

Lester, Steve

From: Lester, Steve
Sent: Friday, September 14, 2012 11:28 AM
To: 'Jamie Anderson'
Subject: RE: Jarvis ~ Permit 65-13050

Encls 9/6-9/14/12

Jamie:

Thank you for the information and your diligence in this matter. I decline your invitation to meet in the field or in the office. Here's why:

The department already devoted considerable resources to permits 65-13050 and 65-23504. Additional field visits or meetings are not warranted.

To resolve the issues, I sent a letter to Jarvis, Webb and you on 8/2/12. The letter included extensive notes etc. and preliminary conclusions that 65-13050 covered the Jarvis home and 65-23504 covered the Webb home. Anyone disagreeing with that was asked to provide information by 9/4/12 supporting other conclusions. Jarvis did not reply, suggesting agreement with the 65-13050 conclusion. However, Jarvis also did not provide information regarding the water quality condition of approval. My letter stated a license(s) would be refused and a permit(s) would be voided without sufficient information regarding water quality. Jarvis' failure to respond indicates lack of interest in securing license 65-13050 for the Jarvis home. On the other hand, Webb provide IDEQ confirmation that this system meets water quality standards. Since the same system serves two homes under two permits, both permits comply with those standards and licensing can continue.

You provided information before 9/4/12: a February 2012 agreement and partial assignment of permit 65-13050 from Jarvis to you. That suggests but does not reasonably confirm use at your home instead of the Jarvis home by the early 1990s. I replied to you and asked for more information by 9/13/12 – specs about square footage to see if anything somewhat matches original application specs for 65-13050.

By 9:30 this morning, I completed a report based on all the information available to me: 65-13050 for Jarvis and 65-23504 for Webb. Then I received your email sent about 20 minutes later. The department uses deadlines authorized by statutes and water appropriation rules to solicit timely information to resolve water right issues. This assures due process to the public. Failure to provide timely information usually means unfavorable results for the public.

In this case, ample opportunity was provided for people to timely submit evidence to determine which home 65-13050 covered by the early 1990s. You did not do that by the 9/4/12 or 9/13/12 deadlines. This suggests 65-13050 should be licensed for the Jarvis home.

However, your email today was more or less timely and provided reasonable square footage information suggesting your home is most likely covered by 65-13050. Jarvis did not provide any other information. Webb provided additional information. I will revise my report as follows:

- 1. 65-13050 should be licensed for the Anderson/Sipple home.
- 2. 65-23504 should be licensed for the Webb home.
- 3. The department should send copies of the licenses to Jarvis to see if Jarvis wants to challenge either of those results.

I think this provides a reasonable solution while preserving due process for everyone. Licenses will be prepared and mailed by the end of next month.

Steve Lester

Water Rights Supervisor
IDWR Western Region
208-334-2190

From: Jamie Anderson [mailto:jamiea@frontiernet.net]
Sent: Friday, September 14, 2012 9:56 AM
To: Lester, Steve
Cc: bsipl@frontiernet.net
Subject: RE: Jarvis ~ Permit 65-13050

Hi again,

Bill just called, I was in error. The lower garage (greenhouse?) has a concrete floor and he confirmed additional concrete between house and garage 10' X 27' should be added.

Thanks, Jamie

From: Jamie Anderson [mailto:jamiea@frontiernet.net]
Sent: Friday, September 14, 2012 9:48 AM
To: 'Lester, Steve'
Cc: bsipl@frontiernet.net
Subject: RE: Jarvis ~ Permit 65-13050

Hi Steve,

Recap:

Jarvis Segregation created two additional lots. Planning and Zoning application comment from Lon Jarvis 3/10/88 and Richard McDowell 5/12/88 was that the subdivision was for two additional houses. Chain of title shows that:

Lot 2 + house closed 3/29/90 and was recorded 4/2/90

Lot 3 + house closed 10/7/90 and was recorded 10/11/90

Lot 2 house is the only one with a garage measuring 24' X 23' with a dry apt. behind measuring 24' X 13' all one roof line in 2012. Heated concrete floors, concrete pad in front, and heat in dirt drive to street.

Lot 2 residence has an addition garage 30' X 20'. Heated dirt floors. (Greenhouse?)

Lot 2 has heated swimming pool measuring 16' X 35' and approximately 700 sq. ft. of heated deck.

Permit Documents call out dimensions were called out for structures not yet build. ("The greenhouse will be..")

Neither the Jarvis house or Lot 3 house have garages, heated decks or heated driveways.

Lot 3 house does not have a swimming pool.

All water is co-mingled in a system supplying Miller, Schroeder, Jarvis, Webb and Sipple. Schroeder does not have any right to any spring water which is comingled with the well and permit 65-13050, Spring right 65-22441, Spring right 65-22440 and Spring right 65-07562.

Miller, Jarvis, Webb and Sipple agreed to agree. Schroeder was not involved in the agreement though his well right is clouded when ERO declared Peterson right now the Burger right.

We contest the Steve Lester diagram 8/1/12 which does not show a true layout of the system. 1993 1½ line to a third house actually was connected through Lot 2 house. 1½ line goes through and is under the house of "Schultz" then to "Burger" and Jarvis.

We would like an opportunity to visit with you either in the field or office. We agree this is very complicated and with the assistance of Emalee Rush and Jan Schurte the owners of portions of Lot 3 Warm Springs Estates with the historical use agreed to make everyone whole.

Please consider our request for a meeting.

Thank you,

Jamie Anderson
William Sipple

From: Lester, Steve [<mailto:Steve.Lester@idwr.idaho.gov>]
Sent: Thursday, September 06, 2012 3:18 PM
To: Jamie Anderson
Subject: Jarvis ~ Permit 65-13050

Hi Jamie:

Here are follow up questions for your consideration.

- 1) What was approximate square footage of your home in 1993?
- 2) You mentioned your swimming pool. What were its dimensions in 1993?
- 3) If you have a garage, what were its dimensions in 1993?

Please reply by September 13, 2012. Thank you.

Steve Lester
Water Rights Supervisor
IDWR Western Region
208-334-2190