



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

July 23, 2020

CARSON RANCHES LLC
1004 7TH ST SOUTH
NAMPA ID 83651

Re: Evaluation of water right application 63-34758

Dear Applicant:

I am writing today in regard to the application referenced above. The Idaho Department of Water Resources (IDWR) received Stipulation to Resolve Protest and Withdrawal of Protest on October 2, 2019. That document conditionally resolves the protest filed by Nampa & Meridian Irrigation District and allows IDWR to continue processing the application.

The next step in the water appropriation process is for IDWR to evaluate your application based on the criteria set forth in Section 42-203A, Idaho Code. One of these criteria requires IDWR to determine from the evidence presented whether the proposed water use will "...reduce the quantity of water under existing water rights" (i.e. whether the new diversion will injure existing water rights).

Your proposed project is located just south of Lake Lowell. In this area, there is concern that new appropriations of groundwater will injure the Boise Project Board of Control water rights by reducing the quantity of water available to Lake Lowell. The burden of demonstrating that a proposed use will not impact the availability of water to other water rights is on the applicant.

Additionally, note that any approval of the application will contain the following condition:

Subsequently approved rights based on earlier-in-time applications may reduce the amount of water available for appropriation under this right and may result in a reduction of the quantity found to be beneficially used at the time of licensing of this right.

The purpose of the condition, and of discussing it in this letter, is to ensure that the applicant is aware that this application is preceded by approximately 20 other applications to appropriate ground water in the general vicinity that are likely proposing to use water from the same source as this application. These senior priority applications propose a total of over 100 cfs of water. Processing applications for permit so far out of priority order is unusual and carries significant risk of limited availability of water under the right in the future. To the extent other these applications are approved and the uses developed, those uses could reduce or eliminate the amount of water available to divert under this right. Although this permit may be approved sooner than others, the others bear a senior priority date, so in the event of administration those rights would be delivered in priority before this, more junior, right.

Based on the information above, please consider the following options with regard to your application:

- a) You may provide evidence the proposed use will not injure existing water right users.
- b) You may provide an acceptable plan to offset injury to existing water right users.
- c) You may request IDWR to hold your application without further processing.
- d) You may withdraw your application (form enclosed).

Please provide IDWR with a written response outlining which option you choose with regard to your application. You may seek additional time to provide the response by making a written request to interrupt processing for up to six months. The application will be voided without a timely written reply within the next thirty (30) days. Refunds are not issued for voided applications. Thank you for your attention to these matters.

Respectfully,



Patrick Kelly
Water Rights Supervisor
IDWR Western Region