

## MEMORANDUM

TO: Right no. 63-34414 file  
FROM: Cody Parker  
RE: Rule 40-Sufficiency of Information Submitted  
DATE: February 15, 2018

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This application was submitted on July 3, 2017. The application was advertised with a protest deadline of August 21, 2017. The project was protested by multiple parties resulting in either unconditional or stipulated withdrawals of protest. Much of the information required for large diversions under IDAPA Water Appropriation Rule 40 was provided during the protest process. However, I sent a letter on January 29, 2017 requesting the information anyways, to allow the applicant to submit any additional information they thought was relevant. This memo summarizes the applicant's response to my request for information.

### 40.05.c

- i. Not Applicable
- ii. Not Applicable
- iii. The use is largely non-consumptive. Flow records indicate that there is adequate flow to satisfy downstream diversions. No injury is anticipated to existing rights

### 40.05.d

- i. Water requirements described in application. Virtually all of the diverted water is returned to the source.
- ii. Submitted USGS gauge flow records for the Boise River.

### 40.05.e

- i. None required. The applicant owns the land at the point of diversion and either owns or is leasing the land at the place of use.
- ii. None required.

### 40.05.f

No information regarding financial resources is required. The application proposes to use existing irrigation infrastructure to flood the place of use for this right. For the most part, development is complete.

### 40.05.g

The applicant has requested comment from multiple entities. Response from the Idaho Department of Environmental Quality is included in the file.

All of the information submitted by the applicant is included in the file. The information appears to be sufficient to satisfy the Rule 40 information request.



STATE OF IDAHO  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
BOISE REGIONAL OFFICE  
1445 North Orchard Street • Boise, ID 83706-2239 • (208) 373-0550

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WATER RESOURCES  
WESTERN REGION

## *DEQ Response to Request for Environmental Comment*

Date: February 5, 2018  
Agency Requesting Comments: SPF Water Engineering  
Date Request Received: January 30, 2018  
Applicant/Description: Water Rights Applications for Permit 63-34414 and 63-34415

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at <http://www.deq.idaho.gov/ieg/>.

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

### **1. Air Quality**

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).

For questions, contact David Luft, Air Quality Manager, at 373-0550.

- IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.

For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.

### **2. Wastewater and Recycled Water**

- DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.

All projects for construction or modification of wastewater systems require

preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.

- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.
- DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Todd Crutcher, Engineering Manager, at 373-0550.

### **3. Drinking Water**

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.

All projects for construction or modification of public drinking water systems require preconstruction approval.

- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at <http://www.deq.idaho.gov/water-quality/drinking-water.aspx>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.
- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Todd Crutcher, Engineering Manager at 373-0550.

### **4. Surface Water**

- A DEQ short-term activity exemption (STAE) from this office is required if the project will involve de-watering of ground water during excavation and discharge back into surface water, including a description of the water treatment from this process to prevent excessive sediment and turbidity from entering surface water.

- Please contact DEQ to determine whether this project will require a National Pollution Discharge Elimination System (NPDES) Permit. If this project disturbs more than one acre, a stormwater permit from EPA may be required.
- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call 208-334-2190 for more information. Information is also available on the IDWR website at:  
<http://www.idwr.idaho.gov/WaterManagement/StreamsDams/Streams/AlterationPermit/AlterationPermit.htm>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

For questions, contact Lance Holloway, Surface Water Manager, at 373-0550.

#### **5. Hazardous Waste And Ground Water Contamination**

- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.
- No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards, Rules and Regulations for Hazardous Waste, and Rules and Regulations for the Prevention of Air Pollution.
- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852).

Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.

- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or

*disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."*

*For questions, contact Albert Crawshaw, Waste & Remediation Manager, at 373-0550.*

**6. Additional Notes**

- *If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at 373-0550, or visit the DEQ website (<http://www.deq.idaho.gov/waste-mgmt-remediation/storage-tanks.aspx>) for assistance.*
- *If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.*

*We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at 208-373-0550.*

Sincerely,



Aaron Scheff  
[aaron.scheff@deq.idaho.gov](mailto:aaron.scheff@deq.idaho.gov)  
Regional Administrator  
Boise Regional Office  
Idaho Department of Environmental Quality

ec: TRIM 2018AEK15



January 30, 2018

Cody Parker  
Water Resource Agent  
Western Region Office  
Idaho Department of Water Resources  
2735 Airport Way  
Boise, ID 83705

***Subject: Rule 40 Additional Information Request – Permits 63-34414 and 63-34415***

Dear Cody:

In response to your letter dated January 29, 2017, this letter provides additional information for the above referenced permit applications as required by Water Appropriation Rule 40. Much of this information is contained in the attached December 1, 2017 letter to Tom Bassista of the Idaho Department of Fish and Game. Additional detail is provided below.

1. **Effect on Existing Water Rights.** The December 1 letter provides gage data for the Boise River at Parma. The gage data demonstrates that there is always adequate flow in the lower Boise River to fill all existing water rights downstream from the proposed points of diversion. In addition, pages 3 through 5 of letter provide an analysis of the anticipated flow impacts to the reach of the river influenced by these proposed permits. Based on these data and analysis, we anticipate no adverse effect on existing water rights from diversions under the proposed permits.
2. **Sufficiency of Water Supply.** As noted above, the flows in the lower Boise River in the vicinity of these permits are adequate at all times to fill all existing water rights. As a result, the supply is sufficient for the proposed uses as described in the applications and the December 1 letter.
3. **Good Faith, Delay, or Speculative Purposes.** The applicant is ready to begin permit development immediately.
  - a. Applicant BID, Inc. owns the point of diversion and place of use for proposed permit 63-34414, and the diversion facilities are already constructed.
  - b. Applicant BID, Inc. owns a portion of the place of use for proposed permit 63-34415, and has a lease with an option to purchase for the remainder of the place of use and for the point of diversion. The delivery infrastructure is already in place, although pumping capacity will need to be increased at the diversion point shared with irrigation water right 63-201.

4. **Financial Resources.** The applicant has adequate financial resources to complete development of the permits. Doug Bates, the Manager for BID, is a founder and board member of Clearwater Analytics, a large financial service firm in Boise. We can provide further evidence of financial resources if necessary, but as detailed below, the development costs for these permits will be relatively low.
  - a. Proposed permit 63-34414 will not require any construction or costs to develop. All required infrastructure is currently in place.
  - b. Plans and specifications have not been prepared for the pump station to supply proposed permit 63-34415. We anticipate a nominal 40-hp pumping system will be required to lift the water from the River into the existing ditch system. We anticipate that the pumping system, diversion structure upgrades, and conveyance upgrades can be installed for approximately \$50,000.
5. **Information Relative to Conflict with the Local Public Interest.** Letters seeking comment have been sent to Canyon County and the Idaho Department of Environmental Quality; copies of the request letters were sent to you by email. Idaho Department of Fish and Game initially protested the applications, and has since withdrawn their protests based on a stipulated agreement provided to the Department of Water Resources. Consequently, we did not seek additional comment from Department of Fish and Game. The lands are not within an irrigation district or canal company.

Please contact me if you have any additional questions or comments.

Sincerely,



Terry M. Scanlan, P.E., P.G.

Cc: Doug Bates – BID, Inc.

Enclosures: December 1, 2017 letter to Tom Bassista (IDF&G) with attachments.

SPF file number: 733.0020



December 1, 2017

Tom Bassista  
Idaho Department of Fish and Game  
3101 South Powerline Road  
Nampa, ID 83686  
Via email to [thomas.bassista@idfg.idaho.gov](mailto:thomas.bassista@idfg.idaho.gov)

Subject: Applications for Permit 63-34414 and 63-34415

Dear Tom:

As a follow up to our recent conversations, this letter provides a narrative description of the proposed water use under applications for permit 63-34414 and 63-34415 filed in the name of BID LLC (BID). Included is an analysis of potential impacts to flows in the Boise River and a list of proposed conditions of approval. This letter updates the previous narrative letter that I sent to you on November 6, 2017.

On October 11, 2017, you and I attended an on-site meeting with applicant Doug Bates (BID), his farm manager, his farm lessee, and eight Idaho Department of Fish & Game (IDFG) staff members. At that meeting, we toured portions of the project area, including the place of use and point of diversion for 63-34414. We also discussed how the water is used and the benefits of the proposed water right permits to resident and migratory waterfowl and resident wildlife species dependent on riparian and agriculture lands.

### **Description of Applications**

The two applications propose seasonal diversion of water from the Boise River for wildlife and recreation uses on BID-owned or BID-leased lands located along the Boise River, approximately 3 to 4 miles southeast of Parma, in Canyon County. The wildlife and recreational uses are somewhat synonymous, as water is used primarily to attract waterfowl and benefit seasonal wildlife habitat for the purposes of hunting and wildlife viewing.

In general, each application proposes to divert water from the Boise River, and convey the water through existing irrigation channels for shallow flooding of agricultural lands to attract and hold waterfowl. Most of the diverted water returns to the River either through surface channels or as groundwater. Consumption of water diverted under these applications will be minimal because (1) the majority of the use is during fall and winter when evaporation rates are negligible and (2) any transpiration from crops is covered under existing decreed irrigation water rights. BID will agree to conditions limiting the combined diversion rate for the wildlife/recreation permit and irrigation water rights to the amount of the wildlife/recreation permit.

Specifics of each application are provided below; applications with maps showing the points of diversion and places of use are enclosed as Attachment A.

- Application 63-34414 proposes diversion of 24.3 cfs for flooding of a 182-acre area on the north side of the Boise River. Season of use would be September 1 through February 28. The water would be diverted from the Boise River at an existing irrigation diversion structure located in Government Lot 3 (NENW) Section 36, T5N, R5W. The majority of the flow is returned to the river 1.5 miles downstream at a location approximately 100 yards upstream of the Highway 95 bridge; a minor portion of flow returns to the river further upstream. Some of the diverted water infiltrates into the shallow aquifer and ultimately returns to the river as groundwater discharge to the river bed, tributary drains, and tributary wetlands. The diverted water is conveyed through an existing slough within the property, and then lifted with existing irrigation pumps to flood fields. The 182-acre place of use is partially overlapped by the place of use for permit 63-11617 that authorizes diversion of 3.0 cfs from November 15 through March 15 for wildlife purposes. The proposed diversion rate for 63-34414, in combination with 63-11617, is based on the 0.15 cfs/acre standard rate that the Western Region Office of Idaho Department of Water Resources (IDWR) has adopted for field flooding use. The application also includes a 2500-af wildlife and recreation storage component to account for the seasonal flooding volume, including theoretical evaporation and seepage volumes. The theoretical seepage loss accounts for 95 percent of the storage volume.
- Application 63-34415 proposes diversion of 24.2 cfs for flooding of a 161-acre area on the south side of the Boise River. Season of use would be September 1 through February 28. The water would be diverted from the Boise River at an existing irrigation pump site located in SWSE Section 26, T5N, R5W, and returned to the river at various points between 0.5 and 1.5 miles downstream; the furthest downstream return point is approximately ½ mile below the Highway 95 bridge. The diversion rate is based on the 0.15 cfs/acre standard rate that the Idaho Department of Water Resources (IDWR) has adopted for this type of use. The application also includes a 2500-af wildlife and recreation storage component to account for the seasonal flooding volume, including theoretical evaporation and seepage volumes. The theoretical seepage loss accounts for 95 percent of the storage volume. The 161-acre place of use is partially overlapped by the place of use for permit 63-11618 that authorizes diversion of 2.0 cfs for year-round wildlife uses from Dixie Slough.

The proposed season of use includes the months of September through February. Diversion rates will vary through these periods depending on weather, crops, and other factors. It is anticipated that the peak diversion period will be early November through mid-January.

The uses proposed by both applications consist of flow-through water for shallow flooding of agricultural fields near the Boise River for the purpose of seasonal waterfowl habitat. Typically, the areas are flooded to a depth of a few inches, although depending on topography, the flooding depth can range from less than an inch to over a foot.

**Benefits to Wildlife and Public**

Some of the flooded areas will be hunted, while other areas will be preserved as waterfowl resting/refuge areas. Some of the dedicated refuge/resting areas may change from year to year, although approximately 20 acres (including the 10-acre pond in the east ½ of the NW ¼ of Section 26) are maintained as permanent refuge areas. In addition to dedicated refuge areas, less than 20 percent of the property is actively hunted at any particular time (although hunting areas may be rotated through the property over the course of a season) which provides additional areas for waterfowl to rest and feed. The resting/roosting/refuge areas ensure that waterfowl have a secure area to provide hunting opportunity within and adjacent to the property. The landowner restricts hunting to small-gauge shotguns which minimizes the noise impacts on adjacent resting/roosting/refuge areas. Effective resting/roosting/refuge areas increase the seasonal population of waterfowl in the local area which provides improved hunting success both on and off of the property.

The property is currently leased to a hunting club with approximately 30 members, providing hunting opportunities to participating members of the public.

Although applications 63-34414 and 63-34415 do not propose diversions during the March and April spring migration period, BID provides flooding of pastures on the south side of the river during that period under year-round wildlife water right permit 63-1618. This spring-season flooding has historically attracted large numbers of migrating ducks, geese, shorebirds and wading birds to the property, and BID plans to continue this beneficial practice into the future. Spring-time pasture flooding provides forage and security areas for these species and provides public opportunities for wildlife viewing from adjacent roadways.

**Impacts to Flows in the Boise River**

Potential impacts to the Boise River from applications 63-34414 and 63-34415 consist of a depletion of up to 48.5 cfs for a one-mile reach of river (i.e., between the point of diversion for 63-34415 and the return point for 63-34414), and up to approximately 24.3 cfs for two additional one-mile reaches (i.e., between the points of diversion for 63-34414 and 63-34415, and from the return flow point for 63-34414 to the return point for 63-34415). Actual depletions will be somewhat less, because portions of the diverted flows return upstream from the furthest downstream return flow point for each application.

The USGS gaging station for the Boise River at Parma is located 4 miles downstream from the proposed points of return flow for these applications. The gage station provides an estimate of river flows in the potentially depleted reach, although there are a few tributary drains between the points of diversion and the gage, most notably the Dixie Slough that enters the river approximately 1000 feet downstream of the 63-34414 point of diversion and 2500 feet upstream of the 63-34415 point of diversion. A copy of the gage data report from the USGS website is enclosed as Attachment B. In summary, mean monthly discharge at the gage for the past 40

years has been 949 cfs in September, 1030 cfs in October, 995 cfs in November, 1040 cfs in December, 1330 cfs in January, and 1730 cfs in February. Review of monthly averages for the period of record shows that average monthly river flow exceeds 700 cfs approximately 80% of the time in September, 90% of the time in October, 97.5% of the time in November and December, 95% of the time in January, and 92.5% in February. As a result, depletion to the River reaches impacted by these applications will typically will be less than 10% of the flow during the main use period of November through January.

There are five other currently permitted non-irrigation season wildlife diversions from the Boise River that could impact the same 2-mile river reach. These include the following.

- 63-11617 (3.0 cfs) is owned by BID LLC. The water can be diverted from the Boise River through the Andrews Ditch (0.4 miles upstream of the 63-34414 proposed point of diversion) or at the diversion proposed for 63-34414. Water is returned to the river just upstream of the Highway 95 bridge.
- 63-32066 (20.5 cfs) held by BID LLC. The water is diverted from the Boise River through the Andrews Ditch and is returned to the river just upstream of the Highway 95 bridge.
- 63-33910 (4.5 cfs) held by BID LLC. The water is currently pumped from the Boise River approximately 2000 feet upstream of the Highway 95 bridge and returned to the river just upstream of the Highway 95 bridge
- 63-32467 (20 cfs) held by Tree Top Ranches. The water is diverted from the Boise River through the Andrews Ditch and is returned to the river downstream of the Highway 95 bridge.
- 63-32911 (20 cfs) held by Tree Top Ranches. The water is pumped from the Boise River downstream of the Highway 95 bridge. This permit has the potential to impact only the lower  $\frac{1}{4}$  mile of the potential reach, and is offset by return flows from the BID diversions that return to the river upstream of the Highway 95 bridge.

The cumulative diversion rate for the four permits diverting upstream of the Highway 95 bridge is 48 cfs. Combined with 63-34414 and 63-34415, total diversion would be 96.5 cfs. Assuming a Boise River low flow of 700 cfs, the four approved permits in combination with applications 63-34414 and 63-34415 have the potential to reduce the 1-mile reach flow by approximately 14 percent. Under normal flows of approximately 1000 cfs, the one-mile reach flow reduction will be 10 percent or less.

Attachment C is a summary of all other Boise River water rights, permits, and applications listing wildlife as a water use. Water rights diverting for wildlife uses upstream from the reach potentially impacted by 63-34414 and 63-34415 discharge their return flows to the river upstream of the reach potentially impacted by 63-34414 and 63-34415. As a result, there

should be little or no cumulative impact from upstream wildlife diversions from the River. Similarly, the two proposed applications and four existing permits are not expected to have a significant cumulative impact on downstream flows because most of the diverted water will return to the river as surface water discharge or groundwater gains within one mile of the Highway 95 bridge.

### **Proposed Conditions of Approval**

Based on our conversations with you, BID is willing to agree to the following conditions of approvals on the permits. We anticipate that IDWR will include additional standard conditions of approval.

1. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
2. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
3. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
4. Wildlife and wildlife storage use is to create shallow water and moist soil wildlife habitat. These habitats are intended to provide resting, roosting, and refuge areas for waterfowl.
5. Recreation and recreation storage use is for waterfowl hunting and wildlife viewing. Recreation use under this right is for flow-through water and return-flow water associated with recreation storage.
6. Any obstruction in the Boise River Channel for diversion of water under this right must provide for watercraft and fish passage. The right holder must bypass sufficient flows in the Boise River at the point of diversion to accommodate watercraft navigation and fisheries values in the Boise River downstream of the diversion. The quantity of the bypass flow may be established in the future by the filing of a petition with the Department to establish the bypass flows and subsequent proceedings as described in the Department's Rules of Procedure.
7. This right does not authorize the diversion and use of water released from Lucky Peak Reservoir for stream flow maintenance purposes in connection with Water Right 63-3618.

8. Prior to construction of any diversion or return works in the Boise River, necessary authorizations must be obtained from the US Corps of Engineers.
9. Water diverted under the recreation flow component of this water right, minus evaporation and seepage losses, shall be returned to the Boise River.
10. Water rights 63-34414, 63-174, 63-175, and 63-5181 in combination shall be limited to a diversion rate of 24.3 cfs.
11. Water rights 63-34415, 63-201, 63-5179, and 63-33855 in combination shall be limited to a diversion rate of 24.2 cfs.

### Summary

1. The two BID applications for permit propose diversion of a combined 48.5 cfs from the Boise River for wildlife and recreation uses primarily focused on waterfowl hunting.
2. The diverted water will return to the river either directly through surface channels or indirectly as seepage losses that are expected to ultimately reach the river as groundwater flow. BID does not propose to monitor return flow rates on a continuous basis. However, BID will commit to performing spot measurements of return flow rates in December and January during the first year of operation and provide a report to IDF&G by March 01.
3. The 48.5 cfs diversion rate will result in a typical river flow depletion of approximately 2 to 10% within a 2-mile reach of the river from the upper point of diversion to the lower point of return.
4. BID believes that the seasonal habitat and resting areas provided by the project will improve waterfowl hunting not only within the BID property, but on other private and public lands within the Parma area. A hunting club leasing the property provides hunting opportunities for participating members of the public.

Please contact me if you have additional questions regarding these applications

Sincerely,



Terry M. Scanlan, P.E., P.G.  
Principal Engineer/Hydrogeologist

Enclosures: Attachment A - Applications  
Attachment B - USGS Streamflow Data – Boise River at Parma 1971-2016  
Attachment C - Summary of other Boise River Wildlife Water Rights

cc: Douglas Bates - BID  
SPF file number 733.0020

**Attachment A**  
**Applications 63-34414 and 63-34415**

## **Application 63-34414**

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR PERMIT**  
To appropriate the public waters of the State of Idaho

Ident. No.

63-34414  
**RECEIVED**

JUL 03 2017

WATER RESOURCES  
WESTERN REGION

1. Name of applicant(s) BID, LLC Phone 208-489-7488  
 Name connector (check one): ☐ and ☐ or ☐ and/or  
 Mailing address c/o Douglas Bates, 777 W. Main St., Ste 900 City Boise  
 State ID \_\_\_\_\_ ZIP 83702 Email doug@clearwateranalytics.com
2. Name of representative, if any SPF Water Engineering Phone 208-383-4140  
 Mailing address 300 E. Mallard Dr., Ste. 350 City Boise  
 State ID \_\_\_\_\_ ZIP 83702 Email lgraves@spfwater.com
- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR  
☒ Send original correspondence to the applicant and copies to the representative.
- b. ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant OR  
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply Boise River which is a tributary of Snake River
4. Location of point(s) of diversion:

| Twp | Rge | Sec | Govt Lot | 1/4 | 1/4 | 1/4 | County | Source      | Local name or tag # |
|-----|-----|-----|----------|-----|-----|-----|--------|-------------|---------------------|
| 5N  | 5W  | 36  | 3        |     | NE  | NW  | Canyon | Boise River |                     |
|     |     |     |          |     |     |     |        |             |                     |
|     |     |     |          |     |     |     |        |             |                     |
|     |     |     |          |     |     |     |        |             |                     |

5. Water will be used for the following purposes:
- Amount 24.3 cfs for Wildlife & Recreation purposes from 9/1 to 2/28 (both dates inclusive)  
 (cfs or acre-feet per year)
- Amount 2500 ac-ft for Wildlife & Recreation Storage purposes from 9/1 to 2/28 (both dates inclusive)  
 (cfs or acre-feet per year)
- Amount 24.3 cfs for Diversion to Storage purposes from 9/1 to 2/28 (both dates inclusive)  
 (cfs or acre-feet per year)
- Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
 (cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) 24.3 cubic feet per second (cfs) and/or (b) 2500 acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. headgate, ditches
- b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet; total reservoir capacity \_\_\_\_\_ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No
- c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
- e. If well is already drilled, when? \_\_\_\_\_; drilling firm \_\_\_\_\_;  
 well was drilled for (well owner) \_\_\_\_\_; Drilling Permit No. \_\_\_\_\_

For Department Use

Received by (PDS) Date 7/31/17 Time \_\_\_\_\_ Preliminary check by CP  
 Fee \$ 1110.- Receipted by (PDS) Receipt No. W0015441 Date 7/31/17

8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in kW. \_\_\_\_\_
  - Stockwatering; list number and kind of livestock. \_\_\_\_\_
  - Municipal; must complete and attach the Municipal Water Right Application Checklist.
  - Domestic; show number of households \_\_\_\_\_
  - Other; describe fully. Miscellaneous wildlife, including waterfowl habitat; recreation use for waterfowl hunting and wildlife viewing.
9. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
  - If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RGE | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | TOTALS |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 5N  | 5W  | 25  |    |    |    |    |    | 1  | 14 |    |    | 15 |    |    |    |    |    |    | 30     |
|     |     |     |    |    |    |    | L6 | L7 |    |    |    | L8 |    |    |    |    |    |    |        |
|     |     | 26  | 1  |    | 22 | 30 |    |    |    | 15 | 4  |    |    |    | 25 | 38 | 6  | 11 | 152    |
|     |     |     |    |    | L8 | L9 |    |    |    | L3 | L7 |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total number of acres to be ~~irrigated~~ <sup>flooded</sup>: 182

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? 3.0 cfs from the Boise River is currently authorized for wildlife uses in the same area under permit 63-11617.
11. a. Who owns the property at the point of diversion? n/a - accretion lands/river channel property  
b. Who owns the land to be irrigated or place of use? Applicant  
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Prescriptive easement to the additional POD has been established through historical irrigation and stock-water decreed rights recently acquired by the applicant.
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. see attached remarks
13. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).
14. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant

DOUGLAS K. BATES, THE PINEAILE RANCH, LLC.  
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

### Application Remarks:

Proposed flow rate for wildlife/recreation uses is based on diversion of 0.15 cfs per acre for 182 acres of flow-through field flooding minus 3.0 cfs currently authorized for wildlife from the same source under permit 63-11617. Field flooding depth will range from less than 1 inch up to approximately 12 inches with an average depth of 6 inches. Flooding will occur intermittently from September through February. Proposed volumes were calculated using the IDWR storage memo 76 spreadsheet and account for associated storage, seepage and evaporation amounts. Regarding seepage, the USDA's Web Soils Survey results show Notus soils (No), Falk fine sandy loam (FaA) and Moulton fine sandy loam (MtA) as the predominate soils. The USDA Soil Survey of Canyon County Idaho (1972 issue) lists a permeability range of 0.63 to 6.3 inches/hour or greater for these predominate soils. As a result, the rate used for seepage loss was calculated using the spreadsheet's maximum 0.2 ft/day for 182 acres. Regarding evaporation, positive precipitation deficits from the Parma AgriMet Station for open water-shallow systems from September through February were used to calculate evaporation losses.

| Volume Calculation |                    |            |            |      |             |
|--------------------|--------------------|------------|------------|------|-------------|
| Seepage            |                    |            |            |      |             |
| Area (acres)       | Rate (ft/day)      | Start Date | End Date   | Days | Volume (AF) |
| 182                | 0.2                | 1-Sep      | 28-Feb     | 65   | 2366        |
| Total              |                    |            |            |      | 2366        |
| Evaporation        |                    |            |            |      |             |
| Area (acres)       | Rate (mm/day)      | End Date   | Start Date | Days | Volume (AF) |
| 182                | 2.67               | 1-Sep      | 30-Sep     | 11   | 17.54       |
| 182                | 1.13               | 1-Oct      | 31-Oct     | 11   | 7.42        |
| 182                | 0.1                | 1-Nov      | 30-Nov     | 11   | 0.66        |
| 182                | -0.54              | 1-Dec      | 31-Dec     | 11   | 0.00        |
| 182                | -0.43              | 1-Jan      | 30-Jan     | 11   | 0.00        |
| 182                | 0.38               | 1-Feb      | 28-Feb     | 10   | 2.27        |
| Total              |                    |            |            | 65   | 27.9        |
| Storage Volume     |                    |            |            |      |             |
| Area (acres)       | Average Depth (ft) |            |            |      | Volume (AF) |
| 182                | 0.5                |            |            |      | 91          |
| Total Volume       |                    |            |            |      | 2484.9      |



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Map Unit Legend

| Canyon Area, Idaho (ID648)  |                                                |             |                |
|-----------------------------|------------------------------------------------|-------------|----------------|
| Map Unit Symbol             | Map Unit Name                                  | Area in AOI | Percent of AOI |
| PaA                         | Falt fine sandy loam, 0 to 2 percent slopes    | 12.1        | 14.3%          |
| MA                          | Moulton fine sandy loam, 0 to 1 percent slopes | 25.1        | 29.4%          |
| No                          | Notus silt                                     | 46.1        | 54.1%          |
| Ra                          | Riverwash                                      | 1.7         | 2.0%           |
| W                           | Water                                          | 0.3         | 0.3%           |
| Totals for Area of Interest |                                                | 85.2        | 100.0%         |

Soil Map

Warning: Soil Map may not be valid at this scale.

You have zoomed in beyond the scale at which the soil map for this area is intended to be used. Mapping of soils is done at a particular scale. The soil comprise your AOI were mapped at 1:20,000. The design of map units and the level of detail shown in the resulting soil map are dependent on that map scale. Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps show the small areas of contrasting soils that could have been shown at a more detailed scale.

63-34414

Area of Interest (AOI) | Soil Map | Soil Data Explorer | Download Soils Data | Shopping Cart (Free)

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Map Unit Legend

Canyon Area, Idaho (ID665)

| Map Unit Symbol             | Map Unit Name                               | Acres In AOI | Percent of AOI |
|-----------------------------|---------------------------------------------|--------------|----------------|
| FaA                         | Fair fine sandy loam, 0 to 2 percent slopes | 6.4          | 75.9%          |
| No                          | Notus soils                                 | 2.0          | 24.1%          |
| W                           | Water                                       | 0.0          | 0.0%           |
| Totals for Area of Interest |                                             | 8.5          | 100.0%         |

Soil Map

Scale (not to scale)



Warning: Soil Map may not be valid at this scale.

You have zoomed in beyond the scale at which the soil map for this area is intended to be used. Mapping of soils is done at a particular scale. The soil comprise your AOI were mapped at 1:20,000. The design of map units and the level of detail shown in the resulting soil map are dependent on that map. Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps the small areas of contrasting soils that could have been shown at a more detailed scale.



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Map Unit Legend

**Canyon Area, Idaho (ID645)**

| Map Unit Symbol             | Map Unit Name                                 | Acres in AOI | Percent of AOI |
|-----------------------------|-----------------------------------------------|--------------|----------------|
| Cu                          | Cruckshank fine sandy loam                    | 1.0          | 1.1%           |
| MLA                         | Maulan fine sandy loam, 0 to 1 percent slopes | 59.8         | 70.9%          |
| No                          | Notus silt                                    | 23.2         | 28.0%          |
| Totals for Area of Interest |                                               | 83.9         | 100.0%         |

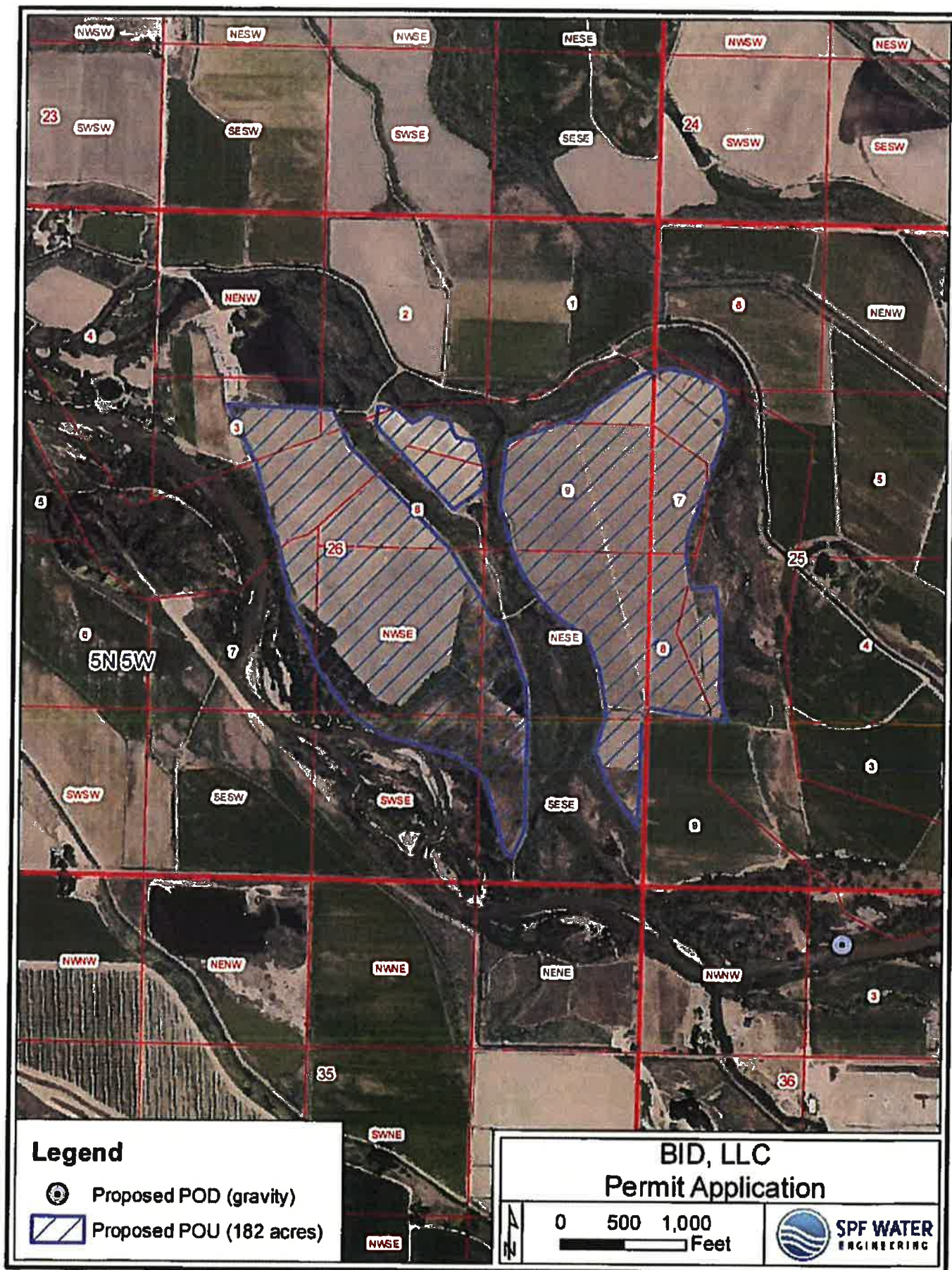
Soil Map



**Warning: Soil Map may not be valid at this scale.**

You have zoomed in beyond the scale at which the soil map for this area is intended to be used. Mapping of soils is done at a particular scale. The soil maps for your AOI were mapped at 1:20,000. The design of map units and the level of detail shown in the resulting soil map are dependent on that map scale. Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The map shows the small areas of contrasting soils that could have been shown at a more detailed scale.

63-34414



63-34414

## **Application 63-34415**

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR PERMIT**  
To appropriate the public waters of the State of Idaho

Ident. No. RECEIVED

JUL 03 2017

WATER RESOURCES  
WESTERN REGION

1. Name of applicant(s) BID, LLC Phone 208-489-7488  
Name connector (check one): ☐ and ☐ or ☐ and/or  
 Mailing address c/o Douglas Bates, 777 W. Main St., Ste. 900 City Boise  
 State ID \_\_\_\_\_ ZIP 83702 Email doug@clearwateranalytics.com
2. Name of representative, if any SPF Water Engineering Phone 208-383-4140  
 Mailing address 300 E. Mallard Dr., Ste. 350 City Boise  
 State ID \_\_\_\_\_ ZIP 83702 Email lgraves@spfwater.com
- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR  
☒ Send original correspondence to the applicant and copies to the representative.
- b. ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant OR  
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply Boise River which is a tributary of Snake River

## 4. Location of point(s) of diversion:

| Twp | Rge | Sec | Govt Lot | 1/4 | 1/4 | 1/4 | County | Source      | Local name or tag # |
|-----|-----|-----|----------|-----|-----|-----|--------|-------------|---------------------|
| 5N  | 5W  | 26  |          |     | SW  | SE  | Canyon | Boise River |                     |
|     |     |     |          |     |     |     |        |             |                     |
|     |     |     |          |     |     |     |        |             |                     |
|     |     |     |          |     |     |     |        |             |                     |

## 5. Water will be used for the following purposes:

Amount 24.2 cfs for Wildlife & Recreation purposes from 9/1 to 2/28 (both dates inclusive)  
(cfs or acre-feet per year)

Amount 2500 ac-ft for Wildlife & Recreation Storage purposes from 9/1 to 2/28 (both dates inclusive)  
(cfs or acre-feet per year)

Amount 24.2 cfs for Diversion to Storage purposes from 9/1 to 2/28 (both dates inclusive)  
(cfs or acre-feet per year)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per year)

6. Total quantity to be appropriated is (a) 24.2 cubic feet per second (cfs) and/or (b) 2500 acre-feet per year (af).

## 7. Proposed diverting works:

- a. Describe type and size of devices used to divert water from the source. Pump, headgates, ditches
- b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet; total reservoir capacity \_\_\_\_\_ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No
- c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
- e. If well is already drilled, when? \_\_\_\_\_; drilling firm \_\_\_\_\_;  
 well was drilled for (well owner) \_\_\_\_\_; Drilling Permit No. \_\_\_\_\_.

Received by [Signature] Date 7/3/17 Time \_\_\_\_\_ Preliminary check by [Signature]  
 Fee \$ 1110.00 Receipted by [Signature] Receipt No. W005441 Date 7/3/17

8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in kW. \_\_\_\_\_
  - Stockwatering; list number and kind of livestock. \_\_\_\_\_
  - Municipal; must complete and attach the Municipal Water Right Application Checklist.
  - Domestic; show number of households \_\_\_\_\_
  - Other; describe fully. Miscellaneous wildlife, including waterfowl habitat; recreation use for waterfowl hunting and wildlife viewing.
9. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
  - If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RGE | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | TOTALS |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 5N  | 5W  | 26  |    |    |    |    |    |    | 8  |    | 7  | 32 | 24 | 31 |    |    | 5  |    | 107    |
|     |     |     |    |    |    |    |    |    | L5 |    | L7 | L6 |    |    |    |    |    |    |        |
|     |     | 27  | 10 | 5  |    | 39 |    |    |    |    |    |    |    |    |    |    |    |    | 54     |
|     |     |     | L1 | L2 |    | L1 |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total number of acres to be irrigated: 161

10. Describe any other water rights <sup>flooded</sup> used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? 63-11618 diverted from Dixie Slough
11. a. Who owns the property at the point of diversion? The Tina Iest Family LLLP
- b. Who owns the land to be irrigated or place of use? Applicant and The Tina Iest Family LLLP
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Applicant leases property and has an option to purchase.
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. see attached remarks
13. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).
14. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant

Signature of Applicant

DOUGLAS K BATES THE PINNACLE RANCH L.L.C.

Print Name (and title, if applicable)

Print Name (and title, if applicable)

### Application Remarks:

Proposed flow rate for wildlife/recreation uses is based on diversion of 0.15 cfs per acre for 161 acres of flow-through field flooding. Field flooding depth will range from less than 1 inch up to approximately 12 inches with an average depth of 6 inches. Flooding will occur intermittently from September through February. Proposed volumes were calculated using the IDWR storage memo 76 spreadsheet and account for associated storage, seepage and evaporation amounts. Regarding seepage, the USDA's Web Soils Survey results show Baldock loam (BdA), Bram Silt loam (BrA, BsA, BsB), Letha fine sandy loams (LtA, LsA) and Moulton loams (MuA, MwA) as the predominate soils. The USDA Soil Survey of Canyon County Idaho (1972 issue) lists a permeability range of 0.06 to 0.20 inches/hour or greater for these predominate soils. As a result, the rate used for seepage loss was calculated using the spreadsheet's maximum 0.2 ft/day for 161 acres. Regarding evaporation, positive precipitation deficits from the Parma AgriMet Station for open water-shallow systems from September through February were used to calculate evaporation losses.

| Volume Calculation |                    |            |            |             |             |
|--------------------|--------------------|------------|------------|-------------|-------------|
| Seepage            |                    |            |            |             |             |
| Area (acres)       | Rate (ft/day)      | Start Date | End Date   | Days        | Volume (AF) |
| 161                | 0.2                | 1-Sep      | 28-Feb     | 74          | 2382.8      |
| Total              |                    |            |            |             | 2382.8      |
| Evaporation        |                    |            |            |             |             |
| Area (acres)       | Rate (mm/day)      | End Date   | Start Date | Days        | Volume (AF) |
| 161                | 2.67               | 1-Sep      | 30-Sep     | 12          | 16.92       |
| 161                | 1.13               | 1-Oct      | 31-Oct     | 13          | 7.76        |
| 161                | 0.1                | 1-Nov      | 30-Nov     | 13          | 0.69        |
| 161                | -0.54              | 1-Dec      | 31-Dec     | 12          | 0.00        |
| 161                | -0.43              | 1-Jan      | 30-Jan     | 12          | 0.00        |
| 161                | 0.38               | 1-Feb      | 28-Feb     | 12          | 2.41        |
| Total              |                    |            |            | 74          | 27.8        |
| Storage Volume     |                    |            |            |             |             |
| Area (acres)       | Average Depth (ft) |            |            | Volume (AF) |             |
| 161                | 0.5                |            |            | 80.5        |             |
| Total Volume       |                    |            |            |             | 2491.1      |

63-34415

Area of Interest (AOI) | Soil Map | Soil Data Explorer | Download Soils Data | Shopping Cart (Free)

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Map Unit Legend

Canyon Area, Idaho (ID645)

| Map Unit Symbol             | Map Unit Name                                                     | Acres in AOI | Percent of AOI |
|-----------------------------|-------------------------------------------------------------------|--------------|----------------|
| BdA                         | Baldock loam, 0 to 1 percent slopes                               | 26.9         | 16.8%          |
| BnA                         | Bram silt loam, 0 to 1 percent slopes                             | 3.8          | 1.8%           |
| BsA                         | Bram silt loam, saline-silt, 0 to 1 percent slopes                | 4.3          | 2.7%           |
| BsB                         | Bram silt loam, saline-silt, 1 to 3 percent slopes                | 2.6          | 1.6%           |
| QvE                         | Greenleaf-Owyhee silt loams, 12 to 30 percent slopes              | 0.0          | 0.0%           |
| LSA                         | Leta fine sandy loam, 0 to 1 percent slopes                       | 18.2         | 11.4%          |
| LZA                         | Leta fine sandy loam, strongly saline-silt, 0 to 1 percent slopes | 19.3         | 12.1%          |
| MuA                         | Moulton fine sandy loam, saline, 0 to 1 percent slopes            | 37.6         | 23.6%          |
| MwA                         | Moulton loam, saline, 0 to 1 percent slopes                       | 35.3         | 22.3%          |
| No                          | Notus silt                                                        | 12.2         | 7.7%           |
| Totals for Area of Interest |                                                                   | 159.4        | 100.0%         |

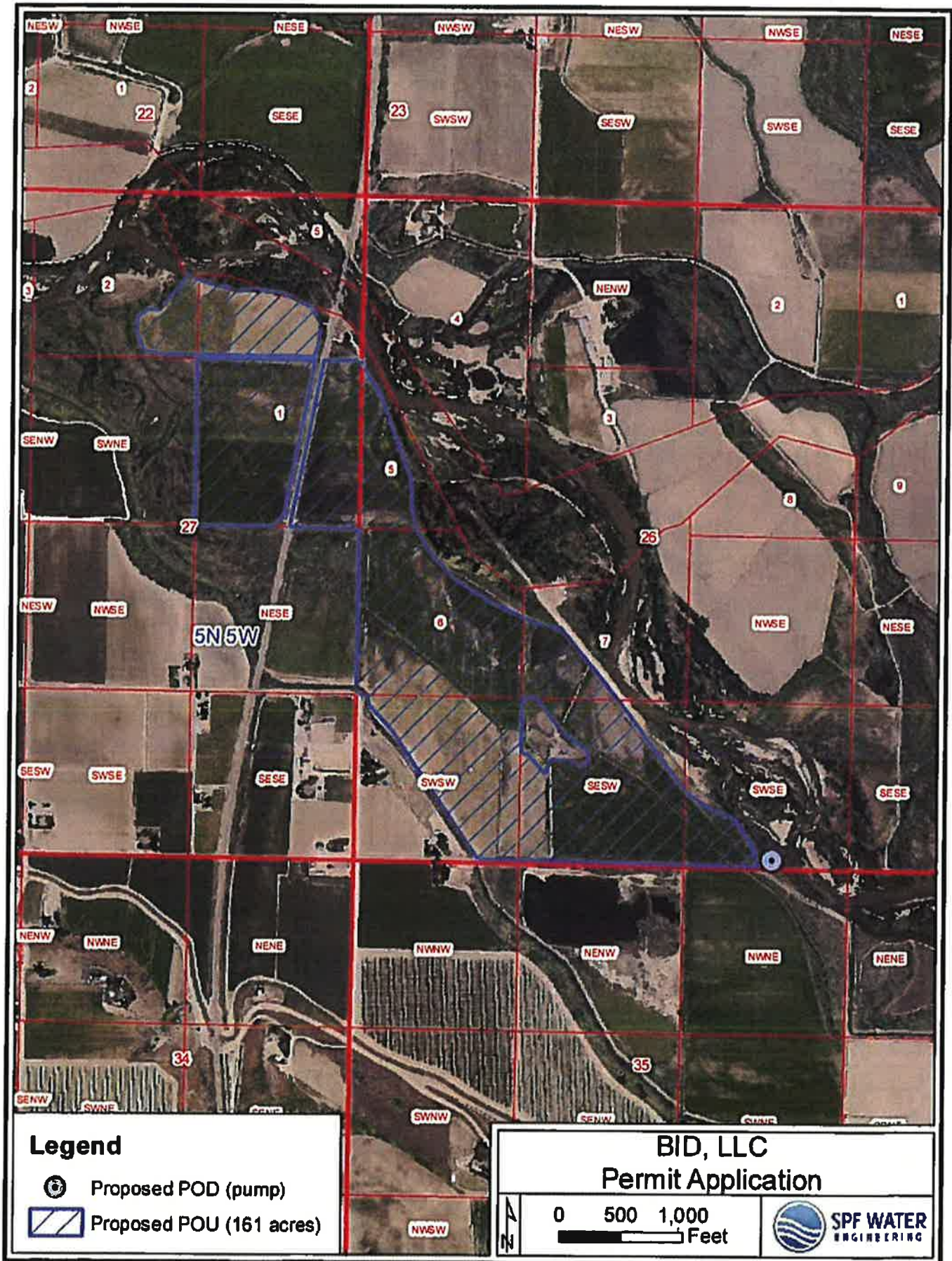
Soil Map

Scale (not to scale)



Warning: Soil Map may not be valid at this scale.

You have zoomed in beyond the scale at which the soil map for this area is intended to be used. Mapping of soils is done at a particular scale. The soil comprise your AOI were mapped at 1:20,000. The design of map units and the level of detail shown in the resulting soil map are dependent on that map. Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps the small areas of contrasting soils that could have been shown at a more detailed scale.



63-34415

**Attachment B**  
**USGS Streamflow Data**



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Surface Water

Geographic Area:

Idaho

GO

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USGS Surface-Water Monthly Statistics for Idaho

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### USGS 13213000 BOISE RIVER NR PARMA ID

Available data for this site

Time-series: Monthly statistics

GO

Canyon County, Idaho  
Hydrologic Unit Code 17050114  
Latitude 43°46'54", Longitude 116°58'22" NAD83  
Drainage area 3,906 square miles  
Gage datum 2,196.49 feet above NGVD29

#### Output formats

[HTML table of all data](#)

[Tab-separated data](#)

[Reselect output format](#)

| 00060, Discharge, cubic feet per second, |                                                                                   |       |       |       |       |       |       |       |       |       |       |       |
|------------------------------------------|-----------------------------------------------------------------------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| YEAR                                     | Monthly mean in ft <sup>3</sup> /s (Calculation Period: 1971-09-01 -> 2016-09-30) |       |       |       |       |       |       |       |       |       |       |       |
|                                          | Jan                                                                               | Feb   | Mar   | Apr   | May   | Jun   | Jul   | Aug   | Sep   | Oct   | Nov   | Dec   |
| 1971                                     |                                                                                   |       |       |       |       |       |       |       | 1,167 | 1,425 | 1,034 | 1,000 |
| 1972                                     | 2,857                                                                             | 6,441 | 7,214 | 6,737 | 5,489 | 3,501 | 796.9 | 820.9 | 1,152 | 1,171 | 976.9 | 1,032 |
| 1973                                     | 912.1                                                                             | 802.2 | 726.1 | 600.0 | 617.6 | 746.4 | 668.0 | 666.5 | 871.2 | 1,069 | 1,012 | 986.9 |
| 1974                                     | 1,000                                                                             | 2,642 | 5,268 | 6,499 | 6,327 | 5,388 | 1,308 | 819.2 | 885.9 | 1,109 | 1,079 | 1,022 |
| 1975                                     | 941.6                                                                             | 967.4 | 2,711 | 6,780 | 6,225 | 2,492 | 797.3 | 912.2 | 936.8 | 1,293 | 1,118 | 1,049 |
| 1976                                     | 2,038                                                                             | 2,126 | 2,393 | 3,925 | 3,633 | 1,301 | 740.7 | 1,088 | 1,219 | 1,182 | 1,073 | 952.5 |
| 1977                                     | 782.3                                                                             | 685.9 | 592.1 | 219.4 | 440.4 | 315.2 | 305.3 | 339.1 | 556.2 | 750.6 | 780.4 | 781.7 |
| 1978                                     | 889.2                                                                             | 894.5 | 986.3 | 4,583 | 2,769 | 715.6 | 762.2 | 789.4 | 1,054 | 1,007 | 898.0 | 803.8 |

|                                  |       |       |       |       |       |       |       |       |       |       |       |       |
|----------------------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| <b>1979</b>                      | 778.4 | 1,243 | 714.1 | 587.2 | 440.7 | 491.6 | 497.1 | 665.5 | 711.9 | 929.4 | 915.7 | 811.9 |
| <b>1980</b>                      | 874.5 | 869.2 | 839.4 | 1,089 | 4,118 | 3,563 | 988.1 | 778.1 | 1,346 | 971.0 | 922.8 | 887.5 |
| <b>1981</b>                      | 829.6 | 847.3 | 1,162 | 1,478 | 1,593 | 2,597 | 635.7 | 555.1 | 795.0 | 1,053 | 976.6 | 1,004 |
| <b>1982</b>                      | 1,013 | 4,919 | 6,747 | 6,693 | 5,842 | 3,317 | 3,098 | 1,001 | 1,183 | 1,996 | 1,279 | 2,274 |
| <b>1983</b>                      | 4,255 | 4,456 | 6,196 | 6,940 | 6,705 | 6,817 | 2,848 | 1,580 | 1,482 | 1,738 | 1,006 | 2,512 |
| <b>1984</b>                      | 5,080 | 3,119 | 3,130 | 4,368 | 6,762 | 4,269 | 1,846 | 1,057 | 2,587 | 2,395 | 2,322 | 1,957 |
| <b>1985</b>                      | 1,706 | 921.7 | 819.0 | 895.4 | 914.3 | 622.7 | 565.8 | 635.3 | 1,266 | 1,149 | 964.5 | 1,647 |
| <b>1986</b>                      | 1,074 | 2,882 | 7,168 | 6,942 | 5,134 | 3,745 | 973.2 | 843.3 | 1,386 | 1,183 | 2,283 | 1,375 |
| <b>1987</b>                      | 843.8 | 847.5 | 821.1 | 283.4 | 658.2 | 559.1 | 503.1 | 523.1 | 685.0 | 827.1 | 890.9 | 821.6 |
| <b>1988</b>                      | 756.1 | 726.3 | 669.5 | 432.3 | 506.4 | 480.7 | 300.7 | 305.8 | 415.7 | 570.7 | 829.5 | 750.6 |
| <b>1989</b>                      | 712.8 | 811.1 | 1,072 | 3,392 | 1,178 | 563.9 | 577.6 | 739.0 | 989.0 | 989.0 | 916.6 | 809.0 |
| <b>1990</b>                      | 770.3 | 745.2 | 533.9 | 356.5 | 714.5 | 554.5 | 406.4 | 519.4 | 633.2 | 844.4 | 899.1 | 785.1 |
| <b>1991</b>                      | 779.7 | 742.4 | 664.2 | 538.0 | 780.6 | 670.8 | 533.8 | 424.1 | 550.3 | 668.1 | 818.8 | 722.2 |
| <b>1992</b>                      | 656.1 | 657.8 | 505.5 | 243.5 | 276.3 | 315.6 | 281.9 | 187.4 | 183.5 | 423.2 | 633.3 | 606.1 |
| <b>1993</b>                      | 652.2 | 653.3 | 975.5 | 1,704 | 3,791 | 1,440 | 1,010 | 922.1 | 877.5 | 1,002 | 934.3 | 873.6 |
| <b>1994</b>                      | 843.5 | 792.6 | 708.5 | 482.8 | 805.7 | 520.7 | 699.6 | 596.4 | 400.5 | 668.4 | 755.2 | 776.9 |
| <b>1995</b>                      | 758.4 | 742.6 | 694.3 | 1,606 | 4,551 | 2,591 | 2,369 | 1,028 | 1,070 | 1,089 | 977.3 | 1,664 |
| <b>1996</b>                      | 1,715 | 4,756 | 7,143 | 5,625 | 5,010 | 4,217 | 1,064 | 1,132 | 1,117 | 1,058 | 996.3 | 1,358 |
| <b>1997</b>                      | 6,882 | 7,916 | 7,466 | 6,835 | 5,255 | 3,938 | 1,364 | 1,532 | 1,464 |       |       |       |
| <b>2002</b>                      |       |       |       |       |       |       |       |       |       | 838.4 | 866.7 | 798.5 |
| <b>2003</b>                      | 815.1 | 799.8 | 677.1 | 731.3 | 859.1 | 813.2 | 818.7 | 844.0 | 859.4 | 959.6 | 886.8 | 831.5 |
| <b>2004</b>                      | 889.2 | 1,229 | 873.0 | 645.5 | 1,042 | 771.0 | 781.1 | 761.2 | 853.5 | 898.8 | 883.8 | 806.2 |
| <b>2005</b>                      | 761.3 | 750.0 | 656.6 | 452.4 | 1,025 | 590.3 | 573.0 | 702.6 | 804.0 | 774.8 | 846.4 | 927.5 |
| <b>2006</b>                      | 1,048 | 4,121 | 3,845 | 5,640 | 6,773 | 2,920 | 889.3 | 967.9 | 948.8 | 899.6 | 863.8 | 809.5 |
| <b>2007</b>                      | 817.0 | 773.9 | 659.4 | 599.2 | 575.2 | 794.2 | 933.7 | 675.3 | 694.7 | 811.7 | 790.4 | 764.8 |
| <b>2008</b>                      | 745.8 | 777.3 | 733.9 | 661.4 | 2,688 | 947.0 | 865.8 | 839.2 | 850.1 | 910.8 | 885.7 | 922.3 |
| <b>2009</b>                      | 834.1 | 763.4 | 731.1 | 570.5 | 1,585 | 3,601 | 714.2 | 759.0 | 916.2 | 1,022 | 901.6 | 1,109 |
| <b>2010</b>                      | 944.3 | 882.9 | 781.5 | 610.8 | 1,403 | 3,034 | 779.1 | 571.9 | 823.5 | 937.1 | 934.2 | 1,021 |
| <b>2011</b>                      | 1,260 | 924.9 | 1,287 | 6,219 | 6,867 | 4,357 | 1,792 | 634.4 | 885.7 | 1,055 | 935.0 | 853.6 |
| <b>2012</b>                      | 955.9 | 1,162 | 3,753 | 6,533 | 5,242 | 1,410 | 865.7 | 575.7 | 836.4 | 906.4 | 941.4 | 915.9 |
| <b>2013</b>                      | 859.0 | 874.0 | 703.8 | 367.7 | 709.3 | 418.5 | 312.8 | 423.3 | 815.9 | 839.8 | 864.3 | 802.5 |
| <b>2014</b>                      | 760.1 | 954.4 | 851.1 | 1,567 | 540.5 | 838.3 | 734.4 | 558.1 | 887.9 | 931.1 | 995.8 | 1,010 |
| <b>2015</b>                      | 1,085 | 962.5 | 806.3 | 353.7 | 1,286 | 366.3 | 867.5 | 537.2 | 812.6 | 854.4 | 900.1 | 911.1 |
| <b>2016</b>                      | 854.6 | 836.9 | 770.5 | 3,255 | 2,281 | 1,982 | 625.6 | 564.6 | 938.1 |       |       |       |
| <b>Mean of monthly Discharge</b> | 1,330 | 1,730 | 2,130 | 2,700 | 2,840 | 1,960 | 937   | 747   | 949   | 1,030 | 995   | 1,040 |

\*\* No Incomplete data have been used for statistical calculation

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**Title: Surface Water data for Idaho: USGS Surface-Water Monthly Statistics**

**URL: <https://waterdata.usgs.gov/id/nwis/monthly?>**

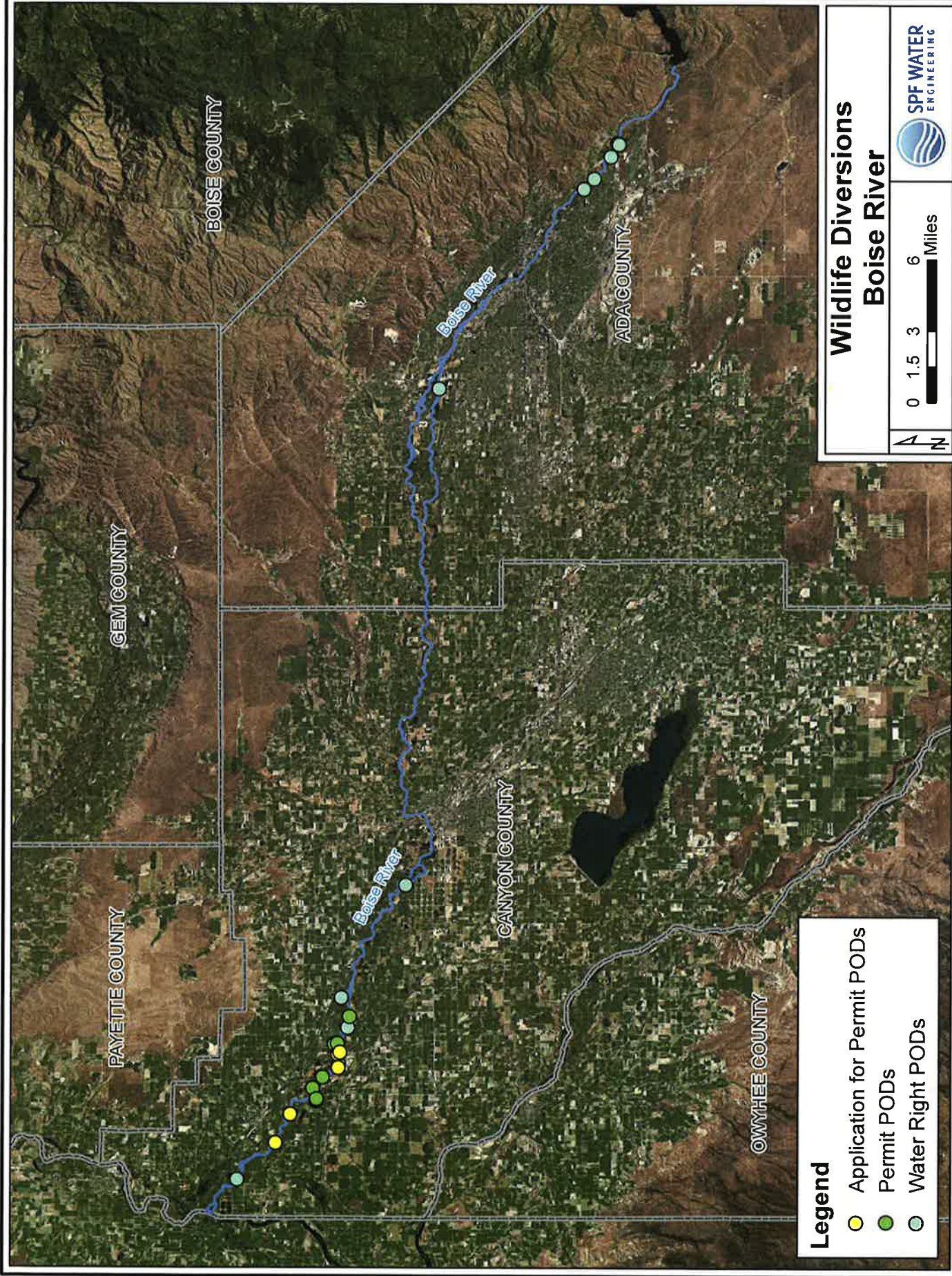


Page Contact Information: [Idaho Water Data Support Team](#)

Page Last Modified: 2017-09-25 17:44:50 EDT

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**Attachment C**  
**Summary of Boise River Water Rights**  
**Listing Wildlife as a Purpose of Use**



**Legend**

- Application for Permit PODs
- Permit PODs
- Water Right PODs

**Wildlife Diversions  
Boise River**



| Boise River Water Rights Listing Wildlife as a Use |             |               |                                        |                      |                                           |
|----------------------------------------------------|-------------|---------------|----------------------------------------|----------------------|-------------------------------------------|
| Water Right                                        | Basis       | Priority Date | Owner                                  | Diversion Rate (cfs) | Remarks                                   |
| 63-149A                                            | Decreed     | 6/1/1865      | South Boise Water Co                   | 40.00                | 2 points of diversion in SE Boise         |
| 63-278                                             | Decreed     | 4/1/1865      | Riverview Ventures                     | 0.80                 | Ridenbaugh Canal (SE Boise)               |
| 63-279B                                            | Decreed     | 4/1/1870      | Riverview Ventures                     | 0.32                 | Ridenbaugh Canal (SE Boise)               |
| 63-287D                                            | Decreed     | 6/1/1882      | Russell Ruff                           | 0.04                 | Warm Springs Ditch (Eagle Island)         |
| 63-7721                                            | Decreed     | 2/12/1973     | J Glaisyer                             | 6.00                 | Atwell Ditch (3 mi west of Caldwell)      |
| 63-9944                                            | Decreed     | 8/11/1982     | Dan L Bilbao Jr                        | 1.00                 | Baxter Ditch (2 mi west of Notus)         |
| 63-10397                                           | License     | 3/6/1987      | Burdge Family Trust                    | 3.00                 | 3 mi west of Notus                        |
| 63-10810                                           | License     | 6/12/1989     | J R Kemp                               | 4.10                 | 2 mi west of Parma                        |
| 63-11617                                           | Permit      | 12/13/1991    | The Tina Iest Family LLLP              | 3.00                 | 2 points of diversion                     |
| 63-17034                                           | Decreed     | 11/16/1904    | Idaho Foundation For Parks & Lands Inc | 0.00                 | Barber Dam (SE Boise)                     |
| 63-32066                                           | Permit      | 12/8/2004     | The Tina Iest Family LLLP              | 20.50                | Andrew Ditch (4 mi west of Notus)         |
| 63-32238                                           | Permit      | 7/9/2005      | Erlebach Properties LP                 | 10.00                | 3 mi west of Notus                        |
| 63-32459                                           | Permit      | 4/5/2005      | G O Investments Idaho LLC              | 6.00                 | Haas Ditch (2.5 mi S of Parma)            |
| 63-32467                                           | Permit      | 12/28/2005    | Tree Top Ranches LP                    | 20.00                | Andrew Ditch (4 mi west of Notus)         |
| 63-32911                                           | Permit      | 12/28/2005    | Tree Top Ranches LP                    | 20.00                | 3 mi SE of Parma                          |
| 63-33507                                           | Permit      | 5/11/2011     | G O Investments Idaho LLC              | 6.00                 | Haas Ditch (2.5 mi S of Parma)            |
| 63-33640                                           | Application | 8/7/2015      | E G Johnson Farms Inc                  | 3.00                 | 4 mi west of Notus                        |
| 63-33910                                           | Permit      | 2/3/2014      | BID LLC                                | 4.50                 | 4 mi west of Notus                        |
| 63-34333                                           | Application | 1/26/2017     | Thorpe Family Trust                    | 0.90                 | 1 mi SW of Parma                          |
| 63-34334                                           | Application | 1/26/2017     | Thorpe Family Trust                    | 13.05                | Island Highline Ditch (1.5 mi S of Parma) |
| 63-34384                                           | Application | 5/16/2017     | Greg Obendorf, Ann Obendorf            | 23.50                | Andrew Ditch (4 mi west of Notus)         |
| 63-34414                                           | Application | 7/3/2017      | BID LLC                                | 24.30                | 4 mi west of Notus                        |
| 63-34415                                           | Application | 7/3/2017      | BID LLC                                | 24.20                | 5 mi west of Notus                        |



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](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

January 29, 2017

BID LLC  
C/O DOUGLAS BATES  
777 W MAIN ST STE 900  
BOISE ID 83702

Re: Applications for Permit No. 63-34414 and 63-34415 Rule 40 Additional Information Request

Dear Applicant:

The Idaho Department of Water Resources ("IDWR") is processing the applications referenced above. IDWR requests additional information required by the Water Appropriation Rules<sup>1</sup>. This requirement includes the following items discussed in Water Appropriation Rule 40, Rule Subsections 040.05c through 040.05g (copy enclosed):

1. effect on existing water rights
2. sufficiency of water supply
3. good faith, delay or speculative purposes
4. financial resources
5. local public interest

Please submit the requested information for application processing to continue. **Your written response is required within the next thirty (30) days.** You may seek additional time to provide the information if necessary. The application will be voided without a timely written reply. Refunds are not available for voided applications.

IDWR rules, forms and other information are available on the Internet at [www.idwr.idaho.gov](http://www.idwr.idaho.gov). Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,

Cody Parker  
Water Resource Agent  
IDWR Western Region

Enclosure: IDAPA 37.03.08.040.05.c-g

<sup>1</sup> IDAPA 37.03.08 – Water Appropriation Rules