

Lester, Steve

From: Deal, Jerry [jdeal@idfg.idaho.gov]
Sent: Thursday, October 16, 2008 3:44 PM
To: Lester, Steve
Cc: Poole, Walton; Kofoed, Clair
Subject: Roswell Marsh permit application 63-32185

Steve,

The following comments are submitted in response to your August 26, 2008, letter and your September 29, 2008, email message regarding the Idaho Department of Fish and Game application for groundwater permit # 63-32185 at Roswell Marsh:

- 1) I request that the subject application be amended for less flow such that the amount of water to be used (Part 4.); the total quantity to be appropriated (Part 5.) and capacity of the diverting works (Part 6.) all reflect a maximum rate of flow of 4.8 cfs instead of 6.0 cfs.
- 2) We concur with your proposal to include conditions of approval in the permit to address possible injury to nearby wells. The suggested conditions were as follows:
 - A) The right holder shall conduct a pump test of at least twenty-four hours for each well used as a point of diversion in connection with this water right. The pump test shall be designed and conducted by a qualified professional, such as a hydrologist, geologist, or engineer, and shall be approved by the Department before being conducted. The pump test shall measure all standard parameters associated with pump tests for the right holder's well(s) being tested and for any observation well(s) used for the pump test. The right holder shall keep records of the data collected during the pump test and shall make it available to the Department upon request. This condition is waived if the right holder provides written notification to the Department documenting unsuccessful attempts to obtain permission for pump test activities from owners of wells located within a one-half mile radius from any point of diversion developed under this right.
 - B) If the right holder is notified by the Department and/or by another well owner that use under this right has allegedly injured a well that was constructed and used prior to approval of this right, the right holder shall cease pumping and shall notify the Department in writing. The Department shall require pump testing by the right holder to determine if the use of this right has injured senior right holders. Pumping under this right shall not resume until the Department has issued written notification to the right holder that either (a) the right holder has demonstrated injury has not occurred, or (b) the right holder has demonstrated injury has occurred but the diversion and use under this right have not caused the injury, or (c) the right holder has demonstrated injury has occurred and that the right holder will mitigate the injury.

A mitigation plan must be approved by the Department prior to any mitigation activity.

I appreciate the effort you have made to help us through this process. Please let me know if I can do anything else to facilitate things. Thanks. JERRY

*Jerry Deal, Wildlife Habitat Manager
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- AMEND TO 4.80 cfs
 - CONDITIONS OK
 - JZ

10/17/2008