

MEMORANDUM

TO: STOUT APPLICATION FOR PERMIT FILE

FROM: DANIEL A. NELSON

DATE: 2/1/06

SUBJECT: LARGE DIVERSION REQUIREMENTS

BACKGROUND:

Steven and Chris Stout applied for an application for permit to use Boise River water for wild flooding of farm ground and to maintain water in an existing slough for recreation and wildlife purposes. They request a diversion rate of 30 cfs, which would fall under the Large Diversion requirement. This right will be combined with an existing right, 63-31350 for a total of 35 cfs for this wild flooding type event. The land will be farmed during the summer months using water rights 63-152B, 63-368A, and 63-368B for irrigation use from the same point of diversion using the same ditch system as this application. Mr. and Ms. Stout also have water right 63-21865, which is a stockwater right out of the slough.

LARGE DIVERSION INFORMATION REVIEW:

I sent a letter requesting the large diversion requirements on 10/19/2005. The applicant's consultant, Terry Scanlan, responded to my request in a letter dated 1/28/2006. Mr. Scanlan supplied information for the Parma gage that suggests that there is adequate water at the Boise River to satisfy this water right, and most of the other rights during the non-irrigation season. This right will be located approximately 7 miles upstream of the Parma Gage, and the summary of surface water supplied by Mr. Scanlan shows that the Boise River gains approximately 189 cfs between Notus (mile 13.8) and Parma (mile 3.8). This right will be used mainly during the non-irrigation season, so there doesn't appear to be an issue of water supply. This diversion will be under watermaster control, so he should be able to regulate this diversion.

Mr. Scanlan also sent a letter to the Bureau of Reclamation, that release a minimum release of water from Lucky Peak Dam for Idaho Fish and Game. Our office will send a comment letter to the Idaho Department of Fish and Game as well, so there should be adequate opportunity for these two agencies to protest this application if they feel there is an inadequate supply of water in this stretch of the Boise River.

Mr. Scanlan also contacted the Army Corp of Engineers and Department of Environmental Quality on the return flows going back into the slough and the river. The applicant plans are to use established channels, so I don't foresee any problems with these issues.

The applicant did not need to supply information showing that he had the financial means to complete the project, since the all of the ditches are already in place. The ditches are owned by private individuals, which the owner has supposedly already contacted and gotten approval for the new use.

I feel as though Mr. Scanlan has supplied all the information needed to address all the concerns associated with the Large Diversion requirements. Our office will contact Idaho Fish and Game and the watermaster for Basin 63, so all of the parties that may have an interest in this application should be contacted.

CONCLUSION:

It appears as though everything required for this application has been supplied, and advertising can begin. The application should have conditions that put the application under watermaster control and adequate measurement devices should be required. Prior to diverting water for this permit, the applicant should be required to comply with all other state and local agency requirements.