



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

August 3, 2015

DONALD R WOOD
355 SW MIDNIGHT BLUE WAY
MOUNTAIN HOME, ID 83647

RE: Potential Unauthorized Use of Water – Case No. E2015-750

Dear Mr. Wood:

I have received your letter dated July 10, 2015 explaining your attempts to engage the Idaho Department of Water Resources to help resolve a water situation at your residence in Mountain Home. The attachments to your letter describe a well share agreement between you and your neighbor that requires you to provide water from your well to your neighbor. You have asserted that your neighbor's commercial use of water from your well either violates your domestic water right or requires a separate water right for the use.

It is not clear from your letter or attachments how much water is diverted or used for your neighbor's commercial use. As explained in prior letters to you from this Department, a water right permit is not required for a domestic use from a well if the diversion and use of water is within statutory limits. Idaho Code § 42-111(1) part b, defines a domestic use as any use, if the total does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2,500 gallons per day.

The Department will not issue a notice of violation without sufficient evidence confirming that the use of water exceeds a valid water right or the domestic exemption. In this case, the Department needs measured and recorded values of the flow rate and volume diverted and used by your neighbor before any enforcement action can be considered.

I hope this letter addresses your questions. Please feel free to contact the Department if you have additional questions.

Sincerely,

Gary Spackman
Director

cc: Jeff Peppersack, Water Allocation Bureau Chief
Nick Miller, Western Region Manager

61-10713