

**Lester, Steve**

**From:** Lester, Steve  
**Sent:** Friday, April 23, 2010 9:16 AM  
**To:** 'Bruce M. Smith'  
**Subject:** RE: Application letters for SE Ada County  
**Attachments:** 184 appls seek info-Pacific West.docx; Active appls status table.docx

Bruce:

I sent letters to the remaining applicants for which processing was getting started. The letters sought additional information for the projects. One item needing attention was the cumulative effects of an individual project when combined with projects with senior priorities. In order to frame that question, I included a table of applications in the 184 corridor, arranged in priority order.

A sample of a letter is enclosed. A sample of the table is also enclosed. The table does not include applications that have been withdrawn, voided or rejected – just applications suitable for processing.

So the mailing went to applicants in about the bottom half of the table. I did not copy the applicants for which processing was already underway, such as Mayfield Townsite.

Please let me know if you have any questions about the mailing.

Steve

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**From:** Bruce M. Smith [mailto:BMS@msbtlaw.com]  
**Sent:** Tuesday, April 20, 2010 6:29 PM  
**To:** Lester, Steve  
**Subject:** Application letters for SE Ada County

Steve—It just came to my attention that you sent out letters to several of the applicants in the se ada county area. The letter dealt with RAFN and other issues. Attached to the letter was a table of applicants. I did not receive a letter for the Mayfield Townsite application. Was this an oversight? Was this application not part of the notice/request for info because it is not a RAFN application? Just want to make sure I understand what the dept is interested in. Thanks Bruce

*copy for mayfield townsite appls:*

*① T. 74414 (e western)*

*② 63-32499 (e s. a.)*

*info might be useful in hearings*

*-82*



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER, Governor  
GARY SPACKMAN, Interim Director

March 19, 2010

*Sample letter*

PACIFIC WEST LAND LLC  
C/O JEFFREY C FEREDAY  
GIVENS PURSLEY LLP  
PO BOX 2720  
BOISE ID 83701-2720

Re: Application for Permit No. 61-12257 (previously numbered 63-33036)

Dear Jeff:

The above referenced application proposes significant ground water development along the I84 corridor between Mountain Home and Boise. The application is one of many filed by various parties in this regard. A table summarizing the I84 applications is enclosed for your convenience. The application was re-numbered to correct the basin identification. The error was due to a now-corrected glitch in the Idaho Department of Water Resources (IDWR) GIS system. IDWR needs more information to process application 61-12257. Please consider the following points.

Withdraw Application – If the applicant does not want to proceed with the proposed development, the application can be withdrawn using the enclosed form, and the payer (your firm) can seek a refund of the \$1,750 filing fee. A refund should be requested in writing.

The rest of this letter applies if the applicant wants to continue with the application.

### General Information for Application 61-12257

Several general points need attention as follows.

- A reasonably anticipated future needs (RAFN) municipal right is proposed. As you know, the IDWR Final Order for the M3 Eagle application determined a developer cannot hold a RAFN right. The application should be amended to a standard municipal development to be completed within a five-year period. In that case, please show it is feasible to develop and beneficially use the amount of water proposed for that shorter development period.

- A rate of flow intended only for fire protection, if any, should be deducted from the proposed municipal rate and listed as a separate use. Please confirm that none of the proposed rate of flow in this application will be dedicated only to fire protection. Alternately, the application should be amended for separate municipal and fire protection uses if necessary.
- The maximum diversion rate appears to be 18.22 cfs, not 18.20 cfs that was proposed. See application exhibit 6, page 3, row 164. The maximum storage volume to be appropriated apparently needs to be revised as follows from the information on the application form and exhibit 6, page 3, row 182:

Non-potable capacity	375.0 af
Potable capacity	13.1 af
Evaporation refill	<u>53.0 af</u>
Total storage	441.1 af, round to 442 af.

- Similar to the original application for M3, application 61-12257 proposes every ¼ ¼ within the place of use for alternate points of diversion for up to nine wells. That “permissible point of diversion” idea was ultimately rejected for M3. This application needs to more specifically identify the proposed well sites.

#### Technical Information for Application 61-12257

If your client thinks it can prevail in a RAFN application, please justify that opinion. Also, please provide the necessary population and planning data required for a RAFN proposal.

Water Appropriation Rule 40 information is needed. Please see the enclosed copy of Rules 40.05.c-g for this situation. Your responses to those items should also address the following concerns.

- 1) Demonstrate an adequate, sustainable ground water supply is available.
- 2) The proposed wells are within the Mtn. Home Ground Water Management Area (GWMA) and not far from the Cinder Cone Butte Critical Ground Water Area (CGWA). Demonstrate the proposed use of ground water will not result in further ground water level declines in the GWMA or the CGWA.
- 3) Discuss plans to monitor and report data about ground water supply, ground water levels, and ground water quality in and around the project area if 61-12257 is approved and development proceeds.
- 4) Individual and Cumulative Effects: Provide Rule 40.05.cii-ciii information and above items 1 through 3 information with respect to the following: effects from this application, and cumulative effects from this application plus all the projects senior in priority to 61-12257 as summarized in the enclosed table, “Ground Water Projects, I84 Area, March 18, 2010.”

Pacific West Land LLC

March 19, 2010

Page 3

5) The application included some financial information from April 2008. Current financial information is needed to satisfy Rule 40.05.f. Note this covers current financial assets and estimated project costs.

6) For Rule 40.05.g information regarding local public interest, describe how the applicant intends to become a municipal provider for the expanded service area under I. C. § 42-202B, specifically with respect to the Idaho Department of Environmental Quality and/or the Idaho Public Utilities Commission. Also, describe the applicant's progress with any required local government approvals. It is not necessary to send comment letters noted under this section of the rule.

One last item is needed. The names and titles of the officers or directors of Pacific West Land LLC should be provided.

An application fee is not based on a proposed diversion volume. The fee is based on whichever is greater, the total rate of flow or the total storage volume. A partial refund will be issued if the applicant does want to proceed and makes a timely reply. The correct filing fee for 18.22 cfs is \$970 (which incorporates a fee of \$410 for 401-500 af of storage). The \$780 overpayment can be refunded if the application remains viable.

**Please provide your response within the next sixty (60) days. Alternately, you can request up to six months additional time in this regard. Without a timely written reply, the application will be voided and a refund will not be issued.**

Please contact me if you have any questions. Thank you for your attention to this matter.

Sincerely,

Steve Lester  
Water Rights Supervisor

Enclosures

Sample Table

wr processing/planned communities/active appls status table

March 2010

**Active Applications, Ground Water Projects, I84 Area**

See notes, next page

NAME	NUMBER	PRIORITY	USE	CFS	WELL LOCATIONS	STATUS
ID Water Company	73811	1963-1980	Irrigation	05.56	IS 4E S. 14, 23, 24	Protested
Mayfield Townsite	74414	1971	Irrigation	01.91	IN 4E S. 25, 26	Protested
Orchard Ranch	73834	1976	Municipal	11.36	IS 4E S. 19	Not processed
Intmtn. Sewer & Water	63-32225	9/16/2005	Municipal	10.00	IN 4E S. 28, 33	Permit issued
Intmtn. Sewer & Water	63-32225	9/16/2005	Municipal	10.00	IN 4E S. 28, 33	Appl. To Amend Permit, Protested
Mayfield Townsite	63-32499	7/28/2006	Municipal	10.00	IN 4E S. 23, 24, 27; IN 5E S. 18, 19	Protested
Nevid	61-12090	9/28/2006	Municipal & Fire Protection	04.02 *	IS 4E S. 2, 11	Permit issued
Nevid	61-12095	4/3/2007	Municipal	05.00	IS 4E S. 1, 12	Protested
Orchard Ranch	63-32703	6/21/2007	Municipal	09.60	IS 3E S. 9, 10, 13-15, 24	Not processed
Cloverleaf	61-12162	12/28/2007	Domestic	02.00	IS 4E S. 2	Not processed
Cloverleaf	61-12168	1/2/2008	Domestic	04.50	IN 5E S. 33, 34; IS 5E S. 4	Not processed
Intmtn. Sewer & Water	61-12256 **	1/17/2008	Municipal	13.76	IN 4E S. 34, 35	Not processed
Rider	61-12173	3/21/2008	Domestic	04.50	IN 5E S. 20, 21, 30	Not processed
Rider	61-12174	3/21/2008	Domestic	04.50	IN 5E S. 26, 28	Not processed
Pacific West Land	61-12257 ***	4/15/2008	Municipal	18.20	IS 3E S. 12; IS 4E S. 7, 8, 16-18	Not processed

## NOTES

- Listed in existing/proposed date of priority order.
- Includes approved & pending permits or transfers & 1 pending amendment of permit.
- Does not include void, withdrawn & otherwise terminated applications.
- 5-digit number = transfer; 7-digit number = application for permit, application for amendment of permit, or approved permit.
- Status of “not processed” indicates no legal notice yet.
- \* 1.82 cfs municipal + 2.20 cfs fire protection
- \*\* previously mis-numbered 63-32973
- \*\*\* previously mis-numbered 63-33036