

MEMORANDUM

DATE: July 31, 2014

TO: Water Right File 37-8850

FROM: Shelley W. Keen *SWK*

RE: Use of the point of diversion by Bill Carter

This morning Bill Carter, whom I've known for many years, called to discuss Permit 37-8850, which was issued for domestic use in the 39 lots of Fairway Estates subdivision near Fairfield. Bill owns two large parcels of land adjacent to the Fairway Estates subdivision on the north. Bill has a home on one of his parcels. Bill explained to me that his home has historically been connected to and served by the Fairway Estates well. In fact, because no homes have been constructed on the Fairway Estates lots, it is the only home that has received water from the Fairway Estates system documented in Sandy Hemenway's field report.

Bill wanted to know if the water right license would include his home. He said that in 2013 the system burned up in a range fire. He has offered to pay for restoration, but Smokey Dome LLC – current permit holder, owner of the well lot, and owner of some of the subdivision lots – will not allow him access. Bill wondered if the water right would provide him access to the well so he could restore service to his home.

I explained to Bill that a water right does not provide access to private land. He will have to work with Smokey Dome LLC on to get access to the well. I also explained that the permit may be resolved in a handful of ways, including:

- If it has no interest in restoring the system, the permit holder could relinquish the permit.
- IDWR could issue a license for the permitted domestic use, 39 homes in Fairway Estates, based on the stub-in practice. The license would not authorize Bill's use.
- The permit could possibly be issued for municipal use without a restriction on the number of homes served, but the permit holder would have to pursue the change.
- Bill could acquire the permit from Smokey Dome LLC and seek to have the license issued for his water use.

Depending on what the permit holder wants to do, Bill's options may include:

- Becoming part of the municipal place of use, if the license is issued that way.
- Drilling his own domestic well.
- Acquiring access to the well and filing an application for permit for his own use.

Bill was not sure how he would proceed, but indicated it may be easiest for him to get his own domestic well.