

June 1, 2001

Baseline Canal Association  
Wood River Valley Irrigation District No. 45  
% Cathy Zaccardi  
PO Box 743  
Hailey, ID 83333

RE: Letter of Concern Dated May 14<sup>th</sup>, 2001

Ladies and Gentlemen:

Our office has received your letter expressing concern about domestic wells in the mid-valley portion of Blaine County which may be exceeding their water consumption. You inquire as to who regulates or monitors domestic well use.

Currently no entity per se monitors or meters domestic well use in your area.

The department does have authority as set forth in Sections 42-351 and 42-1701B of the Idaho Code to investigate and if warranted seek compliance and/or issue notices of violations for illegal water uses. The department currently responds to written complaints regarding illegal water uses. In the future as the Snake River Basin Adjudication is finalized more effort to seek out potential illegal water users is envisioned. Priority will most likely be given to larger violations, critical ground water areas and ground water management areas.

As you may know your area is included in the Big Wood River Ground Water Management Area. This designation provides:

1. Applications for water right permits for new consumptive uses including irrigation of large tracts cannot be approved unless the applicant can show no injury to prior water rights or provides an acceptable mitigation plan.
2. Applications for water right permits for non-consumptive, municipal, stockwater, and domestic uses may be processed and can be approved.
3. Domestic uses, which are not subject to water right permit filing requirements (Section 42-227, Idaho Code), are allowed. New wells are subject to drilling permit requirements (Section 42-235 Idaho Code).
4. Applications for water right permits for multiple ownership subdivisions or mobile home parks where each unit meets "domestic" definition may be processed and can be approved.
5. Municipal uses incorporating large consumptive irrigation uses not associated with individual dwellings must be mitigated by the municipality.

"Domestic" is defined in Section 42-111 of the Idaho Code as follows:

*(1) For purposes of sections 42-221, 42-227, 42-230, 42-235, 42-237a, 42-242, 42-243 and 42-1401A, Idaho Code, the phrase "domestic purposes" or "domestic uses" means:*

- (a) The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to one-half (1/2) acre of land, if the total use is not in excess of thirteen thousand (13,000) gallons per day, or*
- (b) Any other uses, if the total use does not exceed a diversion rate of four one-hundredths (0.04) cubic feet per second and a diversion volume of twenty-five hundred (2,500) gallons per day.*
- (2) For purposes of the sections listed in subsection (1) of this section, domestic purposes or domestic uses shall not include water for multiple ownership subdivisions, mobile home parks, or commercial or business establishments, unless the use meets the diversion rate and volume limitations set forth in subsection (1)(b) of this section.*
- (3) Multiple water rights for domestic uses or domestic purposes, as defined in this section, shall not be established or exercised in a manner to satisfy a single combined water use or purpose that would not itself come within the definition of a domestic use or purpose under this section. The purpose of this limitation is to prohibit the diversion and use of water, under a combination of domestic purposes or domestic uses as defined in this section, to provide a supply of water for a use that does not meet the exemption of section 42-227, Idaho Code, and is required to comply with the mandatory application and permit process for developing a right to the use of water pursuant to chapter 2, title 42, Idaho Code.*

In summary the department will investigate any written complaint about a specific illegal water use. The complaint could involve a domestic type use beyond or larger than that which is exempt or greater than the limitations of domestic use as defined in Section 42-111, Idaho Code. An example of a potential illegal water use would be one where a wateruser is irrigating more than 1/2 acre from their domestic well. Currently the civil penalties for such a violation would amount to \$300 per acre.

If you have questions, please feel free to contact our office.

Sincerely,

Allen Merritt, PE  
Southern Region Manager

CC: Norm Young