

Saxton, Craig

From: Saxton, Craig
Sent: Thursday, July 19, 2012 8:28 AM
To: 'shanbec@aol.com'
Cc: Hersley, Chad
Subject: Water Appropriation Permit 37-8451
Attachments: 1 - Application for Permit 37-8451.pdf; 3 - B-USE FEE SCHEDULE.pdf; 2 - Proof of Beneficial use Statement.pdf; 4 - Location Map.pdf

Dear Ms. Erwin,

Per our telephone conversation yesterday, I thought I would send you some information and provide you with some questions that will help us move forward to issuing a water right license from your well.

Background:

On June 6, 1989, the Department issued permit 37-8451 to Charles Maestas authorizing him to divert 0.08 cubic feet per second (cfs) or 36 gallons per minute (gpm) for commercial use (*see attachment "1-Application for Permit 37-8451"*). On the permit application Mr. Maestas stated that the water would be used for culinary water in office and residence associated with the business, use in the maintenance shed, and in the production of concrete.

On May 7, 1990, the Department received a proof of beneficial use statement from Mr. Maestas (*see attachment "2-Proof of Beneficial use Statement"*). What that means is that Mr. Maestas essentially told the Department that he was finished developing his water right and that he was ready for the Department to verify his use and issue a license. On his proof statement, Mr. Maestas said that he only used 0.04 cfs of water. Because he limited his use to 0.04 cfs, he was not required to pay a filing fee (*see 1st paragraph on attachment "3-B-USE FEE SCHEDULE"*).

Then what happened is the file was placed in the already building backlog until now.

At this point, the Department is striving to issue licenses for all these backlogged permits where a water right was actually developed at the time. In our searching to try to find the owner of the property that permit 37-8451 is applicable to, it appears that you now own the property that 37-8451 is applicable to.

Currently:

In order to move forward, we need to verify beneficial use that was developed back during the development period which ranged from June of 1989, to July 1990. However, because of the 22 years that have passed since 1990, I realize that it will be hard to establish what was happening back at that time. However, I think getting an idea of what you are using the water for now is probably our best resource and will probably get us the information we need.

I have attached a map that outlines what I believe is the property that 37-8451 is applicable to (*see attachment "4-Location Map"*).

-Can you confirm that this is the location where water is used? (the place of use – structures that water is plumbed to – water hydrant locations)

-Can you please use this map to show me the location of the well? You could either print off the map and draw it in and send it or e-mail it back to me. Or you could use another map like Google maps or Bing maps to locate the well location. Or if you had a GPS you could send me the lat/long of the well location.

When I spoke with you, you were able to answer several questions, but I thought I might repeat a couple just to summarize.

-You verified that there is a well on your property which is a separate well than the well use on the property to the north of you. If this is incorrect, please let me know.

-You told me that the water isn't used for a Concrete Business anymore, rather it is used for an excavation business.

-You told me that the office/shed, and workshop is plumbed into the ground water system (well).

-What does the well supply water for?

-You confirmed that it supplied water for a office/residence and used to irrigate the lawn around that structure? If this is incorrect, please let me know.

-I think you said it was plumbed into a workshop.

-Is there more than one workshop? How many shops?

-How many and what type of buildings is the well water supplied to?

1) You also mentioned that the water could be used for filling water trucks for dust abatement.

How many trucks do you fill in a day?

How many times is a truck filled a day?

On average, how many days a week are the water trucks being used and filled?

On average, how many weeks a year are the water trucks being used and filled?

2) How many days a week is the business operated?

How many hours a day is the business operated?

Use in shops? (how many shops)

How many hours a day is the business operated?

How many people work on site at the business a day?

The application for permit indicates that the well was drilled about 1975 and is an 8 inch diameter well, 119' deep, equipped with a 3.5 HP submersible pump.

To your knowledge, is this accurate?

Has the system changed? If it did, how?

What is the HP of the pump in the well?

Was a new well drilled?

Is the well plumbed into any storage tanks?

Do you have any idea of the diversion rate capacity of the well?

At the beginning of this e-mail, I mentioned that Mr. Maestas only indicated that he used 0.04 cfs despite that the permit authorized 0.08 cfs. The Department's Beneficial use field exam Rule 050.01.c (IDAPA 37.03.02.050.01.c) limits the amount the Department can license to that covered by the examination fee. In other words, if you divert more than 0.04 cfs, the Department can't recognize more than 0.04 cfs unless the required filing fees are paid. The fee for 0.08 cfs is a \$50 filing fee and \$25 late fee (\$75 total). If you do not feel that you use more than 0.04 cfs, then there are no additional fees required related to this matter.

That said, there is also the issue of ownership. Upon gathering the information needed to issue a license, the Department can only issue the license in the name of the permit holder of record – Charles Maestas. To change the name on the water right, you will need to submit a Notice of Change in Water Right ownership:

http://www.idwr.idaho.gov/RulesStatutesForms/WaterRights/PDFs/NOTICE_OF_CHANGE_OF_WATER_RIGHT_OWNERSHIP.pdf

There is a \$25 filing fee associated with this form. Sorry.

I know I have thrown a lot of information out at you and asked a lot of questions. Look over the e-mail and attachments and then let me know if you have any questions. You can respond by e-mail, regular mail, or the phone. Please respond

in the next 14 day's. If I don't hear from you then I will take steps to issue the license with the information I have available.

Respectfully,

Craig L. Saxton
Water Rights Supervisor
craig.saxton@idwr.idaho.gov
208.287.4916