



## 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

September 20, 2010

ARK PROPERTIES LLC & MAYFIELD TOWNSITE LLC  
C/O LORI GRAVES  
SPF WATER ENGINEERING  
300 E MALLARD DR STE 350  
BOISE ID 83706

Re: Application for Permit No. 63-33344

Dear Lori:

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. The Idaho Department of Water Resources (IDWR) needs more information to process application 63-33344. Please consider the following points.

Withdraw Application – If the applicants do not want to proceed with the proposed development, the application can be withdrawn using the enclosed form. The applicants can seek a refund of the \$570 filing fee. A refund should be requested in writing.

The rest of this letter applies if the applicants want to continue with the application.

#### General Information

Several general points need attention as follows.

- **Map** – The application did not include a map to confirm the written points of diversion and place of use.
- **Water Bearing Zone** – The application lists two existing wells. Based on the well logs, the water bearing zone for the wells appears to be about 430 to 750 feet. Is this correct?
- **Diversion Rate** – A 9.00 cfs rate is proposed from the existing wells. These are the same wells developed under Permit 63-12447. Your company submitted a beneficial use report for that permit on February 26, 2009. The report confirms a system capacity of 5.12 cfs. Application 63-33344 should be reduced to 5.12 cfs or information should be provided to describe how additional capacity will be developed from these wells.

Technical Information

Most other applications in the general area propose non-irrigation uses for planned communities. Please see the enclosed table summarizing ground water projects for the I84 area. Application 63-33344 proposes irrigation associated with the proposed place of use for a planned community identified in the protested Mayfield Townsite application 63-32499.

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

- 1) Demonstrate an adequate, sustainable ground water supply is available.
- 2) Demonstrate the proposed use of ground water will not result in further ground water level declines in the nearby Mtn. Home Ground Water Management Area and the Cinder Cone Butte Critical Ground Water Area.
- 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 this application is approved and development proceeds.
- 4) For Rule 40.05.g information regarding local public interest, describe the applicants' progress with any required local government approvals. It is not necessary to send comment letters noted under this section of the rule at this time.
- 5) Individual and Cumulative Effects: Provide Rule 40.05.cii-ciii information and above items 1 and 2 information with respect to the following: effects from this application, and cumulative effects from this application plus all the projects senior in priority to 63-33344 as shown in the enclosed table.

**Please provide your response within the next ninety (90) 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

**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
Orchard Ranch	73834	1976	Municipal	11.36	IS 4E S. 19	Not advertised
Intmtn. Sewer & Water	63-32225	9/16/2005	Municipal	10.00	IN 4E S. 28, 33	Permit issued
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
Nevid	61-12096	4/3/2007	Municipal & Fire Protection	20.48	IS 4E S. 1, 2, 11, 12; IS 5E S. 5-8	Advertising 9/2010
Orchard Ranch	63-32703	6/21/2007	Municipal	09.60	IS 3E S. 9, 10, 13-15, 24	Not advertised
Intmtn. Sewer & Water	61-12256 *	1/17/2008	Municipal	13.76	IN 4E S. 34, 35	Not advertised
Rider	61-12173	3/21/2008	Domestic	04.50	IN 5E S. 20, 21, 30	Not advertised
Rider	61-12174	3/21/2008	Domestic	04.50	IN 5E S. 26, 28	Not advertised
Pacific West Land	61-12257 **	4/15/2008	Municipal	18.20	IS 3E S. 12; IS 4E S. 7, 8, 16-18	Not advertised
Ark Properties & Mayfield Townsite	63-33344	3/1/2010	Irrigation	09.00	IN 4E S. 24	Not advertised

## NOTES

- Listed in existing/proposed date of priority order.
- Includes approved & pending permits or transfers.
- Does not include void, withdrawn & otherwise terminated applications.
- 5-digit number = transfer; 7-digit number = application for permit or approved permit.
- Status of "Not advertised" indicates no legal notice yet.
- \*        previously mis-numbered 63-32973
- \*\*       previously mis-numbered 63-33036
- 61-12096 Nevid previously void but reinstated & processed

**Water Appropriation Rules 40.05.c through 40.05.g**

**c. Information relative to the effect on existing water rights, Section 42-203A(5)(a), Idaho Code, shall be submitted as follows:**

i. For applications appropriating springs or surface streams with five (5) or fewer existing users, either the identification number, or the name and address of the user, and the location of the point of diversion and nature of use for each existing water right shall be submitted.

ii. For applications appropriating groundwater, a plat shall be submitted locating the proposed well relative to all existing wells and springs and permitted wells ~~within 500 feet of the proposed well.~~ *see below*

iii. Information shall be submitted concerning any design, construction, or operation techniques which will be employed to eliminate or reduce the impact on other water rights.

**d. Information relative to sufficiency of water supply, Section 42-203A(5)(b), Idaho Code, shall be submitted as follows:**

i. Information shall be submitted on the water requirements of the proposed project, including, but not limited to, the required diversion rate during the peak use period and the average use period, the volume to be diverted per year, the period of year that water is required, and the volume of water that will be consumptively used per year.

ii. Information shall be submitted on the quantity of water available from the source applied for, including, but not limited to, information concerning flow rates for surface water sources available during periods of peak and average project water demand, information concerning the properties of the aquifers that water is to be taken from for groundwater sources, and information on other sources of supply that may be used to supplement the applied for water source.

**e. Information relative to good faith, delay, or speculative purposes of the applicant, Section 42-203A(5)(c), Idaho Code, shall be submitted as follows:**

i. The applicant shall submit copies of deeds, leases, easements or applications for rights-of-way from federal or state agencies documenting a possessory interest in the lands necessary for all project facilities and the place of use or if such interest can be obtained by eminent domain proceedings the applicant must show that appropriate actions are being taken to obtain the interest. Applicants for hydropower uses shall also submit information required to demonstrate compliance with Sections 42-205 and 42-206, Idaho Code.

ii. The applicant shall submit copies of applications for other needed permits, licenses and approvals, and must keep the department apprised of the status of the applications and any subsequent approvals or denials.

**f. Information Relative to Financial Resources, Section 42-203A(5)(d), Idaho Code, shall be submitted as follows:**

i. The applicant shall submit a current financial statement certified to show the accuracy of the information contained therein, or a financial commitment letter along with the financial statement of the lender or other evidence to show that it is reasonably probable that financing will be available to appropriate the water and apply it to the beneficial use proposed.

ii. The applicant shall submit plans and specifications along with estimated construction costs for the project works. The plans shall be definite enough to allow for determination of project impacts and implications.

**g. Information Relative to Conflict with the Local Public Interest, Section 42-203A(5)(e), Idaho Code, shall be submitted as follows:**

The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from the governing body of the city and/or county and tribal reservation within which the point of diversion and place of use are located, the Idaho Department of Fish and Game, the Idaho Department of Environmental Quality, and any irrigation district or canal company within which the proposed project is located and from other entities as determined by the director.

— within an area of impact based on credible technical justification from a qualified expert in these matters

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see below

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