



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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C.L. "BUTCH" OTTER, Governor
GARY SPACKMAN, Interim Director

March 16, 2011

SEVEN NEIGHBORS LLC
C/O LORI SANDERSON PRESIDENT
9252 HWY 20-26
CALDWELL ID 83605

Re: Application for Amendment of Permit No. 63-33239

Dear Applicant:

This letter responds to the amendment application to add nine wells to the above referenced permit. The application was preceded by a few phone calls you made to different people in the two Idaho Department of Water Resources (IDWR) offices in Boise. I recall discussing some questions with you about this situation in one of those calls. I subsequently consulted with IDWR administration regarding assignments, amendments and associated filing fees. It is not possible to accomplish your objective under a single filing and a \$50 fee.

It appears your organization wants to have ten wells, one each for Lots 1 through 10. This would result in ten separate systems, each for a separate lot. The application is not approvable and is therefore returned as explained in this letter. A \$50 refund could be issued depending on your response to this letter.

The permit includes one well to irrigate 4.5 acres in Settlers Cove Subdivision. A permit must represent a single diversion and conveyance system for the beneficial use authorized by the permit. This means the nine wells can only be added if all of them will be integrated with the original well for a single system of ten wells irrigating the land. That is not the intent of the amendment.

To have individual wells for individual lots with respect to the permit, the organization would need nine assignments at \$25 each to provide split portions of the permit to Lots 2-10 (\$225). Each assignment should be made to a current lot owner. This would result in 10 permits for Lots 1-10. Owners of the nine new permits for Lots 2-10 would each need to file amendment applications at \$50 each to authorize new wells for those lots (\$450). The resulting permit covering Lot 1 would eventually need to be assigned to that owner – Settlers Cove HOA per your notes (\$25).

Additionally, splitting a permit for 0.14 cfs and 4.5 acres into ten separate portions would result in miniscule amounts for each permit. All of this is possible, although costly and cumbersome for the lot owners and IDWR. Perhaps alternate solutions might achieve the desired outcome, saving time and money for everyone.

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Section 42-111, *Idaho Code*, allows a domestic well to be used without IDWR water right approval ("domestic exemption"). This allows up to ½ acre of irrigation associated with a single home. A domestic well can be drilled under a \$75 domestic drilling permit. A well associated with a water right requires a \$200 drilling permit. A domestic well later used for an irrigation right requires a drilling fee upgrade from domestic to irrigation, typically \$125. However, drilling fees do not apply to any well drilled prior to July 1987.

As you can see, multiple assignments, amendments and well drilling fees would be substantial. The attached subdivision summary will be useful when considering the following alternatives.

Alternative #1

If each lot will not include more than ½ acre of irrigation, Permit 63-33239 is not required and could be relinquished. This eliminates multiple assignments, amendments and more expensive well drilling fees. A \$50 refund will be issued if the permit is relinquished and the amendment application is withdrawn, see enclosed forms. *

Alternative #2

Perhaps only some lots will exceed ½ acre of irrigation. The lots not exceeding that amount could operate under the domestic exemption. The lots exceeding that amount could be covered by several assignments, one per lot, to split the permit for the lots requiring water right coverage. Assuming this is limited to the three largest lots (6, 8 and 10), only two assignments and two amendments would be needed, resulting in three permits. Note the existing domestic well for Lot 8 would require an additional \$125 drilling fee upgrade. The wells to be drilled for Lots 6 and 10 would require \$200 drilling permit fees to be paid at the time of well drilling under this scenario.

If alternative #2 is preferred, the \$50 previously paid can be applied to some portion of the assignment and amendment fees.

Please reply within the next thirty (30) days. You may seek up to six months additional time to reply if you prefer. The amendment application will be voided without a timely written reply. Refunds are not issued for voided applications.

Please contact me at 334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,



Steve Lester
Water Rights Supervisor

Enclosures: Relinquishment form
Application Withdrawal form
Subdivision summary

NO Appl. # issued.

* RECEIPT W039011,

2/24/2011.

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SETTLERS COVE SUBDIVISION SUMMARY

<u>SUBD LOT</u>	<u>TOTAL ACRES</u>	<u>TAX LOT NAME</u>	<u>DOMESTIC WELL FOUND/NAME</u>
1	0.5	Seven Neighbors	No
2	1	Seven Neighbors	No
3	1	Atkinson	Yes/Atkinson
4	1	Croft	No
5	1	Law	Yes/Law
6	1.5	Seven Neighbors	No
7	1	Westminster Homes	Yes/Parker
8	1.5	Seven Neighbors	Yes/ Carey, Lisa &Robert
9	1	Carey, Lisa &Robert	Yes/Carey, John
10	1.4	Seven Neighbors	No

Total acres are estimates.

County tax lot names might not be current.

Bold = owner listed in Seven Neighbors LLC agreement found in Permit 63-33239.