



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

May 29, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Avest Limited Partnership
% Roger Allen
9647 W Pebble Brook LN
Boise ID 83703

RE: Held Application for Permit #63-12220 filed 06/28/95

Dear Applicant:

As you aware, the above reference application for permit located in the Boise River Basin has been held by our agency since the 1990s. The Department began holding new groundwater applications for consumptive use due to prolonged drought and concerns about declining aquifer levels. As a result, the Treasure Valley Ground Water Study was initiated. The study was completed in 2002, and now provides modeling for projecting future groundwater availability in the valley. Our agency will commence processing held applications as staff resources are available.

Attached is a proof profile of your application as submitted to our agency. You must still have full possessory interest- ownership in the listed point of diversion and place of use land locations for processing consideration. Please check carefully the specifics on the application. Your application will need to have public notice published in the local county newspaper. The notice will be published once per week for 2 consecutive weeks. Anyone having issue with an application may file a protest within the time allowed.

The application lists the point of diversion in Township 03N, Range 01E, Section 5. Ground water less than 200 feet depth at this location is considered tributary to the Boise River. Surface water in or tributary to the Boise River above Star bridge is fully appropriated. This means that a new appropriation of ground water would potentially injure a senior Boise River surface water right. Our agency can not process your application unless one of the following can be satisfied:

- 1. An acceptable mitigation plan is filed to mitigate for ground water use that would otherwise cause injury to senior water rights from the Boise River. An example might be the purchase and retirement of an equivalent Boise River surface right*
- 2. The application proposes to appropriate ground water deeper than 200 feet below ground surface. Applications meeting this criterion shall be evaluated on a case-by-case basis in accordance with applicable water laws and rules.*

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Application

We are asking for you to convey your intentions regarding this application by completing the attached response form. Please respond to the following:

- If you desire to develop the water use, and wish our agency to complete the processing of your application, please mark the *YES* response. Also, mark the choice needed to meet the Boise River shallow ground water criteria. A consultant list is enclosed if you need assistance.

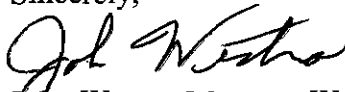
OR

-Mark the *NO* response to withdraw the application. The applications will be removed from processing and our records. Our agency will not be able to provide refunds of fees for withdrawn applications.

-Sign, date, and return the response. Response forms need to be returned to this office no later than 30 days of this letter date.

Should you have questions about the history or further processing of this application, please contact Denise Buffington or John Westra at the Western Regional Office, phone 334-2190.

Sincerely,



John Westra, Manager Western Region

Enclosure: Proof Report, Response Sheet, Consultant list, Map Shallow GW.