



State of Idaho

DEPARTMENT OF WATER RESOURCES

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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 19, 2005

SPF WATER ENGINEERING, LLC
C/O TERRY SCANLAN
600 E RIVER PARK LN STE 105
BOISE ID 83706

Re: Application for Permit From the Boise River for Steven and Chris Stout

Dear Mr. Scanlan:

The recent application for permit you filed on behalf of the Stouts regarding Boise River water for recreation and wildlife use is being processed. Processing will be delayed until the following issues are resolved:

- 1.) The application mentions ponds in Section 8e. Review of the maps of the area shows no ponds on the property. If they are considering creating ponds, you will need to include a storage component on the application for permit. You will also need to show the location of the pond(s) on the map, and provide the proposed dimensions of the pond(s). You will also need to complete section 6b.
- 2.) You neglected to complete section 7 on the application. This is the section that asks how much time it will take to complete the project. The minimum time is one (1) year and the maximum time is five (5) years.
- 3.) In Section 10 of your application for permit, you neglected to mention water right 63-31350. This water right is identical to this application, but with the lower rate of diversion of 5.00 cfs. This water right needs to be included on the application form, and the relationship between it and the application should be discussed in remarks. I can only assume that this new application is being filed to increase the amount of wildlife and recreational use to 35 cfs. However, you will need to confirm that the total amount of water being sought for these purposes is 35 cfs.

Please set an appointment with me to make the above corrections or submit an amended application for permit.

To assist this office in completing the initial processing steps, please submit additional information required by I. C. § 42-203A(5)(a-e) for "large diversion projects." This requirement includes the following items discussed in the enclosed copy of Water Appropriation Rule 40, Rule Subsections 040.05c through 040.05g:

1. effect on existing water rights
2. sufficiency of water supply
3. good faith, delay or speculative purposes
4. financial resources
5. local public interest.

The application for permit by nature already supplies some of this information. However we will need the following information to fulfill the Large Diversion Information requirement:

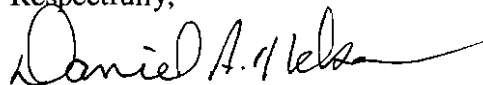
- 1.) The "effect on existing water rights" and "sufficiency of water supply" throughout most of the year is regulated by the Basin 63 watermaster, whom we are required to contact on all applications for permit or transfer. The watermaster should be able answer most of the questions we would have on these first two criteria, so there is not much additional information you could supply. However, the Bureau of Reclamation is required by a water right licensing requirement of the Lucky Peak Reservoir to maintain the stream flow in the Boise River. The Bureau of Reclamation should be contacted to ensure that this application fits within their delivery requirements under their license. Our department will not need direct correspondence or approvals from the Bureau of Reclamation. However, we do ask that we receive a copy of your correspondence to them, and a copy of any response they may return to you.
- 2.) Under the "good faith, delay or speculative purposes" criteria, you typically need to show that you have secured all of the easements and rights of way to complete the project. However, the ditch you plan to use already exists, so this information would not be needed, unless you plan to increase the size of the ditch. Therefore, you will need to supply information that discusses the capacity of the ditch and any plans to alter or change the ditch in any way. If you are planning to alter the ditch, you will also need to supply documentation from owners of the property where the ditch runs which show that they agree to any increase in the ditch size and construction of the new ditch. You will also need to supply any documentation that shows that you have discussed the alteration with any agency that would be involved in the construction of a new diversion structure on the Boise River.

- 3.) Once again, the permit suggests that the "financial resources" criteria would also be insignificant if the ditch is not being enlarged. If you are enlarging the ditch, please supply information that shows that you have the financial means to increase the size of the ditch.
- 4.) Under the "local public interest" criteria, you will need to provide information that shows that you have pursued the requirements of other agencies that may have an interest in your project. We do contact Idaho Fish and Game on all surface water applications, so you will not be required to send us any correspondence from this agency. There is some concern that releasing 35 cfs of water through wild flooding across farmed fields during the non-growing season could alter the water quality of any return flows to the Boise River. Therefore, the Department of Environmental Quality needs to be made aware of your proposal. The Army Corp of Engineers is responsible for any return flows entering the Boise River, where as you are increasing the return flow to the river, they will also need to be contacted. Our department does not need approvals, or direct correspondence from these other agencies. However, we do ask that we receive a copy of your correspondence to these agencies informing them of your proposal, and a copy of any response they may return to you.

Please submit the requested information to allow final evaluation of your application to be completed. You may seek additional time to provide the information by making a written request to delay or interrupt processing. Your written response including the requested information, or a request for more time to seek the information must be received within thirty (30) days of the date of this letter. The application will be voided without a timely reply.

Please contact me at the above address if you have any questions or concerns.

Respectfully,



Daniel A. Nelson
Senior Agent
Western Region Office - IDWR

Enclosure