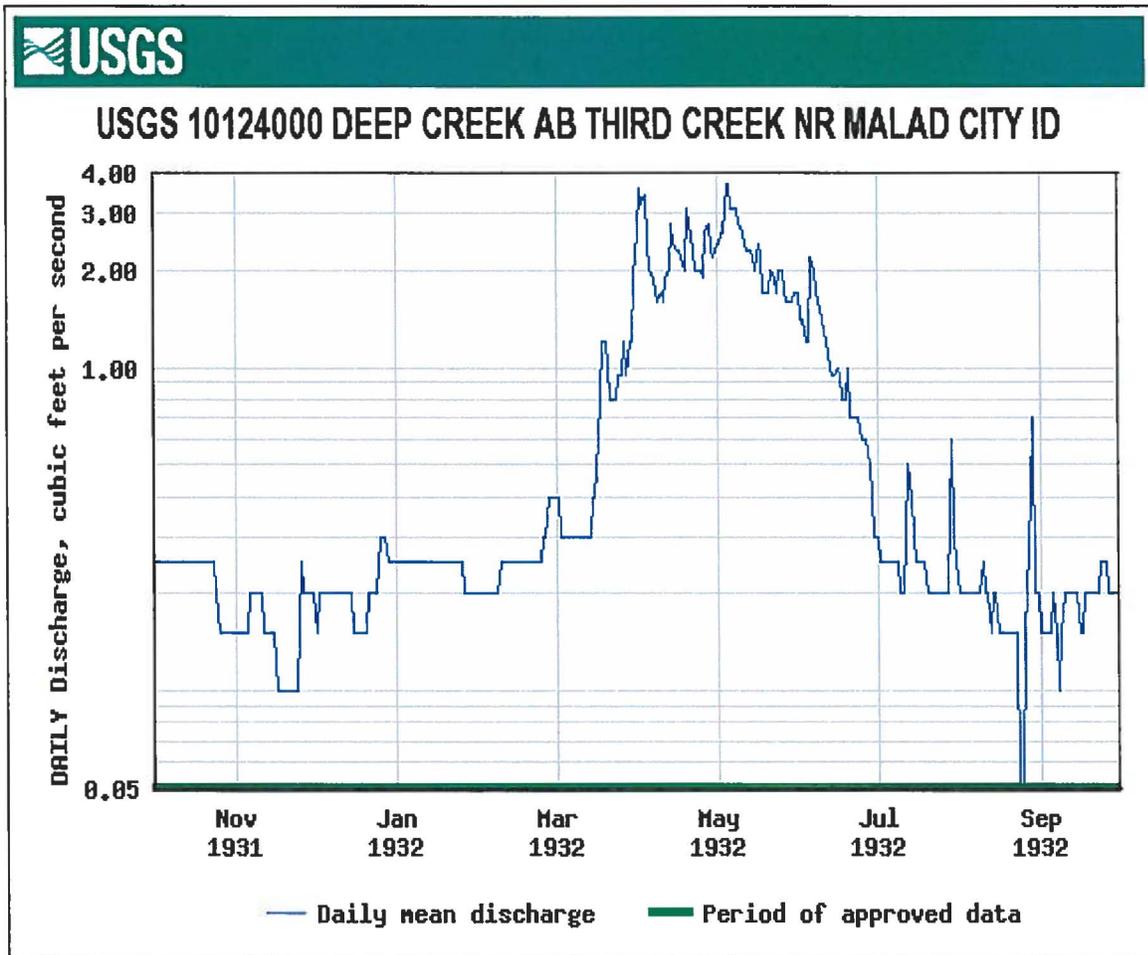


USGS 10123500 DEVIL CREEK NR MALAD CITY ID



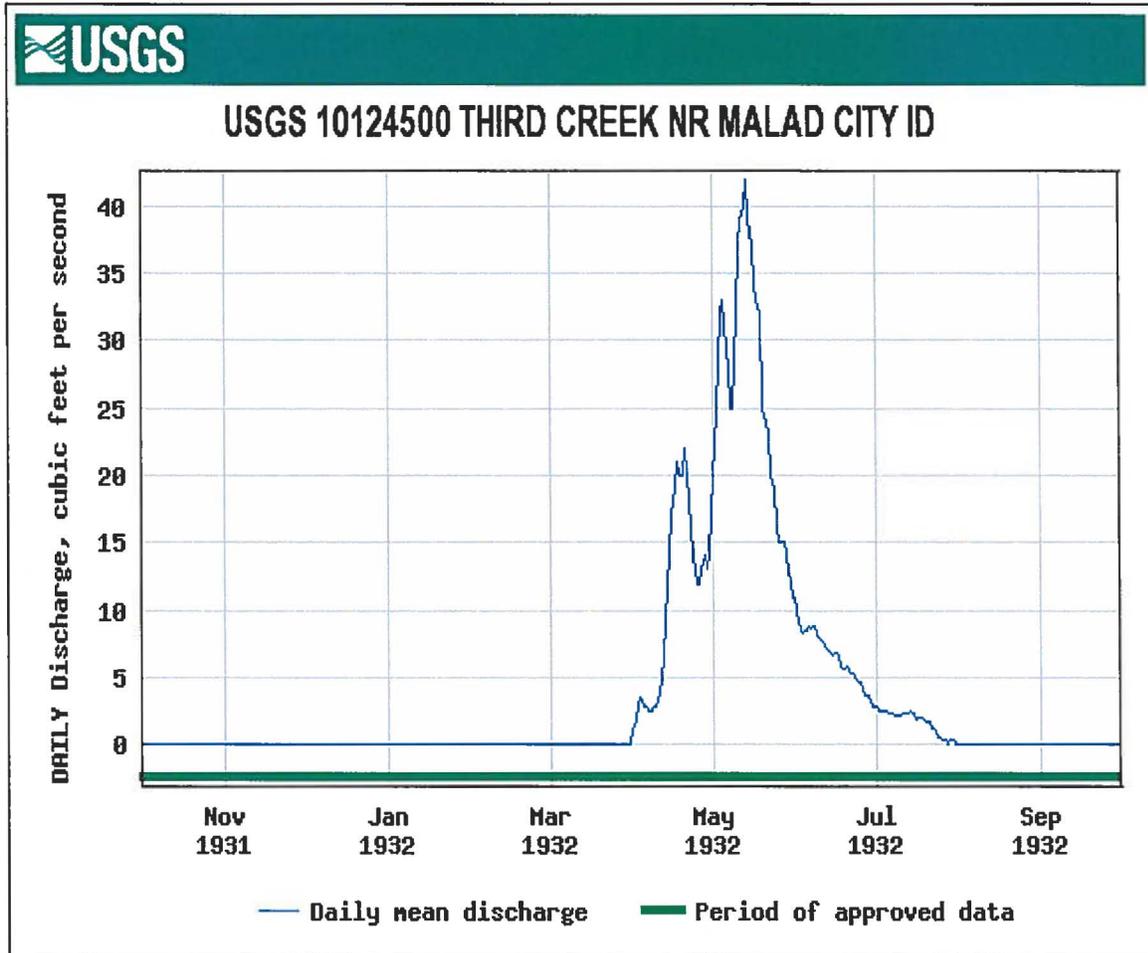
USGS 10124000 DEEP CREEK AB THIRD CREEK NR MALAD CITY ID

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



USGS 10124500 THIRD CREEK NR MALAD CITY ID

http://waterdata.usgs.gov/id/nwis/inventory/?site_no=10124500&agency_cd=USGS&

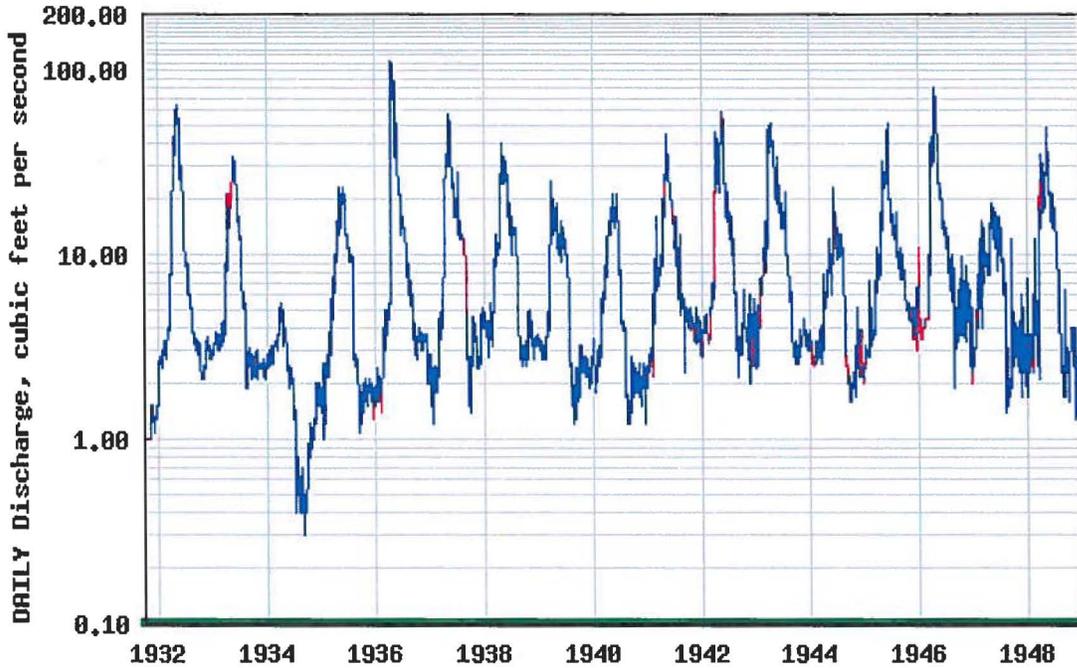


USGS 10125000 DEEP CREEK BL FIRST CREEK NR MALAD CITY ID

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



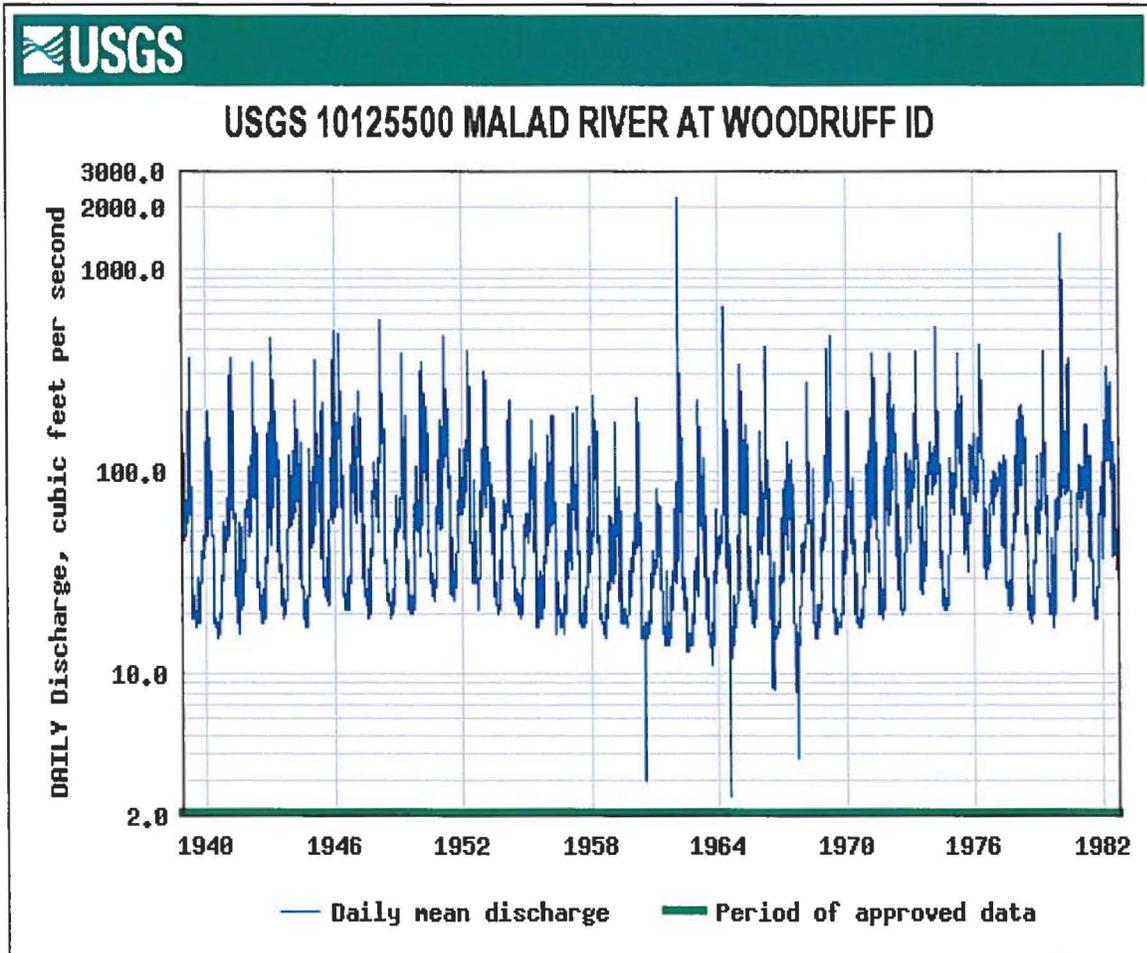
USGS 10125000 DEEP CREEK BL FIRST CREEK NR MALAD CITY ID



— Daily mean discharge — Period of approved data
— Estimated daily mean discharge

USGS 10125500 MALAD RIVER AT WOODRUFF ID

http://waterdata.usgs.gov/id/nwis/inventory/?site_no=10125500&agency_cd=USGS&



This is a list of sites that the USGS has collected some data but the data is not available online. These sites typically have very limited data. Data for the sites is not limited to flow data. Other types of data such as water quality could have been collected.

10120350	LTL MALAD RIVER AB ST JOHNS CANAL NR MALAD CITY ID	
10120400	ST JOHNS CANAL NR MALAD CITY ID	
10120700	MALAD RIVER NR MALAD CITY ID	
10121500	MALAD RIVER BEL SPRINGS, NEAR MALAD CITY, ID	
10122000	MALAD RIVER NEAR SAMARIA, ID	
10124600	DEEP CREEK RES NR MALAD CITY ID	
10125080	DEEP CREEK NR MALAD CITY ID	
10125100	CROTHERS RES AT MALAD CITY ID	
10125200	MALAD RIVER NR WOODRUFF ID	
13073800	TAILRACE OF POWERPLANT ON BIRCH CREEK NR MALAD ID	
420322112144101	16S 36E 10BBD1S WOODRUFF SPRINGS	
420740112125601	15S 36E 11DCD1S	
420847112135001	15S 36E 03DAC1S	
420919112205401	15S 35E 03AAB1S	water quality samples
421024112142201	14S 36E 27CDA1S	water quality samples
421127112135900	14S 36E 27DB 1S	water quality samples
421318112215300	14S 35E 09AD 1S	water quality samples
421550112151900	13S 36E 28DB 1S	water quality samples
422024112261801	12S 34E 36BCB1S	water quality samples
422039112262801	12S 34E 26DDC1S	
422243112271501	12S 34E 14CBA1S LITTLE MALAD SPRING	water quality samples