

MEMORANDUM

TO: Transfer Application 74360

FROM: Steve Lester

DATE: August 27, 2008 

RE: Request for Public Records

IDWR requested information from the applicant on 3/12/08 regarding the proposed P/D in Transfer 74360. The request was about shallow ground water upstream from Star and presumed to be tributary to the Boise River.

Attorney Dana Hofstetter replied for the applicant on 4/10/08 by requesting extensive public records on this topic. Subsequent conversations with her and with the SPF consultant working on her behalf resulted in a 4/29/08 IDWR meeting with SPF.

In that meeting, SPF confirmed it was working on providing a response to the IDWR information request. That information was provided on 8/25/08.

Therefore the attorney's public records inquiry for documents to support the rationale for IDWR's 3/12/08 request was considered moot. Anticipated approval of the transfer application provides an additional opportunity for the applicant/attorney to respond to any matters pertaining to the transfer if my above conclusion is incorrect.

The public records request is reasonably considered to be closed unless the issue is raised again during transfer approval.



RECEIVED

AUG 27 2008

WATER RESOURCES
WESTERN REGION

August 25, 2008

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

Attn: Steve Lester

Subject: Hydraulic Analysis for Peregrine Springs Transfer No. 74360

Dear Mr. Lester,

On behalf of Peregrine Springs and in response to earlier department correspondence regarding the above-referenced transfer application, this letter provides a hydraulic analysis of ground water conditions at the proposed point of diversion with an estimate of the potential hydraulic connection to the Boise River. This analysis indicates that the aquifer supplying water to Peregrine Springs well appears to not be directly connected with the Boise River and the regional valley shallow aquifer system.

The transfer application changes the point of diversion and place of use of a 5-acre / 0.08 cfs / 22.5 acre-feet portion of water right number 63-7194. The proposed point of diversion and place of use at T3N R2E Section 12 SESE is in the Boise foothills, about 1/3-mile northeast of the old State Penitentiary, and about 5,800 feet northeast of the Boise River (see Figure 1).

Wellhead elevation at the proposed point of diversion is approximately 3020 feet above sea level¹. The water-bearing zone based on the Well Driller's Report² is 64 to 84 feet below ground level, at approximately 2936 to 2956 feet, in a layer of coarse granite sand. Static water level was 17 feet below ground level at approximately 3003 feet. The elevation of the Boise River near its closest point to the well is approximately 2710 feet, 293 feet below Peregrine Springs' well.

Two other wells in the same quarter-quarter section (Section 12 SESE) appear to have tapped the same coarse sand water-bearing zone, along with one or more deeper zones. Static water level elevations in these other wells are 25 and 13 feet

¹ All elevations provided in this analysis are above mean sea level based on the 1:24,000-scale USGS topographic map *Boise South* (X59). Wellhead and river surface elevations are approximated based on interpolations between 20-ft contour intervals and have estimated accuracy of +/- 5 to 10 feet.

² Drilling Permit No. 63-94-W-0593-000

below the reported level in the Peregrine Springs well, and approximately 268 to 280 feet above the Boise River. This information indicates a perched aquifer positioned above the Boise River and adjoining regional aquifer system.

The enclosed Figure 2 presents a vertical section from the Peregrine Springs (aka Pavelek) well to the Boise River. The vertical "Y" axis is elevation from 2,000 to 3,200 feet, while the "X" axis is horizontal distance in feet along A-A' from the Peregrine Springs well to the Boise River. This figure includes the Peregrine Springs', Boise City Parks', and Boise Water Corp wells, and the Boise River.

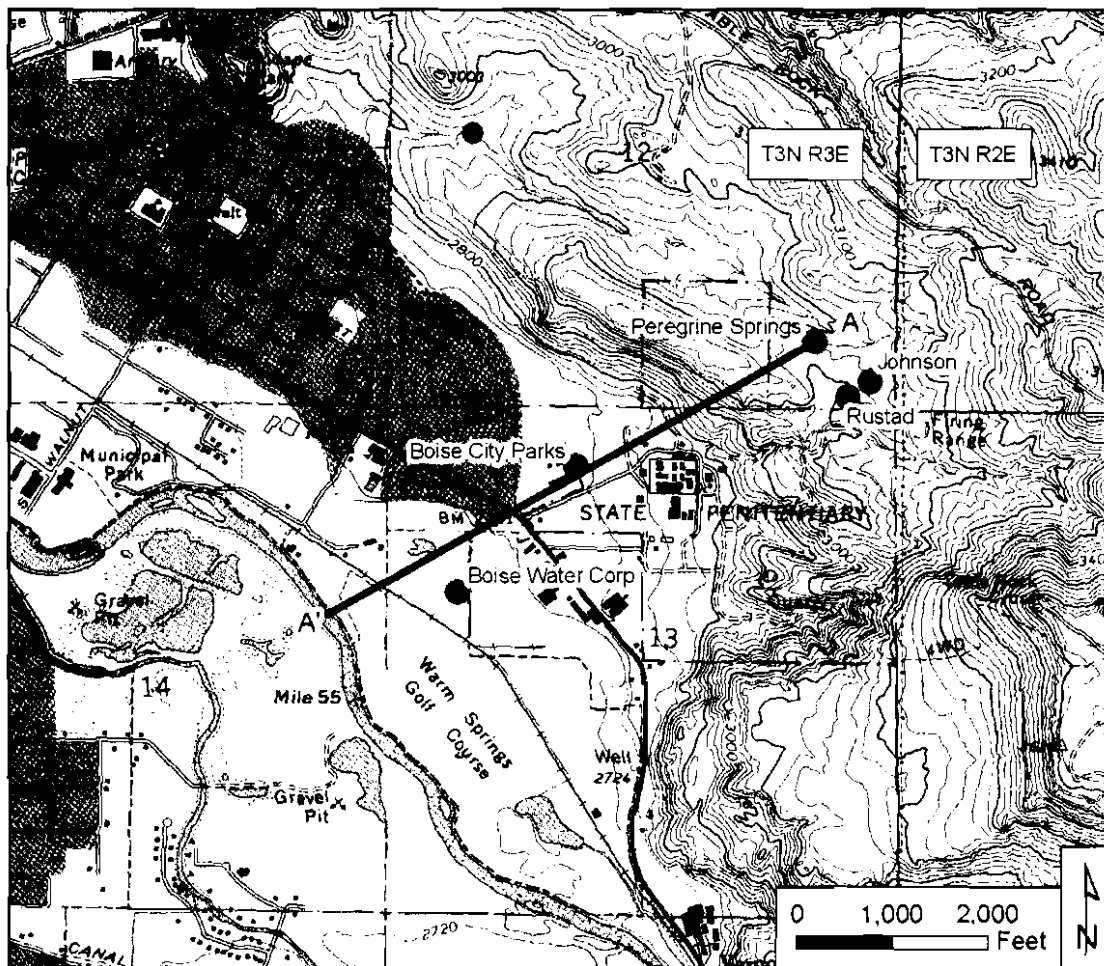


Figure 1: Selected well locations (approximate) and section A - A'.

Boise City Parks and Boise Water Corp Wells

Two wells located between the Boise River and Peregrine Springs' well on the valley floor were constructed to into deeper aquifer water bearing zones. The Boise City

Parks well³ was completed to a total depth of 865 feet. The upper 498 feet are cased, while the remainder was left as an open hole potentially drawing water from zones between 498 and 865 feet. Static water level was reported at 35 feet below ground surface, equivalent to 2,705 feet elevation based on an approximate wellhead elevation of 2,740 feet.

The Boise Water Corp well⁴ was drilled to a total depth of 415 feet with numerous screened sections placed between 123 and 409.5 feet. Static water level was reported at 18 feet below ground surface, equivalent to 2,702 feet elevation based on an approximate wellhead elevation of 2,720 feet.

The Boise City Parks and Boise Water Corp wells are completed into water bearing zones hundreds of feet below ground level. The respective water bearing zones are separated by about 68 feet of vertical distance. The static water levels in these wells is approximately 5 to 8 feet above the Boise River. In contrast, the static level in the Peregrine Springs well is 293 feet above the Boise River. These observations indicate that the aquifer supplying the Peregrine Springs well is perched above the regional aquifer.

Unnamed Stream

The topographic map (Figure 1) depict unnamed intermittent streams both north and south of the Peregrine Springs well. The map indicates these streams sink and do not hydraulically connect to the Boise River (except perhaps during periods of higher runoff). These streams likely do intercept water from the perched aquifer.

Summary

The following observations are made:

- The Peregrine Springs well is horizontally located approximately 5,800 feet northeast of the Boise River in the Boise foothills. The wellhead is about 310 feet above the Boise River.
- Static water level in the Peregrine Springs well is approximately 293 feet above the Boise River. The water-bearing zone of this well is 64 to 84 feet below ground surface.
- The nearby Johnson and Rustad wells have water-bearing zones similar to the Peregrine Springs well, and have static water levels about 268 and 280 feet above the Boise River, respectively.

³ Boise City Parks well identified by permit number 814084 was constructed in 1983.

⁴ Boise Water Corp well is identified by drilling permit number 807941 was constructed in 1989.

- Wells on the valley floor including those constructed for Boise City Parks and Boise Water Corp have static water levels approximately equal to the level of the Boise River.
- The streams north and south of the Peregrine Springs well are intermittent and are assumed to sink.

These observations indicate that the aquifer supplying water to the Peregrine Springs well is perched with a hydraulic head nearly 300 feet above the Boise River. The aquifer does not appear to have a direct hydraulic connection to the Boise River or to the regional aquifer system, but is expected to be tributary to the regional aquifer. The nearby stream indicated on the USGS maps is intermittent and apparently only connects to the Boise River during high runoff. Therefore, pumping of the Peregrine Springs well will not have rapid or direct impacts on flows in the Boise River.

Sincerely,



Scott N. King, P.E.
Senior Project Engineer

cc: Peregrine Springs,
Dana Hofstetter

File: 271.0010



SPF

Water Engineering, LLC
water resource consultants

* This ps. Attached loss
Rec'd 3/10/09 email - SL

By Date 11/1/02 Client Sheet 1 of 1
Chkd By Description WELLS AND LOSS F-A Job No. 600-000000

Flowchart of the water resource system

A

Flowchart of the water resource system

Flowchart of the water resource system

Flowchart of the water resource system

Flowchart of the water resource system

Flowchart of the water resource system

Distance (ft) from location of well

* This is Figure 2
noted in SPF 8/25/08 letter

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Office Use Only			
Well ID No. <u>791155</u>			
Inspected by _____			
Twp. _____	Rge. _____	Sec. _____	
1/4 _____		1/4 _____	
Lat: _____		Long: _____	

1. WELL TAG NO. D 29115
DRILLING PERMIT NO. _____
Water Right or Injection Well No. _____2. OWNER:
Name Dr. Jeffrey C. Johnson
Address 152 N. Alfresco PL
City Boise State ID Zip 83712

3. LOCATION OF WELL by legal description:

You must provide address or Lot, Blk, Sub. or Directions to well.

Twp. 3 North ☒ or South ☐
Rge. 2 East ☒ or West ☐
Sec. 12 SE 1/4 or SW 1/4 or NE 1/4 or NW 1/4
Gov't Lot _____ County AddLat: _____ Long: _____
Address of Well Site 152 N. Alfresco PL
City Boise

Lt. _____ Blk. _____ Sub. Name _____

4. USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)

☒ New Well ☐ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD:

☐ Air Rotary ☒ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

Seal Material	From	To	Weight / Volume	Seal Placement Method
3/8 chip bent	0	52	150 lb	pour

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 58' 12"Was drive shoe seal tested? ☐ Y ☒ N How? _____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
8"	4.5'	58 1/2'	250	Steel	☒	☐	☒	☐
4 1/2"	7'	67'		PVC	☐	☒	☐	☐

Length of Headpipe _____ Length of Tailpipe _____

Packer ☐ Y ☒ N Type _____

9. PERFORATIONS/SCREENS PACKER TYPE

Perforation Method _____

Screen Type & Method of Installation PVC

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
67	127	.020		4 1/2"	PVC	☐	☒

10. FILTER PACK

Filter Material	From	To	Weight / Volume	Placement Method

11. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

42 ft. below ground Artesian pressure _____ lb.
Depth flow encountered 63-125 Describe access port or control devices: well cap

12. WELL TESTS:

☐ Pump ☒ Bailer ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
45	15'		2 hrs.

Water Temp. _____ Bottom hole temp. _____

Water Quality test or comments: _____

13. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Water	Y	N
12	0	9	Top Soil			
12	9	45	Brown Clay			
12	45	55	Tan Clay			
8	55	63	Blue Clay			
8	63	66	Course Sand			
8	66	71	Blue Clay			
8	71	80	Brown Clay			
8	80	87	Brown clay w/ sand streak			
8	87	90	Blue Clay			
8	90	91	Course Sand			
8	91	115	Blue Clay w/ sand streaks			
8	115	123	Blue Clay			
8	123	125	Blue Clay w/ sand streaks			
8	125	128	Blue Clay			

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APR 17 2003

WATER RESOURCES
WESTERN REGIONCompleted Depth 128' (Measurable)Date: Started 1-30-2003 Completed 3/25/2003

14. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

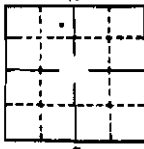
Company Name George Post Well Drilling Firm No. 563Principal Driller [Signature] Date 4/16/2003and Driller or Operator II [Signature] Date 4/16/2003

Operator I _____ Date _____

Principal Driller and Rig Operator Required.
Operator I must have signature of Driller/Operator II.

FORWARD WHITE COPY TO WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORTUSE TYPEWRITER OR
BALLPOINT PENState law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.RECEIVED
AUG. 1 or 2
DEC. 7 1983

1. WELL OWNER Name <u>Boise City Pks Dept.</u> Address <u>1104 Royal Blvd.</u> Owner's Permit No. _____		7. WATER LEVEL Static water level <u>32</u> feet <u>Department of Water Resources</u> Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature _____ of Quality _____ Describe artesian or temperature zones below.																																																																																																																																																																																									
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)		8. WELL TEST DATA ☒ Pump ☐ Bailer ☐ Air ☐ Other _____ <table border="1"><thead><tr><th>Discharge G.P.M.</th><th>Pumping Level</th><th>Hours Pumped</th></tr></thead><tbody><tr><td>159</td><td>145</td><td>30 min</td></tr><tr><td>202</td><td>180</td><td>30 min</td></tr><tr><td>260</td><td>220</td><td>30 min</td></tr></tbody></table>		Discharge G.P.M.	Pumping Level	Hours Pumped	159	145	30 min	202	180	30 min	260	220	30 min																																																																																																																																																																												
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3. PROPOSED USE ☐ Domestic ☒ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)		9. LITHOLOGIC LOG 73908 <table border="1"><thead><tr><th rowspan="2">Bore Diam.</th><th colspan="2">Depth</th><th rowspan="2">Material</th><th colspan="2">Water</th></tr><tr><th>From</th><th>To</th><th>Yes</th><th>No</th></tr></thead><tbody><tr><td>10</td><td>0</td><td>6</td><td>topsoil</td><td></td><td>X</td></tr><tr><td></td><td>6</td><td>25</td><td>cemented gravel</td><td></td><td>X</td></tr><tr><td></td><td>25</td><td>39</td><td>lightly cemented sand & gravel</td><td></td><td>X</td></tr><tr><td></td><td>39</td><td>42</td><td>sand & gravel</td><td></td><td>X</td></tr><tr><td></td><td>42</td><td>48</td><td>brown clay</td><td></td><td>X</td></tr><tr><td></td><td>48</td><td>65</td><td>bluish gray clay, silty</td><td></td><td>X</td></tr><tr><td></td><td>65</td><td>100</td><td>cemented blue sand</td><td></td><td>X</td></tr><tr><td></td><td>100</td><td>120</td><td>bluish gray clay</td><td></td><td>X</td></tr><tr><td></td><td>120</td><td>168</td><td>light blue cemented sand & clay</td><td></td><td>X</td></tr><tr><td></td><td>168</td><td>203</td><td>darker bluish gray sandy clay</td><td></td><td>X</td></tr><tr><td></td><td>203</td><td>245</td><td>hard blue sand</td><td></td><td>X</td></tr><tr><td></td><td>245</td><td>272</td><td>blue sand, not so hard</td><td></td><td>X</td></tr><tr><td></td><td>272</td><td>303</td><td>more clay & darker</td><td></td><td>X</td></tr><tr><td></td><td>303</td><td>335</td><td>blue gray sandy clay</td><td></td><td>X</td></tr><tr><td></td><td>335</td><td>349</td><td>blue gray hard sticky clay</td><td></td><td>X</td></tr><tr><td></td><td>349</td><td>440</td><td>blue gray sand, clay with hard blue shale streaks</td><td></td><td>X</td></tr><tr><td></td><td>440</td><td>460</td><td>dark blue gray sandy clay</td><td></td><td>X</td></tr><tr><td></td><td>460</td><td>475</td><td>hard sticky clay</td><td></td><td>X</td></tr><tr><td></td><td>475</td><td>495</td><td>gray granite, sandy clay</td><td></td><td>X</td></tr><tr><td></td><td>495</td><td>510</td><td>sticky hard dark gray clay</td><td></td><td>X</td></tr><tr><td></td><td>510</td><td>530</td><td>coarse sandy light blue clay</td><td></td><td>X</td></tr><tr><td></td><td>530</td><td>549</td><td>fine sandy light blue clay</td><td></td><td>X</td></tr><tr><td></td><td>549</td><td>560</td><td>sticky blue clay</td><td></td><td>X</td></tr><tr><td></td><td>560</td><td>570</td><td>dark gray altered basalt clay, some platy scudites</td><td></td><td>X</td></tr><tr><td></td><td>570</td><td>595</td><td>fresh black basalt</td><td></td><td>X</td></tr><tr><td></td><td>595</td><td>645</td><td>gray to brown clay, some altered basalt</td><td></td><td>X</td></tr><tr><td></td><td>645</td><td>705</td><td>gray medium to very coarse sand with clay streaks, granite sand</td><td></td><td>X</td></tr><tr><td></td><td>705</td><td>725</td><td>dark gray clay, some dark green black volcanic rock</td><td></td><td>X</td></tr><tr><td></td><td>725</td><td>800</td><td>volcanic rock, dark greenish black, porphyritic with zeolite & minor clay</td><td></td><td>X</td></tr></tbody></table>		Bore Diam.	Depth		Material	Water		From	To	Yes	No	10	0	6	topsoil		X		6	25	cemented gravel		X		25	39	lightly cemented sand & gravel		X		39	42	sand & gravel		X		42	48	brown clay		X		48	65	bluish gray clay, silty		X		65	100	cemented blue sand		X		100	120	bluish gray clay		X		120	168	light blue cemented sand & clay		X		168	203	darker bluish gray sandy clay		X		203	245	hard blue sand		X		245	272	blue sand, not so hard		X		272	303	more clay & darker		X		303	335	blue gray sandy clay		X		335	349	blue gray hard sticky clay		X		349	440	blue gray sand, clay with hard blue shale streaks		X		440	460	dark blue gray sandy clay		X		460	475	hard sticky clay		X		475	495	gray granite, sandy clay		X		495	510	sticky hard dark gray clay		X		510	530	coarse sandy light blue clay		X		530	549	fine sandy light blue clay		X		549	560	sticky blue clay		X		560	570	dark gray altered basalt clay, some platy scudites		X		570	595	fresh black basalt		X		595	645	gray to brown clay, some altered basalt		X		645	705	gray medium to very coarse sand with clay streaks, granite sand		X		705	725	dark gray clay, some dark green black volcanic rock		X		725	800	volcanic rock, dark greenish black, porphyritic with zeolite & minor clay		X
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4. METHOD DRILLED ☒ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary ☒ Cable ☐ Dug ☐ Other _____		10. Work started <u>8/25/83</u> finished <u>11/15/83</u>																																																																																																																																																																																									
5. WELL CONSTRUCTION Casing schedule ☒ Steel ☐ Concrete ☐ Other _____ <table border="1"><thead><tr><th>Thickness</th><th>Diameter</th><th>From</th><th>To</th></tr></thead><tbody><tr><td>307 inches</td><td>10 inches</td><td>6 inches</td><td>45 feet</td></tr><tr><td>250 inches</td><td>8 inches</td><td>18 inches</td><td>498 feet</td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr></tbody></table> Was casing drive shortened? ☒ Yes ☐ No 10" & 8" Was a packer or seal used? ☐ Yes ☒ No Perforated? ☐ Yes ☒ No How perforated? ☐ Factory ☐ Knife ☐ Torch Size of perforation _____ inches by _____ inches <table border="1"><thead><tr><th>Number</th><th>From</th><th>To</th></tr></thead><tbody><tr><td>_____ perforations</td><td>_____ feet</td><td>_____ feet</td></tr><tr><td>_____ perforations</td><td>_____ feet</td><td>_____ feet</td></tr><tr><td>_____ perforations</td><td>_____ feet</td><td>_____ feet</td></tr></tbody></table> Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____ Paced from _____ feet to _____ feet Surface seal depth <u>20</u> Material used in seal: ☒ Cement grout ☐ Bentonite ☐ Puddling clay ☐ _____ Sealing procedure used: ☐ Slurry pit ☒ Temp. surface casing ☒ Overbore to seal depth Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld _____ ☐ Cemented between strata Describe access port _____		Thickness	Diameter	From	To	307 inches	10 inches	6 inches	45 feet	250 inches	8 inches	18 inches	498 feet									Number	From	To	_____ perforations	_____ feet	_____ feet	_____ perforations	_____ feet	_____ feet	_____ perforations	_____ feet	_____ feet																																																																																																																																																										
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6. LOCATION OF WELL Sketch map location <u>must</u> agree with written location.  Subdivision Name _____ Lot No. _____ Block No. _____ County <u>Ada</u> N/E % N/W % Sec. <u>13</u> T. <u>3</u> N/R. <u>2</u> E/W		11. DRILLERS CERTIFICATION <u>02</u> I/We certify that all minimum well construction standards were completed with at the time the rig was removed. Firm Name <u>N. E. Smith</u> Firm No. <u>153</u> Address _____ Date <u>11/30/83</u> Signed by (Firm Official) _____ and (Operator) _____																																																																																																																																																																																									

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources, within 30 days after the completion or abandonment of the well.

**USE TYPEWRITER OR
BALLPOINT PEN**

RECEIVED
FBI
DEC 21 1963

[illegible]

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORTUSE TYPEWRITER OR
BALLPOINT PENState law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

1. WELL OWNER Name <u>Boise Water Company</u> Address <u>8248 W Victory</u> Owner's Permit No. <u>63-02808</u>		7. WATER LEVEL Static water level <u>18</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature _____ OF. Quality _____ Describe artesian or temperature zones below.																																																																																																																				
2. NATURE OF WORK Department of Water Resources ☐ New well ☐ Deepened ☒ Replacement ☐ Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)		8. WELL TEST DATA ☒ Pump ☐ Bailor ☐ Air ☐ Other _____ Discharge G.P.M. <u>1800</u>																																																																																																																				
3. PROPOSED USE ☐ Domestic ☐ Irrigation ☐ Test ☒ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☐ Other _____ (specify type)		9. LITHOLOGIC LOG <u>71030</u> <table border="1"><thead><tr><th>Bore Diam.</th><th>Depth From</th><th>To</th><th>Material</th><th>Water Yes No</th></tr></thead><tbody><tr><td>18</td><td>0</td><td>65</td><td>sand & gravel</td><td>X</td></tr><tr><td></td><td>65</td><td>68</td><td>brown cemented sand & clay</td><td>X</td></tr><tr><td></td><td>68</td><td>86</td><td>sandy blue clay</td><td>X</td></tr><tr><td></td><td>86</td><td>110</td><td>cemented sand</td><td>X</td></tr><tr><td></td><td>110</td><td>120</td><td>blue clay</td><td>X</td></tr><tr><td></td><td>120</td><td>135</td><td>VOID</td><td>X</td></tr><tr><td></td><td>135</td><td>145</td><td>clean sand</td><td>X</td></tr><tr><td></td><td>145</td><td>162</td><td>sand & pea gravel</td><td>X</td></tr><tr><td></td><td>162</td><td>167</td><td>cemented sand</td><td>X</td></tr><tr><td></td><td>167</td><td>172</td><td>blue clay & sandy clay</td><td>X</td></tr><tr><td></td><td>172</td><td>180</td><td>cemented sand</td><td>X</td></tr><tr><td></td><td>180</td><td>190</td><td>sandy clay</td><td>X</td></tr><tr><td></td><td>190</td><td>205</td><td>blue clay</td><td>X</td></tr><tr><td></td><td>205</td><td>210</td><td>sandy clay</td><td>X</td></tr><tr><td></td><td>210</td><td>233</td><td>sand & pea gravel</td><td>X</td></tr><tr><td></td><td>233</td><td>266</td><td>blue clay with sand</td><td>X</td></tr><tr><td></td><td>266</td><td>275</td><td>coarse sand</td><td>X</td></tr><tr><td></td><td>275</td><td>318</td><td>cemented sand</td><td>X</td></tr><tr><td></td><td>318</td><td>345</td><td>coarse sand</td><td>X</td></tr><tr><td></td><td>345</td><td>352</td><td>blue clay streaks</td><td>X</td></tr><tr><td></td><td>352</td><td>380</td><td>blue sand</td><td>X</td></tr><tr><td></td><td>380</td><td>415</td><td>brown sand</td><td>X</td></tr></tbody></table>		Bore Diam.	Depth From	To	Material	Water Yes No	18	0	65	sand & gravel	X		65	68	brown cemented sand & clay	X		68	86	sandy blue clay	X		86	110	cemented sand	X		110	120	blue clay	X		120	135	VOID	X		135	145	clean sand	X		145	162	sand & pea gravel	X		162	167	cemented sand	X		167	172	blue clay & sandy clay	X		172	180	cemented sand	X		180	190	sandy clay	X		190	205	blue clay	X		205	210	sandy clay	X		210	233	sand & pea gravel	X		233	266	blue clay with sand	X		266	275	coarse sand	X		275	318	cemented sand	X		318	345	coarse sand	X		345	352	blue clay streaks	X		352	380	blue sand	X		380	415	brown sand	X
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4. METHOD DRILLED ☐ Rotary ☐ Air ☐ Hydraulic ☐ Reverse rotary ☒ Cable ☐ Dug ☐ Other _____		10. DRILLER'S CERTIFICATION We certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name <u>W.E. Stevens & Sons</u> No. <u>153</u> Address <u>3709 Hawthorne Dr</u> Date <u>4/5/89</u> Signed by (Firm Officer) <u>Wayne E Stevens</u> and (Operator) <u>Ronald D Stevens</u>																																																																																																																				
5. WELL CONSTRUCTION Casing schedule ☒ Steel ☐ Concrete ☐ Other _____ Thickness <u>375</u> inches Diameter <u>18</u> inches From <u>2</u> feet To <u>120</u> feet Was casing drive shoe used? ☒ Yes ☐ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☐ Yes ☒ No How perforated? ☐ Factory ☐ Knife ☐ Torch Size of perforation _____ inches by _____ inches Number _____ From _____ To _____ _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet _____ perforations _____ feet _____ feet Well screen installed? ☒ Yes ☐ No Manufacturer's name <u>Johnson</u> Type <u>stainless steel</u> Model No. <u>304</u> Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☒ Yes ☐ No Size of gravel <u>8-12</u> sand Placed from _____ feet to <u>415</u> feet Surface seal depth _____ Material used in seal: ☐ Cement grout ☒ Bentonite ☐ Pudding clay ☐ _____ Sealing procedure used: ☒ Slurry pit ☒ Temp. surface casing ☒ Overbore to seal depth Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld ☐ Cemented between strata Describe access port _____		11. LOCATION OF WELL Sketch map location must agree with written location. Longmead <u>ADA</u> Subdivision Name _____ Lot No. _____ Block No. _____ County <u>Ada</u> S/W 1/4 N/W 1/4 Sec. <u>13</u> , T. <u>3</u> , R. <u>2</u>																																																																																																																				

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

Buffington, Denise

From: Lester, Steve
Sent: Monday, July 07, 2008 8:14 AM
To: Buffington, Denise
Subject: FW: Peregrine Springs Transfer

Peregrine : 74360 ✓
Duesman : 73785

Denise:

Please put a copy of this email in two transfer application files: (1) Peregrine Springs and (2) Duesman.

Thanks

Steve

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

From: Lester, Steve
Sent: Monday, July 07, 2008 8:12 AM
To: 'Hofstetter Law Office'
Cc: sking@spfwater.com
Subject: RE: Peregrine Springs Transfer

Dana:

You are correct. The deadline for submitting information has been vacated. I understand SPF, on your behalf, is preparing information to be submitted in this regard. IDWR will wait for that information without any deadline for it. The same is also true for the Duesman transfer being handled by Scott King of SPF.

This email exchange has been copied to the Peregrine Springs and Duesman transfer files to note the absence of deadlines for applicants to submit information.

Please let me know if I can provide anything else for you in this matter.

Thank you.

Steve Lester
IDWR Western Region

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

From: Hofstetter Law Office [mailto:Dana@IdahoWaterLaw.com]
Sent: Thursday, July 03, 2008 4:36 PM
To: Lester, Steve
Cc: Terry Scanlan
Subject: Peregrine Springs Transfer

Steve:

This will confirm our telephone conversation today in which you informed me that there is no need to submit the requested information for the Peregrine Springs transfer by the deadline of July 11, 2008. You explained that Terry Scanlan is working on a proposal to address the Peregrine Springs transfer and that accordingly IDWR has vacated any pending deadlines applicable to the submission of information for this transfer. Please let me know if my understanding regarding these matters is incorrect in any regard.

Thank you,
Dana Hofstetter

MEMORANDUM

TO: Transfers 73785, Duesman & 74360, Peregrine Springs
FROM: Steve Lester 
DATE: April 29, 2008
RE: Meeting about Additional Information

Consultant Terry Scanlan of SPF met with John Westra and me today to discuss several transfer issues in Basin 63, including the above applications. SPF is handling the Duesman transfer while attorney Dana Hofstetter represents Peregrine Springs. SPF has consulted with the attorney regarding her client.

The department has been seeking additional information for these transfers to resolve the issue of applicants' shallow wells presumed tributary to the fully appropriated reach of the Boise River above Star.

Scanlan summarized current work in this regard:

1. Collecting technical information to show Peregrine Springs well does not communicate with the river.
2. Preparing a mitigation plan for Duesman wells, probably will be associated with proposed development for a new city park related to continued development of the Harris Ranch project along Warm Springs Avenue.

Both transfers can be held pending submittal of the additional information and mitigation plan. Follow up letters from the department are not necessary at this time.



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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

April 14, 2008

PEREGRINE SPRINGS LLC
C/O DANA HOFSTETTER
608 W FRANKLIN ST
BOISE ID 83702

Re: Application for Transfer No. 74360

Dear Applicant:

As you are aware, the Idaho Department of Water Resources (IDWR) is in the process of reviewing the above referenced application for transfer. In a letter to you dated March 12, 2008, additional information was requested to evaluate and process the application. IDWR received a letter on your behalf from Attorney Dana Hofstetter requesting an additional ninety (90) days to respond. This request is approved.

The information requested by IDWR is therefore due by July 13, 2008.

Without a timely reply, IDWR will issue a preliminary order to reject the application. A rejected application may be re-filed when adequate information can be provided.

Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,

Cynthia Bridge Clark, P.E.
Staff Engineer, Western Region

Cc: Scott King, SPF Water Engineering

HOFSTETTER LAW OFFICE

608 West Franklin Street
Boise, Idaho 83702

Dana@IdahoWaterLaw.com

Dana L. Hofstetter
Attorney at Law

Telephone: (208) 424-7800
Facsimile: (208) 424-8774

April 10, 2008

RECEIVED

APR 11 2008

WATER RESOURCES
WESTERN REGION

Via Facsimile and U.S. Mail

Cynthia Bridge Clark, P.E.
Staff Engineer
Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: Peregrine Springs - Transfer Application No. 74360

Dear Ms. Clark:

As you know, we are in the process of gathering information to respond to your letter of March 12, 2008 letter concerning the above-referenced matter. Accordingly, I would like to request an additional ninety (90) days to respond. I hope to provide a response sooner than ninety days, but in case this is not possible, I would appreciate a ninety day extension. Thank you for your assistance with this matter.

Sincerely,

HOFSTETTER LAW OFFICE, LLC



Dana L. Hofstetter

cc: Richard Pavelek, Peregrine Springs
Scott King, SPF Water Engineering

4003.1/7964

HOFSTETTER LAW OFFICE, LLC
608 West Franklin Street
Boise, Idaho 83702
Phone: (208) 424-7800
Fax: (208) 424-8774
E-Mail: Dana@IdahoWaterLaw.com

FAX COVER SHEET

DATE: April 10, 2008

TO: Cynthia Bridge Clark

FAX: 334-2348

FROM: Dana Hofstetter

RE: Application for Transfer No. 74360

The information contained in this facsimile may be confidential information or attorney work product or both and is for the exclusive use of the intended recipient listed above. Any reading, disclosure, use or reproduction of this communication other than by the intended recipient is prohibited. If you have received this communication in error, please notify us by collect telephone call immediately and return the communication to us by U. S. Mail.

NUMBER OF PAGES BEING TRANSMITTED (INCLUDING THIS PAGE) = 4

IF ALL PAGES ARE NOT RECEIVED, PLEASE CALL (208) 424-7800.

ORIGINAL BY MAIL: YES _____ NO X.

HOFSTETTER LAW OFFICE

608 West Franklin Street
Boise, Idaho 83702

Dana@IdahoWaterLaw.com

Dana L. Hofstetter
Attorney at Law

Telephone: (208) 424-7800
Facsimile: (208) 424-8774

April 10, 2008

Via Facsimile and U.S. Mail

Steve Lester
Water Rights Supervisor
Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: Peregrine Springs LLC - Transfer Application No. 74360

Dear Mr. Lester:

Cynthia Bridge Clark of your office requested that I send you a letter documenting my request for certain materials on behalf of Peregrine Springs LLC. My request resulted from Ms. Clark's March 12, 2008 letter concerning Peregrine Springs' Application for Transfer No. 74360. Ms. Clark's letter indicated that the Idaho Department of Water Resources ("IDWR") requested additional information because the location of the proposed point of diversion was within an area where ground water shallower than 200 feet below ground surface is generally considered tributary to the Boise River upstream from Star Bridge. The letter further indicated that the Application could not be approved unless information demonstrating that holders of water rights to divert from the Boise River will not be injured by the proposal or unless an acceptable mitigation plan was submitted. My request for information concerns this apparently newly developed IDWR policy.

Steve Lester
April 10, 2008
Page 2

As you may know, in July 2005, Peregrine Springs entered into a contract to purchase a portion of Water Right No. 63-7194 from Mellin Properties Limited Partnership. The decision to enter into the contract was based on SPF Water Engineering's evaluation of IDWR policies and discussions with IDWR officials confirming that this water right was transferable to Peregrine Springs' intended location. Shortly after execution of the contract, at the end of July 2005, Scott King of SPF submitted the subject Transfer Application on behalf of Peregrine Springs concerning this portion of Water Right No. 63-7194. A copy of the Contract for Sale of a Water Right was submitted with the Transfer Application. The Contract in Paragraph 9(a) required Peregrine Springs to pay for up to two extra six-month extensions of the closing date if the Transfer Application was not approved within 18 months after July 15, 2005. If the Transfer Application was not approved by the deadlines, the transaction also could be terminated. Accordingly, Peregrine Springs and Mellin Properties requested that the Transfer Application be considered for expedited review. No Protests were filed to the subject Transfer Application after preliminary processing, and with the contractual transfer deadline approaching and with all indications that the Transfer Application was consistent with IDWR policies, Peregrine Springs proceeded with closing the purchase of the water right in September 2006.

Thus, it appears that Ms. Clark's March 12, 2008 letter results from a recent change in IDWR policy concerning the transfer of ground water rights within Basin 63. My request for more information resulted from this apparent change in policy. Specifically, in this regard, I would like to request the following information from IDWR pursuant to the Idaho Public Records Act, *Idaho Code* § 9-337 *et seq.*:

1. *Copies of all IDWR policies, memoranda, guidance documents, regulations, etc., concerning or applying to Applications for Transfer of Water rights in Basin 63 that were in effect any time during the period from May 3, 1995 to the present;*

2. *Copies of all IDWR files pertaining to Water Right No. 63-7194 and any water rights split from Water Right No. 63-7194, including without limitation copies of any transfer application files associated with Water Right No. 63-7194 and any splits thereof.*

Steve Lester
April 10, 2008
Page 3

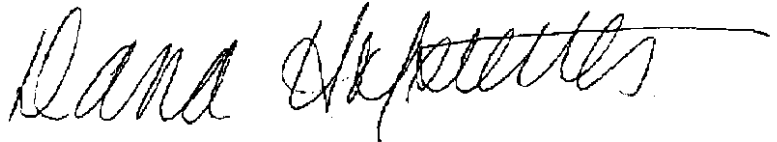
3. List of all Transfer Applications approved by IDWR after May 3, 1995 allowing ground water withdrawals in the following locations:

Township 5 North, Range 1 West, Sections 35-36
Township 5 North, Range 1 East, Sections 24-36
Township 5 North, Range 2 East
Township 5 North, Range 3 East
Township 4 North, Range 1 West
Township 4 North, Range 1 East
Township 4 North, Range 2 East
Township 4 North, Range 3 East
Township 3 North, Range 1 East, Sections 1-6, 9-15, 24-25
Township 3 North, Range 2 East, Sections 1-30
Township 3 North, Range 3 East
Township 2 North, Range 3 East, Sections 1-4, 9-15, 22-24

If you estimate that the fees to comply with this request will exceed one hundred dollars (\$100.00), please inform me before commencing the response to this request. Please do not hesitate to contact me if you have any questions about this request. As provided in *Idaho Code* § 9-339, I will expect a response to this request within three (3) working days of the date of receipt of this letter. Thank you for your assistance.

Sincerely,

HOFSTETTER LAW OFFICE, LLC



Dana L. Hofstetter

cc: Cynthia Bridge Clark, IDWR
Richard Pavelek, Peregrine Springs
Scott King, SPF Water Engineering

4003.17959



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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

March 12, 2008

PEREGRINE SPRINGS LLC
C/O DANA HOFSTETTER
608 W FRANKLIN ST
BOISE ID 83702

Re: Application for Transfer No. 74360

Dear Applicant:

The Idaho Department of Water Resources (IDWR) is currently reviewing the above referenced application for transfer to change a water right(s). Additional information is needed to evaluate and process your application.

As you may be aware, surface water in the Boise River or tributary to the Boise River upstream from Star Bridge is fully appropriated during the irrigation season and during most of the rest of the year. Therefore, applications which propose use of surface water upstream of Star Bridge are denied unless the applicant files an acceptable plan to mitigate for potential material injury to existing water rights.

Additionally, at the location of the point of diversion proposed in the above referenced transfer application, ground water shallower than 200 feet below the ground surface is generally considered to be tributary to the Boise River upstream from Star Bridge. The application for transfer for a new consumptive use of shallow ground water tributary to the Boise River upstream of Star Bridge cannot be approved at this time unless the following information is provided:

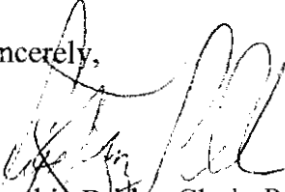
- The applicant must demonstrate that the holders of water rights to divert from the Boise River will not be injured by the proposed appropriation; or
- The applicant must file an acceptable plan to mitigate for a water use that would otherwise cause injury to existing water rights from the Boise River.

You may seek additional time to provide the information by making a written request to delay processing. Your written response including the requested information, or a request for more time to seek the information, must be received within thirty (30) days of the date of this letter.

**Without a timely reply, IDWR will issue a preliminary order to reject the application.
A rejected application may be re-filed when adequate information can be provided.**

Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cynthia Bridge Clark', written over the printed name.

Cynthia Bridge Clark, P.E.
Staff Engineer, Western Region

Cc: Scott King, SPF Water Engineering

MEMORANDUM

To: File 63-32894

From: Cynthia Bridge Clark

Date: February 11, 2008

Re: Telephone Conversation Memorandum

During a telephone conversation on February 11, 2008, the transfer applicant's attorney, Dana Hofstetter, confirmed the applicant's current address. She also indicated that she will send copies of documents related to transfer issued by the Department of Water Resources to her client. The applicant's address is 726 S Vista Ave., Boise, Idaho 83705 as identified on the SRBA recommendation. This address superceeds the address on the transfer application.

SRBA

SUBCASE SUMMARY REPORT 63-32894

[Return to SRBA Home Page](#)

SRBA
02-08-2008

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 63-32894 FILE#: 01746
CLAIMANT: PEREGRINE SPRINGS LTD CO
726 S VISTA AVE

BOISE ID 83705
STATUS: ADMIN PROCEED CMPLT SPECIAL MASTER: BOOTH, THEODORE R.
WATER SOURCE: GROUND WATER

****** PARTIES INVOLVED ******

PEREGRINE SPRINGS LTD CO C PRO SE

****** ROA ENTRIES ******

10-29-2007	NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING	10-29-2007
10-29-2007	AMENDED DIRECTOR'S REPORT	
	SPLIT FROM FORMER RIGHT 63-32676	

[Return to SRBA Home Page](#)

MEMORANDUM

TO: Debbie Allen
FROM: Steve Lester 
DATE: December 27, 2005
RE : Refund

Terra Navita LLP paid \$250 for an Application for Transfer on 7/22/05. The fee is only \$100. A partial refund should be issued.

Please issue a \$150 refund as follows:

TO

TERRA NAVITA LLP
C/O PEREGRINE SPRINGS LLC
2501 BOGUS BASIN RD
BOISE ID 83702

(tel. 345-2421)

RECEIPT #

W033203, copy attached

IOFSTETTER LAW OFFICE

608 West Franklin Street
Boise, Idaho 83702

Dana@IdahoWaterLaw.com

Dana L. Hofstetter
Attorney at Law

Telephone: (208) 424-7800
Facsimile: (208) 424-8774

December 15, 2005

RECEIVED

DEC 16 2005

WATER RESOURCES
WESTERN REGION

Via Facsimile and U.S. Mail

Steve Lester
Water Rights Supervisor
Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: Peregrine Springs, LLC
Application for Transfer of Portion of Water Right No. 63-7194

Dear Mr. Lester:

On behalf of Peregrine Springs, LLC, I enclose an original executed Application for Transfer Preliminary Processing Agreement for a portion of Water Right No. 63-7194. Please let me know if you need any further information or have any questions about this matter. Thank you.

Sincerely,

HOFSTETTER LAW OFFICE, LLC



Dana L. Hofstetter

Enclosure
cc: Travis Thompson w/ enclosure
Dick Pavelek w/ enclosure
Scott King w/ enclosure
D:/4003.1/6730

RECEIVED

DEC 16 2005

**APPLICATION FOR TRANSFER
PRELIMINARY PROCESSING AGREEMENT**

WATER RESOURCES
WESTERN REGION

Applicant should complete the items shown in italics.

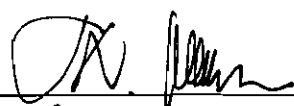
As regular processing of your transfer application has been delayed due to the completion of the Snake River Basin Adjudication (SRBA), the Idaho Department of Water Resources (IDWR) agrees to preliminary processing for the following transfer application:

Applicant name: Peregrine Springs, LLC - Portion of 63-7194

Agreement Conditions

1. IDWR will complete a cursory review of the application and advertise it in the legal notices of the appropriate newspaper.
2. If protests are not filed against the application, you may seek a water bank lease for one year.
3. If a protest(s) is filed against the application, the application will return to "delay status" without further processing.
4. Approval of a water bank lease would authorize diversion of water from an existing point of diversion only. Construction of a new well(s) is not authorized by the preliminary process, for example.
5. Regular processing of the transfer application will resume after completion of the SRBA objection period for your area. The application may need to be amended and/or re-advertised if deemed necessary by regular processing.
6. Preliminary processing of this transfer application in no way confirms the validity or elements of the water right(s) listed.
7. The applicant agrees to remove IDWR from all liability actions regarding the preliminary processing of this application.
8. Failure of the applicant to comply with the conditions of this agreement is cause for the IDWR Director to rescind the agreement.

I (We) accept the above conditions dated this 15th *day of* DECEMBER, 2005.

Applicant signature: 
Richard Pavelek, Managing Member



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 15, 2005

PEREGRINE SPRINGS LLC
C/O DANA HOFSTETTER
HOFSTETTER LAW OFFICE
608 W FRANKLIN ST
BOISE ID 83702

Re: Application for Transfer of Water Right No. 63-7194

Dear Ms. Hofstetter:

The Idaho Department of Water Resources (IDWR) received the signed agreement for preliminary processing of the above referenced application for transfer. IDWR will prepare a legal notice to be published in the appropriate newspaper during the first two weeks of January.

The protest deadline will be January 23, 2006. Please allow until January 26 before checking with this office to confirm if timely protests were filed.

Please contact me at 208-334-2190 if you need more information or have any questions.

Sincerely,

Steve Lester
Water Rights Supervisor

Copy: Scott King, P. E., SPF Water Engineering

APPLICATION FOR TRANSFER PRELIMINARY PROCESSING AGREEMENT

Applicant should complete the items shown in italics.

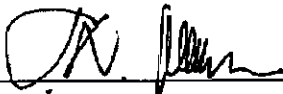
As regular processing of your transfer application has been delayed due to the completion of the Snake River Basin Adjudication (SRBA), the Idaho Department of Water Resources (IDWR) agrees to preliminary processing for the following transfer application:

Applicant name: Peregrine Springs, LLC - Portion of 63-7194

Agreement Conditions

1. IDWR will complete a cursory review of the application and advertise it in the legal notices of the appropriate newspaper.
2. If protests are not filed against the application, you may seek a water bank lease for one year.
3. If a protest(s) is filed against the application, the application will return to "delay status" without further processing.
4. Approval of a water bank lease would authorize diversion of water from an existing point of diversion only. Construction of a new well(s) is not authorized by the preliminary process, for example.
5. Regular processing of the transfer application will resume after completion of the SRBA objection period for your area. The application may need to be amended and/or re-advertised if deemed necessary by regular processing.
6. Preliminary processing of this transfer application in no way confirms the validity or elements of the water right(s) listed.
7. The applicant agrees to remove IDWR from all liability actions regarding the preliminary processing of this application.
8. Failure of the applicant to comply with the conditions of this agreement is cause for the IDWR Director to rescind the agreement.

I (We) accept the above conditions dated this 15th *day of* DECEMBER, 2005.

Applicant signature: 
Richard Pavelek, Managing Member

HOFSTETTER LAW OFFICE

608 West Franklin Street
Boise, Idaho 83702

Dana@IdahoWaterLaw.com

Dana L. Hofstetter
Attorney at Law

Telephone: (208) 424-7800
Facsimile: (208) 424-8774

December 15, 2005

Via Facsimile and U.S. Mail

Steve Lester
Water Rights Supervisor
Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: Peregrine Springs, LLC
Application for Transfer of Portion of Water Right No. 63-7194

Dear Mr. Lester:

On behalf of Peregrine Springs, LLC, I enclose an original executed Application for Transfer Preliminary Processing Agreement for a portion of Water Right No. 63-7194. Please let me know if you need any further information or have any questions about this matter. Thank you.

Sincerely,

HOFSTETTER LAW OFFICE, LLC



Dana L. Hofstetter

Enclosure

cc: Travis Thompson w/ enclosure
Dick Pavelek w/ enclosure
Scott King w/ enclosure

D:/4003.1/6730

HOFSTETTER LAW OFFICE, LLC
608 West Franklin Street
Boise, Idaho 83702
Phone: (208) 424-7800
Fax: (208) 424-8774
E-Mail: Dana@IdahoWaterLaw.com

FAX COVER SHEET

DATE: December 15, 2005

TO: Steve Lester

FAX: 334-2348

FROM: Dana Hofstetter

RE: Application for Transfer of Portion of Water Right No. 63-7194

The information contained in this facsimile may be confidential information or attorney work product or both and is for the exclusive use of the intended recipient listed above. Any reading, disclosure, use or reproduction of this communication other than by the intended recipient is prohibited. If you have received this communication in error, please notify us by collect telephone call immediately and return the communication to us by U. S. Mail.

NUMBER OF PAGES BEING TRANSMITTED (INCLUDING THIS PAGE) = 3

IF ALL PAGES ARE NOT RECEIVED, PLEASE CALL (208) 424-7800.

ORIGINAL BY MAIL: YES X NO _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 29, 2005

PEREGRINE SPRINGS LLC
C/O DANA HOFSTETTER
HOFSTETTER LAW OFFICE
608 W FRANKLIN ST
BOISE ID 83702

Re: Application for Transfer of Water Right No. 63-7194

Dear Applicant:

Your recent reply to the "transfer processing delay" related to the Snake River Basin Adjudication (SRBA) provided information for a possible temporary solution for your situation. This letter outlines that solution.

The Idaho Department of Water Resources (IDWR) will proceed with "preliminary processing" of your application as follows:

1. Please review, sign, and return the enclosed acknowledgement form.
2. IDWR will complete a cursory review of the application and advertise it in the legal notices of the appropriate newspaper.
3. If protests are not filed against the application, you may seek a water bank lease for one year.
4. Approval of a water bank lease would authorize the requested diversion of water from an existing point of diversion. New points of diversion cannot be authorized under a water bank lease (a new well cannot be drilled, for example).

Regular processing of your transfer application will resume after completion of the SRBA objection period as noted in the previous IDWR letter. Regular processing might result in a need to amend the application and might result in re-advertising in the appropriate newspaper. This can include a \$50 re-advertising fee. IDWR will contact you at the appropriate time if the application needs to be amended for continued processing.

Please return the acknowledgment form to me at your earliest convenience for "preliminary processing" of your transfer application. IDWR forms and information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you need more information or have any questions.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure

Copy w/o enclosure: Scott King, SPF Water Engineering

/

MEMORANDUM

TO: Dave Tuthill

FROM: Steve Lester 

DATE: September 23, 2005

RE: Transfer or Permit Applications Based on Mellin Water Right 63-7194

Information regarding the processing of transfer or permit applications based on marketing the Mellin water right is attached for your consideration. The September 1 letter from Mellin's attorney will provide the department its third chance to comment on processing of these applications. It is reasonable to expect quite a few more applications as this right continues to be marketed.

As we discussed yesterday, we would expect to be flooded with applications based on the Mellin right and other water rights being marketed by attorneys and consultants if we change course with respect to transfer processing now. Those experts remain well informed of any openings we provide for processing proposals in restricted areas. This dynamic partly results from department efforts over the past ten years to promote the use of consultants to prepare transfer applications. That we have been successful in this effort is evidenced by the number and variety of applications we receive that have been prepared by consultants, often in lengthy consultation with department staff. Generally speaking, it has been a "win-win" situation. That is one gratifying result of our efforts to improve transfer processing that began about 1995.

I also enclosed copies of other responses to our first letter announcing the processing delay of specific applications. The regional office can respond to those requests by reiterating our inability to proceed at this time. The regional office would forward continued requests to your attention following our second "no processing" letter if that is acceptable to you.

Thank you for your help in this matter. Please let me know if you need more information about any of these applications.

SPLITS FROM WATER RIGHT 63-7194 MELLIN PROPERTIES

NAME OF SPLIT	AGENT	DATE FILED	RIGHT NUMBER MITIGATED OR TRANSFER NUMBER	TRANSFER OR MITIGATION	DIVERSION RATE REMOVED(cfs)	DIVERSION VOLUME REMOVED(afa)	ACRES REMOVED
ORIGINAL RIGHT	N/A	5/9/1977	N/A	N/A	2.38	642	142.5
FUSCANY DEVELOPMENT CORP	SL	11/12/2004	63-32052	MITIGATION	0.05	12.6	2.8
EAGLE PRECAST LDS CHURCH	LG DAN	2/25/2005 4/20/2004	63-32084 UNKNOWN	MITIGATION TRANSFER	0.03 0.03	6.75 7.2	1.5 1.6
					0.00	0	0
					0.00	0	0
					0.00	0	0
					0.00	0	0
					0.00	0	0
					0.00	0	0
					0.00	0	0
					0.00	0	0
					0.00	0	0
					0.00	0	0
					0.00	0	0
					0.00	0	0
					0.00	0	0
					0.00	0	0
REMAINING RATES AND ACRES					2.28	615.45	136.6

PLEASE NOTE: In order to calculate diversion rate and volume simply add in the amount of acres being retired.

* A/Rs already processed before "transfer delay" implemented

Pending	ACRES	
1. Blanford xfer	1	} "processing delay" letters sent
2. Cohen/Mueller "	2	
3. Choutchoukroun "	30	
4. Lynn "	1	
5. Mikelson Appl. 63-32164	2	
6. Peregrine Sp. xfer	5	

• perhaps others?

• Right has potential for many xfers or mitigation for Appl. for permits

*John A. Rosholt
Albert P. Barker
John K. Simpson
Travis L. Thompson
Shelley M. Davis*



Travis L. Thompson
tlt@idahowaters.com

113 Main Ave. W., Suite 303
P.O. Box 485
Twin Falls, ID 83303-485
(208) 733-0700 telephone
(208) 735-2444 facsimile
jar@idahowaters.com

205 N. Tenth St., Suite 520
P.O. Box 2139
Boise, ID 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

September 1, 2005

Via Facsimile & U.S. Mail: (208) 334-2348

Mr. Steve Lester
Water Rights Supervisor
Idaho Department of Water Resources, Western Region
2735 Airport Way
Boise, Idaho 83705-5082

RECEIVED

SEP 06 2005

WATER RESOURCES
WESTERN REGION

Re: Pending Transfer / Water Right Permit Applications Involving Water Right No. 63-7194

Dear Mr. Lester:

I am writing on behalf of my client, Ralph Mellin (general partner of Mellin Properties L.P.), owner of water right no. 63-7194. As you may be aware, parts of water right no. 63-7194 were recently split and sold to separate owners. The new owners changed the nature of use for their individual parts of the water right in connection with their new applications for permit. See Applications for Permit Nos. 63-32052 and 63-32084 (and associated materials in those files). The completed processing of the applications has allowed Mr. Mellin to close the sales for the relevant portions of his water right.

Despite the Department's recent approval of changes affecting Mr. Mellin's water right, it has come to his attention that four pending transfer applications and one application for permit involving additional and similar changes are now being "held" indefinitely for some reason. The five pending applications are listed by approximate filing date filed as follows:

- 1) May 27, 2005 in the name of Bernard and/or Toni Choutchourrou
- 2) June 14, 2005 in the name of Shawn Mikelson
- 3) June 14, 2005 in the name of Michael Cohen and Cynthia Mueller
- 4) July 7, 2005 in the name of Sean and Delmy Lynn

5) July 21, 2005 in the name of Peregrine Springs LLC

Mr. Mellin is concerned about the Department's processing hold and the effect it is having on his water right, a vested property right, and his ability to close on the pending sales in a timely manner. This concern was recently conveyed to you by Dana Hofstetter, attorney for one of the applicants listed above (*See* August 16, 2005 letter). I would concur with the points raised by Ms. Hofstetter and urge the Department to expedite its consideration of both the Peregrine Springs' transfer application, as well as the other four applications that are still awaiting processing and approval.

Although Mr. Mellin recognizes the logistics of processing applications and how it can take time to complete approval, holding the referenced applications for an unspecified time before they can be processed unreasonably adds to the routine delay. Moreover, the processing hold is a burden to Mr. Mellin financially. Finally, there is no justification for the Department to hold processing of transfer and permit applications in one region of the State where they continue to be processed and approved in the other regions.

Please advise as to whether or not the Department will begin processing the applications listed above. In addition, please provide me with copies of any documentation, including Department memorandums or policies that provide justification for the processing hold in Basin 63, as well as any documentation relating to its authorization.

Thank you for your attention to this matter and I look forward to hearing from you soon. Please call me at (208) 733-0700 if you have any questions.

Sincerely,

BARKER ROSHOLT & SIMPSON LLP

A handwritten signature in black ink, appearing to read 'T. L. Thompson', with a stylized flourish at the end.

Travis L. Thompson

cc: Ralph Mellin
Terry Scanlan / Scott King
Dana Hofstetter



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

August 26, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Dana Hofstetter
Hofstetter Law Office
608 W Franklin St
Boise ID 83702

RE: Peregrine Springs Transfer Application-WR 63-7194

Dear Ms. Hofstetter:

Your letter of August 16, 2005 regarding the processing of the above referenced application for transfer has been forwarded to me. I would like to respond.

As discussed in the 8/1/05 letter from Steve Lester, the processing of your application has been delayed. Water right #63-7194 is based on an Adjudication Claim that has been submitted in the Snake River Basin Adjudication (SRBA). Processing mixed water right administrative and judicial actions produces confusion and complications. Our office will not be processing transfer application until the objection period has expired for the Ada County area sometime in 2006.

I have discussed your and other processing requests with the Department Administration. Over the next several months, the Administration has set completing the Boise Basin SRBA as a first Department priority. Your application will be held until the SRBA objection period has expired. Our office will notify you when your application is again being processed.

We appreciate your cooperation concerning this matter. Should you have questions, please contact me at the Western Regional Office, phone 334-2190.

Sincerely,

A handwritten signature in cursive script, appearing to read 'John Westra'.

John Westra, Manager
Western Region

cc: S. King SPF

MEMORANDUM

TO: John Westra
FROM: Steve Lester 
DATE: August 22, 2005
RE: Requests for Information or for Processing of Applications

Attached are copies of three requests for information or for processing of applications after our initial "no." The one information request concerns ground water in the lower portion of Basin 63 north of Parma.

Johnson 63-32152

This permit application proposes consumptive use from two wells alleged to be tributary to the Snake River. Instead of challenging our initial "no," the applicant asks if/when processing of ground water below Star might resume.

Good question. If we are going to open the lower Boise for processing of ground water applications for permit, this fall/winter is probably our best bet for timing. Eventual resumption of transfer processing will certainly complicate a later start in opening the lower part of Basin 63. This November or December after our field exam focus on licensing older permits for the SRBA is wrapped up would be good timing.

.....
Two requests for processing transfer applications suggest hardship under our "transfer processing delay" recently initiated.

Berkel 63-32138

Owner claims hardship if we do not process this one for a new well to overcome a property dispute regarding access to the original well. There is some reason to believe subdivision development is intended for this land south of Lake Lowell.

If we say yes to this request, we would have a hard time denying similar requests based on hardship.

Peregrine Springs 63-7194

This is a minor split from the 143-acre Mellin right being marketed. We previously processed at least three filings based on portions of this right. We have four other recent

transfer applications in addition to the Peregrine one for other portions of this right. It is reasonable to assume even more transfers will be filed on this right, especially if we start processing one or more before sufficient adjudication work is completed.

We also have delayed transfers for other rights being marketed. For example, we have five new transfers for portions of the Post right in Canyon County. Beyond that, we have numerous delayed transfers for dairies, subdivisions with ponds, and so forth. Lots of money is at stake in most cases.

Currently we have about 45 transfer applications pending under the new processing delay. I cannot see how we will survive the transfer processing delay if we start saying yes based on reasons proposed by Berkel or by Peregrine Springs.

HOFSTETTER LAW OFFICE

608 West Franklin Street
Boise, Idaho 83702

Dana@IdahoWaterLaw.com

Dana L. Hofstetter
Attorney at Law

Telephone: (208) 424-7800
Facsimile: (208) 424-8774

August 16, 2005

RECEIVED

AUG 17 2005

**WATER RESOURCES
WESTERN REGION**

Steve Lester
Water Rights Supervisor
Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: Peregrine Springs Transfer Application – Water Right No. 63-7194

Dear Mr. Lester:

As you know, at the end of July 2005, Scott King of SPF Water Engineering, LLC submitted a Transfer Application on behalf of Peregrine Springs concerning a portion of Water Right No. 63-7194. While we understand that the Idaho Department of Water Resources (“IDWR”) has delayed processing of certain Transfer Applications for water rights pending in the SRBA, on behalf of Peregrine Spring I respectfully request that this Transfer Application be considered for expedited review.

Peregrine Springs has arranged to purchase a portion of this water right from Mellin Properties Limited Partnership and a copy of the Contract for Sale of a Water Right was submitted with the Transfer Application. The Contract in Paragraph 9(a) requires Peregrine Springs to pay for up to two extra six-month extensions of the closing date if the Transfer Application is not approved within 18 months after July 15, 2005. If the Transfer Application is not approved by the deadlines, the transaction also may be terminated. Accordingly, the parties would appreciate expedited consideration of this Transfer Application to avoid the possible need to extend the closing date and/or possible termination of the Contract. I note that Water Right No. 63-7194 was included in the Part 2, Basin 63 SRBA Preliminary Director’s Report and likely will be submitted to the SRBA Court shortly. As noted in Paragraph 7(e) of the Contract, it appears that IDWR

Steve Lester
August 16, 2005
Page 2

has preliminarily recommended that this water right should be decreed as claimed. Therefore, objections in the SRBA to this water right appear unlikely. Thus, the SRBA likely will not affect processing of the Transfer Application.

To the extent you have any questions regarding the seller's, Mellin Properties Limited Partnership, desire to pursue expedited review of this Transfer Application, you also may wish to talk with its attorney, Travis Thompson. Please let me know if you have any questions about this request. Thank you.

Sincerely,

HOFSTETTER LAW OFFICE, LLC

A handwritten signature in black ink, reading "Dana Hofstetter", with a long horizontal line extending from the end of the name.

Dana L. Hofstetter

cc: Travis Thompson
Peregrine Springs
Scott King

4003.1/6597



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 1, 2005

PEREGRINE SPRINGS, LLC
C/O SCOTT KING
SPF WATER ENGINEERING
600 E RIVER PARK LN STE 105
BOISE ID 83706

Re: Application for Transfer of Water Right(s)

Dear Applicant:

Your application for transfer to change a water right(s) was recently received. Processing of the application must be delayed as explained below.

Your application describes a water right for which a Snake River Basin Adjudication (SRBA) Claim has been filed. SRBA Claims in the area affected by the transfer application are currently being reviewed. The role of the Idaho Department of Water Resources (IDWR) in the SRBA is to review claims and make recommendations regarding those claims to the SRBA Court. Recommendations are presented to the court in a Director's Report. Potentially affected parties may object to recommendations in a Director's Report. This process introduces uncertainty regarding water rights until the objection period is over.

IDWR's limited staff resources must be used to complete the remaining Director's Reports during the next year. Additionally, experience indicates that processing an application for transfer in an area where a Director's Report is being prepared can result in confusion and complications by mixing judicial (SRBA) and administrative (transfer) actions.

The SRBA objection period for your area is expected to conclude sometime during the latter half of next year. Based on that schedule and the above reasoning, your application for transfer cannot be processed at this time. IDWR will hold your transfer application until that time and will notify you at the appropriate time to allow your application to be processed.

IDWR regrets the inconvenience undoubtedly caused by this necessary delay. Please contact me at 208-334-2190 if you have any questions in this regard.

Sincerely,

Steve Lester
Water Rights Supervisor



SPF Water Engineering, LLC
water resource consultants

July 21, 2005

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

Attn: Steve Lester

RECEIVED
JUL 22 2005
WATER RESOURCES
WESTERN REGION

Subject: Water Right Transfer Application for Peregrine Springs

Dear Mr. Lester,

On behalf of Peregrine Springs, I am please to submit the enclosed application for transfer of a portion of water right number 63-7194. The application proposes a new point of diversion and place of use for a 5-acre portion of the water right. Attachments A & B are ownership documents for the 'from' and 'to' lands, respectively. Attachment C is a color map of the new place of use. Attachment D is a map depicting the transferred portion. Attachment E is the contract for water right purchase. Also included is a check for \$415 of which \$250 is the transfer application fee, and the remaining \$165 for well drilling fee upgrade.

I understand that processing of this application may be delayed until mid to late next year due to recent IDWR policy regarding rights pending in the SRBA. Please let me know if you have any questions or concerns regarding this application.

Sincerely,

Scott N. King, P.E.
Senior Project Engineer

cc: Dana Hofstetter

File: 271.0010