



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

C.L. "BUTCH" OTTER, Governor
DAVID R. TUTHILL, JR., Director

May 17, 2007

BOISE-HIGHLAND DEVELOPMENT CO
C/O ROXANNE BROWN
SPF WATER ENGINEERING
600 E RIVER PARK LN STE 105
BOISE ID 83706

Re: Application for Permit No. 61-12090

Dear Ms. Brown:

The above referenced application proposes 5.00 cfs from ground water for municipal use associated with Sterling Sage Subdivision. Additional information is needed for the Idaho Department of Water Resources (IDWR) to evaluate the application. Please provide the following information.

Business Entity - The applicant is not a registered business entity according to Idaho Secretary of State records. Please explain how the applicant is legally authorized to conduct business in Idaho.

Possessory Interest in the Site - An applicant needs possessory interest in the place of use for a proposed water right. The application references a "business contract" with the current landowner. Briefly explain the contract regarding the applicant's possessory interest in the property.

Transfer Application - The applicant also filed an Application for Transfer regarding water right no. 61-7208. Apparently a portion of that right is proposed to be diverted from the same system and for the same place of use described under Application 61-12090. The applicant should explain how each application would serve the proposed development.

Water Appropriation Rule 40.05 Information - Please see the enclosed copy of Rules 40.05c through 40.05g. The applicant should respond to those items. The response should address, but is not limited to, the following points:

- adequate water availability
- long-term sustainability of water supply (cannot mine the aquifer)
- injury to senior water users
- increasing the ground water deficit in Mtn. Home Ground Water Management Area

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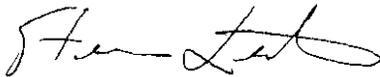
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- In lieu of the applicant sending letters for local public interest criteria, describe work the applicant has completed or will complete regarding the following:
 - ▶ Elmore County requirements
 - ▶ Municipal provider requirements under I. C. § 42-202B(5)
 - ▶ ID Public Utility Commission and/or ID Dept. of Environmental Quality requirements.

Please submit the requested information to allow evaluation of the application to be completed. The applicant may seek additional time to provide the information by making a written request to interrupt processing. The response including the requested information, or a request for more time to seek the information, must be received within the next ninety (90) days. The application will be voided without a timely written reply.

Please contact me at 334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosure: Water Appropriation Rules 40.05c-g

Water Appropriation Rules 40.05.c through 40.05.g

c. The following information shall be submitted for applications to appropriate unappropriated water. . . .

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 a one-half mile radius of the proposed well.
- 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.