MEMORANDUM

Date: January 18, 2006

To: Water Right File 21-13014

From: eretelle

Re: permit review

ESRP & non-Trust area. No WD.

No protest or overlap.

Phone call to applicant reveals 2 homes on 2 separate lots. Lot 11 belongs to Mr. Dawson (applicant) and lot 12 belongs to the Hunts.

Comment from district health department takes statute out of context (full statute on next page). The statute does not imply shared wells are not allowed.

Recommend approval as suggested by IDWR Eastern.

Idaho Statutes

TITLE 50
MUNICIPAL CORPORATIONS
CHAPTER 13
PLATS AND VACATIONS

50-1334. REVIEW OF WATER SYSTEMS ENCOMPASSED BY PLATS. Whenever any plat is subject to the terms and requirements of sections 50-1326 through 50-1329, Idaho Code, no person shall offer for recording, or cause to be recorded, a plat unless he or she shall have certified that at least one (1) of the following is the case:

(1) The individual lots described in the plat will not be served by any water system common to one (1) or more of the lots, but will be served by individual wells.

(2) All of the lots in the plat will be eligible to receive water service from an existing water system, be the water system municipal, a water district, a public utility subject to the regulation of the Idaho public utilities commission, or a mutual or nonprofit water company, and the existing water distribution system has agreed in writing to serve all of the lots in the subdivision.

(3) If a new water system will come into being to serve the subdivision, that it has or will have sufficient contributed capital to allow the water system's wells, springboxes, reservoirs and mains to be constructed to provide service without further connection charges or fees to the landowners of the lots, except for connection of laterals, meters or other plant exclusively for the lot owner's own use.

Failure to comply with this section is a misdemeanor subject to the provisions of section 50-1329, Idaho Code. The certification must be filed or recorded as part of the plat document preserved for public inspection. Property owners in the area encompassed by the plat will be entitled to the benefits of the third provision of this section when that option is chosen.

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Search the Idaho Statutes

Available Reference: ***Search Instructions***.

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