

Buffington, Denise

From: Buffington, Denise
Sent: Wednesday, August 10, 2011 1:17 PM
To: Ron Shurtleff, WD-65
Subject: Comment Letter for 65-23451, 77121 & 77209
Attachments: Comment Letter to list of parties for 65-23451, et al.pdf; Watermaster Recommendation form for 65.doc; 65-23451 APP.pdf; X-fer 77121 APP.pdf; X-fer 77209 APP.pdf

Attached is a cover letter and a copy of an Application(s), for your review &/or comment. Please feel free to use the attached recommendation form as needed. Please submit your recommendation &/or comments and concerns to IDWR no later than **September 6, 2011**.

Your recommendation for controllable and measureable diversions will be very helpful. (For example, 0.05 cfs could be: control valve to lock, spigot in mainline with 5-gallon bucket available to measure. For the Allen diversion, this could be a head-gate and weir in the ditch).

Although you do not have to suggest these specific types of controls/measurements, any comments or concerns will be very helpful.

If you have any questions regarding the attached information, please do not hesitate to contact our office.

Thank you in advance,

*Denise Buffington
Administrative Assistant I
Dept of Water Resources
Western Region
(208) 334-2190*



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

August 10, 2011

To: Distribution List

Re: Rock Creek Water Right Applications

Dear Interested Party:

This letter is for applicants, representatives and other parties interested in recent problems related to the creek near West Mountain Road on the southwest side of Cascade Reservoir. Due to a long and sometimes confusing history spanning several decades, the creek has been known as Rock Creek or Richard Creek in addition to being identified in Idaho Department of Water Resources (IDWR) records as an "Unnamed Stream." The latter label is based on IDWR policy to generally, although not exclusively, use surface water names recorded on USGS topographic maps.

In this case, IDWR water right records for this creek include the following combinations:

- Rock Creek tributary to Cascade Reservoir
- Rock Creek tributary to North Fork Payette River
- Unnamed Stream tributary to North Fork Payette River.

Recently, three water right applications were filed for this creek. Copies of the applications are enclosed for your convenience. The applications will be advertised in the Valley County *Star News* legal notices on August 18 and 25, 2011. The protest deadline for the applications will be September 6, 2011. Any written protest, together with \$25 per application being protested, must be received by IDWR no later than 5:00 p.m. on the protest deadline to be acceptable. If you already protested any of these applications, you do not need to do anything at this time. Your protest will be considered as this process develops.

Please note the following points for these applications.

- 1) Ideally, any approvals of the applications will identify Rock Creek tributary to North Fork Payette River, with clarifying remarks that the creek is also known as Richard Creek.
- 2) It appears that no physical changes from current practices are proposed by the applicants. The applications apparently seek to formalize historic diversions and uses of water that were not accurately recorded in the past.

3) The West Mountain Water Association application is filed on IDWR's new "transfer short form" for point of diversion changes/corrections. In this case, the applicant also proposes to change the place of use for right 65-13088 to match the place of use in right 65-3111A. See highlighted information on page 4 of the application. IDWR will process the application to include the proposed change in place of use for 65-13088, even though the application form was not designed for that.

If you need more information, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp on the IDWR website to view scanned documents for these applications. If you have additional questions, please contact me at 208-334-2190.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Lester". The signature is fluid and cursive, with the first name "Steve" written in a larger, more prominent script than the last name "Lester".

Steve Lester
Water Rights Supervisor

Enclosure: Distribution List
Applications for Transfer No. 77121 and 77209
Application for Permit No. 65-23451

c: Ron Shurtleff, Payette River Watermaster

DISTRIBUTION LIST

ALLEN RANCH LLLP
2624 S INGLENOOK PL
MERIDIAN ID 83642

JIM & ISABEL BUNCE
WEST MOUNTAIN WATER ASSN INC
PO BOX 388
CASCADE ID 83611

BRUCE SMITH
MOORE SMITH BUXTON & TURCKE
950 W BANNOCK ST STE 520
BOISE ID 83702

CINDI BETHEL CARMONA
10421 W CAMPVILLE ST
BOISE ID 83709

SANDRA CHESS
1200 LIZASO AVE
BOISE ID 83709

NADINE PERKINS
700 STEEPLE VIEW
EAGLE ID 83616