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SCANNED
MAR 05 2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
APR - 8 2003

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of Applicant 6X Ranch LLC c/ Blake Quinn Phone 559-891-5400
Mailing address P.O. Box 12626, Fresno, CA 93778

2. Source of water supply groundwater which is a tributary of NA

3. Location of point of diversion is Township 8N Range 22E Sec. 25 in the 1/4
NW 1/4, SW 1/4, Govt. Lot , B.M., Custer County;
additional points of diversion if any: SWNE and NWSE, Sec 26, T8N, R22E

4. Water will be used for the following purposes:

Amount 1.78 for irrigation purposes from 5/1 to 10/15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.02 for stockwater purposes from 4/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 1.78 and/or (b)
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source three wells with electric pumps, pipelines to sprinklers for irrigation. one well for stockwater

b. Height of storage dam feet; active reservoir capacity acre-feet; total reservoir capacity acre-feet

c. Proposed well diameter is 16 inches; proposed depth of well is 125 feet 6"x60' for stockwater

d. Is ground water with a temperature of greater than 85°F being sought? no

e. If well is already drilled, when? 1955±; Drilling firm unknown

Well was drilled for (well owner) ; Drilling Permit No.

7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in KW.

b. Stockwatering; list number and kind of livestock. 1000 range cattle

c. Municipal; show name of municipality.

d. Domestic; show number of households.

e. Other; describe fully.

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	22E	25							36			39							75
		26			7	7													14
		25							S			S							
		26	S	S	S	S					S		S		S	S	S	S	

Total number of acres to be irrigated 89

10. Describe any other water rights used for the same purposes as described above. Warm Springs Creek and Big Lost River - See attached mitigation plan

11. a. Who owns the property at the point of diversion? applicant

b. Who owns the land to be irrigated or place of use? applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

12. Remarks: Applicant seeks exemption from moratorium based on attached mitigation plan. One new well (NWSW Sec 25) and two existing wells

(sec 26, 34-2320 and 34-7155) are proposed as points of diversion for irrigation. A fourth well (NWSW Sec 25) is proposed for stockwater.

Stockwater use will be limited to 13,000 gallons per day.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Blair D. Manager LLC
Signature of Applicant (and title, if applicable)

Received by HWT Date 7-29-02 Time _____ Preliminary check by _____
Fee \$ 270.00 Received by HWT # BO28013 Date 7-29-02
Publication prepared by SC Date 8/15 & 8/20/02 Published in Charles Messenger
Publication approved SL Date 8/27/02

Irrigation Place of Use

50' 273

274

275

47' 30"

37

Stockwater Place of Use Boundary

R 22 E
R 23 E

BARTON

Warm

FLATS

Points of Diversion

T8N, R22E

630

6129

6187

6157

Springs

LEVEE

35

36

Mackay
Fish Hatchery

Warm
Springs

Barton
Cemetery

Lehman
Butte

Creek

BURMA

ROAD

Spring

Lehman

Leavitt

Ham

Mitigation Plan for Water Right Application by 6X Ranch LLC

As a part of the attached application for permit to appropriate groundwater for irrigation and stockwater purposes, 6X Ranch LLC proposes the following mitigation plan to prevent injury to other water rights.

1. The application for permit proposes appropriation of 1.78 cfs for irrigation of 89 acres located in Sections 25 and 26, T8N, R22E. The acres include approximately 75 acres irrigated with hand line and wheel line sprinklers in SWNW and NWSW of Section 26, and two 7-acre pivot corners irrigated with hand line sprinklers in the S½ NE ¼ of Section 25. The application also proposes appropriation of 0.02 cfs for stockwater purposes.
2. Groundwater and surface water in the Big Lost River Basin are interconnected and tributary to Mackay Reservoir in the vicinity of the place of use and point of diversion.
3. To mitigate for the consumptive use associated with the irrigation proposed by the application for permit, the applicant shall not divert and irrigate under the following water rights in any year that groundwater is diverted for the same use.
 - a. A 75-acre portion of the following water rights that authorize irrigation of a total of 294.5 acres within Sections 25 and 26.

Water Right	Priority	Source	cfs	acres
34-00123B	May 1, 1905	Warm Spring Creek	1.36	68.1
34-00124B	June 1, 1908	Warm Spring Creek	0.19	9.7
34-00483B	April 1, 1902	Warm Spring Creek	3.12	155.9
Subtotal			4.67	233.7
34-00125B	June 1, 1914	Big Lost River	1.58	294.5
Total			6.46	294.5

The total diversion rate authorized in combination for the above rights will be reduced by 25.5 percent (75 ac/294.5 ac) in any year that groundwater is diverted for use on the 75 acres in Section 25.

- b. A 14-acre portion of the following rights that authorize irrigation of a total of 80 acres within Sections 26.

Water Right	Priority	Source	cfs	acres
34-10282	May 1, 1905	Big Lost River	0.68	34.0
34-00125B	Nov. 20, 1913	Big Lost River	1.30	80.0
Total			1.98	80.0

The total diversion rate authorized in combination for the above rights will be reduced by 17.5 percent (14 ac/80 ac) in any year that groundwater is diverted for use on the 14 acres in Section 26.

- -
 -
 4. The water normally delivered under the above surface water rights will be allowed to flow down Warm Springs Creek past the existing points of diversion (or rediversion in the case of the Big Lost River water rights), to Mackay Reservoir.
 5. Water rights from the Warm Spring Creek source shall be subject to terms of the Stipulation, Settlement, and Joint Motion for Order in the Matter of Application for Permit No. 34-7591, and Applications for Transfer Nos. 5001, 5004, 5400, and 5456.

6. Water will not be diverted from the groundwater source proposed by the application for permit at such times when an equivalent amount of the surface water rights provided for mitigation are not deliverable.
7. As a result of this mitigation plan, flows in Warm Springs Creek downstream from the place of use will increase and provide a benefit to the fishery.
8. The applicant reserves the right to divert under either the proposed groundwater rights or the surface water rights proposed for mitigation in any particular year. Therefore, the applicant is entitled to cease use of the groundwater right and resume use of the surface water right upon request. Any such request shall be made in writing to the District 34 Watermaster prior to the beginning of the irrigation season. The applicant shall not be entitled to divert from both sources in any particular year.
9. The applicant shall continue to pay all water district assessments associated with the surface water rights proposed for mitigation.
10. The surface water rights used for mitigation shall not be considered abandoned or forfeited provided that (1) the water district assessments are paid and (2) either the surface water rights or the proposed groundwater right do not experience five consecutive years of nonuse. The use of the surface water rights for mitigation pursuant to this plan shall be deemed beneficial use of such rights for irrigation purposes with respect to the application of the doctrines of statutory forfeiture and common law abandonment.

**STARTING
RIGHT
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MEMO

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

322 E. FRONT STREET, P.O. BOX 83720, BOISE, IDAHO 83720-0098

PHONE: (208) 287-4800 FAX: (208) 287-6700

DATE: DECEMBER 2, 2008

TO: Shelley Keen

FROM: Mat Weaver 

SUBJECT: 34-13763 6X RANCH PERMIT APPLICATION AND
MITIGATION PLAN REVIEW

INTRODUCTION

Per your request, this memo summarizes my hydrological assessment of the subject water right permit application and subsequent mitigation plan. I have reviewed the mitigation plan for conformance with Idaho Department of Water Resource (IDWR) documentation intended to provide guidance to the mitigation process (*Application Processing Memo 71, 2006; Mitigation Plan Evaluation Check List, 2008*).

WATER PERMIT SUMMARY

The Idaho Department of Water Resources (IDWR) received an application for a new water right permit on April 8, 2003 from the 6X Ranch, LLC. The draft version of the amended application requested a **groundwater diversion of 1.50 cfs** for the irrigation of 75 acres from 05/01 to 10/15. A single point of diversion (POD) was identified in the NWSW quarter-quarter of Section 25, T8N, R22E, Custer County, Idaho. Figure 1 (in the appendix) depicts the proposed place of use of the permit.

APPLICANT'S PROPOSED MITIGATION PLAN

A Mitigation Plan prepared by SPF Water Engineering, LLC (SPF) has been submitted to IDWR and revised based upon preliminary review comments. During the preparation of this memorandum the mitigation plan document dated September 24, 2003 represented the most current version of the proposed mitigation plan. The mitigation plan was amended to the "non-diversion of 1.50 cfs and 75-acre portion of [a single] Warm Springs Creek water right, 34-483B", in a letter to IDWR from SPF dated September 27, 2005. However, no subsequent Mitigation Plan has been submitted to IDWR incorporating the changes described in the letter.

In brief summary, to off-set the impacts of the diversion of 1.50 cfs of ground water, the applicant has proposed leaving an equivalent amount of surface water in Warm Springs Creek, from water right 34-483B.

MITIGATION PLAN EVALUATION

Water right application 34-13763 is located within the Trust Water Area boundaries of the Eastern Snake River Plain Moratorium Area. As such, an approved mitigation plan protecting the combined surface and ground water system in this region, from the groundwater diversion requested by the application is required before the permit may be approved and issued by IDWR.

The development of a successful mitigation plan requires the analysis of the quantity of water that will be depleted from the source due to the appropriation. When considering the need for mitigation it is important to remember that a water right can be injured in **time, location, and quantity**.

The applicant's mitigation plan identifies the diversion of 1.50 cfs for the irrigation of 75 acres. This equates to an annual diversion volume of 262.5 ac-ft. Of this total diversion volume the annual consumptive irrigation requirement is 187.5 ac-ft. When considering injury to water right holders an evaluation of the depletionary volume of water is not enough, consideration must also be given to the total amount of water diverted including consumptive and non-consumptive water. Even though the non-consumptive water is being returned to the Big Lost River system, the act of diverting the ground water has the capacity to influence specific reaches of the river and its tributaries upstream and downstream of the diversion point. These influences are due to the direct hydrological link between the Big Lost River and the water table aquifer (*Newton, 2003*).

REVIEW OF PROPOSED MITIGATION

1. Source of Mitigation Water

The applicant has proposed the non-use of a portion of water right 34-483B for the mitigation of impacts associated with the diversion of ground water proposed in the application. 34-483B has a combined diversion rate of 3.17 cfs and annual volume of 554.80 ac-ft. The water right has a priority date of April 1, 1902 and the source of water is the Warm Springs Creek tributary to the Big Lost River. There are three beneficial uses supported by the water right including irrigation (3.12 cfs, 545.7 ac-ft), recreation (0.05 cfs, 9.10 ac-ft), and recreation storage (9.10 ac-ft). It is inferred from the mitigation plan and recent correspondence that the applicant would give up 1.50 cfs of the irrigation portion of 34-483B, this water would not be diverted for beneficial use and would remain in the Warm Springs Creek system.

2. Time

The irrigation and recreation components of the water right have a season of use from May 1 to October 15. The recreation storage component has a year round season of use. The new application is for irrigation with a season of use from May 1 to October 15. Assuming the irrigation component of WR 34-843B is used for mitigation, both the proposed diversion of ground water and the mitigating surface

water would have the same season of use. Furthermore, if the diversion of ground water is conditionally limited to those times when surface water is available, injury in time due to the proposed application has been sufficiently mitigated.

3. Location

Water right 34-483B has four points of diversion on Warm Springs Creek. All four PODs are located upstream of the place of use. The point of diversion in the SW quarter of the SW quarter of Section 26, T8N, R22E, appears to be the POD that provides water from Warm Springs Creek to the land proposed for desiccation of surface water rights in support of mitigation.

The diversion of the ground water associated with the application has the potential to injure existing and senior surface and ground water right holders. Simple analytical evaluations of the impacts of the proposed ground water diversion on nearby surface water features (stream depletion) and ground water users (well draw down) were conducted as part of this review. The details of that evaluation are presented in the appendix. The first conclusion from those findings was that the only stream that will be significantly impacted by the proposed ground water pumping is Warm Springs Creek, which is being compensated for in the mitigation plan by leaving surface water in the stream system equivalent to the amount being pumped from the ground. The second conclusion from those findings was that predicted drawdown in nearby wells was not sufficient to warrant the refusal of the application. From these findings it is concluded that injury in location due to the proposed application has been sufficiently mitigated.

4. Quantity

The applicant has proposed a mitigation rate of 1.50 cfs which is equal to the applicant's requested groundwater diversion rate. Furthermore, the mitigation plan specifies that groundwater will only be diverted at times when an equivalent amount of the surface water rights provided for mitigation are deliverable at the head gate. By only diverting ground water when an equivalent amount of surface water is available the applicant has insured that the volume of mitigation water will always equal or exceed the amount of diverted water, and therefore it is concluded that injury in quantity due to the proposed application has been sufficiently mitigated.

5. How is Water Delivered (Type I – Replacement Water)

No replacement water is proposed in this mitigation plan.

6. Identification of Land or Use Terminated (Type II – Non-Use Water)

The proposed plan represents the use of Type II mitigation water (*Application Processing Memo 71, 2006*). The applicant has proposed the non-use of existing irrigation surface water rights diverted from Warm Springs Creek as the source for mitigation. By not diverting the surface water rights, the water will stay in Warm Springs Creek where it will be available to compensate for depletions to the stream due to the proposed ground water pumping.

In support of the proposed Type II mitigation water, the applicant has identified

ground historically irrigated with the surface water rights that will no longer be irrigated by surface water. The land is comprised of 75 acres located in the SWNW quarter-quarter and NWSW quarter-quarter of Section 25, T8N, R22E, Boise Meridian. Five acres in the SWNW quarter-quarter is occupied by a house and surrounding yard and has not been historically irrigated under this right and is not part of the proposed desiccation. This is the same land that will, in the future, be irrigated by ground water with the approval of the new application. Refer to Figure 1 for a “current” and “proposed” depiction of the water rights and their respective places of use.

7. Validity Review of Mitigation Water

In order to determine if the volume of water associated with a proposed mitigation plan is sufficient to the task at hand, a review of the validity of the water rights is required.

- a. Historic Use & Availability of Water** – The proposed mitigation right 34-483B has a priority date of 1902, making it one of the more senior rights in the area. When the Howl Gage is reporting flows in excess of 750 cfs, and the Big Lost River is being managed as one river, the WR is unavailable for delivery. When the Howl Gage is reporting flows below 450 cfs, and the Big Lost River is being managed as two rivers, the WR is available for delivery. At those times when flow rates are between 450 and 750 cfs the availability of the WR is at the discretion of the Watermaster of Water District 34. The Watermaster has indicated that this WR is undeliverable, or “off”, for 10-30 days each year (Shaffer, 2008).
- b. Forfeiture Protection** – Review of aerial imagery from 1987, 1992, 2004, and 2006 suggests that the ground proposed to no longer be irrigated by the surface water right 34-483B was irrigated in some capacity during those years. Due to this evidence of beneficial use, forfeiture is not under consideration.
- c. Overlapping Rights** – Currently water rights 34-123B, 34-124B, 34-125B and 34-483B have the same irrigational place of use. In addition, WR 34-2320 has an irrigational place of use that overlaps and make up a portion of the place of use described by the other four water rights, refer to Figure 1.
- d. Water Quality** – Issues regarding water quality concerns in association with the proposed mitigation waters are not applicable for this case.
- e. Water Master Consent** – Specific written or verbal consent for the application from the Watermaster of Water District 34 is not evident in the file. Past correspondence suggest that the former Watermaster Doug Rosenkrance was aware of the proposed application and mitigation and had not spoken out against the proposal. In a discussion with the current Watermaster, he indicated that he was not generally opposed to the application, but noted that whenever a groundwater right delivery is contingent upon a surface water right availability, the groundwater right is not always managed or curtailed as it should be, and that in reality it probably leads to an enlargement of the water right (Shaffer, 2008).

8. Authority Review of Mitigation Water

IDWR ownership records indicate that the 6X Ranch is both the applicant and the current owner of the existing surface water rights proposed for mitigating the impacts of the new application. As such, the applicant will have the necessary authority to modify the mitigation rights as necessary to reflect their changing nature of use.

CONCLUSIONS

The mitigation plan as modified by SPF in their letter dated September 27, 2005, is generally acceptable in its intent to mitigate for the depletion of flows in Warm Springs Creek due to the proposed diversion of groundwater. I recommend the issuance of the permit with modified conditional language and the partial amendment of WRs 34-123B, 34-124B, 34-125B, 34-483B, 34-2118 and 34-2320 in their places of use and conditional language. Refer to a copy of the draft permit for the recommend changes to the associated water rights.

REFERENCES

Idaho Department of Water Resource, 2008. Mitigation Plan Evaluation Checklist.

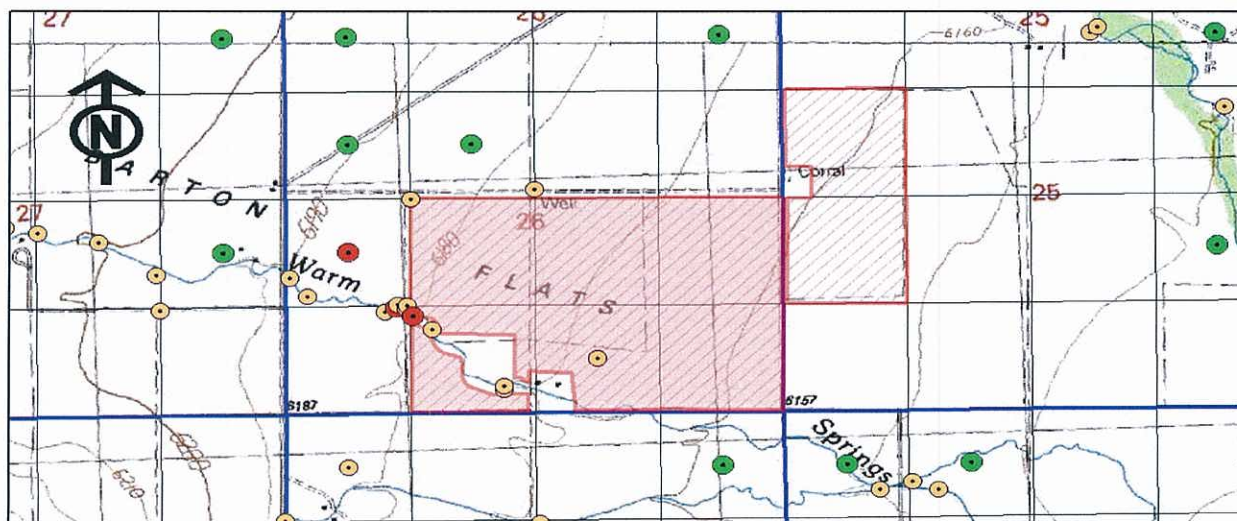
Newton, Garth, 2003. Ground Water/Surface Water Connection Review for Permit No. 34-13763 in the Big Lost River Basin. Idaho Department of Water Resources, Boise, ID.

Shaffer, Bob, 2008. Personal communication. Phone conversation at 10:00 AM on December 5, 2008.

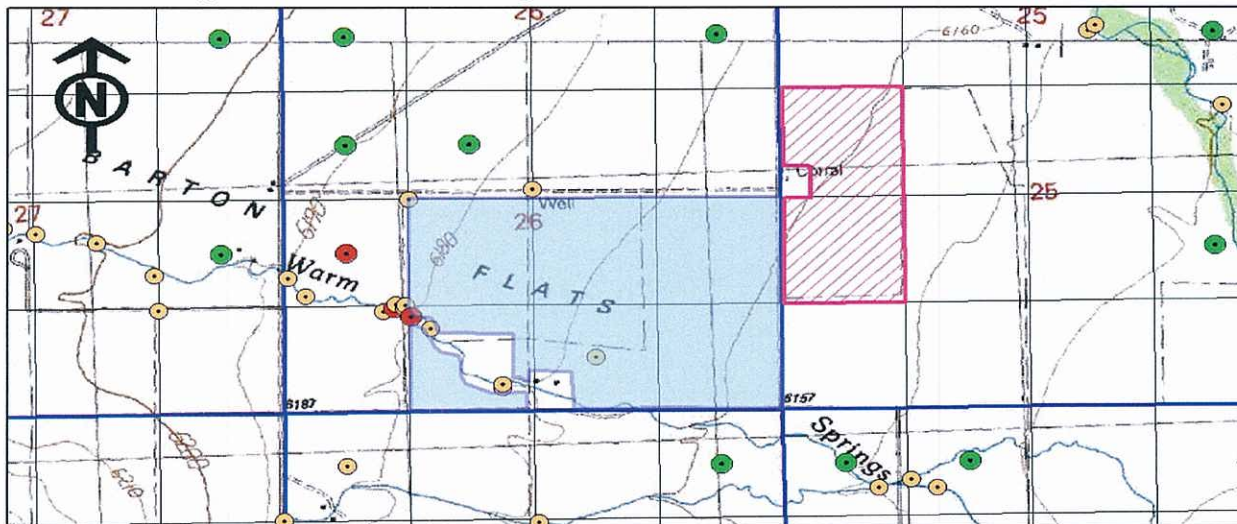
Tuthill, Dave, 2006. Draft Application Processing Memo No. 71 – Evaluation of Mitigation Plans for Water Rights Permits. Idaho Department of Water Resources, Boise, ID.

APPENDIX

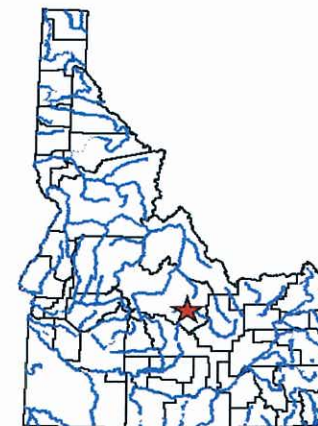
1. Figure 1 – 6X Ranch Irrigation Water Rights Place of Use Map
2. Evaluation of Ground Water Pumping Impacts on Nearby Surface Water Features and Wells
3. Figure 2 – WR Permit 34-13763 Vicinity Map



Current Irrigational WR Configuration



Proposed Irrigational WR Configuration



Legend

- | | |
|-----------------------|------------------|
| ● Wells | Right POU |
| ● All Other WRs | 34-123B |
| ● 34-123B | 34-124B |
| ● 34-124B | 34-125B |
| ● 34-125B | 34-2320 |
| ● 34-483B | 34-483B |
| | Sections |
| | QQ |
| Permit 34-13763 | |
| Revised Exist WR POUs | |

Figure 1
6X Ranch Irrigation
Water Rights POU Map

Evaluation of Proposed Ground Water Pumping on Nearby Surface Water Features and Wells

The application proposes a new well for the diversion of groundwater in the NWSW quarter-quarter of Section 25, T8N, R22E, Boise Meridian. Assuming the well is located in the center of the quarter-quarter it will be within 0.5 miles of Warm Springs Creek, 1.0 mile of Parsons Creek, and 1.5 miles of the Big Lost River. Refer to Figure 2 for depiction of the proposed permit and surroundings. At the location of the proposed point of ground water diversion the ground and surface water of the Big Lost River basin are so closely interrelated that they should be considered as a single resource (*Newton, 2003*). The mitigation water is comprised of surface water from Warm Springs Creek diverted upstream from the proposed ground water POD. Therefore, conceivably, this water will mitigate for all impacts to Warm Springs Creek down stream of the head gate, and for impacts to Parson's Creek and the Big Lost River down stream of their respective confluences with Warm Springs Creek.

There exists the possibility that the proposed ground water diversion will impact Parson Creek and the Big Lost River upstream of their respective confluences with Warm Springs Creek. Because these reaches lie upstream of the confluence with Warm Springs Creek any mitigation water left in Warm Springs Creek is unable to alleviate depletions to these surface water features.

As such, the impact of the proposed ground water diversion on these reaches of Parson's Creek and the Big Lost River should be evaluated. To conduct this analysis, the percentage of water pumped from the proposed well that is withdrawn from a nearby surface water feature was estimated using the Glover and Balmer (1954) equation for stream flow depletion. This equation can be used to estimate the amount of flow diverted from the river at any time after pumping begins (Jenkins, 1968). A constant pumping rate of 1.5 cfs (diversion rate requested on the application) was assumed for an entire irrigation season (167 days). Published values of average transmissivity (400,000 gallon/day) and storativity (0.186) were used in evaluating impacts (*Crosthwaite, et al., 1970*). The following table summarizes predicted impacts that could occur to surface water features at 0.5, 1.0, and 1.5 miles from the proposed well.

Distance	Stream Depletion Rate (cfs)	% of Total Diversion Rate	Seasonal Vol. of Water from Stream (ac-ft)	% of Total Diversion Vol.
2640	1.18	79	318	64
5280	0.9	60	198	40
7920	0.64	43	117	24

Additional analysis was considered that attempts to predict the impact of the ground water diversion proposed by the applicant on nearby wells. In accordance with guidance for determining yield for public drinking water supply wells (IDeq 2007), a pumping duration of one year was used to estimate potential impacts to water levels in nearby wells. A constant pumping rate of 1.5 cfs (diversion rate requested on the application) was assumed. Once again, published values of average transmissivity (400,000

gallon/day) and storativity (0.186) were used in evaluating impacts (*Crosthwaite, et al., 1970*). The drawdown values summarized in the following table were predicted at varying distances from the proposed well.

Description	Distance from POD (miles)	Drawdown (ft)
1 Existing Well	< 0.5	0.68
10 Existing Wells	< 1.0	0.42
24 Existing Wells	< 1.5	0.28

Analysis of both stream water depletion and well draw down rely on a number of simplifying assumptions. These assumptions are likely not accurate or completely accurate for the situations evaluated, however, they allow the simplification necessary to analytically evaluate the relationships in question. As such, the estimates provided above represent best guesses for values of stream depletion and drawdown but should not be thought of as exact predictions of stream depletion and draw down. A large degree of error more than likely exists between the modeled predictions and actual physical values. Figure 2 of the appendix depicts the proposed well locations with rings drawn in at 0.5, 1.0, and 1.5 miles radiuses from the proposed point of diversion.

Stream flow depletion occurs as the expanding cone of depression associated with a discharging well comes into contact with a surface stream. At this point the stream will contribute flow to the well until either, (1) the well reaches steady state condition and is sufficiently supplied by ground water and stream contribution, or (2) the stream is completely depleted, at which point the cone of depression will continue to expand. Because Warm Springs Creek is a perennial stream, with flow rates well in excess of 1.50 cfs, assuming the sub-surface is completely homogeneous and isotropic it would not be expected that the proposed well would influence other streams or rivers that lie at a greater distance from the well than Warm Springs Creek. In light of these assumptions, it can be concluded for the contexts of this evaluation that the only stream that will likely be significantly impacted by the proposed ground water pumping is Warm Springs Creek.

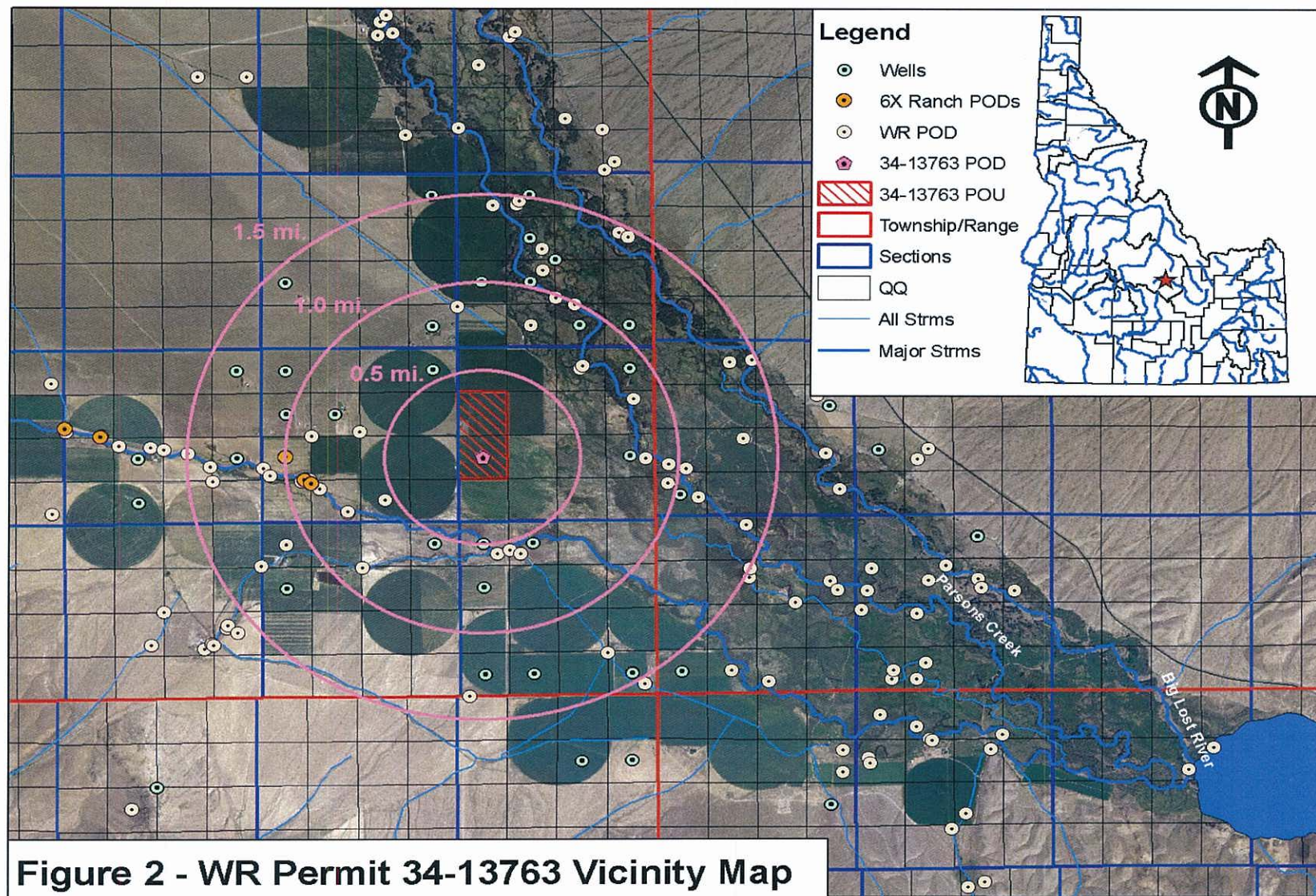
The well draw down analysis presented above predicts that, in the absence of recharge, assuming the Theis Solution for a confined, infinite aquifer is appropriate for the purposes of the evaluation, the nearest well to the proposed point of diversion would experience a drawdown of approximately 0.68 feet. At a distance of one mile from the application POD, wells would experience a drawdown of approximately 0.42 feet. These values assume the applicant's well was pumped continuously for one year. The predicted values of draw down in nearby wells do not seem sufficient to warrant the refusal of the application.

Crosthwaite, E.G., Thomas, C.A., and Dyer, D.L., 1970. Water Resource in the Big Lost River Basin, South Central Idaho. Open-file Report, United States Geological Survey, 1970.

Idaho Department of Environmental Quality, 2007. Testing Guidance for Determining Adequate Yield of New Public Drinking Water System Wells (Draft), February, 11 pp.

Jenkins, C.T., 1968. Book 4 Hydrologic Analysis and Interpretation Chapter D1 Computation of Rate and volume of Stream Depletion by Wells. Techniques of Water-Resources Investigations of the United States Geological Survey.

Newton, Garth, 2003. Ground Water/Surface Water Connection Review for Permit No. 34-13763 in the Big Lost River Basin. Idaho Department of Water Resources, Boise, ID.



Memo

To: 34-13763
From: cpadilla
Date: 9/19/2007
Re: Mitigation Plan

A letter submitted by SPF indicated a few changes to the original mitigation plan. Here is a summary of the proposed amendment to the plan and application:

- Mitigate with water right 34-483B through the non-diversion of 1.50 cfs on 75 acres
- Have just one POD
- Eliminate the 14 acres in the pivot corners from the POU

After reviewing the file I have the following comments in regard to the changes:

- Water right 34-483B has a diversion rate of 3.17 cfs on 294.5 acres. This gives a diversion rate of 0.01 cfs/acre. This would not be sufficient by itself to cover the 0.02 cfs/acre this permit is requesting.
- Water right 34-483B and 34-125B are not limited in acreage. They both can irrigate any portion of the 294.5 acre POU which includes the 75 acre proposed POU under 34-13763. For this reason they both should be included in the mitigation plan.
- There should be a condition in the mitigation plan including all four overlapping water rights 34-123B, 34-124B, 34-483B, 34-125B to say: Diversion under this right is authorized only during those times when water is available for delivery from Warm Springs Creek and the Big Lost River according to watermaster for water district 34.
- All four water rights would also need to have their POU reduced to exclude the 75 acres or be conditioned to say irrigation will cease on the 75 acres authorized under 34-13763 during those times when GW is being applied as opposed to SW.
- It may be a good idea to review water district records to define an annual volume on all 4 rights to gain a better understanding if these mitigation rights will be sufficient in priority.

Keen, Shelley

From: Keen, Shelley
Sent: Thursday, August 23, 2007 9:54 AM
To: 'Terry Scanlan'
Subject: RE: 34-13763

Terry,

I finally uncovered the file for 34-13763. There are some notes suggesting we started to review it again in October of 2005, but there has been no activity since then. I will get it back into the system.

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

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

From: Terry Scanlan [mailto:TScanlan@spfwater.com]
Sent: Saturday, August 04, 2007 3:44 PM
To: Keen, Shelley
Cc: Blake Quinn
Subject: 34-13763

Shelley -

Blake Quinn from 6X Ranch called me today to inquire about the status of application 34-13763. The last document in my file pertaining to the application is the attached letter to you dated 9/27/05. Can you check your file to determine if there was any follow-up response or correspondence, and let me know the status of this application? Thanks.

Terry M. Scanlan, P.E., P.G.
SPF Water Engineering, LLC
600 East River Park Lane, Suite 105
Boise, ID 83706
208-383-4140 office
208-383-4156 fax

8/23/2007



SEP 28 2005

Department of Water Resources

September 27, 2005

Shelley Keen
Idaho Department of Water Resources
P.O. Box 2720
Boise, ID 83720-0098

Subject: Revised Application for Permit 34-13763 (6X Ranch)

As discussed in our telephone conversation last week, 6X Ranch is interested in pursuing approval of Application for Permit 34-13763. The following is my understanding of the history of this application.

1. The application for permit was submitted in July 2002 and proposed irrigation of 89 acres from a groundwater source. The 89 acres consisted of 75 acres in SWNW and NWSW Section 25, T8N, R22E (i.e., the Dipping Vat field) and 14 acres in the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ Section 26, T8N, R22E (the pivot corners). The application included a mitigation plan proposing non-diversion of proportionate amounts of each surface water right appurtenant to the lands proposed for irrigation under the permit. Four overlapping surface water rights (three Warm Springs Creek, one Big Lost River) were associated with the Dipping Vat field and two overlapping surface water rights (both Big Lost River) were associated with the pivot corners. The mitigation plan contemplated diversion of groundwater only when an equivalent amount of surface water rights were in priority.
2. The application initially included a year-round 0.02 cfs stockwater component which was eliminated at the suggestion of regional staff because year-round use complicated the application.
3. The application was advertised without protest in August 2002.
4. Approval of the application has been held due to Department concerns about administration of the mitigation plan. In particular, Department staff were concerned that the Big Lost River water rights could not be reliably delivered for mitigation and that the watermaster could not effectively administer a mitigation plan for three wells involving six water rights with different priority dates.
5. When last discussed with the Department more than a year ago, we decided that the best approach for approval would be to (1) eliminate from the application the pivot corner lands relying on Big Lost River water rights for mitigation, (2) mitigate the Dipping Vat field irrigation with non diversion of a single Warm Springs Creek water right, and limit diversion under to the permit to a single well.

At that time, Department policy was to require a transfer application to change the nature of use from irrigation to mitigation for the mitigation water right. A transfer would also be required to reduce the irrigated area under the other water rights appurtenant to the Dipping Vat lands.

Department policy currently does not require a transfer application to leave a water right undiverted for mitigation purposes. In order to achieve permit approval, a draft amended application is enclosed that will address the Departments concerns. The changes to the application are summarized below.

1. The pivot corner lands are eliminated from the application.
2. Mitigation will be achieved through non-diversion of a 1.50 cfs and 75-acre portion of Warm Springs Creek water right 34-483B.
3. A single point of diversion is proposed, consisting of a well at the Dipping Vat field.

It is our understanding that the amended application for permit will not require additional legal notice.

Please review the enclosed draft and contact me with your comments. If the draft is approvable, I will obtain a signature from Blake Quinn, Manager of 6X Ranch LLC.

Sincerely,



Terry M. Scanlan, P.E., P.G.

Cc: Blake Quinn
Charles Wilkins
Mike Creamer

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
AMENDED

DRAFT APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant 6X Ranch, LLC c/o Blake Quinn Phone (559) 891-5400
Mailing address P.O. Box 226789, Los Angeles, CA 90022-0489
2. Source of water supply ground water which is a tributary of NA
3. Location of point of diversion is Township 8N Range 22E Sec. 25, in the $\frac{1}{4}$,
NW $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot , B.M., Custer County;
additional points of diversion if any:
4. Water will be used for the following purposes:
 Amount 1.50 cfs for irrigation purposes from 5/1 to 10/15 (both dates inclusive)
(cfs or acre-feet per annum)
 Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
 Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
 Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
 Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
 Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 1.50 and/or (b)
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source One well with electric pump
 - b. Height of storage dam feet; active reservoir capacity acre-feet;
total reservoir capacity acre-feet
 - c. Proposed well diameter is 12 inches; proposed depth of well is 150 feet
 - d. Is ground water with a temperature of greater than 85°F being sought? No
 - e. If well is already drilled, when? ; Drilling firm ;
Well was drilled for (well owner) ; Drilling Permit No.
7. Time required for completion of works and application of water to proposed beneficial use is 5 years (*minimum 1 year*)
8. Description of proposed uses (*if irrigation only, go to item 9*):
 - a. Hydropower; show total feet of head and proposed capacity in kW.
 - b. Stockwatering; list number and kind of livestock.
 - c. Municipal; show name of municipality.
 - d. Domestic; show number of households.
 - e. Other; describe fully.

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8N	22E	25							36			39							75

Total number of acres to be irrigated 75

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? Applicant

b. Who owns the land to be irrigated or place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: This permit will be mitigated by non-diversion of a 1.50 cfs portion of Warm Springs Creek water right 34-483B. Diversion of groundwater under this permit shall occur only when water right 34-483B is deliverable. Diversions of groundwater under this permit shall be controlled by the Watermaster of Water District 34.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

DRAFT

Signature of Applicant (and title, if applicable)

Received by _____ Date _____ Time _____ Preliminary check by _____
 Fee \$ _____ Received by _____ # _____ Date _____
 Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____

MEMORANDUM

DATE: October 7, 2003

TO: Water Right File 34-13763

FROM: Shelley W. Keen (SWK)

RE: Filings required to implement the proposed mitigation plan

Last week Terry Scanlan and I discussed the need for the following step to implement the mitigation plan proposed for Application 34-13763.

- The applicant should submit a revised application for permit with the pivot corners in Section 26 removed from the place of use and the proposed diversion rate reduced. Advertisement of the revised application will not be necessary as long as it only reduces the proposed appropriation.
- The applicant should submit an application for transfer to change portions of Rights 34-125B and 34-483B to show "mitigation" as the beneficial use. The rest of Rights 34-125B and 34-483B and Rights 34-2320, 34-123B, and 34-124B should be included on the transfer as related rights so that their places of use can be reduced and their combined use conditions can be revised.

Terry asked if IDWR would approve the application for permit without waiting for the transfer applications to be filed and processed. He suggested conditioning the permit require the completion of the transfers before diversion and use of water could occur. Terry indicated two reasons for his request. First, he said it would reassure his client that the project is feasible. Second, with the permit in hand his client could apply for a drilling permit. I told Terry that IDWR would consider his request, but that I could make no assurances.

MEMO

To: Shelley Keen

From: Terry Scanlan

Date: September 24, 2003

Subject: Revised Mitigation Plan for Application for Permit 34-13763 (6X Ranch)

This memo outlines the mitigation plan associated with Application for Permit 34-13763. This plan is essentially the same as the plan outlined in my memo of July 21, 2003, except that this plan only concerns proposed groundwater use on the "Dipping Vat" fields in Section 25. These lands are discussed as Application for Permit 34-13763"A" in the July 21 memo. The pivot corners in Section 26 (referred to as 34-13763"B" in the July 21 memo) will be addressed at some point in the future, or we can simply eliminate them from the application.

Figure 1 shows the existing shape files for the 6X Ranch water rights associated with the Dipping Vat lands. The shape files match up closely, but not exactly, with the partial decree and IDWR database.

Figure 2 presents adjusted shape files to match places of use described by the partial decree and IDWR database. As you can see, the adjusted shape files match closely with the Department shape files. Table 1 provides a breakdown by ¼ ¼ of the place of use information presented in Figure 2.

Figure 3 is a characterization of the current water right place of use distribution within the permissible places of use. In other words, I have distributed the water rights within the permissible place of use to show where there are overlaps. The Dipping Vat fields are currently covered by Warm Springs water right 34-483B and Big Lost River water right 34-125B. Table 2 provides a breakdown by ¼ ¼ of the place of use information presented in Figure 3. The rights considered to be "primary" are listed in bold type. Overlap rights are italicized. Note that we have assumed that junior groundwater rights are "primary" on certain lands with only 1914-priority Big Lost River surface water rights.

Table 3 provides a summary of the water right acres proposed for mitigation use. We are proposing converting the surface water rights for 75 irrigated acres at the Dipping Vat to mitigation, and leaving the surface water rights on the remaining 219.5 irrigated acres as irrigation. Figure 4 and Table 3 describe proposed place of use following transfer.

Table 1
Water Right Distribution as Decreed
Refer to Figures 1 and 2

Source		Priority Date	Rate (cfs)	Total Acres	25 SWNW	25 NWSW	26 NESW	26 SESW	26 NESE	26 NWSE	26 SWSE	26 SESE	Total
Warm Springs Creek	34-123B	5/1/1905	1.36	68.1	36	39	40	28	39	40	34.5	38	294.5
Warm Springs Creek	34-124B	6/1/1908	0.19	9.7	36	39	40	28	39	40	34.5	38	294.5
Big Lost River	34-125B	6/1/1914	1.55	294.5	36	39	40	28	39	40	34.5	38	294.5
Warm Springs Creek	34-483B	4/1/1902	3.12	155.9	36	39	40	28	39	40	34.5	38	294.5
Groundwater	34-2320	2/7/1955	3.91	219.5			40	28	39	40	34.5	38	219.5
1/4 1/4 Section Total					36	39	40	28	39	40	34.5	38	294.5

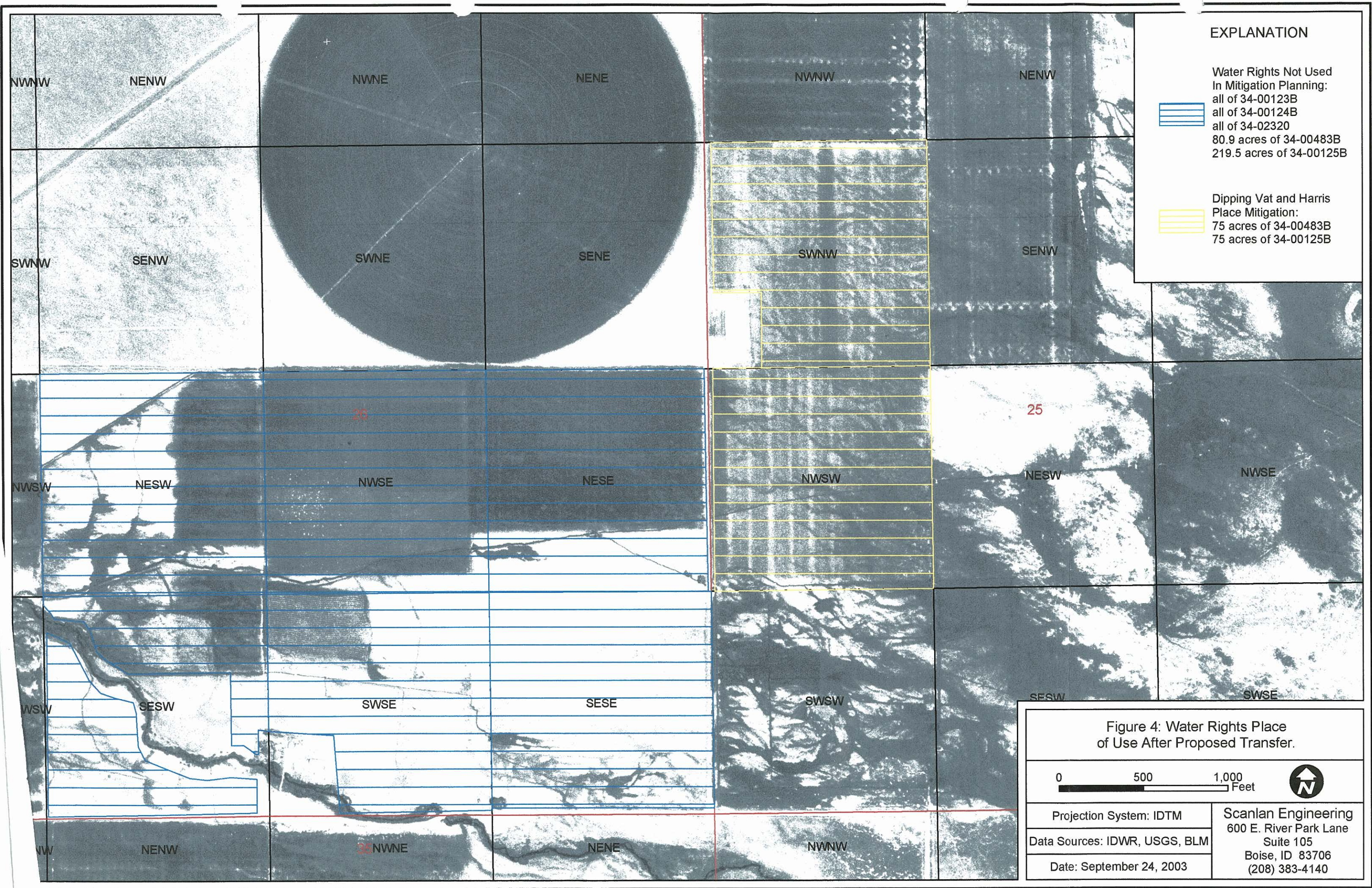
Table 2
Assumed Water Right Distribution and Overlap Analysis
Refer to Figure 3

Source		Priority Date	Rate (cfs)	Total Acres	25 SWNW	25 NWSW	26 NESW	26 SESW	26 NESE	26 NWSE	26 SWSE	26 SESE	Total
Warm Springs Creek	34-123B	5/1/1905	1.36	68.1			28.1			40			68.1
Warm Springs Creek	34-124B	6/1/1908	0.19	9.7							9.7		9.7
Big Lost River	34-125B	6/1/1914	1.55	294.5	36	39	40	28	39	40	34.5	38	294.5
Warm Springs Creek	34-483B	4/1/1902	3.12	155.9	36	39			39		3.9	38	155.9
Groundwater (primary)	34-2320	2/7/1955	3.91	219.5			11.9	28			26.4		66.3
Groundwater (supplemental)	34-2320						28.1		39	40	13.6	38	158.7
1/4 1/4 Section Total					36	39	40	28	39	40	34.5	38	294.5

Note: Assumed primary water rights are bolded and assumed overlap rights are italicized

Table 3
Existing Water Rights Proposed for Transfer
and Distribution Following Transfer
Refer to Figure 4

Source		Priority Date	Rate (cfs)	Acres	25 SWNW	25 NWSW	26 NESW	26 SESW	26 NESE	26 NWSE	26 SWSE	26 SESE	Total
Water Rights Proposed for Mitigation													
Big Lost River	34-125B	6/1/1914	0.39	75	36	39							75
Warm Springs Creek	34-483B	4/1/1902	1.50	75	36	39							75
Water Rights Remaining Unchanged													
Warm Springs Creek	34-123B	5/1/1905	1.36	68.1			28.1			40			68.1
Warm Springs Creek	34-124B	6/1/1908	0.19	9.7							9.7		9.7
Big Lost River	34-125B	6/1/1914	1.16	219.5			40	28	39	40	34.5	38	219.5
Warm Springs Creek	34-483B	4/1/1902	1.62	80.9					39		3.9	38	80.9
Groundwater	34-2320	2/7/1955	3.91	219.5			40	28	39	40	34.5	38	219.5



EXPLANATION

- Water Rights Not Used
In Mitigation Planning:
all of 34-00123B
all of 34-00124B
all of 34-02320
80.9 acres of 34-00483B
219.5 acres of 34-00125B
- Dipping Vat and Harris
Place Mitigation:
75 acres of 34-00483B
75 acres of 34-00125B

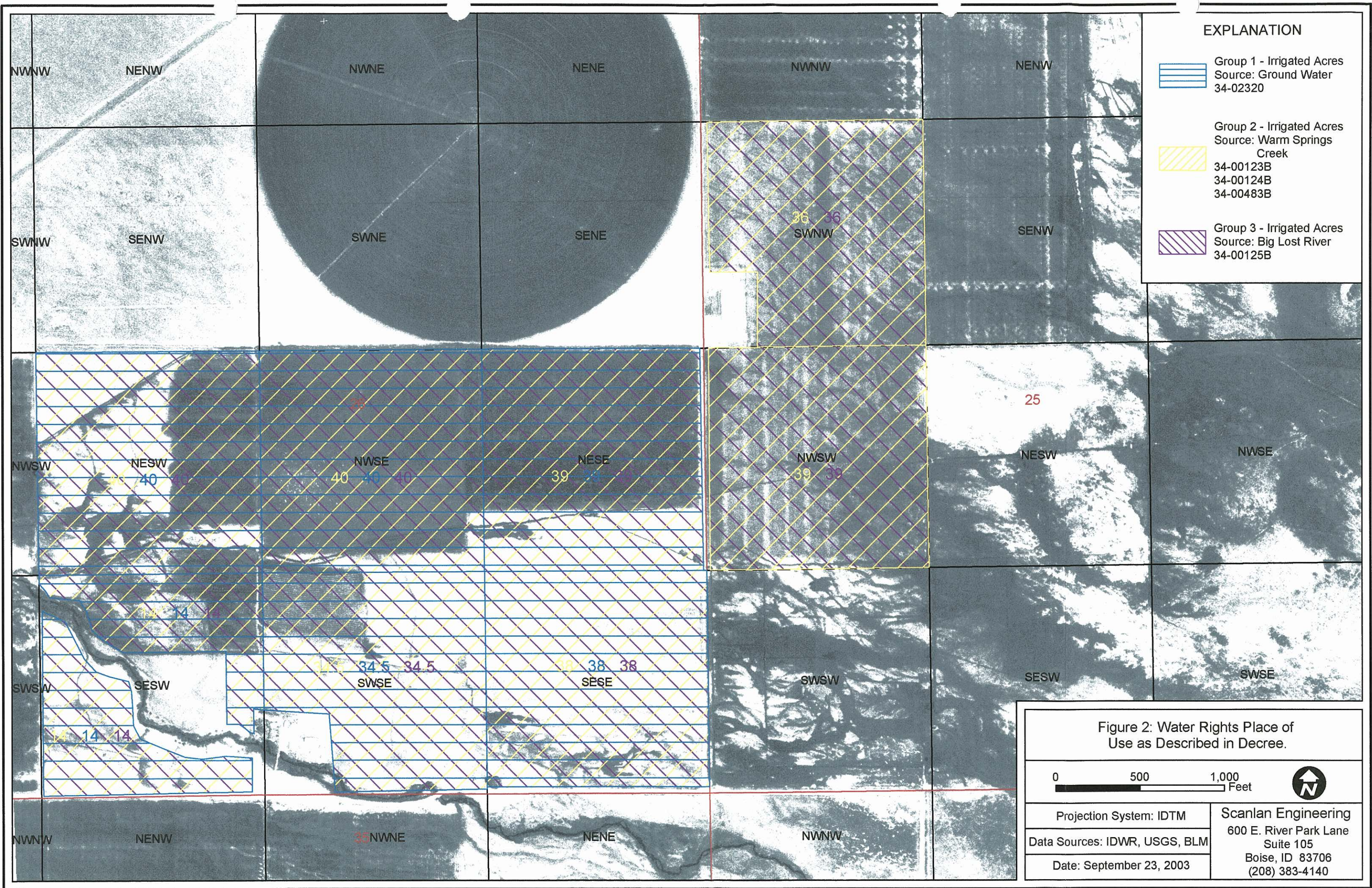
Figure 4: Water Rights Place
of Use After Proposed Transfer.

0 500 1,000 Feet



Projection System: IDTM
Data Sources: IDWR, USGS, BLM
Date: September 24, 2003

Scanlan Engineering
600 E. River Park Lane
Suite 105
Boise, ID 83706
(208) 383-4140



EXPLANATION

- Group 1 - Irrigated Acres
Source: Ground Water
34-02320
- Group 2 - Irrigated Acres
Source: Warm Springs
Creek
34-00123B
34-00124B
34-00483B
- Group 3 - Irrigated Acres
Source: Big Lost River
34-00125B

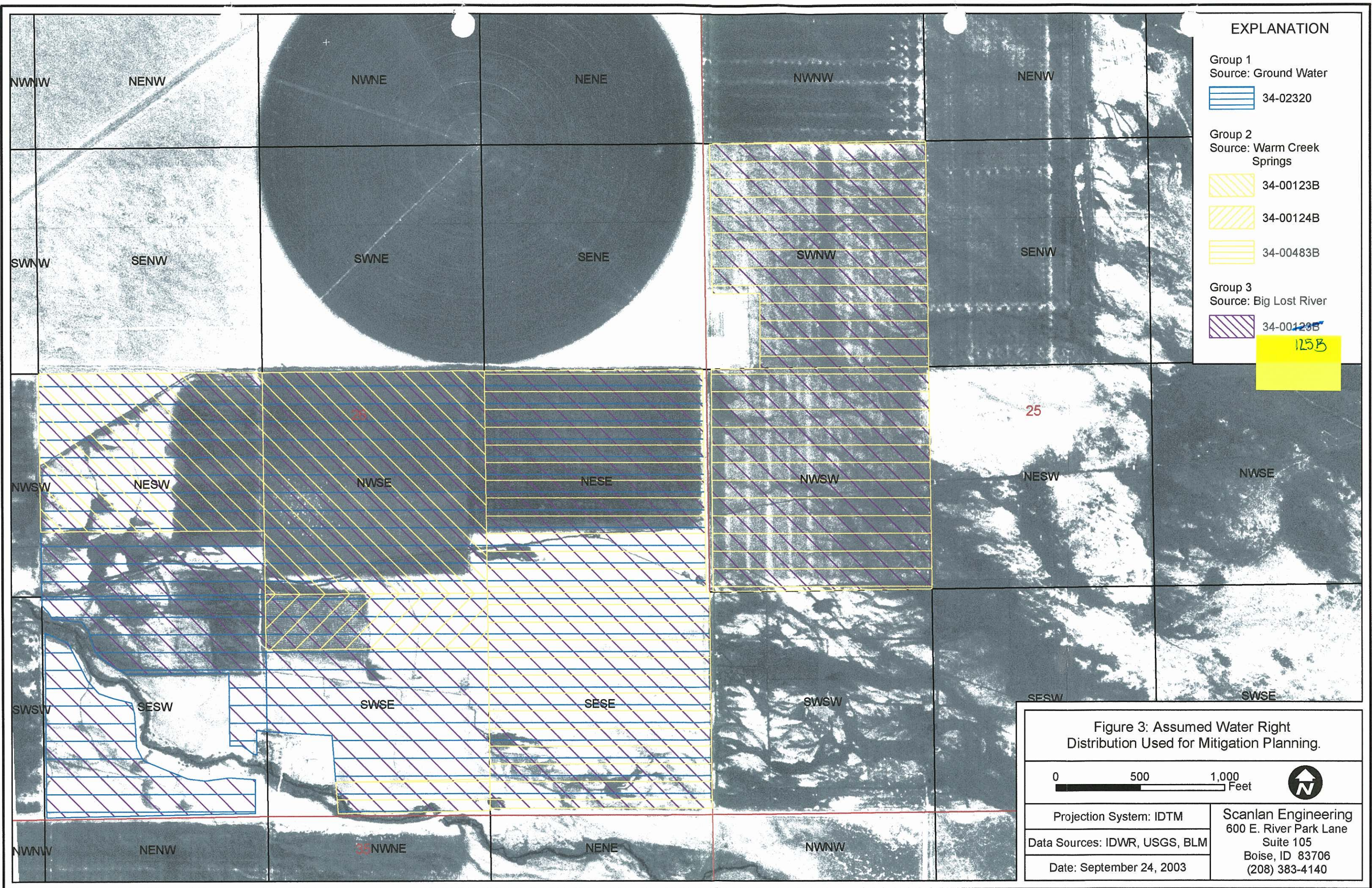
Figure 2: Water Rights Place of Use as Described in Decree.

0 500 1,000 Feet



Projection System: IDTM
Data Sources: IDWR, USGS, BLM
Date: September 23, 2003

Scanlan Engineering
600 E. River Park Lane
Suite 105
Boise, ID 83706
(208) 383-4140



EXPLANATION

Group 1
Source: Ground Water

 34-02320

Group 2
Source: Warm Creek Springs

 34-00123B

 34-00124B

 34-00483B

Group 3
Source: Big Lost River

 34-00123B

125B

Figure 3: Assumed Water Right Distribution Used for Mitigation Planning.

0 500 1,000 Feet



Projection System: IDTM

Data Sources: IDWR, USGS, BLM

Date: September 24, 2003

Scanlan Engineering
600 E. River Park Lane
Suite 105
Boise, ID 83706
(208) 383-4140

Keen, Shelley

From: TMSANLAN@aol.com
Sent: Tuesday, July 29, 2003 11:19 AM
To: JBerkey@idwr.state.id.us; SKEEN@idwr.state.id.us
Cc: TLUKE@idwr.state.id.us
Subject: Re: FW: 6X Ranch (34-13763)

Jennifer -

Thanks for taking the time to review this issue.

How about we split the application as previously proposed, proceed with processing of the Dipping Vat portion (mitigated by Warms Springs Creek), and defer the pivot corner portion indefinitely? I would like to find out more information on the Nielsen Ditch before making any additional proposals. It sounds like there have been measurement and delivery issues with the Nielsen Ditch that need to be resolved before we can determine the value of Nielsen Ditch rights for irrigation or mitigation use.

Tim suggested a meeting in late August. Can we schedule a date now?

Terry

9/25/2003

Keen, Shelley

From: Berkey, Jennifer
Sent: Tuesday, July 29, 2003 10:53 AM
To: Keen, Shelley
Cc: 'TMSCANLAN@aol.com'; Luke, Tim
Subject: RE: FW: 6X Ranch (34-13763)

Shelley,

Regarding the proposal for the pivot corners, it seems to me that if the 70% shrink is applied to the full 0.68 cfs to calculate the 0.20 cfs available for mitigation, then the full 0.68 cfs would need to be committed to mitigation, and the well should not be permitted for more than 0.20 cfs. The other stacked right (34-805) may provide more flow, but has a priority date of 1913. Like Tim, I am also opposed to allowing use of the Neilsen Ditch water rights for mitigation at this time. According to data submitted by the Watermaster, no water has been delivered to the Warm Springs Creek injection point since July 8. To date, water has been injected into Warm Springs Creek only 33 days this irrigation season.

Jennifer

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

From: TMSCANLAN@aol.com [mailto:TMSCANLAN@aol.com]
Sent: Tuesday, July 22, 2003 9:12 AM
To: TLUKE@idwr.state.id.us; SKEEN@idwr.state.id.us
Cc: JBerkey@idwr.state.id.us
Subject: Re: FW: 6X Ranch (34-13763)

Tim -

Regarding the Nielsen Ditch, I assumed that the entire 34-10282 right (0.68 cfs, consisting of 0.40 cfs for irrigation and 0.28 cfs for mitigation) would be delivered into the Nielsen Ditch, but that only the amount required for mitigation would need to be injected into Warm Springs Creek. Therefore, 0.68 cfs diverted out of the Big Lost River with 70 percent loss results in a delivery of 0.20 cfs into Warm Springs Creek.

From the Applicant's standpoint, the pivot corners are probably the least important aspect of this proposal. If we can't find a workable solution for the pivot corners, 6X might be willing to drop the pivot corners and proceed with obtaining approval for the Dipping Vat well only.

Terry

9/25/2003

Keen, Shelley

From: TMSCANLAN@aol.com
Sent: Tuesday, July 22, 2003 9:12 AM
To: TLUKE@idwr.state.id.us; SKEEN@idwr.state.id.us
Cc: JBerkey@idwr.state.id.us
Subject: Re: FW: 6X Ranch (34-13763)

Tim -

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From the Applicant's standpoint, the pivot corners are probably the least important aspect of this proposal. If we can't find a workable solution for the pivot corners, 6X might be willing to drop the pivot corners and proceed with obtaining approval for the Dipping Vat well only.

Terry

9/25/2003

Keen, Shelley

From: Luke, Tim
Sent: Tuesday, July 22, 2003 8:13 AM
To: Keen, Shelley
Cc: 'TMSCANLAN@aol.com'; Berkey, Jennifer
Subject: FW: 6X Ranch (34-13763)

Shelley,

I suggest waiting till after August 19th to review this with Terry. I still have concerns about use of the Nielsen Ditch water and I generally remain opposed to the concept of using Nielsen rights for any mitigation purposes although this proposal may make management of the pivot corners well easier. I'm not sure I follow Terry's calculation of the 70 percent reduction or shrink on the amount proposed for 34-10282. A 70 percent shrink of 0.28 cfs is not 0.20 cfs and I question that the actual amount remaining on such a shrink would be adequate for irrigation of the 14 acres, however, the other right added or stacked on to this probably provides enough flow on its own. Perhaps I've misunderstood something or there is some mistake in the amounts proposed?

Tim

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

From: TMSCANLAN@aol.com [mailto:TMSCANLAN@aol.com]
Sent: Monday, July 21, 2003 7:44 PM
To: skeen@idwr.state.id.us
Cc: tluke@idwr.state.id.us; jberkey@idwr.state.id.us
Subject: 6X Ranch (34-13763)

Attached is a memo with a revised mitigation plan for 6X Ranch application for permit 34-13763. I am mailing hard copies to you, Tim, and Jennifer.

I sent a spreadsheet revision of the mitigation plan for Wildhorse Partners (Application 34-13789 and Permit 34-7595) to you by email on July 8.

Maybe we should try and schedule another meeting to discuss these plans? I suspect that you, Tim, and Jennifer are swamped with work right now, so perhaps a meeting in a couple of weeks might work. I am available from now until August 12, and again after August 19.

9/25/2003

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

RECEIVED

JUL 23 2003

Department of Water Resources

MEMO

To: Shelley Keen

From: Terry Scanlan

Date: July 21, 2003

Subject: Revised Mitigation Plan for Application for Permit 34-13763

Based on our discussions in recent weeks, the following alternative mitigation plan is proposed for the 6X Ranch application for permit (34-13763).

1. Split the application into two separate applications, each with a separate mitigation plan. One application (for discussion purposes, 34-13763"A") would be for the Dipping Vat field (75 acres in the SWNW and NWSW Section 25). The second application (for discussion purposes, 34-13763"B") would be for the two pivot corners (14 acres in the S ½ of the NE ¼ of Section 26).
2. Permit 34-13763"A" would be mitigated by a 75-acre (1.50 cfs) portion of water right 34-483B (1902-priority Warm Springs Creek water right). The proposed Dipping Vat well in the NWSW Section 25 would be the point of diversion for 34-13763"A" and would provide irrigation to only the Dipping Vat field. To avoid unstacking of water rights, a 75-acre (0.39 cfs) portion of Big Lost River water right 34-125B will also be used for mitigation. The Dipping Vat well would operate only when 1902-priority Warm Springs Creek water rights are deliverable.
3. Permit 34-13763"B" would be mitigated with a 14-acre (0.28 cfs) portion of water right 34-10282 (1905-priority Big Lost River). A new well would be drilled in the SENE to supply the pivot corners. To avoid unstacking of water rights, a 14-acre (0.23 cfs) portion of Big Lost River water right 34-805 will also be used for mitigation. The Pivot Corner well would operate only when 1905-priority Big Lost River water rights are deliverable.

These revisions provide the following improvements over previous plans.

- The shrink in the Nielsen Ditch does not significantly impact mitigation. No delivery of Nielsen Ditch water is needed for mitigation at the Dipping Vat field. A shrink rate of up to 70 percent will still deliver 0.20 cfs of water right 34-10282 for mitigation of the pivot corners, a rate that is adequate for sprinkler irrigation of 14 acres (0.015 cfs/acre).
- Irrigation from the proposed Dipping Vat well under application 34-13763"A" is controlled by a single priority date, April 1, 1902.

- Irrigation of the pivot corners from the well proposed under application 34-13763"B" is controlled by a single priority date, May 1, 1905.

The following additional actions would be necessary to complete the mitigation plan.

1. An application for transfer of water right would be submitted to change the nature of use of the proposed mitigation water rights (i.e., from irrigation to mitigation).
2. Application 34-13763"A" would be amended (without readvertisement) to show a single point of diversion in the NWSW Section 25.
3. Application 34-13763"B" would be amended (and readvertised) to show a single point of diversion in the SENE Section 26.

Please contact me with comments and questions. If Department staff will agree to the proposed mitigation plan, I will prepare the application amendments and the application for transfer listed above.

Cc: Mike Creamer
Blake Quinn
Charles Wilkins
Tim Luke
Jennifer Berkey

Keen, Shelley

From: TMSCANLAN@aol.com
Sent: Monday, July 21, 2003 7:44 PM
To: skeen@idwr.state.id.us
Cc: tluke@idwr.state.id.us; jberkey@idwr.state.id.us
Subject: 6X Ranch (34-13763)

Attached is a memo with a revised mitigation plan for 6X Ranch application for permit 34-13763. I am mailing hard copies to you, Tim, and Jennifer.

I sent a spreadsheet revision of the mitigation plan for Wildhorse Partners (Application 34-13789 and Permit 34-7595) to you by email on July 8.

Maybe we should try and schedule another meeting to discuss these plans? I suspect that you, Tim, and Jennifer are swamped with work right now, so perhaps a meeting in a couple of weeks might work. I am available from now until August 12, and again after August 19.

9/25/2003

To: Shelley Keen

From: Tim Luke and Jennifer Berkey

Re: Response to memo from Terry Scanlan dated June 17, 2003

Date: July 8, 2003

1. The proposal for the Dipping Vat field outlined in item numbers 1, 2, and 3 under Permit Application 34-13763 are acceptable to us, assuming that the permit requires lockable control works and acceptable measuring devices be installed on both the new well and any existing well(s) that are included in the combined limit for water right 34-483B. This will include the point(s) of diversion for water right 34-2320.
2. The other mitigation proposals for applications 34-13763 and 34-13789 include mitigation by water rights diverted from the Big Lost River and conveyed to Warm Springs Creek via the Neilsen ditch. We believe the Department should reject these mitigation plans for the following reasons.
 - a. The applicant has assumed a 50% conveyance loss for Big Lost River rights conveyed through the Neilsen ditch. No data has been submitted by the applicant to support this assumption. Adequate data to estimate an average conveyance loss would require several years of flow measurements collected at the Neilsen heading, the injection point, and all of the rediversions from the Neilsen ditch (there are 20 water users with a total of 58 water rights diverted at the Neilsen heading).
 - b. There are nine water users with a total of 26 water rights that are diverted at the Neilsen heading and rediverted from Warm Springs Creek. The amount of water deliverable to the rediversions is based on the Watermaster's measurements at the injection point. Between May 13, 2003 and July 3, 2003, water was diverted at the Neilsen heading every day (52 days). Water was delivered to the injection point on only 28 days during this period. Allowing the applicants to mitigate a well based on an average conveyance loss would allow them to receive water on a daily basis, while other water users with similar rights are unable to receive water.
 - c. To my knowledge, the water users on the Neilsen ditch have not chosen to form a lateral water users association to regulate rediversions along the ditch and probably do not have measuring devices on their rediversions. Because there is not an active lateral manager regulating this ditch, there is not sufficient data to estimate an average conveyance loss, and there is no assurance that water users on the ditch would not divert water intended for mitigation.
3. In the case of Idaho Cowboy/Wild Horse Partners, the applicant has not complied with the conditions of permit 34-7595. This water user has diverted groundwater without the required flow meter and has diverted water from Warm Springs Creek at a POD where all of the water rights were committed to mitigation. This water user has reportedly pumped water from the creek late at night to avoid being seen by the Watermaster. The Watermaster and our section have spent considerable time and effort in attempting to bring this water user into compliance with permit 34-7595 and the associated mitigation plan. We do not believe the Department should consider similar mitigation proposals from this water user until full compliance with the existing permit/mitigation plan has been achieved.

Keen, Shelley

To: TMSCANLAN@aol.com
Cc: Berkey, Jennifer; Luke, Tim
Subject: RE: Mitigation Plan

Terry,

I just reviewed your revised mitigation plans for 6X Ranch and Wild Horse Partners. I have not coordinated this response with Tim or Jennifer, so you should expect to hear from them as well.

The plan appeared to be a big improvement, but there were a couple of items I will comment on. First, in your attempt to simplify the plan by mitigating the irrigation of each POU unit with a single right, you may be unstacking water rights. To prevent the enlargement of the acres authorized to be irrigated from surface water, you may have to transfer parts of several stacked rights to mitigation. For example, when transferring a portion of 34-483B, you may need to transfer part of 34-125B along with it. The following paragraph is from page 22 of the Transfer Processing Policies and Procedures recently adopted by IDWR.

(3) Stacked Water Rights. Water rights are "stacked" when two or more water rights, generally of different priorities and often from different sources, are used for the same use and overlie the same place of use. Water rights for irrigating a permissible place of use are not stacked when the water rights in total provide for irrigating up to the maximum acreage authorized within a permissible place of use. An application for transfer proposing to "unstack" one or more water rights used for irrigation or other use, without changing all the rights for the same use, is presumed to enlarge the water right. However, the place of use for a supplemental irrigation right may be changed for continued use as a supplemental irrigation right at a different place of use without, by definition, enlarging the original right or the supplemental right proposed for transfer, so long as the primary rights at the original and proposed places of use provide comparable water supplies. In other words, use of the supplemental right at the proposed place of use can not materially exceed use of the supplemental right at the current place of use.

I don't think including portions of additional rights on the mitigation transfer necessarily means that you can't meet your goal of simplification. I see no reason why the "on/off" switch could not still reside with the priority date of a single right from among the mitigation rights named in your draft plan.

Second, it's not clear to me whether you intend one point of diversion or two for the pivot corners on the 6X Ranch application. I think Jennifer pointed out that ideally the watermaster would have to control the water at only one location per POU unit.

Third, if the mitigation requirements for 34-7595 are to change, an application to amend the permit should accompany your transfer application.

Thanks for the opportunity to comment. Please call or email if you want to go over things in more detail.

Shelley Keen
Water Right Permits Section
Idaho Dept. of Water Resources
208-327-7946
skeen@idwr.state.id.us

7/1/2003

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

From: TMSANLAN@aol.com [mailto:TMSANLAN@aol.com]

Sent: Tuesday, June 17, 2003 9:25 AM

To: skeen@idwr.state.id.us

Cc: tluke@idwr.state.id.us; jberkey@idwr.state.id.us

Subject: Mitigation Plan

Attached is a memo describing revised mitigation proposals for applications 34-13763 and 34-13789 and permit 34-7595. I think this is an improvement. I look forward to your comments.

7/1/2003

MEMO

To: Shelley Keen

From: Terry Scanlan

Date: June 17, 2003

Subject: Meeting Regarding Applications for Permit by Wild Horse Partners (Stoecklein) and 6X Ranch (Quinn)

This memo is presented as a follow-up to our meeting on June 16 with Tim Luke and Jennifer Berkey. The purpose of the meeting was to discuss the pending applications for groundwater permits by 6X Ranch (34-13763) and Wild Horse Partners (34-13789). IDWR staff expressed concerns regarding adequacy of mitigation, watermaster control of diversions, and tracking of mitigation rights. Tim and Jennifer seem to have particular concerns related to the unknown amount of shrink associated with the Big Lost River water rights that are delivered through the Nielsen Ditch.

I presented an alternative mitigation plan for the Wild Horse Partners application that combined mitigation for the existing well (at the pivot and wheel line field, 34-7595) and for the proposed well (at the ranch house, 34-13789) into a single mitigation plan. The alternative plan was generally well received, except for concerns related to the deliverability of the Big Lost rights.

With respect to the Big Lost rights, I argued that a 50 percent shrink in the Nielsen Ditch is appropriate for purposes of a mitigation plan. Jennifer said her data from May of 2003 showed a higher shrink. We did not settle this issue. Additional monitoring this summer might better define the shrink.

The following guidelines for mitigation were discussed at the meeting.

1. The applicants should apply for transfers to change the nature of use from irrigation to mitigation for those rights (or portions of rights) proposed for mitigation. This will allow the Department to track and account for water rights used as mitigation.
2. The applicants should identify the specific acres to which each mitigation right is appurtenant. The rights should be distributed in logical blocks, so that the Watermaster can know that if a certain priority date is "on", then irrigation in a certain area (i.e., a pivot or field) can occur. Identification of acres being mitigated also will allow rights to be split in the future if lands are sold.
3. The applicants will need to provide lockable valves in strategic locations to allow the Watermaster to control delivery to lands based on the priority date of available mitigation water rights. Alternatively, if a single right mitigates diversion from a particular well, then a lock on the pump panel might suffice.

4. Nielsen Ditch rights proposed for mitigation must be left in the Nielsen Ditch and delivered into Warm Springs Creek.
5. To the extent possible, match groups of similar priority dates to specific wells. This will allow the Watermaster to determine if a well should be "on" or "off" depending on priority date. Multiple priority dates mitigating a single well is discouraged because it requires the Watermaster to throttle delivery, which is impractical.
6. To the extent possible, use Warm Springs Creek rights for mitigation rather than Big Lost River rights. Warm Springs Creek rights do not have as many shrink issues as the Big Lost River rights.

Based on the results of the meeting, I propose the following alternative mitigation plans.

6X Ranch -- Application for Permit No. 34-13763

1. Split the application into two separate applications, each with a separate mitigation plan. One application (75 acres) would be for the Dipping Vat field. The second application (14 acres) would be for the two pivot corners in the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 26 (across the road from the Dipping Vat, north of the Harris Ranch).
2. The proposed Dipping Vat well would provide irrigation to only the Dipping Vat field.
3. The Dipping Vat groundwater right would be mitigated by a 75-acre (1.50 cfs) portion of water right 34-483B (1902-priority Warm Springs Creek water right). The Dipping Vat well would operate only when 1902-priority Warm Springs Creek water rights are deliverable.
4. The water right for 14 acres of pivot corners would be mitigated with water right 34-10282 (1905-priority Big Lost River right for 34 acres and 0.68 cfs). This amount of mitigation will provide for a 59 percent shrink in the Nielsen Ditch. The mitigation requirement can be adjusted as additional information regarding shrink is developed. Alternatively, the diversion rate allowed under the permit can be adjusted based on shrink data. For instance, if the shrink is determined to be 75 percent, the groundwater diversion rate will be limited to 0.17 cfs (0.012 cfs/acre). Alternatively, if the shrink is determined to be 59 percent or less, the diversion rate can be limited to 0.02 cfs per acre.
5. Irrigation of the pivot corners could occur from (1) the existing well and pump that supply the pivot or (2) a separate well and pump would be installed for the two pivot corners. Irrigation would occur only when the 1905-priority rights are deliverable. Use of the Dipping Vat well for irrigation of the pivot corners should also be considered.

Application for Permit No. 34-13789 (Wild Horse Partners) and Permit No. 34-7595 (Idaho Cowboy)

1. Mitigate for the existing 124-acre pivot under permit 34-7595 using water rights 34-699B and 34-699C (1885-priority Big Lost River for 15.5 acres and 0.31 cfs) and 34-703B and 34-703C (1890-priority Warm Springs Creek for 108.5 acres and 2.17 cfs). Allowing for 50 percent Nielsen Ditch shrink (34-699B and 34-699C) and 21 percent Hatchery Ditch shrink (34-703B), these rights will provide 2.03 cfs for irrigation of 124 acres when 1890 rights are in priority. The pivot will operate only when 1890 rights are in priority. Note that if the actual Nielsen ditch shrink is determined to be 75 percent, then the delivery rate would be limited to 1.95 cfs.
2. Mitigate for the 32-acre wheel line field under permit 34-7595 using water right 34-704B (1905-priority Warm Springs Creek right for 0.940 cfs and 100.2 acres) and a 2-acre portion of 34-583B (1899-priority Big Lost River for 40 acres and 0.80 cfs). Allowing for 50 percent Nielsen Ditch shrink and 21 percent Hatchery Ditch shrink, these rights will provide 0.76 cfs when the 1905 rights are in priority. The wheel lines will operate only when 1905 rights are in priority. Note that if the actual Nielsen ditch shrink is determined to be 75 percent, then the delivery rate would be limited to 0.75 cfs. Note also that the permit could be split into two separate permits if necessary to simplify allocation.
3. Mitigate for the 25.7 acres of irrigation proposed by Application for Permit 34-13789 using all of water right 34-704C (1905-priority Warm Springs Creek for 25.7 acres and 0.51 cfs). The well proposed by Application 34-13789 will operate only when 1890 rights are in priority.
4. All remaining Big Lost River water rights totaling 6.07 cfs will be used for flood irrigation purposes on 87.5 acres. The acres would be identified through the water right transfer. Assuming a headgate requirement of 0.02 cfs per acre, the 6.07 cfs rate will allow for a Nielsen ditch shrink of up to 71 percent.

These revisions provide the following improvements over previous plans.

1. The shrink in the Nielsen Ditch does not significantly impact mitigation. Shrink rates of up to 75 percent can be accommodated.
2. The existing permit 34-7595 is controlled by two priority dates: 1890 and 1905. At 1890, the pivot operates. At 1905, the pivot and wheel line will both operate.
3. Irrigation at the Dipping Vat under application 34-13763"A" is controlled by a single priority date, 1902.
4. Irrigation of the pivot corners under application 34-13763"B" is controlled by a single priority date, 1905.

5. Irrigation around the Wild Horse Partners ranch house under application 34-13789 is controlled by a single priority date, 1905.

Please contact me to these mitigation proposals.

Cc; Jennifer Berkey
Tim Luke
Dave Stoecklein
Blake Quinn
Charles Wilkins
Mike Creamer
Jim Speck

Water Rights for Harris Place, Dipping Vat, and NE 1/4 Section 26

Water Right Number	Priority Date	Source	Rate of Diversion (cfs)	Irrigated Area (acres)	Permissible Place of Use (acres)
<u>Harris Place and Dipping Vat</u>					
34-00123B	May 1, 1905	Warm Springs Creek	1.360	68.1	294.5
34-00124B	June 1, 1908	Warm Springs Creek	0.190	9.7	294.5
34-00125B	June 1, 1914	Big Lost	1.550	294.5	294.5
34-00483B	April 1, 1902	Warm Springs Creek	3.120	155.9	294.5
34-02320	February 7, 1955	groundwater	3.910	219.5	219.5
Total			6.460	294.5	
<u>NE 1/4 Section 26</u>					
34-10282	May 1, 1905	Big Lost River	0.680	34.00	80.00
34-00805	November 20, 1913	Big Lost River	1.300	80.00	80.00
Subtotal			1.980	80.00	80.00
34-07155	July 29, 1976	groundwater	1.640	132.00	
Total			3.400	146.00	

Idaho Cowboy and Wildhorse Partners Irrigation Water Rights

Water Right Number	Priority Date	Source	Rate of Diversion (cfs)	Irrigated Area (acres)	Deliverable Rate after Shrink (cfs)	Remarks
"B" Rights (Pivot Field)						
34-00703B	June 1, 1890	Warm Spring Creek	1.400	70.0	1.106	21% Hatchery Ditch shrink
34-00704B	May 1, 1905	Warm Spring Creek	0.940	100.2	0.7426	21% Hatchery Ditch shrink
Subtotal			2.340	100.2	1.8486	
34-00699B	June 1, 1885	Big Lost River	0.160	8.0	0.08	50% Nielsen Ditch shrink
34-00583B	June 1, 1899	Big Lost River	0.800	40.0	0.4	50% Nielsen Ditch shrink
34-00584D	June 1, 1916	Big Lost River	0.580	109.2	0.29	50% Nielsen Ditch shrink
34-00573B	May 13, 1912	Big Lost River	2.400	109.2	1.2	50% Nielsen Ditch shrink
34-00702B	May 1, 1910	Big Lost River	0.426	21.3	0.213	50% Nielsen Ditch shrink
Subtotal			4.370	109.2	2.185	
"B" Total			4.370	116.2	4.0336	
"C" Rights (Stacey Ranch?)						
34-00703C	June 1, 1890	Warm Spring Creek	0.77	38.5	0.77	
34-00704C	May 1, 1905	Warm Spring Creek	0.51	25.7	0.51	
Subtotal			1.28	64.2	1.28	
34-00699C	June 1, 1885	Big Lost River	0.15	7.5	0.075	50% Nielsen Ditch shrink
34-00700C	May 1, 1905	Big Lost River	0.36	18.2	0.18	50% Nielsen Ditch shrink
34-00701C	July 1, 1916	Big Lost River	1.13	56.7	0.565	50% Nielsen Ditch shrink
34-00702C	May 1, 1910	Big Lost River	0.41	20.8	0.205	50% Nielsen Ditch shrink
Subtotal			2.05	103.2	1.025	
"C" Total			3.33	153.0	2.305	

MEMORANDUM

To: Shelley Keen
Reviewed by: Garth Newton 
From: Shane Bendixsen
Subject: **Ground Water / Surface Water Connection Review for Permit No. 34-13763 in the Big Lost River Basin.**
Date: May 8, 2003

It is my understanding the applicant has applied for a permit to divert ground water in Sec 25, T8N, R22E, B.M. (see Attachment #1). The mitigation plan is to cease diverting surface water in any year that ground water is diverted. The following is a brief hydrologic review.

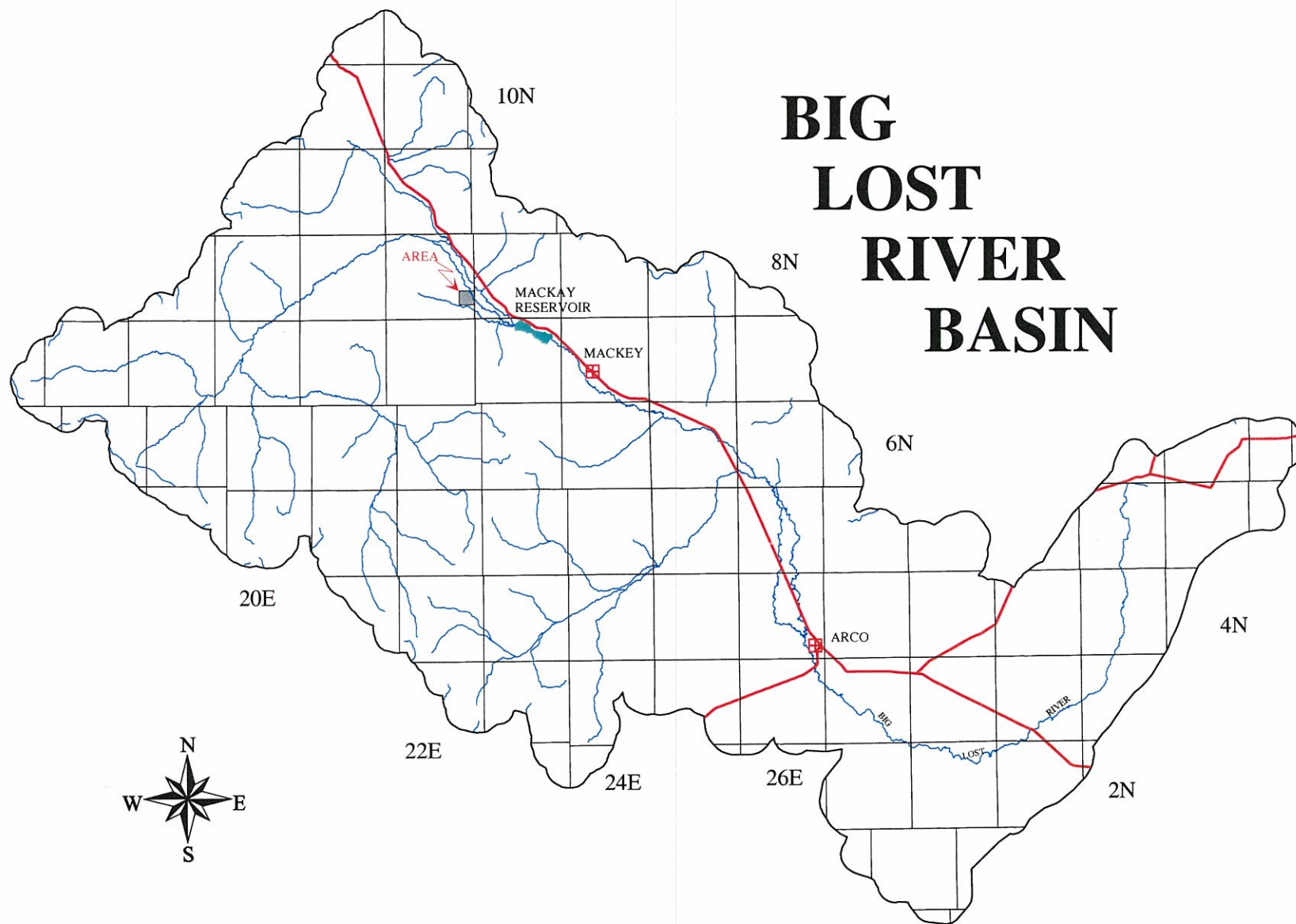
The only detailed published work in the Big Lost is Crosthwaite, et al, (1970). He described water in the basin as, "The ground and surface water of the Big Lost River basin are so closely interrelated that they should be considered as a single resource". He also presented a profile (see Attachment #2) showing the position of the water table with respect to the Big Lost River. At approximately the proposed point of diversion, the water table is at land surface or for all practical purposes the Big Lost River. The profile also shows that ground and surface water are tributary to Mackay Reservoir.

A review of data collected by the USGS in section 25 suggests the depth to water ranges from four to sixteen feet depending on the season. This correlates well with the profile.

In closing, ground and surface water at the proposed point of diversion are interrelated and tributary to Mackay Reservoir.

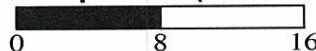
REFERENCES

Crosthwaite, E.G., Thomas, C.A., and Dyer, K.L., 1970, Water Resources of the Big Lost River Basin, South Central, Idaho, USGS Water Resources Division. Prepared in Cooperation with the Idaho Department of Reclamation, Boise Idaho.



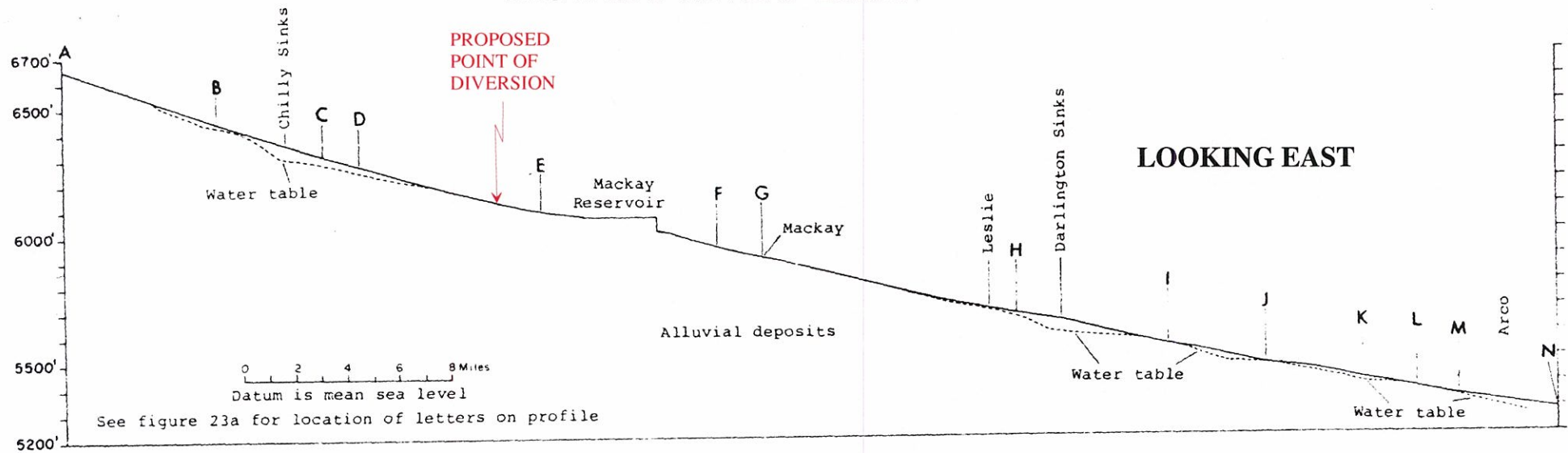
BIG LOST RIVER BASIN

Map Scale (in miles)



PREPARED BY THE IDAHO DEPARTMENT OF WATE RESOURCES MAY 2003 SB

BIG LOST RIVER BASIN



GROUND WATER PROFILE

ADAPTED FROM CROSTHWAITE, et al, 1970

MEMORANDUM

DATE: April 21, 2003

TO: Garth Newton

FROM: Shelley W. Keen 

RE: Hydrology Review of Application for Permit No. 34-13763

Could you or someone in your section please review statement no. 2 on the attached mitigation plan to verify that ground water and surface water are, in fact, interconnected and tributary to Mackay Reservoir in the vicinity of Sec. 25, T8N, R22E? Please let me know if you need more information about the proposed use.

Thank you for your help.

**Mitigation Plan for Water Right Application by 6X Ranch LLC
(Revised 12/26/02)**

RECEIVED
DEC 30 2002
Department of Water Resources
Eastern Region

As a part of the attached application for permit to appropriate groundwater for irrigation purposes, 6X Ranch LLC proposes the following mitigation plan to prevent injury to other water rights.

1. The application for permit proposes appropriation of 1.78 cfs of groundwater for irrigation of 89 acres located in Sections 25 and 26, T8N, R22E. The acres include approximately 75 acres irrigated with hand line and wheel line sprinklers in SWNW and NWSW of Section 26, and two 7-acre pivot corners irrigated with hand line sprinklers in the S½ NE ¼ of Section 25.
2. Groundwater and surface water in the Big Lost River Basin are interconnected and tributary to Mackay Reservoir in the vicinity of the place of use and point of diversion.
3. To mitigate for the consumptive use associated with the irrigation proposed by the application for permit, the applicant shall not divert and irrigate under the following water rights in any year that groundwater is diverted for the same use.

- a. A 75-acre portion of the following water right that authorizes irrigation of a total of 155.9 acres within Sections 25 and 26.

Water Right	Priority	Source	cfs	acres
34-483B	April 1, 1902	Warm Spring Creek	3.12	155.9

The diversion rate authorized for the above right will be reduced by 48.1 percent (75 ac/155.9 ac) to 1.62 cfs in any year that groundwater is diverted for use on the 75 acres in Section 25.

- b. A 14-acre portion of the following water right that authorizes irrigation of a total of 34 acres within Sections 26.

Water Right	Priority	Source	cfs	acres
34-10282	May 1, 1905	Big Lost River	0.68	34.0

The diversion rate authorized for the above right will be reduced by 41.2 percent (14 ac/34 ac) to 0.40 cfs in any year that groundwater is diverted for use on the 14 acres in Section 26.

4. The water normally delivered under the above surface water rights will be allowed to flow down Warm Springs Creek past the existing points of diversion (or rediversion in the case of the Big Lost River water right), to Mackay Reservoir.
5. Water rights from the Warm Spring Creek source shall be subject to terms of the Stipulation, Settlement, and Joint Motion for Order in the Matter of Application for Permit No. 34-7591, and Applications for Transfer Nos. 5001, 5004, 5400, and 5456.
6. Water will not be diverted from the groundwater source proposed by the application for permit at such times when an equivalent amount of the surface water rights provided for mitigation are not deliverable.
7. As a result of this mitigation plan, flows in Warm Springs Creek downstream from the place of use will increase and provide a benefit to the fishery.
8. The applicant reserves the right to divert under either the proposed groundwater rights or the surface water rights proposed for mitigation in any particular year. Therefore, the applicant is entitled to cease use of the groundwater right and resume use of the surface

water right upon request. Any such request shall be made in writing to the District 34 Watermaster prior to the beginning of the irrigation season. The applicant shall not be entitled to divert from both sources in any particular year.

9. The applicant shall continue to pay all water district assessments associated with the surface water rights proposed for mitigation.
10. The surface water rights used for mitigation shall not be considered abandoned or forfeited provided that (1) the water district assessments are paid and (2) either the surface water rights or the proposed groundwater right do not experience five consecutive years of nonuse. The use of the surface water rights for mitigation pursuant to this plan shall be deemed beneficial use of such rights for irrigation purposes with respect to the application of the doctrines of statutory forfeiture and common law abandonment.

Memorandum

To: Shelley Keen *To Files*

From: Tim Luke *TL*

Date: May 23, 2003

Re: Application for Permit No.s 34-13763 and 34-13789

I asked Jennifer Berkey to review the above referenced applications and provide comments and recommendations. I've reviewed the separate memos that she prepared for each application file, dated May 15 and 16, 2003. I concur with the concerns and recommendations provided by Jennifer.

There appears to be a number of problems with application 34-13789 and the associated mitigation plan provided by Wildhorse Partners. The main problem is that there is not a sufficient amount of water available under the rights offered for mitigation. This application should not be approved as submitted until the applicants address the stated problems. Additionally, the applicant has not complied with conditions of approval of a similar permit that was approved last year (see 34-7595). I feel that processing of this permit should be suspended until the applicant has complied with the conditions of permit 34-7595

I strongly agree with Jennifer's comments that both applications pose a significant burden on the watermaster and water district. Specifically, controlling the rights and regulating the wells will be very difficult and time consuming. I am skeptical that the individual rights of different priority can be regulated at the well. As noted by Skip Jones, I am concerned that use from the wells will result in improving the surface water rights. Providing mitigation on only a portion of a group of rights and having to determine shrink on the Big Lost River rights diverted to the Nielsen Ditch and re-diverted from Warm Springs adds additional layers of complexity to administration of the rights. I particularly agree with recommendations 1 through 4 of Jennifer's memo dated May 15, 2003. I doubt that we could require cessation of pumping from the well when any one of the surface water priority rights is cut as suggested in recommendation no. 4. However, if we have to approve a mitigation plan we should accept a plan that can realistically be managed or administered by both the Department and the local watermaster.

I suggest you consider a brief meeting to further discuss these issues. You may need to consider contacting the applicant's consultant and discuss the concerns listed by Jennifer. We'd be happy to visit with him and explore a more simplistic and realistic mitigation plan for each application.

**MEMORANDUM TO FILE
APPLICATION FOR PERMIT 34-13763**

DATE: May 16, 2003

TO: File 34-13763

FROM: Jennifer Berkey

This application for permit proposes using portions of existing surface water rights to mitigate for new groundwater use. The permit proposes using two existing groundwater wells and one new well as points of diversion. I noted that the applicant's consultant submitted a revised mitigation plan dated 12/26/02. The following comments are based on that mitigation plan, not the original attached to the permit.

The mitigation plan proposes using 1.50 cfs and 75 acres of Water Right No. 34-483B and 0.28 cfs and 14 acres of Water Right No. 34-10282 to mitigate the new groundwater use. While this mitigation plan is an improvement over the original plan, it will still be difficult for the Watermaster to monitor the water use. Water Right No. 34-483B has combined limits with three other surface water rights and one existing groundwater right. Water Right No. 34-10282 has combined limits with one different surface water right and another existing groundwater right. There are also several different points of diversion involved in these two groups of rights. The permit application also states that a third well would be added.

If this permit is approved, it would probably have to include combined limits that would encompass a total of nine water rights. In order for the Watermaster to determine the proper distribution of water, he would have to consider six surface water rights and three groundwater rights. This would involve three or more surface water diversions and three groundwater wells. The Watermaster would also have to check three different sets of combined limits.

Further, right 34-10282 is diverted from the Big Lost River and conveyed to Warm Springs Creek via the Nielsen ditch. The amount available for the applicant to red divert at Warm Springs Creek is reduced by the conveyance losses that occur in the Nielsen ditch. The amount of the conveyance loss determined by the Watermaster on a weekly basis would also need to be considered in determining the amount of water available to be diverted under this permit.

The two existing groundwater wells do not have measuring devices or lockable control works. If this permit is approved, the applicant must be required to install and maintain measuring devices, totalizers, and lockable control works on the two existing wells and the new well.

Because of the proposed mitigation plan, associated combined limits, number of wells involved, and the assessment of conveyance losses to right 34-10282, I believe approval of this permit would create a significant burden on Water District 34. The terms of a

similar existing permit (34-7595) already require the Watermaster to make a similar assessment where 13 water rights are used for mitigation. If the Department continues to approve permits with these types of conditions, I question whether the Water District will have the resources to ensure these conditions are met.

The complications associated with this permit could be reduced if the applicant were willing to make the following changes:

1. Offer the full 1.78 cfs and 89 acres of mitigation from Water Right No. 34-483B.
2. Eliminate the well used by right 34-7155 as a point of diversion.

These changes would eliminate the need for different flow rates for different priority cut dates (the new permit would either be "on" or "off"), eliminate the conveyance loss issue associated with 34-10282, and eliminate rights 34-7155, 34-10282, and 34-805 from combined limits associated with this permit (note that if #2 is not applied, then the Watermaster will still have to consider these because of the shared POD).

Even if these two changes were made, the Watermaster would still have^{to} consider combined limits associated with four surface water rights and one other groundwater right.

MEMORANDUM TO FILE
APPLICATIONS FOR PERMIT 34-13763 AND 34-13789

DATE: May 15, 2003

TO: Files 34-13763 and 34-13789

FROM: Jennifer Berkey

These applications for permit propose using portions of existing surface water rights to mitigate for new groundwater use. While I agree with Ron Carlson's memorandum in theory, I think we also need to consider the Watermaster's ability to regulate the use of these rights. The Department has already approved Permit 34-7595 with a similar mitigation plan. The Watermaster will be attempting to regulate that plan for the first time this irrigation season, and we expect it to be a considerable burden for several reasons:

- 1) There are 13 surface water rights involved.
- 2) Several of the water rights are rediversions of exchange/ rights, and must be assessed conveyance losses.
- 3) The Watermaster does not have control over the well's diversion rate.

I believe we should develop some guidelines for such mitigation plans, in order to make them more practical for the Water Districts to implement. Some suggestions:

- 1) Limit the number of surface water rights involved in the mitigation, ideally to one right.
- 2) Require the applicant to specify the diversion rate and the number of acres committed to mitigation for each water right involved, not just a combined rate and acreage.
- 3) Require the applicant to commit all of a given water right to mitigation, rather than percentages of several.
- 4) Require that groundwater pumping cease completely when any of the mitigation surface water rights are "off" due to priority cut date. (This would eliminate the practice of proposing to mitigate with portions of later priority rights in an attempt to improve the water right as described in the December 17, 2002 letter from Harold Jones to Terry Scanlan. This would also likely reduce the number of water rights proposed for mitigation.)
- 5) Require the applicant to install lockable control works that will be controlled by the Watermaster.
- 6) Require the applicant to install an acceptable measuring device and totalizer.
- 7) Modify the existing water rights to show the portion that is committed to mitigation. Ideally this would be made obvious by changing the use from "IRRIGATION" to "MITIGATION". (This, in conjunction with #7 and #8 would eliminate commitment of the same water to mitigate two

different groundwater diversions as has occurred with Permit 34-7595 and Application 34-13789).

- 8) Require the applicant to submit copies of all mitigation water rights and associated agreements with the mitigation plan.
- 9) Do not allow any water right to be included in more than one mitigation plan. If the applicant wants to split the right to that extent, they should have to through the transfer process.
- 10) If an exchange right is offered for mitigation at its point of rediversion, the amount of water on the groundwater permit should be reduced by the average conveyance losses applicable to the surface water right. Require the applicant to submit data regarding the conveyance losses with their application.
- 11) Do not allow the applicant to use rights for mitigation that will require the application of multiple combined limits for water distribution.

**MEMORANDUM TO FILE
APPLICATIONS FOR PERMIT 34-13763 & 34-13798**

RECEIVED

APR - 8 2003

DATE: March 31, 2003

Department of Water Resources

TO: FILES 34-13763 & 34-13798

FROM: Ronald D. Carlson

The conjunctive management of surface and ground water sources requires buying in to "single source" logic. If we accept this logic then these applications must be approved. It is hard to support an argument that someone is injured by the conversion of a surface water right to a ground water right, particularly if the water is regulated by the watermaster as though it were a surface water diversion. While the impacts associated with the change in source could be somewhat different from those arising from the current surface water use, impacts do not equal injury.

The mitigation proposal for 6X Ranch LLC and Wild Horse Partners LLC is simply to treat the aquifer as though it were the river. They could have made the same proposal through the transfer process except apparently they wanted to preserve the right to use surface water and not pump the wells, and no one in their right mind would want to go through the transfer process if it could be avoided.

The diversion of groundwater instead of surface water will be beneficial since the net depletion will not be increased and will likely be reduced by the change. Since 97% of the water supply at any given time is ground water, the reductions in the total amount of water available surface water supplies will not be reduced by this change. It is more likely that surface supplies will be increased. I would argue that an application to pump ground water instead of surface water, with delivery based upon the surface water priorities (this assumes a watermaster is regulating the use of groundwater on the basis of the surface water availability) will have no negative impacts other than those that result from surface water rights now being delivered for a longer period of time than they were before the change. Again I reiterate impact and injury are not synonyms. .

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

December 26, 2002

RECEIVED
DEC 30 2002
Department of Water Resources
Eastern Region

Mr. Harold Jones
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Subject: Application for Permit 34-13763 – 6X Ranch LLC

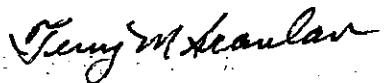
Dear Harold:

As a follow-up to your letter dated December 17, 2002, I discussed priority dates of the water rights proposed for mitigation of application for permit 34-13763 with the District 34 Watermaster, Doug Rosenkrance. Doug indicated that the group of water rights proposed for mitigation of application 34-13763 are often not deliverable when the rights are the Big Lost River above and below Mackay Reservoir is considered "connected". When the river is connected, most of these rights are flood water rights that are deliverable only during high water periods. However, all of the rights are deliverable again when the river flow falls to the point where the two river reaches are no longer considered "connected". The length of time when these water rights are not deliverable varies each year, but might be a period of two to four weeks in a typical year. The most junior of these rights (1913 and 1914) may also be "off" later in the season, but the most senior of these rights (1902 and 1905) will generally remain deliverable.

Applicant 6X Ranch LLC is aware that the proposed groundwater permit could only be used when the mitigation rights are deliverable. Item No. 6 of the mitigation plan states that "Water will not be diverted from the groundwater source proposed by the application for permit at such times when an equivalent amount of surface water rights provided for mitigation are not deliverable." Therefore, we anticipate that the Watermaster will notify the applicant when the surface water rights are "off" (and consequently when the groundwater permit will be "off"). This should not result in any additional notification requirements by the Watermaster. There is no intent to improve the water right through this filing. Instead, the applicant hopes to improve flows in Warm Springs Creek for fishery purposes.

The priority dates for the rights proposed for mitigation range from 1902 to 1914. Applicant 6X Ranch is willing to modify the mitigation plan to utilize the most senior rights (1902 and 1905) for mitigation. A revised mitigation plan is attached for this purpose. We trust that this revised mitigation plan will be adequate to satisfy any Department concerns. Please contact me with any comments or questions.

Sincerely,



Terry M. Scanlan, P.E.

Cc: Blake Quinn
Charles Wilkins
Doug Rosenkrance
Mike Creamer

**Mitigation Plan for Water Right Application by 6X Ranch LLC
(Revised 12/26/02)**

RECEIVED
DEC 30 2002
Department of Water Resources
Eastern Region

As a part of the attached application for permit to appropriate groundwater for irrigation purposes, 6X Ranch LLC proposes the following mitigation plan to prevent injury to other water rights.

1. The application for permit proposes appropriation of 1.78 cfs of groundwater for irrigation of 89 acres located in Sections 25 and 26, T8N, R22E. The acres include approximately 75 acres irrigated with hand line and wheel line sprinklers in SWNW and NWSW of Section 26, and two 7-acre pivot corners irrigated with hand line sprinklers in the S½ NE ¼ of Section 25.
2. Groundwater and surface water in the Big Lost River Basin are interconnected and tributary to Mackay Reservoir in the vicinity of the place of use and point of diversion.
3. To mitigate for the consumptive use associated with the irrigation proposed by the application for permit, the applicant shall not divert and irrigate under the following water rights in any year that groundwater is diverted for the same use.

- a. A 75-acre portion of the following water right that authorizes irrigation of a total of 155.9 acres within Sections 25 and 26.

Water Right	Priority	Source	cfs	acres
34-483B	April 1, 1902	Warm Spring Creek	3.12	155.9

The diversion rate authorized for the above right will be reduced by 48.1 percent (75 ac/155.9 ac) to 1.62 cfs in any year that groundwater is diverted for use on the 75 acres in Section 25.

- b. A 14-acre portion of the following water right that authorizes irrigation of a total of 34 acres within Sections 26.

Water Right	Priority	Source	cfs	acres
34-10282	May 1, 1905	Big Lost River	0.68	34.0

The diversion rate authorized for the above right will be reduced by 41.2 percent (14 ac/34 ac) to 0.40 cfs in any year that groundwater is diverted for use on the 14 acres in Section 26.

4. The water normally delivered under the above surface water rights will be allowed to flow down Warm Springs Creek past the existing points of diversion (or rediversion in the case of the Big Lost River water right), to Mackay Reservoir.
5. Water rights from the Warm Spring Creek source shall be subject to terms of the Stipulation, Settlement, and Joint Motion for Order in the Matter of Application for Permit No. 34-7591, and Applications for Transfer Nos. 5001, 5004, 5400, and 5456.
6. Water will not be diverted from the groundwater source proposed by the application for permit at such times when an equivalent amount of the surface water rights provided for mitigation are not deliverable.
7. As a result of this mitigation plan, flows in Warm Springs Creek downstream from the place of use will increase and provide a benefit to the fishery.
8. The applicant reserves the right to divert under either the proposed groundwater rights or the surface water rights proposed for mitigation in any particular year. Therefore, the applicant is entitled to cease use of the groundwater right and resume use of the surface

water right upon request. Any such request shall be made in writing to the District 34 Watermaster prior to the beginning of the irrigation season. The applicant shall not be entitled to divert from both sources in any particular year.

9. The applicant shall continue to pay all water district assessments associated with the surface water rights proposed for mitigation.
10. The surface water rights used for mitigation shall not be considered abandoned or forfeited provided that (1) the water district assessments are paid and (2) either the surface water rights or the proposed groundwater right do not experience five consecutive years of nonuse. The use of the surface water rights for mitigation pursuant to this plan shall be deemed beneficial use of such rights for irrigation purposes with respect to the application of the doctrines of statutory forfeiture and common law abandonment.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
December 17, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Terry Scanlan
600 E River Park Lane Suite 105
Boise, Idaho 83706

Terry,

Enclosed is a copy of the application #34-13763 that you submitted on behalf of 6X Ranch LLC.

Our initial review seems to indicate that the surface water rights proposed for mitigation have priorities that are only available for short periods of time.

It appears that approval of ground water use could lead to an improvement of the water right if constant attention is not paid to this situation by the Water Master of Water District 34.

In that light do you wish to maintain this mitigation offering or do you have any earlier priority rights you would substitute. Please send me a letter one way or another. Thanks!

Sincerely,

Harold W. Jones
Water Resource Supervisor

HWJ/clk

Dist for Staffing _____
Submitted for advertising 7-29-02

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT ANALYSIS PERMIT

6X Ranch
INITIAL REVIEW BY HJS DATE 7-29-02 APPLICATION NO. 34-13763

REQUIRED INFORMATION:

- ☒ Name (if applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (See USGS Quad for names of water sources)
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivision, local name, flow and/or volume)
☒ County
☒ Quantity (flow and/or volume)
☒ Period of Use
☒ Nature of proposed use (Include description of use.)
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ Place of use or acres irrigated
☒ Map
☒ Signature (If applicant is corp., partnership, or municipality, title of signatory is required)
☒ Fee
☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION:

- ☐ Overlapping place of use (Describe source & relationship to present application on the back)
☐ Overlapping point of diversion
☐ Yes ☐ No Critical groundwater area
☐ Yes ☐ No Groundwater management area
☐ Yes ☐ No Send dam safety information
☐ Yes ☐ No Send fish farm requirement letter
☐ Yes ☐ No Power residency affidavit
☒ Yes ☐ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet)
☐ Yes ☐ No Public Water System
☐ Yes ☐ No Planning section review
☐ Yes ☐ No Moratorium Hold file
☐ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested _____

PROCESSING:

- ☒ Yes ☐ No In form for advertising
☒ Yes ☐ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO:

- ☐ Id Dept of Environmental Quality
☐ Id Dept of Fish & Game
☐ Id Dept of Lands
☐ Adjudication Bureau Unit

- ☐ U.S. BLM
☐ U.S. Forest Service
☒ Water District
☐ Other _____

34 - Doug Rosenkrance ok
8/20/02

☒	Yes	☐	No	Affidavit of publication received
☒	Yes	☐	No	Application published correctly. If not, record action taken
☒	Yes	☐	No	Publication dates & paper, recorded on application
☐	Yes	☒	No	Protests received
				Final date for protest _____
☐	Yes	☒	No	Protests, dates, resolution of protest, recorded on application
☐	Yes	☐	No	Recommendations attached
☒	Yes	☐	No	Measuring device required
☐	Yes	☒	No	Access port required
☒	Yes	☐	No	Will water be delivered by watermaster? If yes, what District <u>34</u>
☐	Yes	☒	No	Special conditions of approval or cover letter below.

Date of priority recommend 7-29-2002
By: Hwj Date: 4-2-2003
STATE OFFICE REVIEW:

By: _____ Date: _____
 ADDITIONAL INFORMATION: _____

Comments received from:

_____ City	_____ Id Fish & Game	_____ Irrigation District
_____ County	_____ Id Health & Welfare	_____ Canal Company
_____ Reservations	_____ Div. Of Environment	_____ Other _____

Project impacts/implications report

COMMENTS

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, Ruth E. Burchill, representing the
Challis Messenger, a weekly newspaper, pub-
lished at Challis, Idaho, do solemnly swear that
the notice hereto attached and made a part here-
of, was published in the regular and entire issue
of the Challis Messenger for 2
consecutive weeks, commencing with the issue
dated Aug 15 2002 and ending with
the issue dated Aug 22 2002.

Ruth E Burchill

STATE OF IDAHO

COUNTY OF CUSTER

On this 26th day of Aug. in the
year of 2002, before me, a Notary Public,
personally appeared Ruth E. Burchill
known or identified to me to be the person
whose name subscribed to the within instru-
ment, and being by me first duly sworn, declared
that the statements therein are true, and ac-
knowledgeed to me that he executed the same.

Ethel M. Peck
Notary Public for Idaho
Residing at Challis

My commission expires: 3-19-04

APPLICATION FOR WATER RIGHT NO. 34-13763

The following application(s)
have been filed to appropriate the
public waters of the State of Ida-
ho:

34-13763

6X RANCH LLC, PO BOX 12625,
C/O BLAKE QUINN, FRESNO CA
93778.

Point(s) of Diversion: NWSW
S25 T08N R22E SWNE S26 T08N
R22E NWSE S26 T08N R22E,
CUSTER County

Source: GROUNDWATER

Use: IRRIGATION 05/01 To 10/
15 1.78 CFS

Total Diversion: 1.78 CFS

Date Filed: 07/29/2002

Place Of Use: IRRIGATION

T08N R22E S25 SWNW NWSW
T08N R22E S26 SWNE SENE
Number of Acres 89

A mitigation plan has been pro-
posed and is available upon re-
quest.

Permits will be subject to all
prior water rights. Protests may be
submitted based on the criteria of
Sec 42-203A, Idaho Code.

Any protest against the approval
of this application must be filed
with the Director, Dept. of Water
Resource, Eastern Region, 900 N.
Skyline Dr. Ste. A, Idaho Falls, ID
83402 together with a protest fee
of \$25 for each application on or
before September 3, 2002. The
protestant must also send a copy
of the protest to the applicant.

KARL J DREHER, Director
Pub: Aug. 15 & 22, 2002.

Received
8/27/02
SC

State of Idaho
Department of Water Resources
Application for Permit
RECOMMENDATION OF WATERMASTER

Application for Permit No 34-13763
Applicant's Name: 6 X RANCH LLC
PO BOX 12625
C/O BLAKE QUINN
FRESNO CA 93778

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application.
b) ☐ I do not oppose approval of this application if it is conditioned as follows:

- c) ☐ I oppose approval of this application for the following reasons:

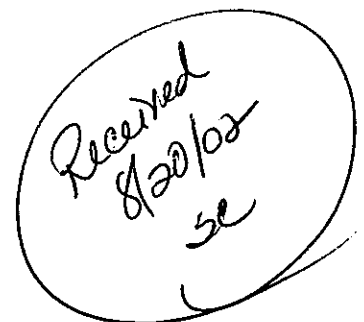
- d) ☒ Additional Comment:

These Big Lost River rights are a very poor priority. They are likely to be shut off much of the time.

Dated this 20th day of August,

Water District No: 34

Doug Bounhane
Watermaster's Signature





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 07, 2002

6 X RANCH LLC
PO BOX 12625
C/O BLAKE QUINN
FRESNO CA 93778

RE: Application for Permit No 34-13763

Dear Applicant(s):

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

A legal notice of the application has been prepared and is scheduled for publication in the Challis Messenger on August 15 and 22, 2002. Submittal of protests to this application will be allowed for a period ending ten days (September 3, 2002) after the second publication.

If the 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 the 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.

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

Sincerely,

Harold W Jones
Water Right Supervisor

HWJ:sc



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

August 07, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DOUG ROSENKRANCE
WATERMASTER
Mackay, ID 83251

RE: Application for Permit No 34-13763

Dear DOUG ROSENKRANCE:

Enclosed is a copy of the above referenced application. Please review the application, complete the enclosed recommendation form, and submit it to this office by September 3, 2002.

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

Sincerely,

A handwritten signature in cursive script that reads "Harold W. Jones".

Harold W Jones
Water Right Supervisor

Enclosure(s)

HWJ:sc



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION
August 07, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Legal Notice Department

Challis Messenger
PO Box 405
Challis ID 83226

RE: Application for Permit No. 34-13763

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before September 3, 2002. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant

Mailed
8/9/02
sc

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

34-13763

6 X RANCH LLC
PO BOX 12625
C/O BLAKE QUINN
FRESNO CA 93778

Point(s) of Diversion: NWSW S25 T08N R22E
SWNE S26 T08N R22E
NWSE S26 T08N R22E, CUSTER County
Source GROUND WATER

Use: IRRIGATION 05/01 To 10/15 1.78 CFS

Total Diversion: 1.78 CFS

Date Filed: 07/29/2002

Place Of Use: IRRIGATION

T08N R22E S25 SWNW NWSW

T08N R22E S26 SWNE SENE

Number of Acres 89

A mitigation plan has been proposed and is available upon request.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before September 3, 2002. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on August 15 and 22, 2002

Jones, Harold (Skip)

From: TMSCANLAN@aol.com
Sent: Monday, July 29, 2002 3:22 PM
To: hjones@idwr.state.id.us
Cc: bquinn@quinncompany.com; lwilkins@atcnet.net; mcc@givenspursley.com
Subject: 6X Ranch Application for Permit

Harold -

To confirm our telephone conversation today, I agree to removal of stockwater use from the application for permit that you received from my office today. You can also remove the 6-inch stockwater well (i.e., the 2nd well in Section 25) from the application. As we discussed, the stockwater use complicates the application (at least from mitigation standpoint), and can be achieved without a water right action.

I understand from our discussion that 6X can drill a well for stockwater purposes for 1000 head of range cattle without a water right. Use from such a well would be limited to 13,000 gpd.

Please contact me with any additional questions or comments regarding the application for permit.

Terry Scanlan

7/29/2002

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

RECEIVED
JUL 29 2002
Department of Water Resources
Eastern Region

July 27, 2002

Mr. Harold Jones
Water Resource Supervisor
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

Subject: Application for Permit – 6X Ranch LLC

Dear Harold:

On behalf of 6X Ranch LLC, Scanlan Engineering is pleased to submit the following Application for Permit. The application seeks 1.78 cfs for irrigation of 89 acres from ground water sources. The 89 acres are currently irrigated from surface water sources (Warm Springs Creek and Big Lost River). One new well and two existing wells are proposed as points of diversion for irrigation.

The application also seeks 0.02 cfs for stockwater, with a 13,000 gallon per day limit. Stockwater is an authorized use under surface water rights 34-10282 and 34-125B. An additional new well is proposed as a point of diversion for stockwater.

The application will be fully mitigated by allowing appurtenant surface water supplies to flow downstream for fishery benefits. A mitigation plan is included with the application. As a result of this proposed mitigation, we seek an exemption from on-going water right moratoriums in the Big Lost River and Eastern Snake River Plain.

A \$290.00 check for the application fee is enclosed. Please contact me with any questions.

Sincerely,



Terry M. Scanlan, P.E., P.G.

Cc: Blake Quinn
Charles Wilkins
Mike Creamer