

PROCESS MEMORANDUM

To Application File: #63-12220 Avest Limited Partnership
From: J. Westra, Western Reg.
Date: 04/13/10

Background

This application was filed in 1995 in the interim period between the 1995 ground water moratorium lifting and the 1996 Administrative Memo. #59-- "Hold." Public notice was made in the Idaho Statesman on July 6 & 13, 1995. There were no protests. It is noted, that a water bearing zone was omitted in the notice. Although, including a water bearing zone has been our policy, this omission should not warrant the re-advertisement of a 15 year old application for 1 acre of irrigation. **Process Sequence:**

July 2000- Domestic well drilled as future water source for pending application.

January 2008- Application held until the "hold" is lifted. Ground water source location is within the Boise River Shallow Ground Water boundary.

June 2008- Applicant is sent letter requesting their intentions for the application. Applicant responds by stating a mitigation plan will be submitted.

January 1, 2010- Deadline for submittal of mitigation plan. No response from applicant at deadline.

January 7, 2010- IDWR issues a preliminary void order for the application. On January 20, 2010, a petition for reconsideration is received from the applicant.

February 11, 2010, IDWR grants the petition and issues a conditional order withdrawing the void. Additional information must be submitted by April 1, 2010 to avoid the void order becoming final.

April 1, 2010, the applicant submitted the necessary information. The application was amended to .03 cfs flow and 1 acre of irrigation on 04/07/10/.

Current State

The proposed site has been developed into a storage unit complex with drip irrigation (1 acre) of the outside perimeter of landscaped trees etc. The applicant had initially tried to utilize Nampa Meridian surface water from a lateral ditch which proved not workable as the water was filled with mud and debris. With recent commercial development along Fairview and Locust Grove, it would be prohibitive to gain access to the surface water.

Boise River Shallow Ground Water Area

The well source is located in close proximity to the boundary line along Fairview Ave with a water bearing zone of 93-99 feet. The applicant's consultant has provided evidence the well source does not communicate directly with the Boise River, but to 5 Mile Creek/Drain and South Slough with similar static water elevations, see consultant report. The confluence of these water bodies with the Boise River is several miles below Star.

Under Amended Administrative Memorandum #59 *Approvals on a case by case basis*—3(A) The applicant has demonstrated the holders of water rights to divert from the Boise River will not be injured by the proposed appropriation and 7(B) the development and use of the water will not have an effect on prior water surface and ground water rights because of the location, insignificant consumption of water (drip irrigation for 1 acre of landscape). **The amended application should be approved for .03 cfs and 1 acre of irrigation with the following conditions:**

1 yr. development, 004. 121, R69, 166, Water Bearing Zone of 83-99 feet.