

Comment Report

45-13897

1. cskinner 5/4/2005 POD

Comment: Updated shape

2. cskinner 5/4/2005 POU

Comment: Updated Shape

3. cskinner 3/29/2005 3:57:55 PM Special Administration Area Notes

Comment: Special Administration Areas : Eastern Snake River Plain Area
(Moratorium Area)

Exempt: Y

Reason: Mitigation Plan

Doc Attached:

Explanation:

Special Administration Areas : Trust Water Area (Trust Water Area)

Exempt: Y

Reason: Mitigation Plan

Doc Attached:

Explanation:

4. cskinner 3/29/2005 3:58:40 PM Additional Information Supporting Application

Comment: Residency affidavit for hydropower development: N/A

Additional hydropower project information: N/A

Additional fish propagation project information: N/A

Appropriation Rule 40.05.c information: N/A

Mitigation Plan or acceptance form: Attached

Evidence of Pre-1987 development: N/A

5. cskinner 3/30/2005 Legal Notice Remarks

Comment: Application proposes appropriating 105 acre-feet of Marsh Creek water stored in a new reservoir recently constructed on Marsh Creek approximately 5.75 miles east and 4.0 miles south of Declo. The 105 acre-feet is "dead storage" in the bottom of the reservoir, below the irrigation outlet at the recently constructed dam. The application includes a mitigation plan that proposes not irrigating 38.6 acres of land this coming irrigation season to offset the 105 acre-feet of storage. The mitigation plan also states that if the reservoir is ever emptied and refilled, 38.6 acres of land will be identified at that time to serve as mitigation for refilling the reservoir.

6. ameritt 5/24/2005 recommendation

Comment: This application was advertised without protest. It is for storage volume which is mitigated by not irrigating lands to make up the volume stored. The

conditions were worked out with the S.O. This day Corey and I talked with Spackman regarding upstream and downstream measuring devices (18C). Due to the location of the reservoir on Marsh Creek without other users below it does not appear warranted to require this as a condition of approval.
Recommend approval as drafted.

7. cskinner 5/26/2005 Agency and Water Master Comments

Comment: During the final regional review (post advertising and protest period) of Application for Permit 45-13897 it was discovered that the letters soliciting comments were not sent to the District 45F water master, Idaho Department of Fish & Game, and the IDWR Stream Channel section. It should be noted that Application for Permit 45-13897 is an attempt to appropriate 105 acre-feet of storage for an existing dam and reservoir that storage water rights were transferred to via approved transfer #70463. Note that comments were solicited from the District 45F water master, Idaho Department of Fish & Game, and the IDWR Stream Channel section during the processing of transfer #70463.

On May 24th, I sat down with Terry Blau of IDWRs stream channel protection section and reviewed Application for Permit 45-13897. Terry indicated that he did not have any concerns with the approval of Application for Permit 45-13897.

On May 24th, I also called Don Gunderson, District 45F water master, and discussed Application for Permit 45-13897. During our phone conversation, Mr. Gunderson indicated that he had seen the legal notice for Application for Permit 45-13897 in the local newspaper so he was aware of the pending application. Mr. Gunderson also indicated that he did not have any concerns with the approval of Application for Permit 45-13897.

Earlier today, I was able to discuss Application for Permit 45-13897 with Mike McDonald of the Idaho Department of Fish & Game. Mr. McDonald works in the Jerome (regional) office of IDF&G and typically provides comments to IDWR regarding surface water applications. After discussing Application for Permit 45-13897, Mr. McDonald indicated that Idaho Department of Fish & Game had no objections to the approval of the application.

8. kwalker 6/6/2005 Permit Review

Comment: Application reviewed. Located in ESRPA and Trust Water Area. I added trust water condition after receiving from regional office. Recommend approval as prepared by region.

Note: 2 points of diversion shown on application but only 1 recommended for permit. The 2 points shown on application were intended to describe the outlets at the dam. Since application is just storage use, only 1 point (low level outlet back to creek) has been recommended for permit.