



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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July 28, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

TERRY M SCANLAN PE PG
SPF WATER ENGINEERING LLC
600 EAST RIVER PARK LANE SUITE 105
BOISE ID 83706

RE: Frisby Family LP Permits 63-31177, 63-31178 and 63-31505

Dear Mr. Scanlan:

I am reviewing the field exam reports submitted by your firm on behalf of Rod and Maureen Frisby Family Ltd Partnership for the permits listed above. Rod and Maureen Frisby Family Ltd Partnership hired SPF Water Engineering to conduct the field exams to verify Proof of Beneficial Use for these water rights. This letter summarizes what I have found to date and identifies an area where more information is needed before we can make further progress in the water right process.

In the course of my review, I found a letter from Scanlan Engineering addressed to Gary Spackman, who was the Regional Manager of IDWR's Western Region at the time. In that August 1, 2001 letter, you advocated that the Frisby water right applications be exempt from the administrative hold in Basin 63. Under your letter's subheading "Consumptive Use", are statements that identify concurrent surface water and ground water use on the Frisby lands. I have attached a copy of the letter for your convenience.

It is the Idaho Department of Water Resources' policy to manage the water resources of the state for the most appropriate use of surface and ground waters. Department objectives are: to keep districts viable; to conserve Idaho ground water by preferring the use of surface water that would otherwise flow out of the state; to reserve cleaner ground water for uses that need clean water, and to maintain distribution of surface water as a source of recharge for groundwater.

Permit applications 63-31177 and 63-31178 state that surface water from Black Canyon Irrigation District (BCID) will be used and continuing use of surface water was required when the Frisby Family LP permits were approved in 2002. Conditions for concurrent use of surface water are incorporated into Permits 63-31177, and 63-31178. Your June 12, 2008, field exam reports adequately describe the groundwater systems, but there is no information about the surface water use. In order to continue processing these water rights, the Department needs additional information.

Frisby WR additional info request ltr
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Administrative Rules state

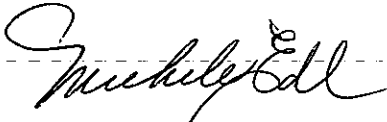
IDAPA 37.03.02 Beneficial Use Examination Rules 035.02.c.

"If the director determines that a field report is acceptable but that additional information is needed to clarify the field report, he will notify the certified water right examiner in writing of the information required. If the additional information is not submitted within thirty (30) days or within the time specified in the written notice, the priority date of the permit will be advanced one (1) day for each day the information submittal is late. Failure to submit the required information within one (1) year of the date of the department's request is cause for the director to take action to cancel the permit. "

Therefore, please describe how the surface water appurtenant to these lands is being used. Your response including the requested information must be received with the next (30) thirty days, or IDWR will advance the priority date or cancel the permit in accordance with the Beneficial Use Examination Rules.

If you have any questions, please contact me as soon as possible at (208) 287-4946.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michele Edl", written over a horizontal dashed line.

Michele Edl
Associate Engineer
Water Rights Permits Section
Idaho Department of Water Resources
322 East Front Street
Boise ID 83720-0098

Enclosure