

Memorandum

Date: May 29, 2012

To: File 37-21627

From: Craig L. Saxton

Re: Annual diversion volume for 37-21627

The Beneficial Use Examination Rules (IDAPA37.03.02.035.01.j.ii) exempt volume reporting requirements for Domestic uses as defined in Section 42-111, Idaho Code. Because permit 37-21627 contains a condition limiting use for each home to ½ acre and 13,000 gallons per day, is the use exempt from volume reporting requirements?

The Big Wood Ground Water Management Area (BWGWMA) order was issued June 28th, 1991. The associated management policy provided guidance on page 4:

For purposes of this management policy, applications for ground water permits seeking water for multiple ownership subdivisions or mobile home parks will be considered provided each unit satisfies the definition for the exception of need to file an application for permit as described above (42-111).

Permit 37-21627 would not have been issued on June 7, 2006 if the individual domestic uses didn't meet the 42-111 definition.

Adjudication Memo #4 provides that a domestic water right from one well, which is used on multiple ownership properties, can be considered exempt if the use is for up to 4 homes and the use of all homes together don't exceed the parameters of the 42-111 definition. Meaning, in our situation, the 4 homes are limited to ½ acre and 13,000 gpd limit together when combined (*meaning, 1/8 of an acre and 3250 gpd per home*). Permit 37-21627 does not meet this criteria and therefore would not be considered an exempt use.

In most cases, this use described under 37-21627 would not be considered exempt because, as a single water right, it exceeds the parameters of the 42-111 definition. Approval of this permit in 2006 might have been a way to protect the ground water resource in the BWGWMA by authorizing the drilling of one well instead of what could have been 4 wells.

Because 37-21627 authorizes use that exceeds the 42-111 limits, it will not be exempt from the requirement of an annual volume despite that the permit is conditioned to limit use to ½ acre of irrigation per home and 13,000 gallons per day per home.

Annual Volume Calculations:

Internal use:

4 homes at 0.6 af = 2.4 af

External use:

Lot 17A, Block 3 =	(0.5 ac)(3.5) = 1.75 af
Lot 47A, Block 3 =	(0.25 ac)(3.5) = 0.88 af
Lot 15A, Block 3 =	stubbed in = 0.6 af
Lot 19A, Block 3 =	<u>stubbed in = 0.6 af</u>
	Total = 3.8 AF

Total annual volume = 2.4 af + 3.8 af = **6.2 af**