



State of Idaho

DEPARTMENT OF WATER RESOURCES

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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 14, 2005

STEVE HANNULA P E
ERO RESOURCES CORP
1106 N COLE RD STE C
BOISE ID 83704-8661

Re: Application for Permit for Gregory and Joyce Troost

Dear Steve:

Recently we discussed ground water applications for permit for consumptive uses in the lower portion of the Boise River drainage (Basin 63), specifically for Vanderwoude and Troost. I sent you a recent letter for the former applicant describing out-of-priority processing of applications based on a preliminary finding that a ground water source was probably tributary to the Snake River instead of the Boise River. Based on that letter, you would expect such an application to be processed out-of-priority.

Following my earlier letter to you, this office has received considerable pressure, including additional applications, for new ground water uses within Basin 63 but for ground water sources proposed as tributary to the Snake or Payette Rivers. This has included areas around Parma, Melba, Eagle, Kuna and deeper within Basin 63 near Blacks Creek Reservoir.

This office recently discussed these matters with the department administration. The staff discussed out-of-priority processing of Basin 63 applications based on Application Processing Memo No. 59. That memo has defined department policy in this matter since 1996 and has authorized application processing on a case specific basis. The meeting resulted in a consensus that processing these applications could erode or shift the alleged boundary separating ground water considered tributary to the Boise River versus ground water considered tributary to the Snake or Payette Rivers. Injury to at least the owners of many non-processed Basin 63 applications would be the likely result.

Therefore, applications in Basin 63 proposing ground water not tributary to the Boise River will be more rigorously reviewed from now on. This will be particularly true for proposed points of diversion located closer to the Boise River than to other rivers.

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The Troost application should not be processed out-of-priority at this time. Please consider the following options regarding this application.

1. The application could be processed out-of-priority as filed. The likely result would be a denial of the application.
2. A mitigation plan could be proposed for the new consumptive use, justifying out-of-priority processing.
3. Transferring a Basin 63 ground water right offers another option.
4. The applicant may request a delay in processing of up to one year.

Please respond to one of these choices, or another choice if one has been overlooked, by July 1, 2005. The application will be voided without a timely written response.

Please contact me at 334-2190 if you would like to discuss this in more detail. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Lester", with a stylized, cursive script.

Steve Lester
Water Rights Supervisor