



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

February 10, 2011

Vernon K. Smith
1900 W Main Street
Boise, Idaho 83702

63-25741
25743
25744

Re: Ground Water Supply and Large Gravel Pits West of Boise

Dear Mr. Smith:

I received your letter dated January 10, 2011 expressing concerns about the large gravel pits and impacts to irrigation of your family's farm land west of Boise. In your letter, you request a "Plan of Reclamation" approved by the Department of Water Resources ("IDWR" or "Department") and asked for implementation of measures to remedy damages caused by the gravel extraction process. You also request, as an alternative, that IDWR issue expanded or additional water rights to provide sufficient water for irrigation of your farm land.

Gravel extraction operations may cause changes to ground water flow and water table elevations. Other land use changes may also affect the water table. For example, historic flood irrigation methods and associated delivery ditches may have recharged ground water. If irrigation becomes more efficient or lands previously irrigated are developed, recharge may be diminished or eliminated.

A land use change does not require a water right unless water is diverted and beneficially used as part of the land use change. A gravel extraction operation does not require a reclamation plan from IDWR to extract gravel. A gravel extraction operation does not always require a water right permit. The Idaho Department of Lands is vested with some authority over gravel mining operations and has the authority to require approval of a reclamation plan.

The Idaho Department of Water Resources is responsible for the management of ground water and surface water resources and protection of existing water rights. Your letter asserts that, historically, a high ground water table partially irrigated crops grown on your farm land, supplementing your surface water irrigation supply. Your letter does not identify a ground water right that you seek to protect. You state that your farm land is irrigated with water from the Thurman Mill Ditch Company, and private rights out of the Thurman Mill ditch and District Four Drain Ditch systems. You also state that your use of water from those surface water sources has increased due to a decrease in the shallow ground water that has been available for crop consumption. However, you have not established that water under those rights or any other recorded water right is unavailable or insufficient for your use. Unless you hold an established right for the use of water table ground water to sub-irrigate your farm land, the Department is not authorized to act to protect your asserted use of ground water.

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I invite you to work with staff from the Department to review your existing water rights. Your current use may still be within the limits of rate of flow and season of use as authorized under your water rights. You may also want to contact the Thurman Mill Ditch Company to review your current water needs and allotments from the company. If your existing water rights from surface water sources are insufficient, you may be able to acquire additional water rights for transfer to your place of use. Department staff can help you with the application process to transfer existing water rights.

If you have questions about this letter, I encourage you to contact Jeff Peppersack of this office at 287-4948.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Spackman". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Gary Spackman
Interim Director

cc: Western Region, IDWR