

Henman, Christina

From: Jim Lukens <wharfrat051@gmail.com>
Sent: Monday, November 27, 2023 10:01 AM
To: Henman, Christina
Cc: 'Danny Mitchell'
Subject: RE: Application No. 75-15092 protest
Attachments: Mitchell-Lukens water right narrative.docx

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Hi Christina. Thanks for your e-mail. I attached our support statement for this protest.

Jim Lukens
Sales Associate
Equity Northwest Real Estate
525 Main Street
Salmon, ID 83467
(208)756-4159 (O)
(208)756-1945 (F)
(208)993-0912 (C)
wharfrat051@gmail.com

From: Henman, Christina <Christina.Henman@idwr.idaho.gov>
Sent: Monday, November 27, 2023 9:44 AM
To: wharfrat051@gmail.com
Cc: 'Danny Mitchell' <dmitchell1947@gmail.com>
Subject: RE: Application No. 75-15092 protest

Jim,

Thank you for providing your schedule information. Once I have gathered information from all parties, I will get it scheduled and send you a notice with the date and participation information.

Just as a clarification, at this point we are still in the 'informal' stage of the contested application process, so we aren't quite to the point of having a hearing yet. The initial meeting that I am scheduling now is an Informal Settlement Conference. The primary purpose of this conference will be to discuss the purpose of the application, the concerns of the protestants, and explore potential settlement options. If it comes to a point that it does not seem like there is a path to settlement, then we would begin the formal hearing process.

As far as sending in a support statement goes, you may do so if you would like, but we do not require it. If you feel that there is relevant information that the department should be aware of up front or if you would like for your statement to be scanned and added to the record for this application, it would be good to send.

Thank You,

Christina Henman
Administrative Assistant

From: wharfrat051@gmail.com <wharfrat051@gmail.com>
Sent: Saturday, November 25, 2023 2:36 PM
To: Henman, Christina <Christina.Henman@idwr.idaho.gov>
Cc: 'Danny Mitchell' <dmitchell1947@gmail.com>
Subject: Application No. 75-15092 protest

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Hi Christina,

I will not be available the following days: December 30, and December 8 – 11. Dan Mitchell and I discussed availability and he has no upcoming conflicts.

I have prepared a brief written support statement that I would like to read during the hearing. Would you like a copy beforehand?

Thanks.

Jim Lukens, Agent
Equity Northwest Real Estate
525 Main Street
Salmon, ID 83467
(208)756-4159 (O)
(208)756-1945 (F)
(208)993-0912 (C)
wharfrat051@gmail.com



Virus-free. www.avast.com

MITCHELL APPLICATION 75-15092

Blackadar Protest

The denied Overacker application referenced was for surface water in a different drainage to be used for irrigation. The Sommerfeld application was for irrigation from Jesse Creek which is a tributary of Pollard Creek but outside the influence of the spring in this application. The nature of these two water rights is vastly different from the existing application. These two applications would have been made over thirty years ago when Lukens was the Regional Fisheries Manager for IDFG.

Arrowhead Water District Protest

The points of diversion for Arrowhead Water District include Pollard and Chips creeks, both points higher in elevation than the new site, therefore outside the sphere of influence upon Arrowhead Water District. The points of use for Arrowhead Water District are located in Smedley Subdivision and vicinity. These locations are also well above the gradient of the new application site.

Proposed Application

This proposed use is single family domestic. Source is a below-ground spring on neighboring property (owned by Jim and Sherri Lukens). The drainage is Pollard Creek. Prior to development of the spring, the potential output was unknown. It was only until the spring was excavated and developed that productivity was known. It supplied adequate water until fall when the spring ceased production. Based on this, it was determined that the primary (or only) source of the spring was adjacent irrigation runoff to groundwater. Once the spring ceased production, the applicant reverted back to hauling domestic water to his residence, as he had done before. This application is no different than other domestic sources typically supplied by wells. We are not aware of a moratorium on domestic use developments in our area, particularly for those not impacting existing water rights. The applicant is satisfied with the existing situation.

- Jim Lukens

RECEIVED

NOV 27 2023

Department of Water Resources
Eastern Region