

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No. 63-33853

1. Name of applicant(s) Kail Q Seibert Phone (208) 342-6401
Name connector (check one): ☐ and ☐ or ☐ and/or

Mailing address: 2807 W Homer Road City EagleState ID Zip 83616 Email: kqs@seibertlawoffices.com

2. Source of water supply Ground Water which is a tributary of _____

3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	¼	¼	¼	County	Source	Local name or tag #
5N	1E	31	1		NW	NW	Ada	Ground Water	

4. Water will be used for the following purposes:

Amount 0.12 for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)

5. Total quantity to be appropriated is (a) 0.12 cubic feet per second (cfs) and/or (b) 18.9 acre-feet per year (af).

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source. Existing 6" diameter domestic well, see attached well log.

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11.

For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No

c. Proposed well diameter is 6 inches; proposed depth of well is 208 feet.

d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No

e. If well is already drilled, when? 7/4/01; drilling firm S.O.S. Well Drilling and Pump;
Well was drilled for (well owner) Applicant; Drilling Permit No. D0018635

7. Description of proposed uses (if irrigation only, go to item 8):

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. _____

d. Domestic; show number of households _____

e. Other; describe fully. _____

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SEP 11 2013

WATER RESOURCES

8. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	1E	31					2.2	2.0											4.2

Total number of acres to be irrigated: 4.2

- Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? None, POU shapes for 63-10851 and 63-18264 incorrectly include the applicant's property in the NENW but are not used by applicant and are not available for use by applicant.
- Who owns the property at the point of diversion? Applicant
 - Who owns the land to be irrigated or place of use? Applicant
 - If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____
- Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Applicant owns a parcel currently without access to irrigation water. The additional area sought to be irrigated is larger than the 1/2 acre permitted under a domestic water right and applicant is seeking a water supply for 4.2 acres. Applicant's domestic well has sufficient capacity to provide the irrigation water supply. Applicant recognizes a revised drilling permit will be required to utilize the current well for irrigation purposes.
- Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year).
- MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


 Signature of Applicant
Kail Q. Seibert
 Print Name (and title, if applicable)

 Signature of Applicant

 Print Name (and title, if applicable)

For Department Use:

Received by JA Date 9/11/13 Time 2:50pm Preliminary check by NLD
 Fee \$ 125 (well) Received by JA Receipt No. W041304 Date 9/11/13
100 - (well) JA W041305 9/11/13

Seibert Application for Permit



63-33853

Sommer, Rachel

From: Sommer, Rachel
Sent: Thursday, October 31, 2013 10:34 AM
To: 'LEGALS@IDAHOSTATESMAN.COM'
Subject: Ada Legal Ad
Attachments: Ada Cover Letter.docx; Ada Legal Notice.docx

Good Morning Janice Hildreth,

Please see the attached ad for publication on 11/7/2013 & 11/14/2013.

Please confirm these are okay to publish as shown.

Thank you very much,

Rachel Sommer

Administrative Assistant
IDWR, Western Region
Office: 208-334-2190
Fax: 208-334-2348
rachel.sommer@idwr.idaho.gov

October 31, 2013

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Application For Permit No's: 63-33772, 63-33792, 63-33853.
Transfer No. 78771

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. **Please send the affidavit and bill to this office before 11/25/2013.** Your cooperation is appreciated.

Sincerely,

Rachel Sommer
Administrative Assistant

Enclosures

The following applications have been filed to appropriate the public waters of the State of Idaho:

63-33772

CARLTON BAY HOMEOWNERS ASSN INC

PO BOX 810

STAR, ID 83669

(3)Points of Diversion SWSW S14 T04N R01E ADA County Source GROUND WATER

Use: AESTHETIC STORAGE 01/01 to 12/31 15.9 AF

Total Diversion: 15.9 AF

Date Filed: 5/3/2013

Place of Use: AESTHETIC STORAGE

T04N R01E S14 SWSW

Water bearing zone to be appropriated is from 0 to 10 feet.

63-33792

EDGEWATER ESTATES OWNERS ASSN INC

C/O STAN GRAY

10140 W RIVER ROCK LN

BOISE, ID 83714

Point of Diversion L6(SENW) S23 T04N R01E ADA County Source GROUND WATER Tributary BOISE RIVER

Use: AESTHETIC STORAGE 01/01 to 12/31 63 AF

Total Diversion: 63 AF

Date Filed: 6/17/2013

Place of Use: AESTHETIC STORAGE

T04N R01E S23 NENW L4(NWNW) L5(SWNW) L6(SENW)

Water bearing zone to be appropriated is from 0 to 21 feet.

63-33853

KAIL SEIBERT

2807 W HOMER RD

EAGLE, ID 83616

Point of Diversion L1(NWNW) S31 T05N R01E ADA County Source GROUND WATER

Use: IRRIGATION 03/01 to 11/15 0.12 CFS

Total Diversion: 0.12 CFS

Date Filed: 9/11/2013

Place of Use: IRRIGATION

T05N R01E S31 NENW L1(NWNW)

Total Acres: 4.2

Water bearing zone to be appropriated is from 198 to 208 feet.

PROPOSED CHANGE OF WATER RIGHT

New Union Ditch Co. LTD of PO Box 31, Eagle, ID, 83616, filed **Application No. 78771** to transfer a water right with an 1865 priority date from the Boise River totaling 13.76 cfs. The purpose of the transfer is to change the nature of use for a 6 acre portion of the right to mitigate consumptive use for 3 ponds in Carlton Bay (Application 63-33772) and 1 pond in Edgewater Estates (Application 63-33792) Developments located at Eagle Island on the south side of State Street, approximately 1 mile north of Chinden Blvd., and 2 miles west of Eagle Road. The unchanged portion of the right will remain within the ditch company service area.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the rights &/or proposed transfer, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Sec 42-222 and 42-203A, Idaho Code. Any protest against the approval of this application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 11/25/2013. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 11/7/2013 and 11/14/2013

Lester, Steve

From: Lester, Steve
Sent: Tuesday, October 22, 2013 3:49 PM
To: 'Dave Shaw'
Subject: RE: Boise Basin Ground Water

Dave:

You presented a good case under Application Memo #59 for application processing to continue. There is no black & white definition that I know of defining the minimum thickness for a layer to be considered confining – it's probably case-specific most of the time. The 5 ft. "definition" seemed reasonable absent other information. I suppose a hard-line approach would require the applicant to demonstrate 194-198 ft. clay layer is confining since it's a gray area. But that is not warranted here for the reasons you outlined.

So processing will continue. Assuming no protests, these conditions of approval would apply unless the applicant can demonstrate why any of these should not apply:

1) Water bearing zone to be appropriated is 198-208 feet.

← SEE diagram #2 attached

2) Upon determination by the Director that the diversion and use of water under this right is injuring prior water rights, the Director may require reconstruction of the well used as a point of diversion for this right and/or limit withdrawals of water under this right to prevent injury.

3) To prevent injury to prior water rights appropriating water from the Boise River or the underlying shallow aquifer, any replacement well or additional well used as a point of diversion for this water right shall be constructed and maintained with unperforated casing and sealed into the first significant confining layer located 200 feet or more below ground surface.

These conditions have been used in similar cases regarding applications for minor uses around the margins of the shallow ground water line above Star. Please let me know if you need anything else in this regard.

Steve

From: Dave Shaw [<mailto:dshaw@eroresources.com>]
Sent: Friday, October 18, 2013 11:01 AM
To: Lester, Steve
Cc: Kail Seibert (kqs@seibertlawoffices.com)
Subject: RE: Boise Basin Ground Water

Steve:

I am writing in response to your September 20, 2013 letter regarding Application for Permit 63-33853 in the name of Kail Seibert. I have reviewed both the Well Construction Rules and Amended Application Processing Memo No. 59 and am asking for reconsideration of your September 20 letter.

The map attached to the Application for Permit incorrectly located the existing well too far from the north boundary of Section 31. The actual location is 220 feet from the north boundary of Section 31, Twp 5N Rge 1E, B.M.

The well log for this well shows 4 feet of non-water bearing clay from 194 to 198 feet of depth. In my review of the Well Construction Rules the only reference I find to 5 feet of seal required is under the sealing of artesian wells. That is not the issue here, the question is whether water from a water table zone will enter the deeper zone as a result of pumping from the deeper zone and I could not find any criteria for sealing in this situation. The pumping level of 200 feet depth

OK exception e APPL MEMO #59

during the test pump indicates to me the upper zone is not supplying water to the water bearing zone where the open screen is installed from 198 feet and below.

Unfortunately Memo 59 does not include the basis of the analysis to select 200 feet as the depth below which water is not believed to be tributary to the Boise River above Star. It would be an unlikely scenario, however, if the northern boundary of Section 31 were also a geologic feature that would abruptly change the character of the ground water above 200 feet from being non-tributary to being tributary to the Boise River.

Section 7 of Memo 59 does provide for the Director to consider, on a case by case basis, applications for approval that might not otherwise meet all the criteria for approval in the Boise River basin. I believe this application can be approved due to the small size of the application, the location of the existing well, and the lithology of the well without causing injury to any senior surface water rights and request reconsideration of your September 20, 2013 letter.

Thank you Steve, please let me know if you have any questions or if I can provide you with any additional information.

Dave

David Shaw

ERO Resources Corporation

From: Lester, Steve [<mailto:Steve.Lester@idwr.idaho.gov>]

Sent: Tuesday, September 24, 2013 8:13 AM

To: Dave Shaw

Subject: RE: Boise Basin Ground Water

Hi Dave:

The subject is covered by Admin. Memo, copy attached. Those memos are not available on the public website.

The map is not the best quality but generally depicts the boundary (black line). Please let me know if you need more information.

Steve

From: Dave Shaw [<mailto:dshaw@eroresources.com>]

Sent: Monday, September 23, 2013 5:01 PM

To: Lester, Steve

Subject: Boise Basin Ground Water

Steve,

The IDWR web site is not being cooperative, can you please point me to the rule/order that establishes the 200 foot pumping depth and the area in which it applies in the Boise Valley.

Thank you Steve,
Dave

David Shaw

ERO Resources Corporation

208.373.7983 dshaw@eroresources.com | www.eroresources.com

NOT TO SCALE



6" casing
+2 to 197

6" bore

DRY

Diagram #2
for 10/21/13 email,
OK process Appl
-SL 10/21/13

RESULTS

WB 306
198-208 ft
(to completed
depth of well)

confining

CLAY

WATER - cannot reach well

DRY

* 1 ft clay most
likely not confining

Probably
confining

CLAY

DRY

End casing 197

SCREENS
196-206

WATER

CLAY *

DRY

bore hole ends
209

WATER

completed depth 208

6" casing to 197

+2

+2
0

Land

10" bore

SEAL

18

18

DRY

6" bore

NO WATER

Diagram #1
for 9/20/13
letter -SL

110

110

WET

CANNOT REACH well

water

Corrected at
Diagram #2

140

140

DRY

Brown clay

NO WATER

150

150

194

194

196

197

SCREENS
196-206

WATER

SCREENS

MIXED

water
no water
Brown clay
other layers

206

208

208

(Completed
depth)

WR zone c 150-208 ft.

WR
30'±



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor

GARY SPACKMAN, Director

September 20, 2013

DAVE SHAW
ERO RESOURCES CORP
3314 GRACE ST
BOISE ID 83703

Re: Application for Permit No. 63-33853, Kail Seibert

Dear Dave:

This office received the above referenced application under your cover letter. Our prior conversation indicated the application might be approvable within the limits of concern regarding shallow ground water (less than 200 feet deep) upstream from the Star Bridge. It appeared from that conversation that the water bearing zone for the existing Seibert domestic well is about 196-206 feet. Additionally, the well is within one-quarter mile of the concern area boundary, and the proposed use is relatively minor.

A closer examination of the well log by the Idaho Department of Water Resources (IDWR) led to the following conclusions:

- Sealed to 18'¹ -- cased to 197' -- screened from 196-206'
- Water first encountered 110-140'
- Significant brown clay confining layer 140-150' preventing use of water shallower than 140'
- Water and mixed strata encountered 150-209'.

There are two brown clay layers, each less than 5' thick, found deeper than 150'. These most likely are not confining layers based on current well construction rules. The rules discuss sealing at least 5' in various situations to prevent commingling of aquifers and so forth. The water bearing zone is presumed to be 150-209'. This is significantly within the shallow ground water zone. Absent additional evidence in this regard, the application cannot be approved unless the proposed consumptive use is mitigated.

¹ Well log lists a drive shoe installed under the sealing procedures heading. Current well construction rules do not recognize drive shoes as seals.

*this is original letter. Appears copy copy (color?) sent. Obviously
received per subsequent reply.*

✓ - OK SL 10/21/2013

Application 63-33853

September 20, 2013

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Probably the easiest, most cost effective mitigation would be to leave 4.2 acres of a senior Boise River irrigation water right(s) undiverted somewhere upstream from Eagle. The mitigation right(s) should be senior enough to generally avoid watermaster curtailment. Such rights are often held by canal companies or irrigation districts with multiple "Stewart Decree" rights to avoid significant curtailments.

The applicant should provide (a) convincing evidence rebutting IDWR conclusions about the water bearing zone, or (b) viable mitigation for 4.2 acres of irrigation. Alternately, the applicant could withdraw the filing and receive a full refund of the \$225 application and drilling permit upgrade fees. The applicant may seek additional time to provide the information. The application will be voided without a timely written reply within the next sixty (60) days. Refunds are not issued for voided applications.

Please contact me at your convenience if you need more information. Thank you for your attention to these matters.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steve Lester", is written over a horizontal line.

Steve Lester
Water Rights Supervisor



ERO Resources Corp.
3314 Grace Street
Boise, ID 83703
(208) 373-7983
Fax: 373-7985
www.eroresources.com
eroboise@eroresources.com

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WATER RESOURCES
WESTERN REGION

September 9, 2013

Steve Lester
Water Rights Supervisor
Idaho Department of Water Resources
2725 Airport Way
Boise, ID 83705-5082

RE: Application for Permit in the Name of Kail Q. Seibert

Dear Steve:

Attached is the Application for Permit we discussed last week by which the applicant seeks to develop a small irrigation water right from an existing domestic well. The issue we discussed specifically is the well is cased to 197 feet below ground level and screened from 196 feet to 206 feet below ground level, see well log enclosed.

This well is located on the northern boundary of the area in which IDWR has limited ground water applications for irrigation to the diversion of water below 200 feet below ground level. The existing well is in Lot 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) Section 31 Twp 5N Rge 1E, B.M.

The well encountered a 10 feet thick clay layer between 140 and 150 feet below land surface. This clay layer is below the first ground water encountered and should serve to minimize or prevent interference with surface water by this well.

The casing ends and the screen begins in another clay layer identified between 194 and 198 feet below ground level. There are 2 feet of water bearing zone above 200 feet in depth that are in contact with the screened area. Another clay layer exists from 200 to 201 feet in depth and the remaining 5 feet of screened area are below that confining layer.

Given the limited size of the application and the construction of the well that shows 14 feet of clay layers between the shallow ground water and the zone being utilized by the well, the applicant asks for processing of the application even though it does not fully comply with the depth limitations for irrigation wells in the area. The applicant understands special conditions may be placed on the permit in the event use of the permit is shown to impact senior surface water rights in the future.

Along with the application checks are enclosed for the application and for a revised drilling permit since the use of the existing well is proposed to be changed from

domestic to include irrigation. Separate checks in the amounts of \$100 and \$125 are enclosed for these purposes.

Thank you Steve, please let me know if you have any questions or if I can provide you with any additional information.

Yours truly,



David Shaw

Enc.

cc: Kail Q. Seibert