



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

March 6, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Frosty or Cynthia Frost
1113 N 18th E
Mountain Home, ID 83647

RE: Application for Permit No. 61-07574
Mountain Home Ground Water Management Area (MHGWMA)

Dear Applicant:

The above referenced water right application has been held by the Idaho Department of Water Resources (Department) because the proposed location is within the MHGWMA. Ground Water Management Areas may be designated pursuant to Section 42-233b, Idaho Code, if an area's ground water resources are approaching a condition where ground water supplies are not sufficient to satisfy existing or additional water rights. Department monitoring data in the MHGWMA confirms aquifer levels have continued to decline over the last 32 years. Attached are maps showing regional water level declines from 1976 to present. The Department has concluded that pending applications should no longer be held on the basis that aquifer levels may eventually recover leaving ground water available for new appropriations.

The Director of the Department can approve new water right applications in a Ground Water Management Area **only** if he has determined that sufficient water is available and that existing water rights will not be injured by the approval (Section 42-233b, Idaho Code). All available data suggests that there are insufficient groundwater supplies in the MHGWMA, therefore, the Director must assume that there is not sufficient groundwater available for new appropriation.

Your application for permit to appropriate water in the MHGWMA has been reviewed by the Department and will not be processed or advertised unless sufficient data and information is submitted that will allow the Director to determine that 1) there is sufficient ground water available to satisfy the use proposed by your application and 2) approval of your application will not injure any other prior water rights.

The Department requires your response to this letter within 30 days of receipt regarding your application. Please place an "X" by one of the options below and return your response to this office (page 2 of this letter with signature and date).

APPLICANT RESPONSE (choose one):

_____ 1. I intend to provide detailed evidence and data to convince the Director that there is sufficient water available to justify approval and that other prior water rights will not be injured by approval of my application. I understand that this detailed evidence must be received by the Department no later than **January 1, 2010** and that if the Department does not receive the information my application will be ordered void. Please sign and Date. Enclosed is a list of consultants if you need assistance providing this information.

OR

_____ 2. I do hereby withdraw my application. I understand that by choosing this option my application will be void and removed from Department records. Please sign and Date.

Signature _____

Date _____

Again, your response is required within 30 days of receiving this letter. Failure to respond to this letter will result in the Department ordering the application void pursuant to Section 42-204, Idaho Code.

Please mail your response to:

**Idaho Department of Water Resources, Western Region
2735 Airport Way
Boise, ID 83705**

Any questions you have concerning this letter should be addressed to me at this office (334-2190).

Respectfully,



ROBERT WHITNEY
Sr. Water Resource Agent

Enclosures