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WATER RESOURCES  
WESTERN REGION

March 3, 2005

Steve Lester  
Idaho Department of Water Resources  
2735 Airport Way  
Boise, ID 83705

Subject: Application for Permit No. 63-32061- SunCor Idaho, LLC

Dear Steve:

This letter is a response to the five bullet points listed in your letter of February 18, 2005.

1. Thanks for catching our error on the point of diversion description. You are correct. The point of diversion should be described as the SWNE of Section 23 rather than the SENE of Section 23. I'll come in to the office and make the change.
2. I have enclosed a signed "Request to Process" form.
3. With regard to groundwater flow direction, I have enclosed a contour map of groundwater levels that we prepared based on water levels in wells in the area between Eagle and Pearl (Figure 1). Of our six proposed diversion points shown on the contour map, the four northernmost points are clearly tributary to the Payette River. The two southernmost points of diversion (in Section 23) are more likely tributary to the Payette River than the Boise River, but the data are not adequate to say with absolute certainty.
4. We anticipate that the water proposed for appropriation will be available from the aquifer on a sustainable basis. Under a highest use scenario (continuous pumping of 5 cfs, 24 hours per day, 365 days per year), the total volume pumped under the permit could be 3,620 acre feet per year. The basin area tributary to the aquifers proposed for appropriation appears to be the Willow Creek drainage above Highway 16, and the Big Gulch and Little Gulch drainages north of the boundary between townships 4 North and 5 North. Total annual precipitation in this area is approximately 70,000 acre feet (Figure 2). If we assume that 5 percent of the annual precipitation within this area is available for groundwater recharge, the precipitation will supply 3,500 acre feet to the aquifer annually. Recharge will occur as direct infiltration of precipitation on lands above the aquifer, leakage from the stream beds of Willow Creek, Big Gulch, and Little Gulch, leakage from the reservoir on Willow Creek, and ground water inflow from the tributary basin to the north.

SCANNED

M3 EAGLE LLC  
EXHIBIT  
140

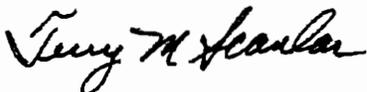
Other potential sources of recharge to the aquifer are leakage from the Farmers Union Canal to the south and the Black Canyon Canal to the northeast. Both canals are perched above the water table, so we assume that they leak and provide significant recharge to this area. The bottoms of both canals are 50 to 100 feet above the water table, so additional groundwater pumping will not induce additional losses.

The groundwater contours demonstrate that recharge that reaches the aquifer cannot flow south toward the Boise Valley. As a result, recharge from the upland areas in the Willow Creek drainage is captured by the aquifer beneath Willow Creek and Big Gulch, with discharge northwesterly toward the Payette River Valley.

Additional information that indicates that groundwater is available for appropriation in this area is water-level monitoring at the Lynn Ranch along Willow Creek between Highway 16 and the confluence of the North Fork and South Fork Willow Creek. Water levels have been monitored at the Lynn Ranch (T5N, R1W, Section 3) since 1993 with no evidence of water level decline (Table 1).

5. With regard to methods to avoid injury to other water rights, we believe that water-level monitoring is the most appropriate action. SunCor has existing test wells in the area that can be utilized for monitoring purposes. Note that there are essentially no existing wells or groundwater rights in the near vicinity of the proposed points of diversion, except for stockwater wells associated with Spring Valley Ranch. As a result, direct well interference should not be an issue. However, water-level monitoring is appropriate to ensure that long-term water-level decline is not occurring under the proposed permit or future permits.

Sincerely,



Terry M. Scanlan, P.E.

Cc: Bob Taunton – SunCor Idaho, LLC  
Al Barker – Barker Rosholt Simpson

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## REQUEST TO PROCESS

**COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED  
USING ONE OF THE THREE ALTERNATIVES BELOW**

Name of Applicant SunCor Idaho LLC  
Mailing Address 485 East Riverside Drive, Suite 300  
Eagle, ID 83616  
Application No. 63-32061  
(if known)

IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

Robert G. Taunton

Date

2/24/05

Please return this form to:

Idaho Department of Water Resources  
Western Regional Office  
2735 Airport Way  
Boise, ID 83705-5082

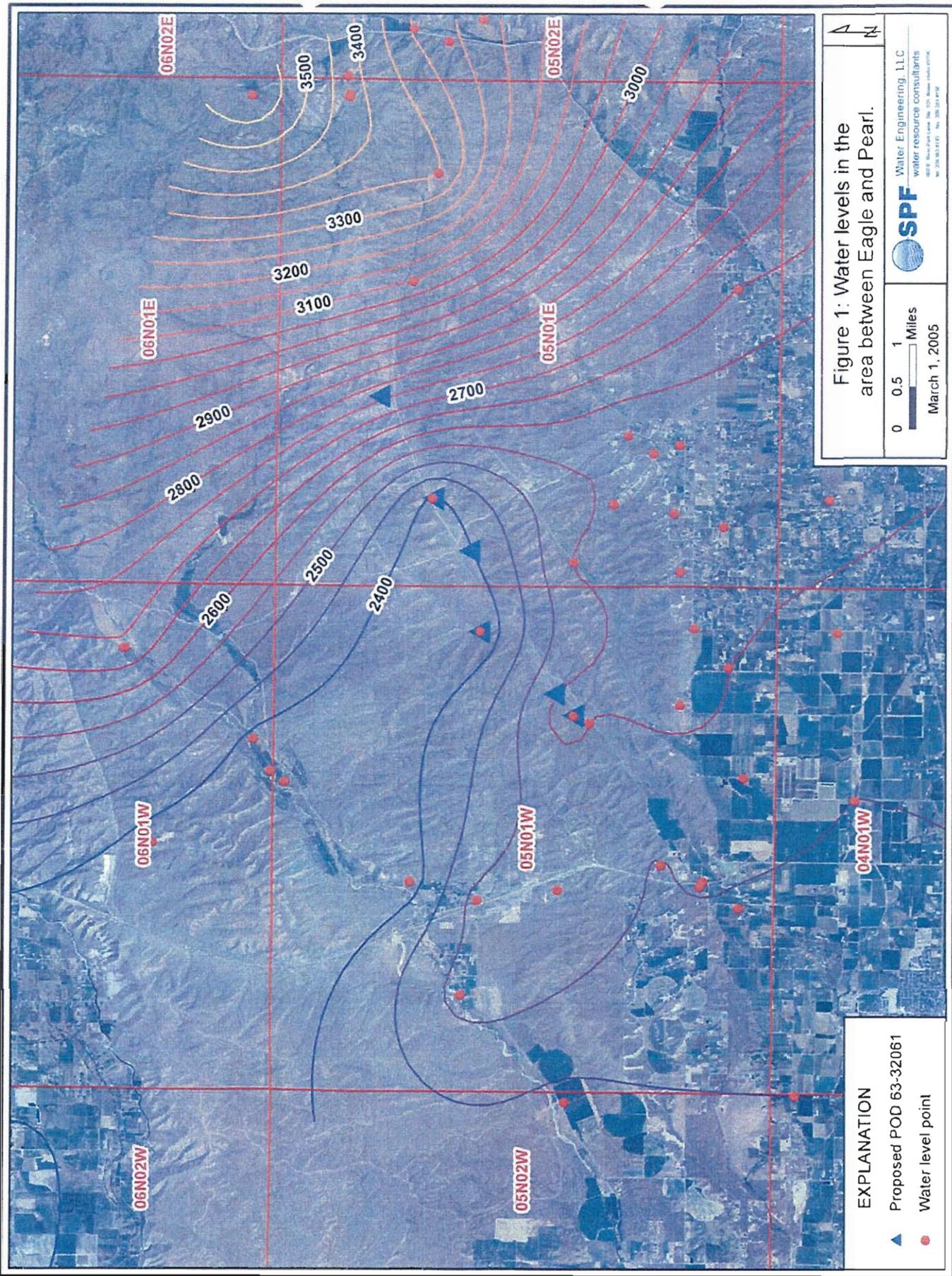


Figure 1: Water levels in the area between Eagle and Pearl.

0 0.5 1 Miles

March 1, 2005

**SPF** Water Engineering, LLC  
water resource consultants  
401 E. Main Street, Suite 100, Boise, Idaho 83724  
208.333.1111 Fax: 208.333.4742

**EXPLANATION**

- ▲ Proposed POD 63-32061
- Water level point

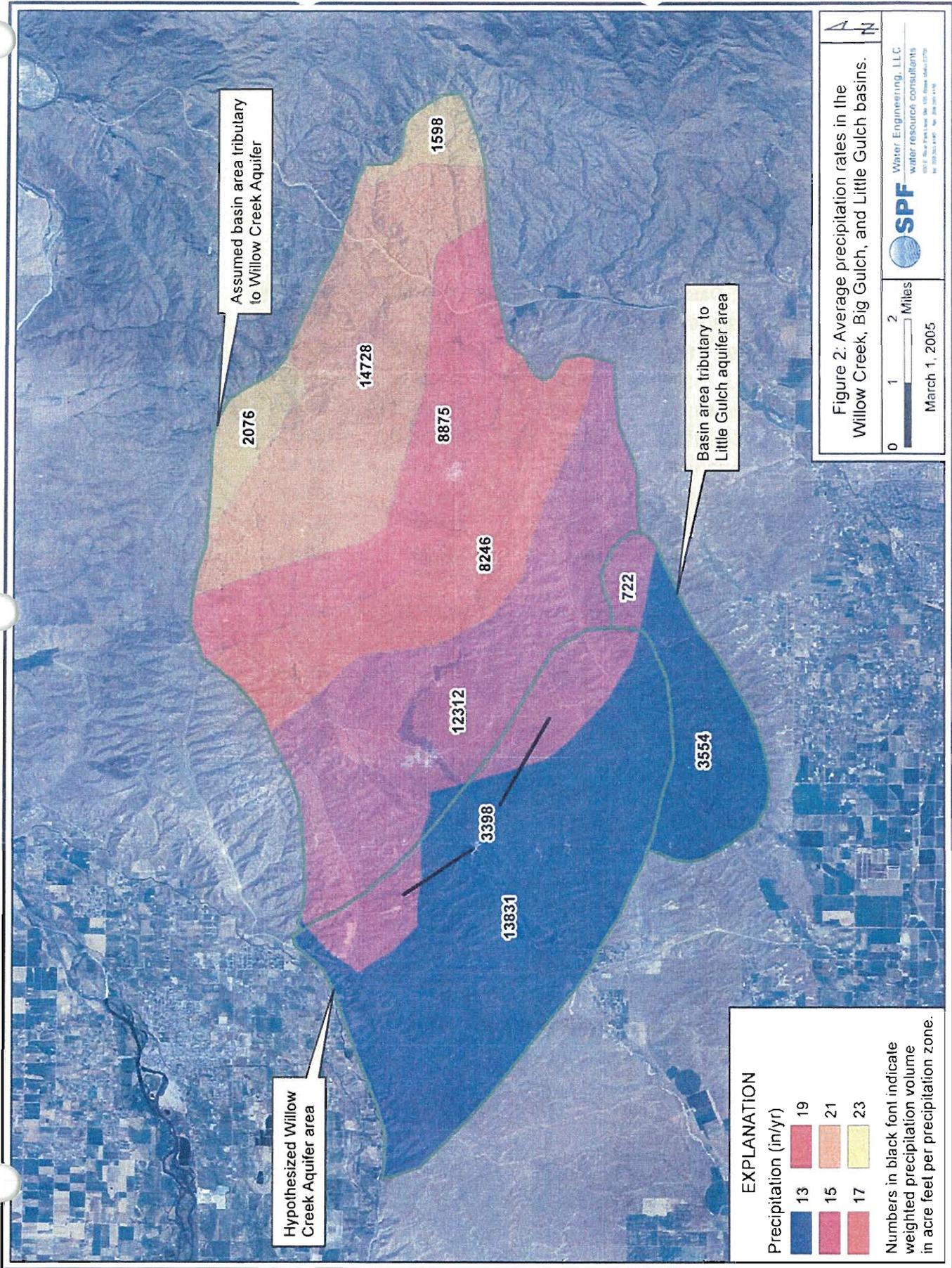


Figure 2: Average precipitation rates in the Willow Creek, Big Gulch, and Little Gulch basins.

Date	M. Lynn Domestic Well	C. Lynn Domestic Well	Lynn Old Irrigation Well
9/9/1993		394.4	382.5
10/21/1994	394.76	394.02	383.40
1/22/1995	395.32	394.25	382.23
3/24/1995	395.48	394.29	382.78
5/21/1995	397.28*	394.66*	382.53
8/27/1995	394.64	394.09	388.45*
10/22/1995	394.61	394.30	383.45*
3/16/1996	395.44	394.49	382.48
10/29/1996	394.66	394.26	382.44
3/26/1997			381.51
10/18/1997	395.15	394.55	383.15
4/16/1998	396.48	394.45	
10/21/1998	395.44	394.74	382.60
3/20/1999	395.76	394.59	382.30
10/21/1999	395.35	395.20*	383.07
3/31/2000	395.90	395.06	382.41
10/26/2000	394.63	394.40	382.24
3/24/2001	395.33	394.92*	382.10
10/30/2001	394.78	**	381.65
3/21/2002	395.73		382.11
10/31/2002	397.44*		383.66
3/10/2003	396.44		382.67
3/24/2004	396.48		382.99

\* recovering slowly from recent pumping

\*\*sounding tube removed during well repair