



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

September 2, 2011

SPF WATER ENGINEERING  
300 E MALLARD DR, STE 350  
BOISE, ID 83706

RE: Consolidation of Hearings for Mayfield Area Water Right Applications

Dear Water Right Applicants, Protestants, and Representatives:

The Department of Water Resources (IDWR) is processing two applications for transfer of ground water and six applications to appropriate ground water in the vicinity of Mayfield and Orchard, which are roughly halfway between Boise and Mountain Home. Records indicate that you are the applicant, protestant, attorney, or representative for at least one of the eight applications. Collectively the eight applications propose to divert a total 84.76 cfs of water, mostly for large-scale residential developments and some irrigation. IDWR has already issued permits authorizing the diversion of 14.02 cfs for large-scale residential developments in the same area. I have enclosed a list of the applications and maps showing their locations.

When reviewing an application for permit to appropriate water, IDWR must consider several criteria, including whether the water supply is sufficient for the purpose intended. Similarly, transfer applications must be evaluated to ensure they will not cause injury to other water rights. Water supply is a key component of the injury analysis for transfer applications.

All of the eight applications are proposing to divert ground water from the same geographic area of the Western Snake River Plain aquifer along the northwestern edge of the Mountain Home Groundwater Management Area. The aquifer in this area may not be able to sustain all of the proposed new withdrawals over the long term without causing injury to other water rights or mining the aquifer. If IDWR were to authorize the diversion of more water than the aquifer could sustain, existing water right holders could be injured and the residents of the proposed new communities would be at risk of water shortages. In addition, because most of the applications are protested and would likely go to hearing anyhow, testimony concerning the water supply issue at various hearings could be redundant or conflicting. For these reasons, it does not make sense to review the eight applications in isolation from each other.

Rule 556 of IDWR's Rules of Procedure (IDAPA 37.01.01.556) states:

The agency may consolidate two (2) or more proceedings for hearing upon finding that they present issues that are related and that the rights of the parties will not be prejudiced. In consolidated hearings the presiding officer determines the order of the proceeding.

Letter Regarding Consolidation of Hearings for Mayfield Area Water Right Applications  
September 2, 2011  
Page 2

IDWR intends to hold a single, consolidated hearing to take evidence regarding the water supply available for the eight pending applications. The consolidated hearing will conform to IDWR's Rules of Procedure (IDAPA 37.01.01). For those applications that are protested, IDWR will hold separate hearings to address other remaining issues.

Because IDWR does not have significant experience with consolidated hearings like the one proposed, IDWR would like to give you the opportunity to submit written comments and suggestions for proceeding in a manner that will both protect the rights of the parties and develop a sufficient record of evidence on which to base a decision. Please provide your responses by September 23, 2011.

Before setting a hearing date, IDWR plans to hold a pre-hearing conference. Possible conference dates are afternoons on Tuesday, October 25<sup>th</sup> or Wednesday, October 26<sup>th</sup>, 2011. In addition to your written comments and suggestions, please indicate your availability for a conference on these dates.

If you have any questions, please call me at 208-287-4947, or email me at [shelley.keen@idwr.idaho.gov](mailto:shelley.keen@idwr.idaho.gov).

Sincerely,

A handwritten signature in black ink that reads "Shelley W. Keen". The signature is written in a cursive style with a large initial 'S'.

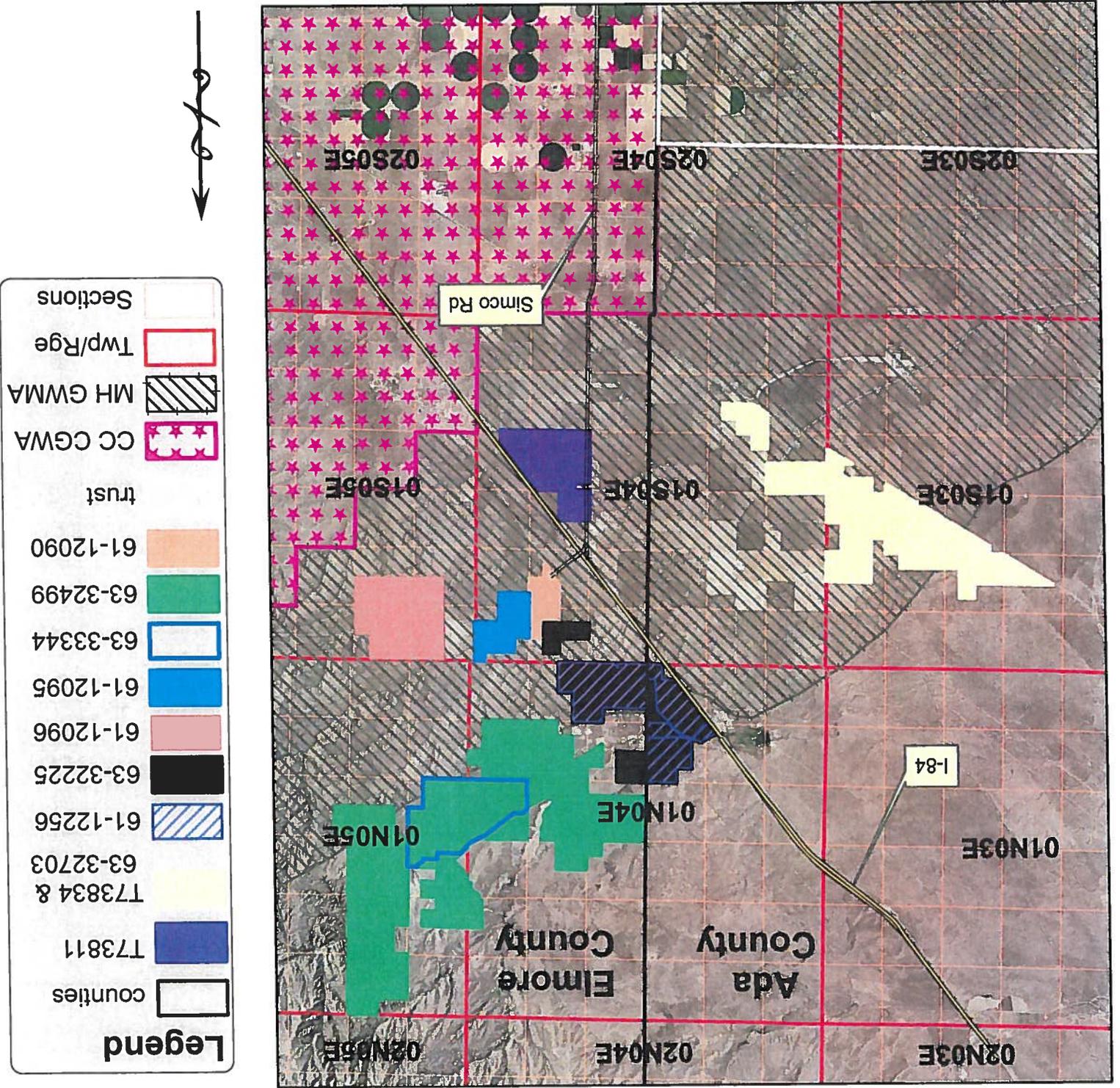
Shelley W. Keen, Manager  
Water Rights Section

Enc.

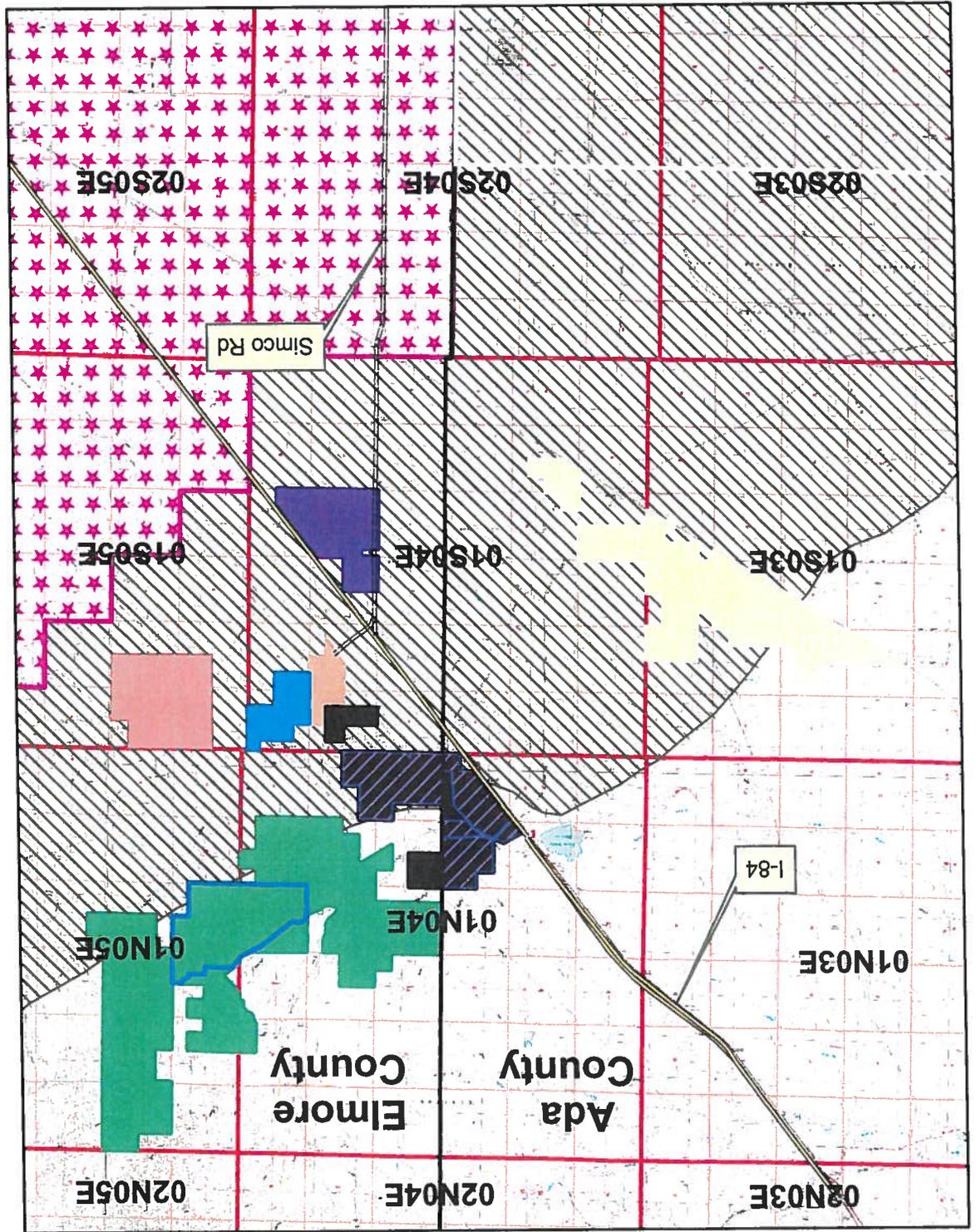
**Active Applications, Ground Water Projects for 184 Area**

NAME	NUMBER	PRIORITY	WATER USE	CFS	WELL LOCATIONS	STATUS
Shekinah Industries (was Kohiz) Received 12/4/2006	73811 Reinstated 6/2011	1963 +	Irrigation	5.56	1S 4E S. 14, 23, 24	Protested Prehearing pending
Orchard Ranch Received 6/21/2007	73834	1976	Irrigation (was municipal)	11.36	1S 3E S. 13, 14; 1S 4E S. 19, 29	Protested
Mayfield Townsite	63-32499	7/28/2006	Municipal	10.00	1N 4E S. 23, 24, 27; 1N 5E S. 18, 19	Protested Hearing vacated 8/3/2009
Nevid	61-12095	4/3/2007	Municipal	05.00	1S 4E S. 1, 12	Protested Hearing pending
Nevid	61-12096	4/3/2007	Municipal & Fire Protection	20.48	1S 4E S. 1, 2, 11, 12; 1S 5E S. 5-8	Protested Hold, no prehearing
Orchard Ranch	63-32703	6/21/2007	Irrigation (was municipal)	09.60	1S 3E S. 9, 10, 15	Advertised, protest withdrawn
Intmn. Sewer & Water	61-12256 *	1/17/2008	Municipal	13.76	1N 4E S. 34, 35 (Elmore County)	Protested
Ark Properties/Mayfield Townsite	63-33344	3/1/2010	Irrigation in planned community 63-32499	09.00	1N 4E S. 24; 1N 5E S. 18	Protested Prehearing 11/29/2011

# I-84 Ground Water Projects



# I-84 Ground Water Projects



0 0.5 1 2 Miles

Map Prepared by S Curtis  
August 2011  
2009 Photography



Legend	
	counties
	T73811
	T73834 &
	63-32703
	61-12256
	63-32225
	61-12096
	61-12095
	63-33344
	63-32499
	61-12090
	trust
	CC CGWA
	MH GWMA
	Twp/Rge
	Sections

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of September, 2011, a true and correct copy of the document(s) described below were served by placing the same in the United States mail, postage prepaid and properly addressed to the following:

Document(s) Served: **Prehearing Conference Scheduling Request**

SHEKINAH INDUSTRIES, INC  
ATTN: MICHAEL PRESTON  
420 BITTERROOT DR  
BOISE, ID 83709

GIVENS PURSLEY LLP  
ATTN: MICHAEL CREAMER  
PO BOX 2720  
BOISE, ID 83701-2720

BROWN FARMS LLC  
C/O HOLZER EDWARDS & HARRISON  
ATTN: CLIFFORD BROWN, ESQ.  
1516 W HAYS ST  
BOISE, ID 83702

BROCKWAY ENGINEERING  
ATTN: ERICK POWELL  
2016 N WASHINGTON ST, STE 4  
TWIN FALLS, ID 83301

CITY OF MOUNTAIN HOME  
ATTN: WAYNE SHEPHERD  
DIRECTOR OF PUBLIC WORKS  
PO BOX 10  
MOUNTAIN HOME, ID 83647

G 3 LLC  
ATTN: CRAIG HAYNES  
2136 E LEWANDOWSKI LN  
BOISE, ID 83716

NEVID LLC AND  
ELK CREEK RANCH LLC  
ATTN: NORMAN M SEMANKO  
ATTORNEY AT LAW  
PO BOX 538  
EAGLE, ID 83616

MAYFIELD TOWNSITE LLC  
PO BOX 1359  
CALDWELL, ID 83606

MOORE SMITH BUXTON & TURCKE  
ATTN: BRUCE SMITH  
950 W BANNOCK STE 520  
BOISE, ID 83702

ORCHARD RANCH LLC  
PO BOX 1260  
MARICOPA, AZ 85139

NORMAN M SEMANKO  
ATTORNEY AT LAW  
PO BOX 538  
EAGLE, ID 83616

SPF WATER ENGINEERING  
300 E MALLARD DR, STE 350  
BOISE, ID 83706

DANA QUINNEY  
SCOTT QUINNEY  
160 S PRONGHORN  
BOISE, ID 83716

TONYA D BOLSHAW  
PO BOX 16022  
BOISE, ID 83715

PERKINS COIE LLP  
ATTN: ROBERT MAYNARD OR  
ERIKA MALMAN  
PO BOX 737  
BOISE, ID 83701-0737

DANIEL S VAN GROUW  
C/O HOFSTETTER LAW OFFICE  
ATTN: DANA HOFSTETTER  
608 W FRANKLIN ST  
BOISE, ID 83702

NEVID LLC  
1349 GALLERIA DR, STE 200  
HENDERSON, NV 89014

SPENCER HAFEN  
886 W BARRYMORE DR  
MERIDIAN, ID 83642

IDAHO WATER COMPANY  
ATTN: DEL KOHTZ  
1135 VALLEY RD S  
EDEN, ID 83325

CITY OF POCATELLO  
C/O BEEMAN & ASSOCIATES  
ATTN: JOSEPHINE BEEMAN  
409 W JEFFERSON ST  
BOISE, ID 83702

IDAHO POWER COMPANY  
ATTN: JAMES C TUCKER OR  
NATHAN F GARDINER  
1221 W IDAHO ST  
BOISE, ID 83702-5627

MAYFIELD TOWNSITE LLC  
C/O BRUCE SMITH, ATTORNEY  
950 W BANNOCK ST, STE 520  
BOISE, ID 83702

INTERMOUNTAIN SEWER &  
WATER CORP.  
PO BOX 344  
MERIDIAN, ID 83680

TIM CONRADS  
75 S PRONGHORN RD  
BOISE, ID 83716

MARY FRISCH  
155 S PRONGHORN DR  
BOISE, ID 83716

GRIFFIN HERREN  
719 DESERT WIND RD  
BOISE, ID 83716

ARK PROPERTIES LLC  
ATTN: JOHN MC CALLUM  
11204 N BAR 21 DR  
GLENN'S FERRY, ID 83623-5033

WENDY TIPPETTS  
999 N SLATER CREEK  
MAYFIELD, ID 83716

LORI ATKINS  
602 E MIKE'S PL  
BOISE, ID 83716

DARLA BATEMAN  
404 E INDIAN CREEK RD  
BOISE, ID 83716

CLEVELAND CORDER LLC  
2248 VANOCKER ST  
MERIDIAN, ID 83642

A handwritten signature in cursive script that reads "Danni M Smith". The signature is written in black ink and is positioned above a horizontal line.

Danni M Smith  
Office Services Supervisor 1  
Water Management Division