

Keen, Shelley

From: Terry Scanlan [TScanlan@spfwater.com]
Sent: Wednesday, October 14, 2009 5:06 PM
To: Keen, Shelley
Subject: RE: Draft permit for JMM Dry Creek

Thanks, Shelley. We'll review it and get back to you with comments.

-----Original Message-----

From: Keen, Shelley [mailto:Shelley.Keen@idwr.idaho.gov]
Sent: Wednesday, October 14, 2009 5:00 PM
To: Terry Scanlan
Subject: Draft permit for JMM Dry Creek

Terry,

Here's a draft permit for JMM Dry Creek LLC. It essentially accomplishes the same thing a transfer would have, and it probably should be replaced by a transfer eventually. Please comment or stop by to discuss the draft by October 28, 2009. If I've not received a response by then, I'll recommend IDWR issue the permit as drafted.

Sincerely,

Shelley Keen
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098
(208) 287-4947
shelley.keen@idwr.idaho.gov

<<63-32423 Draft Permit.doc>>

<<63-32423_40.jpg>>

Keen, Shelley

From: Keen, Shelley
Sent: Wednesday, October 14, 2009 5:00 PM
To: 'Terry Scanlan'
Subject: Draft permit for JMM Dry Creek

Attachments: 63-32423 Draft Permit.doc; 63-32423_40.jpg

Terry,

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Sincerely,

Shelley Keen
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098
(208) 287-4947
shelley.keen@idwr.idaho.gov



63-32423 Draft
Permit.doc (43 ...



63-32423_40.jpg (3
MB)

Table 1: Annual Water Use		
Potable System		
Domestic Use	1936 af	631 MG
Irrigation Use	612 af	199 MG
Pressurized Irrigation	1164 af	379 MG
Total	3711 af	1209 MG

Note: Numbers may not add due to rounding

Table 2: Anticipated Water Sources		
Potable System		
On-Site Municipal Well	848 af	276 MG
Imported from UWID	1700 af	554 MG
Pressurized Irrigation System		
Irrigation Wells and Dry Creek	561 af	183 MG
Reclaimed Wastewater	603 af	197 MG
Total	3711 af	1209 MG

Note: Numbers may not add due to rounding

Maximum water rights withdrawal volume (392 ac x 4.5 ac-ft/ac)	+1764 ac-ft
Recharge from winter reclaimed wastewater infiltration ¹	-495 ac-ft
Infiltration from pressurized irrigation (14%) ²	-163 ac-ft
Infiltration from municipal irrigation (14%) ³	-86 ac-ft
Total consumed volume	1020 ac-ft
Total consumption per acre (392 acres)	2.6 ac-ft/ac
Estimated historic consumptive irrigation use	1,040 ac-ft
Estimated historic consumption per acre	2.7 ac-ft/ac

-403

¹ Calculated on monthly basis as wastewater supply minus wastewater used for irrigation and totaled for year

² Based on 334 acres x 3.5 af/ac x 14% infiltration loss

³ Based on 175.6 acres x 3.5 af/ac x 14% infiltration loss

509.6

**05N 01E 36AAB1
Big Pump Well**

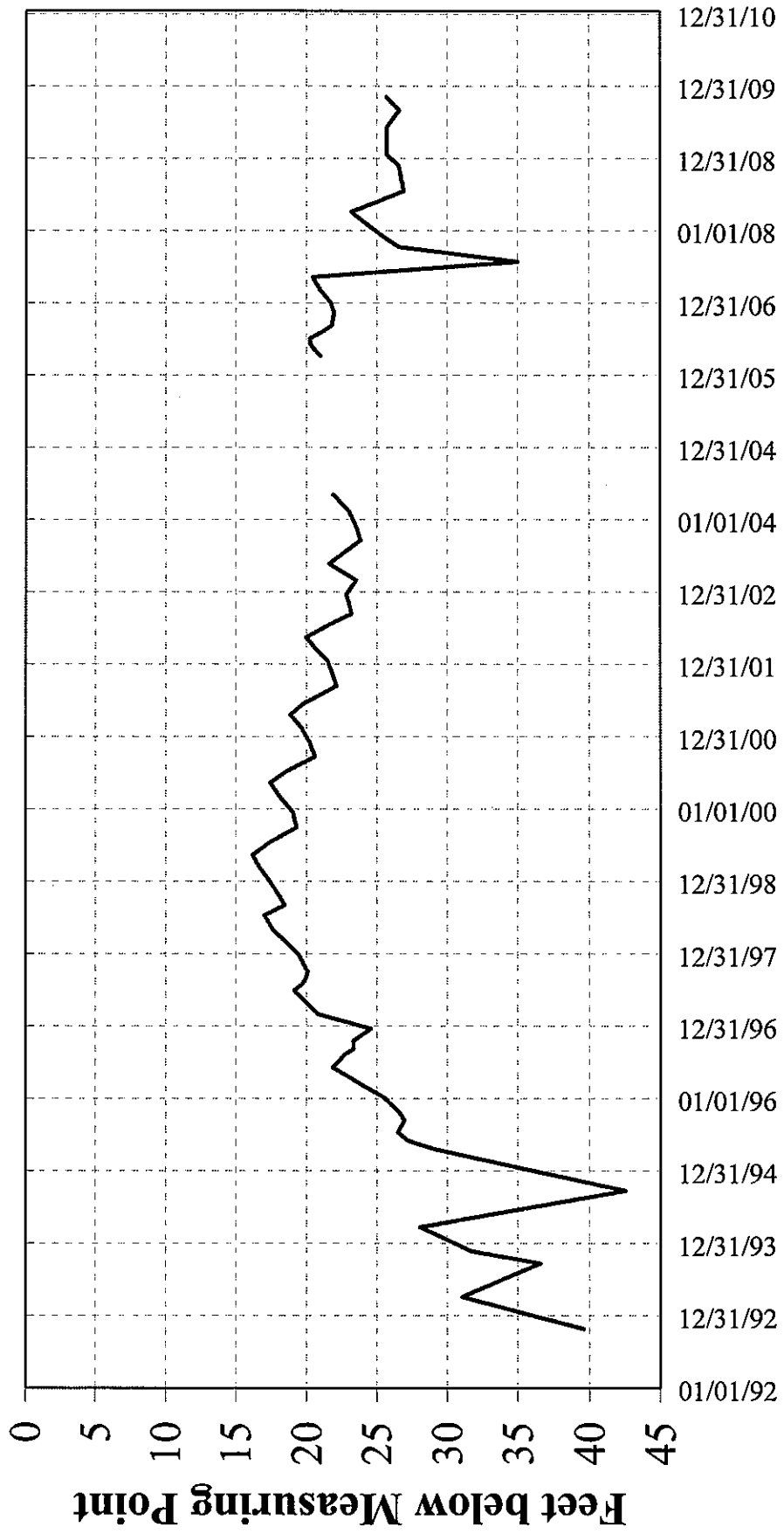


Exhibit E

SPF Dry Creek Aquifer Monitoring Plan
& Well Abandonment plan with Nov 2008
revised Table 1 (April 9, 2008)



~~15~~
434.0020
Dry Creek
Water Right

April 9, 2008

Dry Creek Rural Neighborhood
Association
c/o Marian E. Shaw
13975 Broken Horn Road
Boise, ID 83714

*Subject: Proposal to Resolve DCRNA Water Right Protest – Application for Permit
No. 63-32423 in the name of JMM Dry Creek, LLC*

Dear Ms. Shaw,

We appreciate you and other members of the Dry Creek Rural Neighborhood Association attending the March 6th pre-hearing conference for the above mentioned application for permit. It was helpful to have an open discussion regarding the Neighborhood Association's concerns with JMM Dry Creek's Application for Permit No. 63-32423. As we stated at the pre-hearing conference, we are committed to negotiating with you in good faith to resolve the protest. This letter and its attachments provide details of the steps the Dry Creek Ranch Planned Community property owner is proposing to take to resolve the protest. It includes everything that was requested by the Dry Creek Rural Neighborhood Association in items 7.b and 7.c of the Notice of Protest.

We understand that neighbors to the proposed Dry Creek Ranch are concerned about aquifer levels, and the potential that levels may drop when Dry Creek Ranch starts pumping water from the aquifer. We believe we have several safeguards in place for neighboring water right holders.

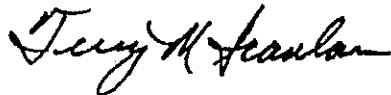
- 1) The new municipal water right (Application for Permit 63-32423) will be limited in combination with Dry Creek Ranch's five existing irrigation water rights to the historic diversion rate (7.84 cfs) and volume (1,764 acre-feet annually). Therefore, no additional water beyond what is already allowed to be pumped from the aquifer for the property will be pumped.
- 2) The new municipal water right (application 63-32423) will have a junior priority date (2006) to nearly all existing water rights in the Dry Creek Ranch area.
- 3) United Water Idaho (UWID) will own and operate the potable water system. There will be one or two connections to UWID's off-site water system. This will allow off-site water to be imported to Dry Creek Ranch if the need arises.

April 9, 2008

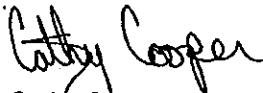
The DCRNA requested an aquifer monitoring program and abandonment of unused wells if the Application for Permit No. 63-32423 is approved. We agree that these are reasonable requests. The attachments to this letter, 1) Dry Creek Ranch Aquifer Monitoring Program, and 2) Dry Creek Ranch Well Abandonment Plan, outline the plans the Owner would agree to include as conditions of approval for Application for Permit 63-32423.

We look forward to hearing from you. Again, we would like to resolve the protest prior to the scheduled hearing date in August, and hope that the attached plans are a path to resolution. Please contact us with questions or comments.

Sincerely,



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



Cathy Cooper, P.E.
Principal Engineer

cc: John Westra – IDWR – Western Region Manager
Charlie Potter, Land Baron Investments
Charlie Honsinger, Ringert-Clark Chartered

**DRY CREEK RANCH
AQUIFER MONITORING PROGRAM**

DRY CREEK RANCH AQUIFER MONITORING PLAN April 2008

BACKGROUND

JMM Dry Creek, LLC (JMM) has submitted water right application number 63-32423 seeking to appropriate 5 cfs for municipal supply for their Dry Creek Ranch Planned Community. The new application will be limited in combination with five existing water rights on the Dry Creek Ranch property to the historic total diversion rate of 7.84 cfs and total diversion volume of 1,764 acre-feet annually.

An aquifer monitoring program was started in June 2007 by SPF Water Engineering, LLC (SPF) on behalf of JMM. Ten wells (six on the Dry Creek property, and four neighboring wells) were initially included in the monitoring program.

This document formalizes the aquifer monitoring program, and provides written documentation of the program. It is proposed that this monitoring program be a condition of approval for water right application 63-32423.

AQUIFER MONITORING PROGRAM

1. **What:** Aquifer Monitoring Program to monitor aquifer levels in the vicinity of the proposed Dry Creek Ranch Planned Community. An annual report summarizing the monitoring results will be prepared and distributed to the Dry Creek Rural Neighborhood Association, Idaho Department of Water Resources (IDWR), and all private well owners participating in the monitoring program.
2. **Who:** The Owner of water right permit 63-32423 will be responsible for conducting the aquifer monitoring program.
3. **When:** The aquifer monitoring program began in June 2007. It will continue for a minimum of 15 years after approval of permit 63-32423. Aquifer levels will be measured at each participating well every other month for the first year, and then twice a year in subsequent years.
4. **Where:** Table 1 shows the wells included in the program. Wells may be added to the monitoring program at any time, up to a total of eight off-site wells. SPF will determine the suitability of proposed wells for the monitoring program. The attached figure shows the location of wells currently included in the program.

Table 1 Dry Creek Ranch Aquifer Monitoring Program Monitored Wells (as of April 2008)	
Well	Address
Dry Creek Ranch On-Site Wells (Monitoring Began June 2007)	
Well 9	Dry Creek Ranch Property – Northeast
Payne Well	Dry Creek Ranch Property – North Central
Big Pump Well	Dry Creek Ranch Property – East Central
Hot Well	Dry Creek Ranch property – West Central
Stockwater Well	Dry Creek Ranch Property – West Central
Pasture Well	Dry Creek Ranch Property – Central
Off-Site Wells (Monitoring began June 2007)	
Beliveau Well	14441 Broken Horn Rd. Boise, ID 83714
Thompson Well	6725 W. Dry Creek Rd. Boise, ID 83714
Graves Well	7725 Stack Rock Dr. Boise, ID 83714
Dater Well	15005 N McFarland Creek Road Boise, ID 83714
Wells to be Added to the Monitoring Program	
Shaw Irrigation Well	13975 Broken Horn Road Boise, ID 83714

5. **Why:** Neighbors to the proposed Dry Creek Ranch Planned Community have expressed concern over aquifer levels when pumping under the new permit commences. The aquifer monitoring program will monitor aquifer levels to track the effects of pumping.
6. **How:** The permit Owner will be responsible for funding and administering the aquifer monitoring program. Currently, SPF is administering the monitoring program on behalf of JMM. SPF takes water level measurements and will compile the annual report for distribution to the appropriate parties. Private well owners must sign the attached Water Level Monitoring Agreement authorizing access to their well to measure water levels, and authorizing participation in the program.

7. **Contacts:**

<p>JMM Dry Creek, LLC Charlie Potter, P.E. LandBaron Investments 718 South 120th Avenue Avondale, AZ 85323 Phone: (623) 882-3883 Fax: (623) 322-3823 cpotter@landbaroninv.com</p>	<p>Dry Creek Rural Neighborhood Association c/o Marian E. Shaw 13975 Broken Horn Road Boise, ID 83714 Phone: (208) 229-2133</p>
<p>SPF Water Engineering, LLC Terry Scanlan or Cathy Cooper 600 E. RiverPark Lane, Suite 105 Boise, ID 83706 Phone: (208) 383-4140 Fax: (208) 383-4156 tscanlan@spfwater.com ccooper@spfwater.com</p>	<p>Idaho Department of Water Resources Western Regional Manager John Westra 2735 Airport Way Boise, ID 83705-5082 Fax: (208) 334-2348</p>
<p>Ringert Clark Charles L. Honsinger 455 South Third Street P.O. Box 2773 Boise, ID 83701 Phone: (208) 342-4591 Fax: (208) 342-4657 clh@ringertclark.com</p>	

Water Level Monitoring Agreement

Well Name _____

Well Location _____

The undersigned well owner hereby agrees to allow JMM Dry Creek, LLC, through its designated contractors or agents to enter on to the well owner's property on a regularly scheduled basis to measure well water levels as part of a water-level monitoring program. Monitoring frequency is anticipated to be bi-monthly for the first year and semi-annual (April and October) in subsequent years. The well owner agrees to cooperate with JMM Dry Creek in these efforts, and will designate a reasonable and safe means of well access for this purpose. The measurements would be conducted using electric-line well probes or steel tapes. The work will involve removing the well cap to access the well. Wells with submersible pumps may require water level measurement tubes to prevent entanglement of well probes in submersible pump wire. The tubes will be installed by JMM Dry Creek's contractor at JMM Dry Creek's expense.

The undersigned well owner hereby releases JMM Dry Creek LLC and their contractors from any and all liability, other than negligence, associated with the water level monitoring program, including, but not limited to, real or perceived damage to the well, well pump, or well water quality. Water-level monitoring will continue until (1) the monitoring program is terminated or until (2) the well owner notifies JMM Dry Creek in writing that they desire to withdraw from the monitoring program.

Well Owner Name _____

Mailing Address _____

Daytime Telephone _____

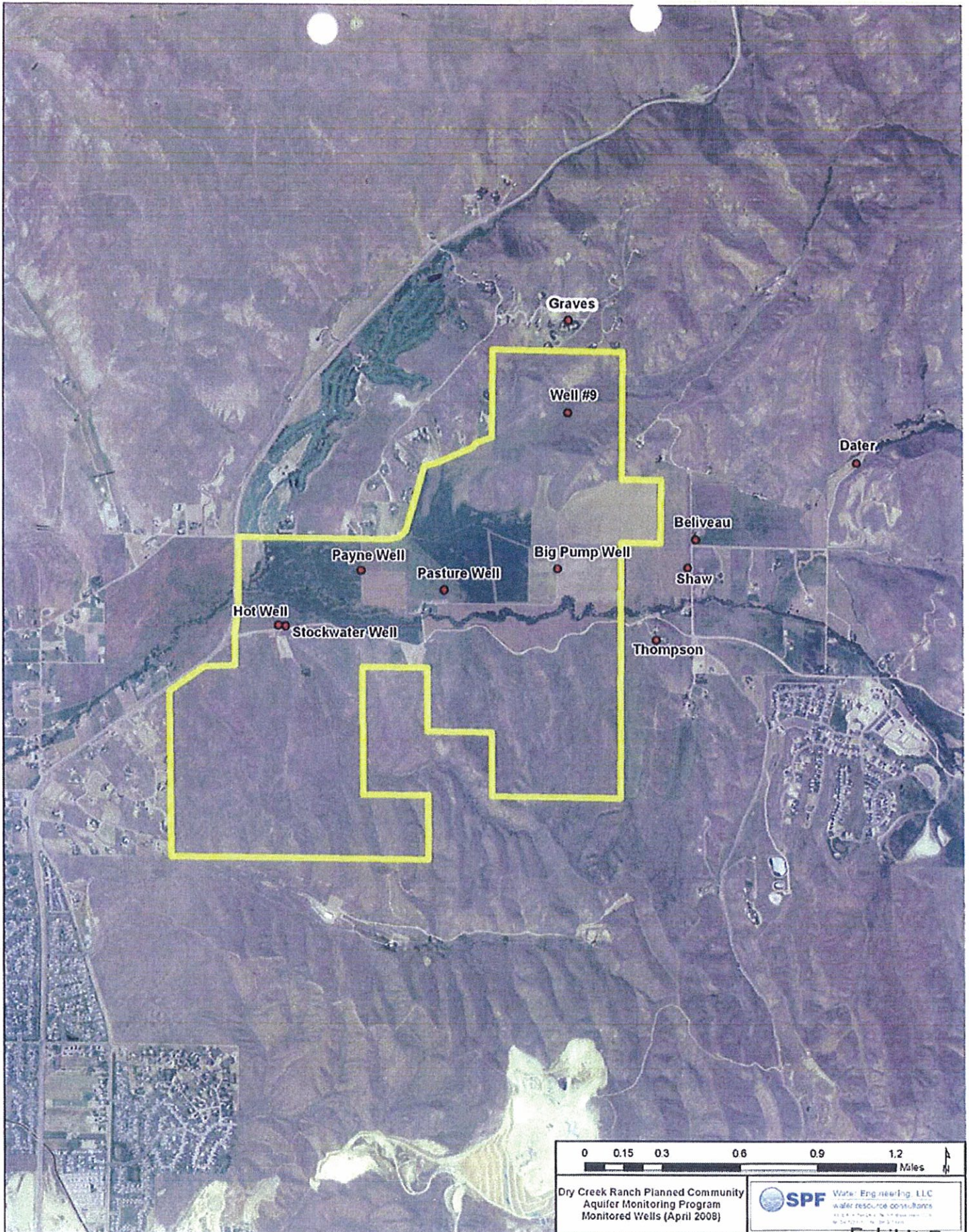
Well Owner Signature _____

Date _____

Witness Signature _____

JMM Dry Creek Signature _____

Date _____



**DRY CREEK RANCH
WELL ABANDONMENT PLAN**

DRY CREEK RANCH WELL ABANDONMENT PLAN April 2008

BACKGROUND

JMM Dry Creek, LLC (JMM) has submitted water right application (application) number 63-32423 seeking to appropriate 5 cfs for municipal supply for their Dry Creek Ranch Planned Community. The new application will be limited in combination with five existing water rights on the Dry Creek Ranch property to the historic total diversion rate of 7.84 cfs and total diversion volume of 1,764 acre-feet annually.

The Dry Creek Rural Neighborhood Association (DCRNA), as part of its Notice of Protest regarding Application for Permit No. 63-32423, requested that "pre-existing wells be abandoned and made unusable". We propose that abandonment of existing wells that are no longer useful to the property owner be made a condition of approval for application for permit No. 63-32423. The following well abandonment plan is proposed.

WELL ABANDONMENT PLAN

1. **What:** The well abandonment plan will be updated every five years, and consideration given to abandoning wells that are no longer useful to the property owner. Table 1, listing all documented existing wells on the Dry Creek Ranch Planned Community property, and showing current use and plans for future use, will be updated as part of the plan. Wells that are abandoned will be abandoned in accordance with Idaho Department of Water Resources (IDWR) policies and guidelines. The updated well abandonment plan will be distributed every five years to DCRNA and IDWR Western Region. The plan will be subject to IDWR approval.
2. **Who:** The Owner of water right permit 63-32423 will be responsible for funding well abandonment.
3. **When:** The well abandonment plan will be in place for 15 years from approval of Permit No. 63-32423, or until a time when all known wells on the property are properly abandoned or being utilized long-term for production or monitoring purposes.
4. **Where:** All existing wells on the Dry Creek Ranch Planned Community Property are candidates for abandonment. Wells will be abandoned if the permit owner in conjunction with the property owner determine that the well will not be used for production or monitoring in the future.

**Table 1
Dry Creek Abandonment Plan
(November 2008)**

Well	T&N R1E	Latitude / Longitude	Water Right(s)	Current Status	Future Plan
Well #9	Section 25 NESE	43.742288 / - 116.278367	63-17463	Drilled in late 1976 to a depth of 232 feet. Currently included in the Aquifer Monitoring Program.	Maintain as monitoring well.
Big Pump Well	Section 36 NENE	43.733434 / - 116.279111	63-4096B, 63-7123, 63-32266	Finished in April 1968 to a depth of 218 feet. Currently included in the Aquifer Monitoring Program and being used for irrigation supply. Equipped with irrigation pump.	Maintain as monitoring well and irrigation supply well.
Pasture Well	Section 36 NENW	43.73267 / - 116.287892	63-4023B	Reportedly drilled in 1926 or 1927 to approximately a 400 foot depth. Currently included in the Aquifer Monitoring Program.	Maintain as monitoring well.
Hot Well	Section 35 SWNE	43.730473 / - 116.300766		Drilling date for this well is unknown. Depth is 997 feet. Water temperatures have been measured between 104 to 107 degrees F. Currently included in the Aquifer Monitoring Program.	Maintain as monitoring well.
Stockwater Well (Well 5)	Section 36 SWNE	43.73042 / - 116.300169		This well was drilled in June 2000 to a depth of 41 feet. Currently included in the Aquifer Monitoring Program. Drilling permit 15197.	Maintain as monitoring well.
Payne Well	Section 36 NENE	43.733642 / - 116.294338	63-2535, 63-4023B, 63-32266	Drilled prior to 1937 to a depth of 626 feet. Currently included in the Aquifer Monitoring Program and used in 2008 for irrigation supply. Equipped with irrigation pump.	Maintain as monitoring well and irrigation supply well.
House Well	Section 36 SENE	43.731368 / - 116.288926	63-4023B 63-17451	Estimated to be drilled in 1926 or 1927 to a depth of 400 feet. May be used at the home for potable and irrigation water.	Investigate/verify current condition and usage.
Corn Well	Section 36 SWNW	43.730277 / - 116.289794	63-4023B	Estimated to be drilled in 1926 or 1927 to a depth of 400 feet. May be used for stock water.	Investigate/verify current condition and usage.
Barn Well	Section 36 SWNW	43.731664 / - 116.291324	63-17462	Estimated to be drilled in 1926 or 1927 to a depth of 400 feet.	Investigate/verify current condition and usage. Consider for abandonment.
Well #10	Section 35 NESW			Reportedly drilled in July 1967 to a depth of 400 feet. Proposed for domestic use at time of drilling. 6-inch steel casing. Could not be located during field visits. Drilling permit D-0001028.	Locate well. Investigate/verify current condition and potential usage. Consider for abandonment.
Well #11	Section 35 NWNE			Drilled in August 1967 to 300 feet. Not located in the field. Drilling permit D-0001033.	Locate well. Investigate/verify current condition and potential usage. Consider for abandonment.
Well #12 (hand pump well)	Section 36 SENE			No information. Connected to hand powered pump.	Investigate/verify current condition and usage. Consider for abandonment.

5. **Why:** The Dry Creek Rural Neighborhood Association has requested that existing wells on the Dry Creek Ranch property be abandoned as part of the approval of application for permit No. 63-32423. The property Owner believes it is reasonable and prudent to abandon existing wells that are not currently being used, and that are not planned for future use.

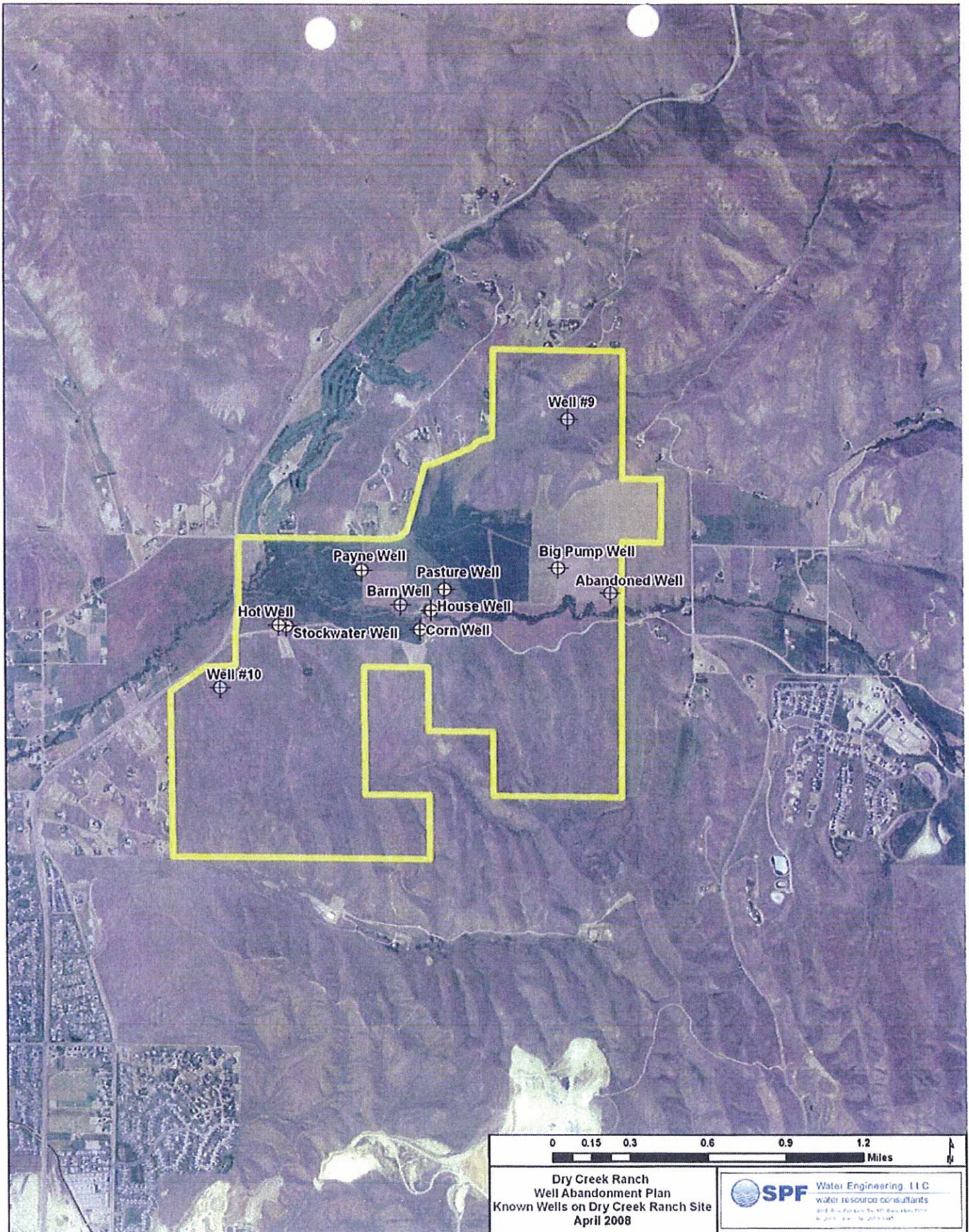
6. **How:** The permit Owner will be responsible for funding well abandonment. Any and all abandonment will be performed in accordance with IDWR policies and guidelines.

April 9, 2008
SPF Water Engineering, LLC

Dry Creek Ranch
Well Abandonment Plan - 434.0020

7. Contacts:

<p>JMM Dry Creek, LLC Charlie Potter, P.E. LandBaron Investments 718 South 120th Avenue Avondale, AZ 85323 Phone: (623) 882-3883 Fax: (623) 322-3823 cpotter@landbaroninv.com</p>	<p>Dry Creek Rural Neighborhood Association c/o Marian E. Shaw 13975 Broken Horn Road Boise, ID 83714 Phone: (208) 229-2133</p>
<p>SPF Water Engineering, LLC Terry Scanlan or Cathy Cooper 600 E. RiverPark Lane, Suite 105 Boise, ID 83706 Phone: (208) 383-4140 Fax: (208) 383-4156 tscanlan@spfwater.com ccooper@spfwater.com</p>	<p>Idaho Department of Water Resources Western Regional Manager John Westra 2735 Airport Way Boise, ID 83705-5082 Fax: (208) 334-2348</p>
<p>Ringert Clark Charles L. Honsinger 455 South Third Street P.O. Box 2773 Boise, ID 83701 Phone: (208) 342-4591 Fax: (208) 342-4657 clh@ringertclark.com</p>	



<p>0 0.15 0.3 0.6 0.9 1.2 Miles</p>		
<p>Dry Creek Ranch Well Abandonment Plan Known Wells on Dry Creek Ranch Site April 2008</p>		
		<p>Water Engineering, LLC water resource consultants 2012-2013 10000 N. 10th Street, Suite 100 Scottsdale, AZ 85254 Tel: 480.344.1111</p>

PHONE (208) 287-7900
FAX (208) 287-7909

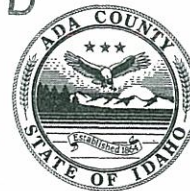
ADA COUNTY
DEVELOPMENT SERVICES

200 W. FRONT, BOISE, IDAHO 83702-7300

RECEIVED

SEP 17 2009

DEPARTMENT OF
WATER RESOURCES



BUILDING • ENGINEERING • PLANNING • ZONING

DATE: September 16, 2009

TO:

ADA COUNTY

Assessor
Engineer
Emergency Medical Services
Parks Dept.
G.I.S.
Solid Waste Mgmt.-Dave Neal
Ada County Mosquito/Weed and Pest
Ada Co. Sheriff- Sheriff Rainey
Ada County Highway District

FEDERAL AGENCIES

Ada Soil and Water Conservation District.
US EPA- John Olson
US Army Corp. of Engineers – Greg Martinez
US Fish and Wildlife Svc. – Rebecca Baker
Bureau of Land Management – R. Thomas
US. Post Office

STATE AGENCIES

Dept. of Environmental Quality
Dept. of Water Resources – Steve Lester
Dept. of Parks & Rec- Nadine Curtis
Idaho Historical Society- Susie Pengully
ITD: District #3 Traffic Engineer
ITD: Sr. Transportation Planner
Dept of Lands-Steve Douglas
Dept. of Fish & Game

CITIES

City of Eagle
Garden City
Boise Planning & Zoning
Meridian City Clerk
Meridian Planning and Zoning
City of Star
Kuna City

UTILITIES

Idaho Power
Qwest
Cable One
United Water of Idaho
Cambridge Telephone Co.
Intermountain Gas Company

NEIGHBORHOOD ASSOCIATIONS

Dry Creek
Dry Creek Valley Rural

OTHER

Boise School District #1
Meridian School District #2
Ada Community Library
North Ada County Fire and Rescue
Central District Health
COMPASS
Ridge to Rivers Coordinator
Valley Regional Transit
Eagle Fire Department
Dry Creek Cemetery District

From: Ada County Development Services (Contact: Meg Rush mrush@adaweb.net)

RE: DRY CREEK RANCH PLANNED COMMUNITY (PROJECT NO. 200600219-PC)

The Board of Ada County Commissioners will hold a public hearing on **November 18, 2009** beginning at 6:00 p.m. in the Commissioner's Main Hearing Room #1235, on the first floor, 200 W. Front Street, Boise, ID, on the following applications:

200600219-CPA COMPREHENSIVE PLAN TEXT AMENDMENT.

JMM Dry Creek, LLC requests an amendment to the Ada County Comprehensive Plan to add a comprehensive plan, including, as addenda, the development plan and economic impact analysis for the proposed Dry Creek Ranch Planned Community. The proposed comprehensive plan includes a vision

statement, a list of coordinated goals, objectives and policies, a conceptual land use map showing the proposed general land use patterns and circulation systems, economic feasibility study, infrastructure and financing plan, a natural features analysis, a narrative describing the proposed land uses and the design of the subject site, an assessment of the land use, public service, environmental and transportation impacts, a transportation and mobility plan, community services and utilities plan, an open space, parks and trails plan, wildlife mitigation plan, narrative and examples of central design concepts, a phasing plan, a letter from the school district, and a narrative of the storm water management plan.

200600219-ZC ZONING ORDINANCE MAP AMENDMENT.

JMM Dry Creek, LLC requests a Zoning Ordinance Map Amendment from Rural Residential (RR) District and Rural Preservation (RP) District to Planned Community (PC) District on approximately 1,414.9 acres of land. The site is located east of Highway 55, generally south of Brookside Lane, then both north and south of Brookside Lane, and both north and south of Dry Creek Road. The property lies within portions of Sections 25, 35, and 36, Township 5 North, Range 1 East; Section 30, Township 5 North, Range 2 East; and Sections 1, and 2, Township 4 North, Range 1 East; Ada County, Idaho.

200600219-DA DEVELOPMENT AGREEMENT.

JMM Dry Creek, LLC requests approval of a development agreement concurrent with the submitted Zoning Ordinance Map Amendment for the Dry Creek Ranch Planned Community.

200600219-ZOA ZONING ORDINANCE TEXT AMENDMENT.

JMM Dry Creek, LLC requests a Zoning Ordinance Text Amendment to amend Ada County Code, Title 8, Chapter 2, adopting a new Article into the Ada County Code to provide zoning regulations to govern the proposed Dry Creek Ranch Planned Community, containing general provisions, land use districts, development standards and administration for the development of the proposed Dry Creek Ranch Planned Community.

The Development Service Department notified you of this application prior to the Planning and Zoning Commission's public hearing. The Commission recommended **Approval** of this application.

Ada County welcomes any additional comments you may have on this application. Please also review the economic studies and proposed mitigation and comment regarding whether the information and mitigation for your agency is consistent with the information provided by your agency. Please submit your comments on *agency letterhead*, by October 7, 2009. Make specific reference to file number 200600219-PC. If you do not respond, Ada County shall consider you as having no additional comments on this application.