

Nelson, Dan

From: Nelson, Dan
Sent: Monday, October 22, 2007 10:45 AM
To: Terry Scanlan; 'cpetrich@spfwater.com'
Cc: Vincent, Sean; Owsley, Dennis
Subject: Boise State University application for permit 63-32421

Terry and Christian,

I spoke to Sean Vincent and Dennis Owsley this morning concerning your meeting to discuss the assessment of your analysis of the Boise State University application for permit 63-32421. It appears as though I need to clarify the purpose of the analysis by Mr. Vincent and Mr. Owsley. The purpose of the analysis was to determine if the Boise River and the ground water being diverted under the permit were hydraulically connected, and if so to what degree. Mr. Vincent and Mr. Owsley did an admirable job in determining that the hydraulic connection between that Boise River and the ground water being diverted was minimal and could cause drawdown in other wells in the area.

The water right staff then took this information and made the determination that any diversion of ground water from this point could and probably will affect existing wells and water rights before the discharge into the Boise River would reverse the affect on the aquifer. The possible affect on other wells and diversions makes this a consumptive use. Mr. Vincent and Mr. Owsley were not asked to determine if this use was consumptive or non-consumptive, since they don't have the expertise to make that decision. They were only asked to determine the hydraulic conductivity of the Boise River to the ground water at the location in question. We applied the same decision making process that we used for the Sorrento Lactalis permit (63-32103) your firm worked on in 2004. During that analysis you showed that there would be no harm to other users and actually a benefit by reducing shallow ground water that infiltrated area basements. We did not accept mitigating the Boise River as a whole during that analysis, but focused on the local area where the water was being diverted. We are applying the same process for this application.

I was under the assumption that you disagreed with their methods or analysis instead of water right standards of which Mr. Vincent and Mr. Owsley have limited knowledge. We have asked several times in the past that all comments, discussions, and meeting requests concerning a water right be requested through the water right agent to keep track of the information being discussed and passed back and forth. If I would have known that you were seeking a reversal of the non-consumptive determination, I could have saved time for Mr. Vincent, Mr. Owsley and yourselves by creating a meeting with those that actually made the determination not to process the application without a mitigation plan.

Unfortunately, there doesn't appear to have been a significant change or dispute of the analysis, therefore, this application will remain on hold until a proper mitigation plan has been proposed that mediates ground water withdrawals at this location on existing water rights. Once again I want to remind you to please contact me prior to making meetings with other department staff, so we can best address your concerns and answer your questions in a timely manner. Please call me if you have any further concerns or would like to discuss the application further.

Daniel A. Nelson
Senior Agent
Western Region

10/22/2007

Hello Terry,

There is no hold limits on this water right. It is within the Boise River hold area, so it will go into an indefinite hold until a mitigation plan is supplied. Therefore, there is no need for the extend request for additional time. I was just going to keep it in my office until a mitigation plan was supplied. I can hold it in my office as long as is needed. I will put it on call up on my calendar to put in the permanent hold drawer next January. That will give you ample time to work on the mitigation plan. It can be revived from the permanent hold drawer at any time, so that really isn't an issue.

Thanks

Daniel A. Nelson
Senior Agent
Western Region
Idaho Department of Water Resources

From: Terry Scanlan [mailto:TScanlan@spfwater.com]
Sent: Wednesday, October 03, 2007 5:41 PM
To: Nelson, Dan
Cc: Christian Petrich
Subject: 63-32421

Dan –

I spoke with Christian Petrich today regarding your letter to him dated September 4, 2007 regarding application 63-32421. Your letter requests a mitigation plan for the application. Christian would like to meet with IDWR technical staff (Sean Vincent and Dennis Owsley) prior to preparing a mitigation plan. Christian will arrange that meeting ASAP. Based on the results of that meeting, we feel we will be able to better respond to your letter. Accordingly, we request an extension of 60-days (until December 3) to respond. I hope that will be OK. Thanks.

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