



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 3, 2011

Josh Paskett
Flinders Samaria Ranch
4889 South 4400 East
Malad, ID 83252

RE: Application for Permit 15-7320

Dear Mr. Paskett:

This letter is meant to update you on the status of your application for permit in the name of Flinders Samaria Ranch. In August 2009, and again in March 2010, IDWR sent a letter asking for additional information about your application. You were asked to identify all of the wells and springs within ½ mile of your proposed point of diversion. You were also asked to provide technical and detailed information about the local aquifer and the potential impacts (drawdown) at nearby springs and wells if your ground water permit is approved. Because of the significant risk that new ground water diversions will impact existing water rights, we are requiring all ground water applicants in the Malad River drainage to show that their proposed diversions will not adversely impact any existing water users in the immediate area.

In September 2009, you provided a one-paragraph letter, stating that there are no other wells within 3300 feet (0.63 miles) of your proposed point of diversion. Although that may be true, aerial photography shows that there are springs and seeps located within ½ mile of your proposed point of diversion which provide water to downstream water users, including Samaria Lake Irrigating Company. Even though Samaria Lake did not protest your application, we cannot approve your application until you provide hydrologic evidence that your diversion will not negatively impact the springs that supply water to Samaria Lake's ditch.

Other applicants in the basin have chosen to hire a hydrogeology consultant to collect and analyze ground water data. These applicants have provided technical reports in support of their applications. When the technical reports have shown little or no impact to existing water rights, the water permits have been granted.

Another issue you should be aware of is related to the existing ground water well on the property (the proposed point of diversion). Idaho Code §42-1601 makes it a misdemeanor to own an uncapped or uncontrolled flowing artesian well. Well drilling companies are required to follow very specific procedures when they encounter artesian ground water. Wells must be sealed to the confining layer to prevent loss of artesian pressure in the aquifer. Evidence suggests that the well drilled in 2002 by Mountain West Well Drilling was not constructed

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properly. Regardless of the outcome of your permit application, you must address all of the flowing artesian wells on the property. These wells must be sealed to the confining layer and equipped with a control valve.

Because you made an attempt to respond to the initial request for additional information, we will extend the deadline to allow you to collect and process ground water data in accordance with this letter and the previous IDWR letters. Please provide the requested information by August 1, 2011. If a sufficient response is not received by that date, your application for permit will be voided. Feel free to contact our office if you have any questions.

Sincerely,

James Cefalo
Water Resources Program Manager

Encl. (copy of IDWR's March 31, 2010 letter)