

MEMORANDUM

TO: Transfer File No. 71198

FROM: Lori Graves 

DATE: 4/14/2004

RE: Evaluation of Sufficiency of Information Submitted

Brief: Applicant proposes leaving three acres worth of irrigation water in the Boise River as mitigation for a new application for permit proposing diversion of ground water to irrigate three acres of landscape at the LDS Church property located in Star. See accompanying application no. 63-31890.

Contact person for the applicant is Terry Scanlan.

Authority to File: Current records are in applicant's name.

Water Right Validity: Right presumed to be valid based on pending SRBA recommendation.

Injury to Other Water Rights: None anticipated

Enlargement of Use: Applicant is seeking to prevent enlargement of use (consumptive use) via this transfer proposal, which serves as mitigation for application 63-31890.

Local Public Interest: No negative impacts are anticipated.

Beneficial Use/Conservation of Water Resources: Applicant proposed beneficial use consistent with conservation of water resources in Idaho.

Review of the application finds there is no clear inconsistency with criteria of I.C. § 42-222 preventing processing of this application.

Additional Information: Applicant originally filed only the application for permit with a short-term mitigation plan of leasing water from the local rental pool and releasing it to the river so that a new well could be drilled as quickly as possible. Department administration concluded that a short-term plan was not sufficient to allow the drilling of a new well. The application was then re-submitted with this transfer proposal serving as the long-term mitigation plan for the new well's consumptive use. Please see memo attachments A1 through A3 for further detail.

Company officers and share certificates were requested from Terry Scanlan. A response letter was received 4/16/04 from Terry stating that Pioneer Ditch Company has three

board members and a secretary/treasurer. The board members are Elizabeth Dudley, Quentin Nesbitt and Ron Kuenzli. Marie Kuenzli is the secretary/treasurer. Terry also submitted a copy of share certificate no.568 for the LDS church in Star. The certificate is for 6 shares equivalent to 6 miners inches. Three of the six shares will be used for mitigation.

Watermaster comments have been requested. Drainage District No. 2 water right no. 63-2406 for wastewater also appears as an overlap. This right represents return flows that are collected throughout the drainage district's service area, when available. The collected wastewater is then equitably distributed by the Boise River watermaster to delivery organizations within the drainage district. Drainage District No. 2 will be sent notice.

Discussion: Applicant specified the p/u by qtr/qtr for Pioneer Ditch Company's 1286 acres in part 2 of the transfer. The SRBA recommendation did not specify p/u, but limited irrigation to 1286 acres within the company's service area. Mel Schulte, with the SRBA, confirmed that the three acres proposed for mitigation are included in the company's recommended service area and appear irrigated.

Conditions: Assuming protests are not filed and/or other information does not contradict the above analysis, and assuming it is determined the application should be approved, the conditions listed on the draft transfer approval should be applied.

Lester, Steve

From: Peppersack, Jeff
Sent: Tuesday, December 23, 2003 9:35 AM
To: Lester, Steve
Subject: RE: Basin 63 mitigation plan

I agree that the long-term plan looks workable. Since it would be a change in nature of use, all the appropriate review would be involved for the mitigation right. I'm not comfortable with the short term plan. For 2004, they might be able to rent GW for irrigation, especially if we can get the permit advertised before then. *

Jeff

-----Original Message-----

From: Lester, Steve
Sent: Tuesday, December 23, 2003 9:07 AM
To: Peppersack, Jeff
Subject: Basin 63 mitigation plan

Jeff:

I'm writing to check the latest thinking on acceptable mitigation plans for Basin 63. Scanlan has pitched the following in a newly filed application for permit:

LDS Church to drill a well just upstream from Star Bridge and about halfway between river and Hwy 44 (so about 1/2 mile NE of Star Bridge)

about 150' well but water bearing zone not yet identified - I presume $\pm$ shallow ground water trib to river will be involved

irrigate 3 acres associated with church site

mitigate long term by Pioneer ID filing a transfer on 63-183 (Boise River with 1870 priority) to change nature of use for 3" to mitigation

mitigate short term since xfer not filed yet by leasing 10.5 af rental pool water to be released into river.

My take is that long term plan looks good. Not sure about short term plan. I know we have approved some like that but should we continue doing the "water to be kept in the river" thing? Maybe we have to stick with that since we have accepted it on more than one occasion already. If we do go with it, I presume we just condition it appropriately without requiring a lease in hand to proceed. It's probably premature to secure a lease yet for 2004 season.

Thanks for your help.

Steve

*
Suggest Scanlan pursue w.b. lease of g.w.
for short term (2004 in season?)

-SL

Graves, Lori

From: Lester, Steve
Sent: Tuesday, February 03, 2004 2:44 PM
To: Westra, John
Cc: Graves, Lori
Subject: Scanlan mitigation plan for LD Church well

John:

In case you get call etc. from/about Scanlan's latest: proposed well for LDS Church at Star, appl. for permit with short & long term mitigation plans:

short term, lease storage from local rental pool & release it to the river

long term, file a transfer to reduce irrigation ditch shares with nature of use change.

He's looking for us to process permit appl. so can get drilling permit asap. No lease of rental pool included, just that will follow up with that. Previously I consulted with Jeff on that idea & he was not comfortable with it -- suggested obtain water bank lease instead since some local ground water rights are in the bank.

Both of us forgot about a key point - should not use water bank/rental pool to authorize drilling permit (although I think Norm made us do it at least once re Mtn. Home & ID Power). I recall Glen being pretty firm on not going there as a general rule. I'm sure we will regret it if we open that basin 63 processing door to the consultants: "just lease from water bank, file for permit & get the drilling permit asap ... no fuss, no muss.

Lori is reviewing the application and will be in touch with Terry to tell him short term plan is not acceptable, even if do water bank instead of rental pool. Need something stronger to get permit appl. processed & drilling permit approved. So probably just file the transfer or use voluntary retirement of an existing ground water right as has happened before.

More fun with mitigation.

Steve



State of Idaho

DEPARTMENT OF WATER RESOURCES

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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 4, 2004

Terry Scanlan
600 E River Park Ln Ste 105
Boise ID 83706

Re: Star LDS Church Application

Dear Terry:

Enclosed, please find the original application that we received from you for the LDS Church in Star. The application cannot be processed as submitted. The department is not comfortable with allowing a well to be drilled based on the short-term mitigation proposed in item no. 3 of the attached mitigation plan. The long-term mitigation described in item no. 2 of the plan is acceptable.

Please re-submit the application for permit, including the water-bearing zone for the proposed well and a revised mitigation plan, with a transfer application from Pioneer Ditch Company to my attention. Both proposals can then be processed and advertised together, making their relationship easier to understand.

Call me if you have any questions Terry.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Lori Graves'.

Lori Graves
Sr. Water Resource Agent

Encl: original application

SCANNED
APR 26 2004