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**WATER RESOURCES
WESTERN REGION**

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December 13, 2000

HAND DELIVERY

Steve Lester
Assistant Regional Manager
Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705

Re: Transmittal of Water Right Permit Application and Request for Waiver of
Well Drilling Requirements
Our File: 5528\7

Dear Steve:

Enclosed please find an Application For Permit to Appropriate the Public Waters of the State of Idaho ("Application"), which is being filed on behalf of Larry R. Shideler. Also enclosed is a check in the amount of \$290.00 to cover the Department's Application fees.

Mr. Shideler is developing agricultural land located within Ada County for rural residential use. As part of this development, Mr. Shideler will be excavating ten ponds on the project site. The excavations will provide fill material necessary for site grading. The ponds also will provide aesthetic amenities, serve as stormwater management structures, and as function as part of the delivery system for appurtenant irrigation water rights. The excavations will be approximately 20 feet deep, and will expose shallow groundwater. The ponds will be larger in horizontal dimensions than vertical depth, and will be graded and landscaped as typical ponds. Due to the relatively shallow depth of the ponds, the project's proximity to the Boise River, the ponds' intended uses, and their location over primarily alluvial gravels, Mr. Shideler has no reason to believe that the excavations will result in waste or contamination of ground water, or that the excavations will intercept more than one water bearing zone.

Steve Lester
December 13, 2000
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Based on the above facts, and my understanding of the position adopted by the Department under similar facts, I have advised Mr. Shideler that the ponds are not "wells" within the meaning of Idaho Code section 42-230(b), and are not subject to the Idaho Code provisions or Department regulations concerning well drilling and construction standards. If the Department disagrees with this conclusion, or requires additional information in this regard, please contact me immediately. Also, would you please provide me with a copy of the Public Notice and Affidavit of Publication once it is received from the Statesman?

Thank you in advance for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael C. Creamer". The signature is fluid and cursive, with a large loop at the end.

Michael C. Creamer

MCC:caw

Enclosure

cc: Larry Shideler
Barry Semple

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