



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

March 26, 2009

SOUTHWEST IRRIGATION DIST
PO BOX 668
BURLEY ID 83318

Re: Application for Permit No. 45-14183

Dear Applicants:

The Department of Water Resources acknowledges receipt of your water right application. Please refer to the above referenced number in all future correspondence.

A legal notice of the application has been prepared for publication. **Because your application is in excess of 10.0 cfs, this office has scheduled publication of the application in the Times News and also statewide in the Idaho Statesman, Lewiston Morning Tribune, and Post Register on 4/2 & 4/9/09.** Submittal of protests to the application will be allowed for a period ending ten days after the second publication. **(April 20, 2009)**

If an application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If an application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an un-protested application is about eight weeks.

Please be advised that we also need additional information regarding the requirements of Water Appropriation Rule 040.05 prior to the application leaving the Regional Office. Enclosed is a copy of Rule 040.05 with the information highlighted that needs to be submitted for the Department's consideration in the processing of your application.

Please feel free to contact this office if you have any questions.

Sincerely,

Mary A. Baldwin
Administrative Assistant I

Enclosure

GUIDELINE FOR SUBMITTING ADDITIONAL INFORMATION

This outline is intended to assist you with providing the additional information required under Rule 40 of the Department of Water Resources and Idaho Code, Section 42-203A(5)(a) which may help answer questions as to the type of information you should submit. The outline below follows the same order as the attached rules. Please take the time to review the outline. Much of the information requested under Rule 40 may already be available to you. Gathering the necessary information may be of benefit to you in planning the proposed development.

Rule 040.05.c and Idaho Code, Section 42-203A(5)(a) Information relative to effects on existing rights:

i. If diverting from a surface water source with 5 or fewer existing users, submit the water right numbers held by those users if available.

If not available, submit the names and addresses of those users and describe the location of their diversions and types of use associated with those diversions.

ii. If you are diverting from a groundwater source, submit a map locating your proposed well and all other wells within a 1/2 mile radius of your well. It would be helpful to describe the use from those wells (i.e.; domestic, irrigation etc.). You are not required to submit a map if there are no wells within the 1/2 mile radius, but you should indicate if there are no existing wells within that radius, if that indeed is the case.

iii. This rule seeks general information about the type of irrigation system you intend to install and how the project may affect other users. If you feel your proposed project will not affect other users, then explain why. You may describe any techniques or equipment you intend to employ which may reduce impacts on other water rights or promote water conservation.

Rule 040.05.d and Idaho Code, Section 42-203A(5)(b) Information relative to sufficiency of water supply:

i. Provide projections for your peak and average water demands. While your well or diversion may not yet be completed, you should be able to estimate project demand based on size of project (or number of acres irrigated), type or texture of local soils, type of crops grown, and type of irrigation system used. Demand projections should be given in terms of flow rate (cfs or gpm) and annual volume diverted (acre-feet).

Example: A 40 acre tract with 6 handlines and 20 heads/line discharging 3 gpm/head would produce a total flow rate of about 360 gpm or 0.8 cfs (1 in/acre). This flow rate multiplied by average number of hours per set, sets per irrigation and irrigations per year provides number of acre-feet per year or annual volume.

ii. You should be able to provide some basic information about the nature of the water supply. If the diversion is from a surface water source for example, you should provide stream flow data or estimate the amount of stream flow available for diversion and describe generally the seasonal availability of water. If you are diverting from a groundwater source, you should be able to generally describe the aquifer which you plan to divert from, i.e.; deep confined or shallow unconfined aquifer, depth to water level or depth to aquifer, known yields from wells within the same aquifer etc.

Rule 040.05.e and Idaho Code, Section 42-203A(5)(c) Information relative to good faith, delay, or speculative purposes of the applicant:

i. If you do not own the land to be irrigated and/or where the point of diversion is located, you must submit copies of lease agreements, easements or rights-of-way etc. If you are the owner of the place of use and point of diversion, documentation of ownership is not required.

ii. If applicable, submit copies of applications for permits or approvals which are needed from other government agencies or individuals in order to complete the water development project.

Rule 040.05.f and Idaho Code, Section 43-203A(5)(d) Information relative to financial resources:

i and ii. Submit a current financial statement or other statement describing how you will finance the project. You must also submit plans and specifications along with basic estimates of construction and equipment costs of the proposed project.

Rule 040.05.g and Idaho Code, Section 42-203A(5)(e) Information relative to conflict with the local public interest:

i. You, as the applicant, bear the initial burden of coming forward with evidence as to whether your proposed project may have any affect concerning local public interest. If you have any reason to believe that the proposed project under your application may be of concern to any local individuals, governments, tribal reservations, irrigation districts, the State Fish and Game Department, or Health and Welfare Department, then you are responsible for seeking comments from those individuals or groups. This requirement is mandatory for projects located within irrigation districts, canal companies or tribal reservations (failure to obtain comments from the irrigation district, canal company or reservation will delay approval of the application.). All comments must be submitted to the Department of Water Resources.