



April 9, 2008

Dry Creek Rural Neighborhood  
Association  
c/o Marian E. Shaw  
13975 Broken Horn Road  
Boise, ID 83714

**RECEIVED**

**APR 10 2008**

**WATER RESOURCES  
WESTERN REGION**

*Subject: Proposal to Resolve DCRNA Water Right Protest – Application for Permit  
No. 63-32423 in the name of JMM Dry Creek, LLC*

Dear Ms. Shaw,

We appreciate you and other members of the Dry Creek Rural Neighborhood Association attending the March 6<sup>th</sup> pre-hearing conference for the above mentioned application for permit. It was helpful to have an open discussion regarding the Neighborhood Association's concerns with JMM Dry Creek's Application for Permit No. 63-32423. As we stated at the pre-hearing conference, we are committed to negotiating with you in good faith to resolve the protest. This letter and its attachments provide details of the steps the Dry Creek Ranch Planned Community property owner is proposing to take to resolve the protest. It includes everything that was requested by the Dry Creek Rural Neighborhood Association in items 7.b and 7.c of the Notice of Protest.

We understand that neighbors to the proposed Dry Creek Ranch are concerned about aquifer levels, and the potential that levels may drop when Dry Creek Ranch starts pumping water from the aquifer. We believe we have several safeguards in place for neighboring water right holders.

- 1) The new municipal water right (Application for Permit 63-32423) will be limited in combination with Dry Creek Ranch's five existing irrigation water rights to the historic diversion rate (7.84 cfs) and volume (1,764 acre-feet annually). Therefore, no additional water beyond what is already allowed to be pumped from the aquifer for the property will be pumped.
- 2) The new municipal water right (application 63-32423) will have a junior priority date (2006) to nearly all existing water rights in the Dry Creek Ranch area.
- 3) United Water Idaho (UWID) will own and operate the potable water system. There will be one or two connections to UWID's off-site water system. This will allow off-site water to be imported to Dry Creek Ranch if the need arises.

April 9, 2008

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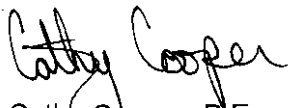
The DCRNA requested an aquifer monitoring program and abandonment of unused wells if the Application for Permit No. 63-32423 is approved. We agree that these are reasonable requests. The attachments to this letter, 1) Dry Creek Ranch Aquifer Monitoring Program, and 2) Dry Creek Ranch Well Abandonment Plan, outline the plans the Owner would agree to include as conditions of approval for Application for Permit 63-32423.

We look forward to hearing from you. Again, we would like to resolve the protest prior to the scheduled hearing date in August, and hope that the attached plans are a path to resolution. Please contact us with questions or comments.

Sincerely,



Terry Scanlan, P.E., P.G.  
Principal Engineer/Hydrogeologist



Cathy Cooper, P.E.  
Principal Engineer

cc: John Westra – IDWR – Western Region Manager  
Charlie Potter, Land Baron Investments  
Charlie Honsinger, Ringert-Clark Chartered

**DRY CREEK RANCH  
AQUIFER MONITORING PROGRAM**

# DRY CREEK RANCH AQUIFER MONITORING PLAN

## April 2008

### BACKGROUND

JMM Dry Creek, LLC (JMM) has submitted water right application number 63-32423 seeking to appropriate 5 cfs for municipal supply for their Dry Creek Ranch Planned Community. The new application will be limited in combination with five existing water rights on the Dry Creek Ranch property to the historic total diversion rate of 7.84 cfs and total diversion volume of 1,764 acre-feet annually.

An aquifer monitoring program was started in June 2007 by SPF Water Engineering, LLC (SPF) on behalf of JMM. Ten wells (six on the Dry Creek property, and four neighboring wells) were initially included in the monitoring program.

This document formalizes the aquifer monitoring program, and provides written documentation of the program. It is proposed that this monitoring program be a condition of approval for water right application 63-32423.

### AQUIFER MONITORING PROGRAM

1. **What:** Aquifer Monitoring Program to monitor aquifer levels in the vicinity of the proposed Dry Creek Ranch Planned Community. An annual report summarizing the monitoring results will be prepared and distributed to the Dry Creek Rural Neighborhood Association, Idaho Department of Water Resources (IDWR), and all private well owners participating in the monitoring program.
2. **Who:** The Owner of water right permit 63-32423 will be responsible for conducting the aquifer monitoring program.
3. **When:** The aquifer monitoring program began in June 2007. It will continue for a minimum of 15 years after approval of permit 63-32423. Aquifer levels will be measured at each participating well every other month for the first year, and then twice a year in subsequent years.
4. **Where:** Table 1 shows the wells included in the program. Wells may be added to the monitoring program at any time, up to a total of eight off-site wells. SPF will determine the suitability of proposed wells for the monitoring program. The attached figure shows the location of wells currently included in the program.

<b>Table 1 Dry Creek Ranch Aquifer Monitoring Program Monitored Wells (as of April 2008)</b>	
Well	Address
<b>Dry Creek Ranch On-Site Wells (Monitoring Began June 2007)</b>	
Well 9	Dry Creek Ranch Property – Northeast
Payne Well	Dry Creek Ranch Property – North Central
Big Pump Well	Dry Creek Ranch Property – East Central
Hot Well	Dry Creek Ranch property – West Central
Stockwater Well	Dry Creek Ranch Property – West Central
Pasture Well	Dry Creek Ranch Property – Central
<b>Off-Site Wells (Monitoring began June 2007)</b>	
Beliveau Well	14441 Broken Horn Rd. Boise, ID 83714
Thompson Well	6725 W. Dry Creek Rd. Boise, ID 83714
Graves Well	7725 Stack Rock Dr. Boise, ID 83714
Dater Well	15005 N McFarland Creek Road Boise, ID 83714
<b>Wells to be Added to the Monitoring Program</b>	
Shaw Irrigation Well	13975 Broken Horn Road Boise, ID 83714

5. **Why:** Neighbors to the proposed Dry Creek Ranch Planned Community have expressed concern over aquifer levels when pumping under the new permit commences. The aquifer monitoring program will monitor aquifer levels to track the effects of pumping.
6. **How:** The permit Owner will be responsible for funding and administering the aquifer monitoring program. Currently, SPF is administering the monitoring program on behalf of JMM. SPF takes water level measurements and will compile the annual report for distribution to the appropriate parties. Private well owners must sign the attached Water Level Monitoring Agreement authorizing access to their well to measure water levels, and authorizing participation in the program.

**7. Contacts:**

<p><b>JMM Dry Creek, LLC</b>          Charlie Potter, P.E.          LandBaron Investments          718 South 120th Avenue          Avondale, AZ 85323          Phone: (623) 882-3883          Fax: (623) 322-3823  <a href="mailto:cpotter@landbaroninv.com">cpotter@landbaroninv.com</a></p>	<p><b>Dry Creek Rural Neighborhood Association</b>          c/o Marian E. Shaw          13975 Broken Horn Road          Boise, ID 83714          Phone: (208) 229-2133</p>
<p><b>SPF Water Engineering, LLC</b>          Terry Scanlan or Cathy Cooper          600 E. RiverPark Lane, Suite 105          Boise, ID 83706          Phone: (208) 383-4140          Fax: (208) 383-4156  <a href="mailto:tscanlan@spfwater.com">tscanlan@spfwater.com</a>  <a href="mailto:ccooper@spfwater.com">ccooper@spfwater.com</a></p>	<p><b>Idaho Department of Water Resources</b>          Western Regional Manager          John Westra          2735 Airport Way          Boise, ID 83705-5082          Fax: (208) 334-2348</p>
<p><b>Ringert Clark</b>          Charles L. Honsinger          455 South Third Street          P.O. Box 2773          Boise, ID 83701          Phone: (208) 342-4591          Fax: (208) 342-4657  <a href="mailto:clh@ringertclark.com">clh@ringertclark.com</a></p>	

# Water Level Monitoring Agreement

Well Name \_\_\_\_\_

Well Location \_\_\_\_\_

The undersigned well owner hereby agrees to allow JMM Dry Creek, LLC, through its designated contractors or agents to enter on to the well owner's property on a regularly scheduled basis to measure well water levels as part of a water-level monitoring program. Monitoring frequency is anticipated to be bi-monthly for the first year and semi-annual (April and October) in subsequent years. The well owner agrees to cooperate with JMM Dry Creek in these efforts, and will designate a reasonable and safe means of well access for this purpose. The measurements would be conducted using electric-line well probes or steel tapes. The work will involve removing the well cap to access the well. Wells with submersible pumps may require water level measurement tubes to prevent entanglement of well probes in submersible pump wire. The tubes will be installed by JMM Dry Creek's contractor at JMM Dry Creek's expense.

The undersigned well owner hereby releases JMM Dry Creek LLC and their contractors from any and all liability, other than negligence, associated with the water level monitoring program, including, but not limited to, real or perceived damage to the well, well pump, or well water quality. Water-level monitoring will continue until (1) the monitoring program is terminated or until (2) the well owner notifies JMM Dry Creek in writing that they desire to withdraw from the monitoring program.

Well Owner Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Daytime Telephone \_\_\_\_\_

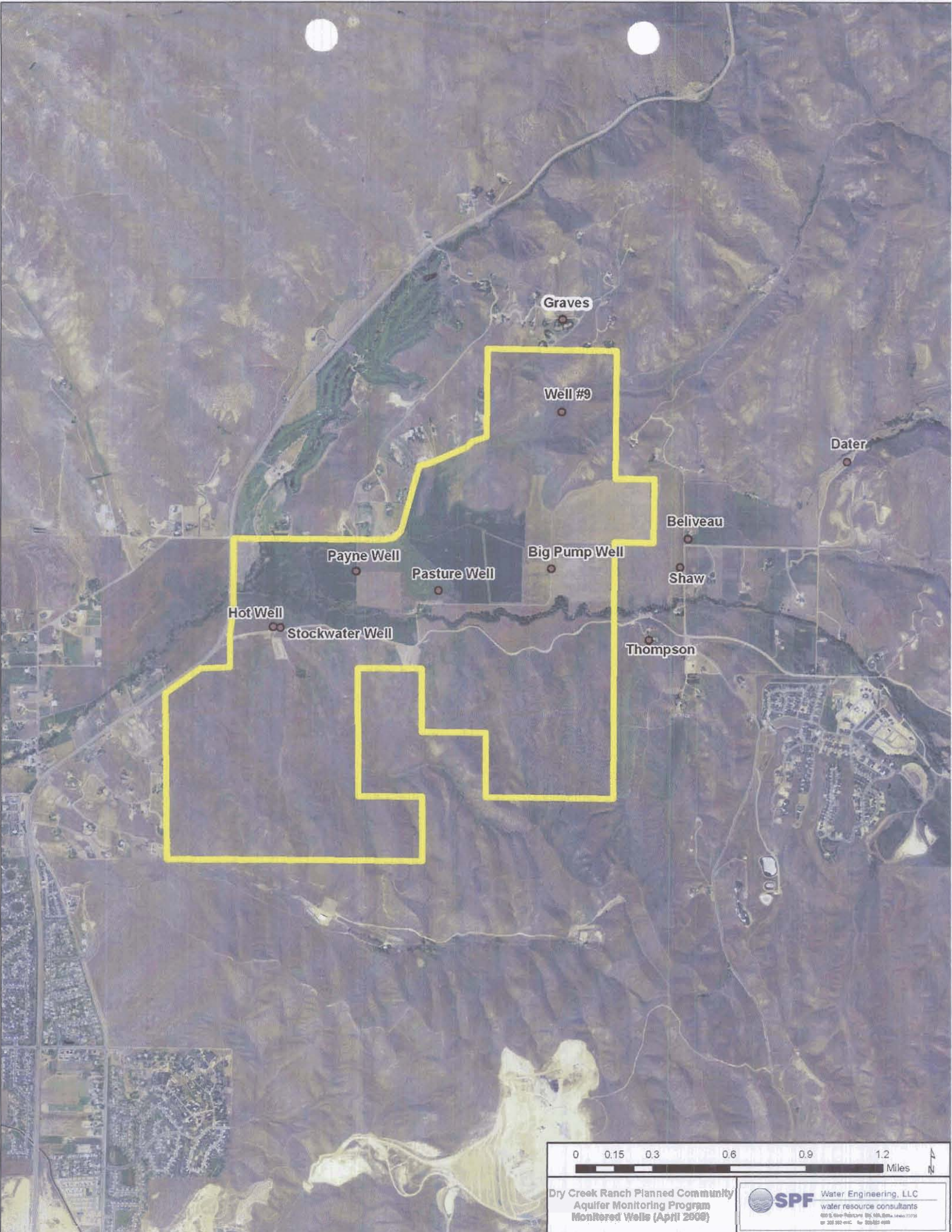
Well Owner Signature \_\_\_\_\_

Date \_\_\_\_\_

Witness Signature \_\_\_\_\_

JMM Dry Creek Signature \_\_\_\_\_

Date \_\_\_\_\_



Graves

Well #9

Dater

Beliveau

Payne Well

Big Pump Well

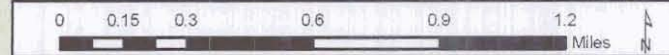
Pasture Well

Shaw


Hot Well

Stockwater Well

Thompson



Dry Creek Ranch Planned Community  
Aquifer Monitoring Program  
Monitored Wells (April 2006)

 **Water Engineering, LLC**  
water resource consultants  
400 S. River Parkway Big Bend, Texas 79710  
or 254.967-4141 for 254.967-4141

**DRY CREEK RANCH  
WELL ABANDONMENT PLAN**

# DRY CREEK RANCH WELL ABANDONMENT PLAN

## April 2008

### BACKGROUND

JMM Dry Creek, LLC (JMM) has submitted water right application (application) number 63-32423 seeking to appropriate 5 cfs for municipal supply for their Dry Creek Ranch Planned Community. The new application will be limited in combination with five existing water rights on the Dry Creek Ranch property to the historic total diversion rate of 7.84 cfs and total diversion volume of 1,764 acre-feet annually.

The Dry Creek Rural Neighborhood Association (DCRNA), as part of its Notice of Protest regarding Application for Permit No. 63-32423, requested that "pre-existing wells be abandoned and made unusable". We propose that abandonment of existing wells that are no longer useful to the property owner be made a condition of approval for application for permit No. 63-32423. The following well abandonment plan is proposed.

### WELL ABANDONMENT PLAN

1. **What:** The well abandonment plan will be updated every five years, and consideration given to abandoning wells that are no longer useful to the property owner. Table 1, listing all documented existing wells on the Dry Creek Ranch Planned Community property, and showing current use and plans for future use, will be updated as part of the plan. Wells that are abandoned will be abandoned in accordance with Idaho Department of Water Resources (IDWR) policies and guidelines. The updated well abandonment plan will be distributed every five years to DCRNA and IDWR Western Region. The plan will be subject to IDWR approval.
2. **Who:** The Owner of water right permit 63-32423 will be responsible for funding well abandonment.
3. **When:** The well abandonment plan will be in place for 15 years from approval of Permit No. 63-32423, or until a time when all known wells on the property are properly abandoned or being utilized long-term for production or monitoring purposes.
4. **Where:** All existing wells on the Dry Creek Ranch Planned Community Property are candidates for abandonment. Wells will be abandoned if the permit owner in conjunction with the property owner determine that the well will not be used for production or monitoring in the future.

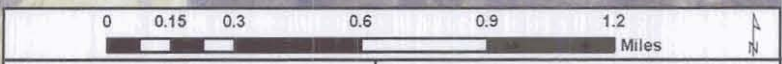
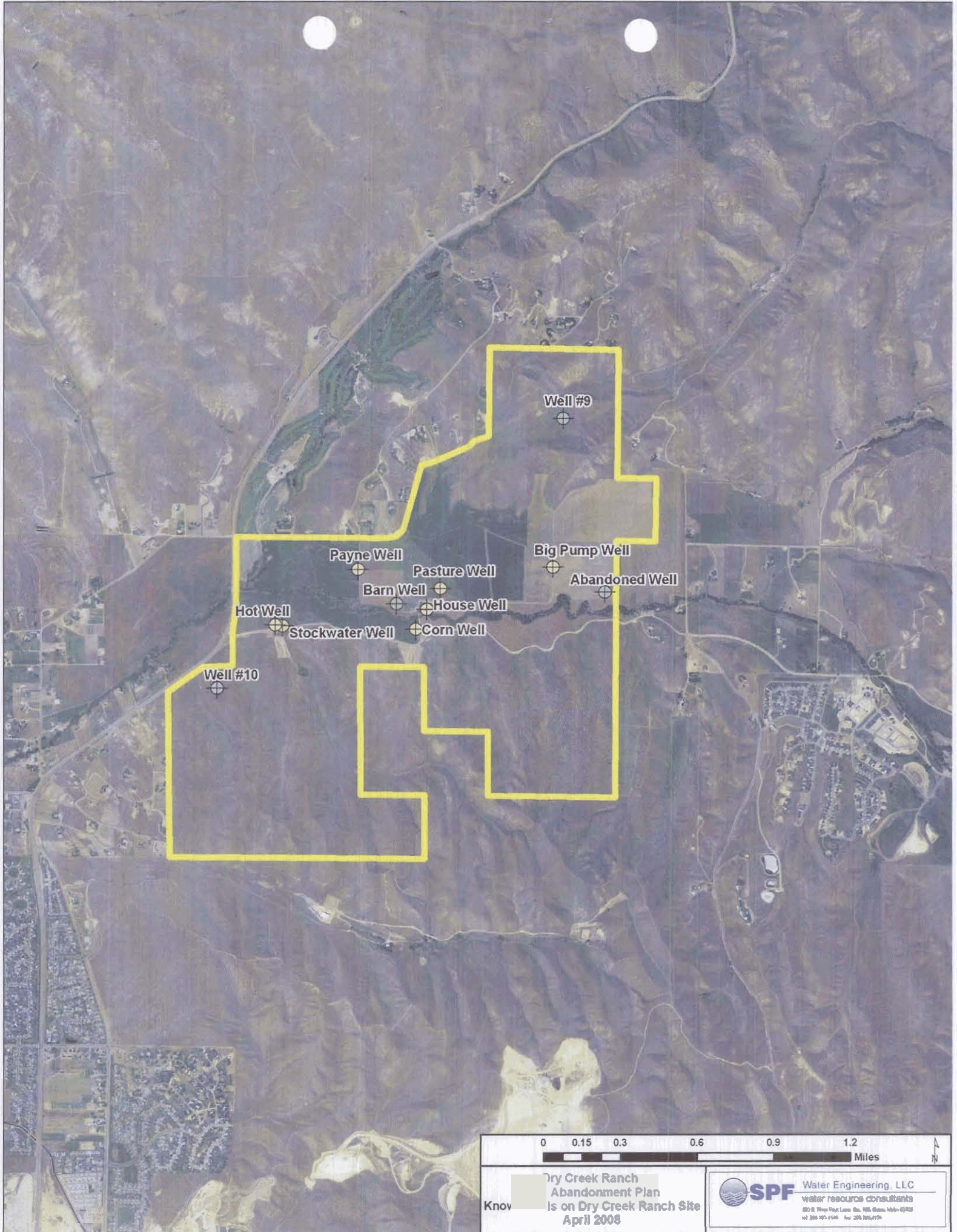
**Table 1  
Dry Creek Ranch Abandonment Plan  
(March 2008)**

Well	Current Status	Future Plan
Well #9	Drilled in late 1975 to a depth of 232 feet. Currently included in the Aquifer Monitoring Program	Maintain as monitoring well
Well #10	Reportedly drilled in July 1997 to a depth of 400 feet. Proposed for domestic use at time of drilling. 6-inch steel casing. Could not be located during field visits.	Locate well. Investigate/verify current condition and potential usage.
Big Pump Well	Finished in April 1968 to a depth of 218 feet. Currently included in the Aquifer Monitoring Program and being used for irrigation supply.	Maintain as monitoring well and irrigation supply well.
Pasture Well	Reportedly drilled in 1926 or 1927 to approximately a 400-foot depth. Currently included in the Aquifer Monitoring Program	Maintain as monitoring well
Hot Well	Drilling date for this well is unknown. Depth is 997 feet. Water temperatures have been measured between 104 to 107 degrees F. Currently included in the Aquifer Monitoring Program	Maintain as monitoring well
Stockwater Well	This well was drilled in June 2000 to a depth of 41 feet. Currently included in the Aquifer Monitoring Program	Maintain as monitoring well
Payne Well	Drilled prior to 1937 to a depth of 525 feet. Currently included in the Aquifer Monitoring Program and will be used in 2008 for irrigation supply.	Maintain as monitoring well and irrigation supply well.
Abandoned Well (Well 6)	Abandoned in 1968 due to improper construction and sand infiltration	Field investigations could not locate this well, it is believed to have been abandoned (filled in).
House Well	Estimated to be drilled in 1926 or 1927 to a depth of 400 feet. May be used at the home for potable and irrigation water.	Investigate/verify current condition and usage.
Corn Well	Estimated to be drilled in 1926 or 1927 to a depth of 400 feet. May be used for stock water.	Investigate/verify current condition and usage.
Barn Well	Estimated to be drilled in 1926 or 1927 to a depth of 400 feet.	Investigate/verify current condition and usage. Consider for abandonment.


- 5. Why:** The Dry Creek Rural Neighborhood Association has requested that existing wells on the Dry Creek Ranch property be abandoned as part of the approval of application for permit No. 63-32423. The property Owner believes it is reasonable and prudent to abandon existing wells that are not currently being used, and that are not planned for future use.
- 6. How:** The permit Owner will be responsible for funding well abandonment. Any and all abandonment will be performed in accordance with IDWR policies and guidelines.

7. Contacts:

<p><b>JMM Dry Creek, LLC</b> Charlie Potter, P.E. LandBaron Investments 718 South 120th Avenue Avondale, AZ 85323 Phone: (623) 882-3883 Fax: (623) 322-3823 cpotter@landbaroninv.com</p>	<p><b>Dry Creek Rural Neighborhood Association</b> c/o Marian E. Shaw 13975 Broken Horn Road Boise, ID 83714 Phone: (208) 229-2133</p>
<p><b>SPF Water Engineering, LLC</b> Terry Scanlan or Cathy Cooper 600 E. RiverPark Lane, Suite 105 Boise, ID 83706 Phone: (208) 383-4140 Fax: (208) 383-4156 <a href="mailto:tscanlan@spfwater.com">tscanlan@spfwater.com</a> <a href="mailto:ccooper@spfwater.com">ccooper@spfwater.com</a></p>	<p><b>Idaho Department of Water Resources</b> Western Regional Manager John Westra 2735 Airport Way Boise, ID 83705-5082 Fax: (208) 334-2348</p>
<p><b>Ringert Clark</b> Charles L. Honsinger 455 South Third Street P.O. Box 2773 Boise, ID 83701 Phone: (208) 342-4591 Fax: (208) 342-4657 clh@ringertclark.com</p>	



Know Dry Creek Ranch Abandonment Plan is on Dry Creek Ranch Site April 2008

 **Water Engineering, LLC**  
 water resource consultants  
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