



## State of Idaho

### DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER, Governor  
DAVID R. TUTHILL, JR., Director

August 26, 2008

IDAHO FISH & GAME COMMISSION  
C/O JERRY DEAL  
SOUTHWEST REGION  
3101 S POWERLINE RD  
NAMPA ID 83686

Re: Application for Permit No. 63-32185

Dear Jerry:

The above referenced application for three wells for the Roswell Marsh Wildlife Habitat Area storage project completed the legal notice process without protests. One additional item needs attention before the Idaho Department of Water Resources (IDWR) can issue its decision in this matter.

Idaho statutes require IDWR to seek additional information for a project involving the amount of water associated with this application. The statutory requirements are delineated in more detail in Water Appropriation Rules 40.05.c through 40.05.g per enclosed copy ("Rule 40"). Sometimes Rule 40 requirements can be abbreviated. For example, it should not be necessary to seek information about project costs and funding involving a public agency in this case. Additionally, IDWR sometimes has available information about some of the items.

Enclosed is a map depicting known domestic wells within a one-half mile radius of the wells proposed by this application (Rule 40.05.c.ii). The wells in the nearby area are generally completed to 70-176 feet depths. The application proposes a 50-250 feet water bearing zone. The "test well" for this project, also identified as one of the proposed points of diversion for your application, was drilled and cased to 145 feet. That well has perforated casing for screens from 85 to 95 feet. That well as constructed would appropriate water from approximately the same zone as most if not all of the nearby domestic wells and could possibly injure the domestic wells.

Rule 40.05.c.iii requires information regarding potential injury to other water rights. Please provide that information to allow IDWR to complete its evaluation of the application. For example, you might propose production wells constructed with unperforated casings to deeper than about 180 feet (water bearing zone deeper than 180 feet) to avoid interference with surrounding wells. That is probably not desirable for your agency given your existing well and the current water bearing zone to be appropriated.

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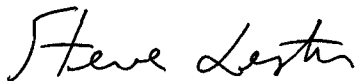
Another approach might be to monitor selected domestic wells on a regular basis (monthly or quarterly?) to determine if the wildlife project will injure nearby wells. Mitigation to redress injury could be proposed. A third option would include credible technical information to show that ground water pumping for the project would not affect nearby wells.

Please submit the requested information to allow application processing to continue. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. Your response including the requested information, or a request for more time to seek the information, must be received within the next ninety (90) days. The application will be voided without a timely written reply (IC § 42-204).

Alternate solutions might be preferable if the above requested information cannot be provided. For example, pending Application 63-33035 proposes water from East Alkali Drain for the same project. Also, it might be possible to obtain a new Boise River water right to be delivered to the project site via an existing irrigation delivery organization conveyance system.

Please contact me at 334-2190 if you have any questions or concerns about Application 63-32185 and/or possible alternate solutions for this project. Thank you for your attention to these matters.

Sincerely,

A handwritten signature in black ink that reads "Steve Lester". The signature is written in a cursive, flowing style.

Steve Lester  
Water Rights Supervisor

Enclosure