

Keen, Shelley

From: Keen, Shelley
Sent: Tuesday, September 02, 2014 5:55 PM
To: 'Dave Tuthill'
Subject: RE: License No. 37-20863

Dave,

Normally a permit or license for multiple domestic purposes either states that irrigation is limited to half an acre per lot or it states that irrigation is not authorized. As you noted, License 37-20863 does neither, to my chagrin. The permit authorized irrigation of up to half an acre per lot. The license is based largely on stub-in credit, which can get confusing. However, IDWR is currently allowing lawn irrigation when it give stub-in credit. For 37-20863, the field report makes it pretty clear that irrigation is authorized for each lot. The domestic volume of 18.6 AF is based on 1.2 AF per lot for 16 lots, minus 0.6 AF for one lot that gets its internal water from its own well. The 1.2 AF is for 0.6 AF internal use and 0.6 AF external use.

The fact that the right authorizes 32 homes might lead one to believe the volume is based on internal use for all those homes. However, when calculating the volume we decided not to give stub-in credit for multiple homes per lot. The right holder can have two homes and irrigation on each lot, but each lot owner will be expected to accomplish those uses with 1.2 AF.

I will place a copy of this explanation in the file in case the question arises again.

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From: Dave Tuthill [<mailto:dave@idahowaterengineering.com>]
Sent: Tuesday, September 02, 2014 4:44 PM
To: Keen, Shelley
Subject: License No. 37-20863

Hi, Shelley.

We are dealing with a water right that has me a bit puzzled. I can't tell from the license if 37-20863 allows any water for lawn watering. The use is described as fire protection and domestic. I see no mention of irrigation and of course section 42-111 (2) states:

For purposes of the sections listed in subsection (1) of this section, domestic purposes or domestic uses shall not include water for multiple ownership subdivisions, mobile home parks, or commercial or business establishments, unless the use meets the diversion rate and volume limitations set forth in subsection (1)(b) of this section.

How is IDWR viewing this matter these days?

Thanks,

Dave

David R. Tuthill, Jr., Ph.D., P.E.

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