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DEPT. OF WATER RESOURCES  
SOUTHERN REGION

March 25, 2025

Mr. Corey Skinner, P.E.  
Idaho Department of Water Resources  
650 Addison Ave W, Suite 500  
Twin Falls, ID 83301-5858

Re: Permit Application 37-23593 / Blackburn Farming

Dear Mr. Skinner:

Thank you for your letter of March 10, 2025 regarding the above-referenced application.

I appreciate the discussion of the Big Wood GMA moratorium order as amended, and the fact that it allows the opportunity to rebut the presumption that domestic use from community water systems is 100% consumptive. We know that except in limiting cases such as discharging wastewater to a fully-contained evaporative lagoon system with zero leakage, no domestic use is ever 100% consumptive, and I trust this was the largely the basis for the amendment to the order.

This letter is intended to provide both factual information and external evidence to rebut the presumption of 100% consumption, specifically addressing each of the requirements in the pertinent portion of the amended moratorium order, which reads in part

*Applicants may rebut the presumption by providing substantial, detailed evidence that the proposed use is not fully consumptive, will not become more consumptive or fully consumptive over time, and will not injure existing vested water rights. A rebuttal of the presumption must address monitoring, reporting, and mitigation measures, to ensure that the proposed use does not become more consumptive or fully consumptive after it has been established.*

Each requirement in the order is addressed as follows.

**1. The proposed use is essentially nonconsumptive.**

b. The domestic water permit will be conditioned to prohibit irrigation and restrict uses to in-house only. In-house use has historically been considered nonconsumptive by the Department.

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a. No centralized wastewater disposal system will be developed for this project, but all water will be disposed of via individual septic systems – again, a type of disposal that has historically been considered essentially nonconsumptive by the Department. The South Central Health District has approved on-site disposal systems for the project, as shown by the attached letter from the district.

c. There is no significant timing difference between withdrawal of water from the aquifer and its return. Physically, water discharged to each septic tank will immediately result in a corresponding discharge to the drainfield, because the water level in the tank is always at the overflow level. The subsurface soil matrix is very coarse-grained such that the travel time between drainfield discharge and return to the source is not significant. There are no identified subsurface conditions that would inhibit the return.

d. The location of the return to source is in close proximity to the source withdrawal; i.e. both the withdrawal and return occur in the same specific area of the aquifer.

e. Irrigation will be provided by a separate irrigation system with separate service connections to each lot. The system will be supplied by both surface water and groundwater under existing water rights currently appurtenant to the agricultural land.

f. The subdivision will be governed by covenants, conditions, and restrictions, which will include a provision prohibiting the use of potable service connections for irrigation purposes. The subdivision will include an association having the power of enforcement.

g. To address the concern that homeowners may be tempted to unlawfully use their potable service connections for irrigation purposes, the reliability of the water rights appurtenant to the land should be noted. The following rights are appurtenant:

No.	Source	Priority date	Rate (cfs)	Acres	Acre limit
37-23083	Big Wood River	8/1/1882	12.3	1291.6	971.1
37-23084	Big Wood River	8/1/1884	9.78	1291.6	971.1
37-23085	Big Wood River	8/1/1902	61.2	1291.6	971.1
37-23086	Big Wood River	10/15/1884	1.85	1291.6	236.7
37-23087	Big Wood River	6/12/1886	0.99	1291.6	236.7
37-23088	Big Wood River	6/15/1891	2.11	1291.6	236.7
37-23089	Big Wood River	4/1/1922	1.67	1291.6	83.8

37-23090	Groundwater	11/13/1959	7.16	1291.6	385.2
37-23091	Groundwater	8/1/1960	3.61	1291.6	444.6
37-23092	Groundwater	8/20/1964	8.89	1291.6	359.1
37-23093	Groundwater	4/1/1984	2.65	1291.6	174.6
Combined-use limits all rights at field headgate			25.8		1291.6

The surface water coverage with 1884 and earlier rights is 0.93 miners inch/acre. When only the 1882 right is active, the coverage is still 0.47 miners inch/acre. The supplemental groundwater coverage with early rights (1964 and earlier) is 0.76 miners inch/acre, which is sufficient to irrigate the ranch even if every surface right were cut. Finally, but not shown in the table, is the owner's holding of 1,615 shares in the Upper Wood River Water Users Association (known as the Baseline Bypass group). One share is 1 miners inch for a 24-hour period of supplemental water, on a first-come basis if called for by the shareholder.

In terms of reliability, few parcels in the Big Wood Valley have better water rights. Therefore, the risk of irrigation water being unavailable, which might tempt homeowners to cheat, is extremely low.

## **2. The proposed use will not become more consumptive over time.**

- a. The development becoming more consumptive to the aquifer could only occur by constructing a lagoon system that increases evaporative loss, or by constructing a treatment plant and somehow discharging to surface water. There is no available space for these facilities and they would involve an extreme expenditure. It is not reasonable to believe that this would ever occur once the subdivision is platted and all of the infrastructure is in place.
- b. A plat note will explicitly provide and require that on-site septic systems be utilized for disposal of water
- c. The nearest city with a municipal wastewater system is Bellevue. The attached "will-not-serve" letter from the City of Bellevue confirms that wastewater service by the City is not an option. Even in the future, the project could not reasonably connect to Bellevue's system, which is over three miles away and higher in elevation by 150 feet, requiring a large pump station and pipeline that would likely cost at least \$5 million in today's dollars.
- d. It is presumed and accepted by the applicant that a condition will be placed on the water right requiring disposal of wastewater via individual on-site septic systems forever.

### **3. The proposed use will not injure vested rights.**

As described above, the water usage will be nonconsumptive, and there will be no portion of the aquifer that will be depleted in time or in space, i.e., there will be no significant timing difference between withdrawal of water from the aquifer and its return, and the return will occur essentially at the same location as the withdrawal.

To provide further evidence, the potential aquifer drawdown caused by the proposed domestic wells was calculated with the Theis equation. The hydraulic conductivity of the aquifer was estimated using pumping test information from two large irrigation wells on the site and one across Gannett Road, employing the Theis specific capacity method with a correction for the effects of a partially-penetrating well.<sup>1</sup> The results for the three wells are nearly identical, with the Cove Ranch North Well indicating 176 ft/day, the Cove Ranch Middle Well indicating 183 ft/day, and the well across the road indicating 173 ft/day.

The effect of pumping the maximum-day demand of 48 gpm continuously was evaluated, and the ultra-conservative assumption was made that there is no return flow from the septic systems. A hydraulic conductivity of 180 ft/d and a saturated depth based on surrounding well logs of 193 feet was assumed. The predicted drawdowns are 0.16 feet at a distance of 100 feet from the well, and 0.088 feet at a distance of 500 feet. This analysis indicates that negligible drawdown impact will occur due to the new well pumping even if there were zero return from the drainfields. No other water user will be injured by drawdowns of this magnitude.

### **4. Monitoring and reporting**

a. The potable system will be a public water system, regulated by the Idaho Department of Environmental Quality (DEQ). The system will be required by DEQ to monitor the amount of water withdrawn. Each well will have a flow meter with automatic data recording for instantaneous flow and total volume.

b. The project is under the jurisdiction of the South Valley Groundwater District. Reporting to the District of volume pumped will be required. It is presumed and accepted by the applicant that a condition will be placed on the water permit requiring measurement and reporting of withdrawal.

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<sup>1</sup> Bradbury, Kenneth R. and Edward R. Rothschild (1985). A computerized technique for estimating the hydraulic conductivity of aquifers from specific capacity data. *Groundwater* 23(2).

## 5. Proposed permit conditions

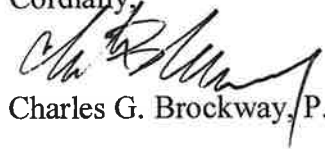
The Department routinely relies on various forms of conditions on water rights to ensure compliance with laws, regulations, and orders. It seems evident that this permit should be handled in the same manner, and the applicant is willing to accept the following conditions on the water right:

- Water use shall be nonconsumptive.
- Wastewater shall be disposed via individual on-site systems, and no other system of wastewater disposal, including connection to a municipal treatment facility, shall occur.
- Water withdrawal shall be measured and reported to the South Valley Groundwater District or its successor.

In summary, though this application may be a trailblazer in terms of the Big Wood moratorium, it appears to be a very clear-cut case that should be processed under the amended moratorium provisions. The applicant has definitely met its burden to provide “substantial and detailed” evidence as required by the order.

As you are aware, this application was submitted in May 2024 and the processing delay is now beginning to impact the subdivision approval process. With respect, I believe the Department has sufficient information to determine that the requirements of the order have been met, and I would request that the application be processed and advertised without delay. If additional information is required, I would request a letter within 14 days describing the nature of the required information in specific detail in order to avoid further delays.

Cordially,



Charles G. Brockway, P.E.

Enc. Letter from SCPHD confirming on-site septic approval  
Letter from City of Bellevue declining to serve

Cc: Client  
Samantha Stahlnecker, P.E.  
Gary Slette, Atty.



# South Central Public Health District

Prevent. Promote. Protect.



Public Health  
Prevent. Promote. Protect.  
Idaho Public Health Districts

November 19, 2024  
Blackburn Farming LLC  
PO Box 1168  
Ketchum, ID 83340

Dear Blackburn Farming LLC:

Re: Preliminary plat of Cove Springs Parcel B Subdivision.

This department has reviewed the test holes, the engineering report, the application, and the preliminary plat for the above subdivision. Please see the attached report which covers any applicable concerns, recommendations or requirements.

South Central Public Health District (SCPHD) will sign the final plat for the above subdivision as soon as it is ready and final approval is granted by Blaine County. Please submit a copy of the recorded plat, which is required before we will be able to issue septic permits.

Test hole and soil type data is on file at SCPHD. All lots are suitable for wells and septic systems which will be required to be designed and placed according to the engineered and approved plat. *No changes* may be made to the approved well and septic system designs and locations without prior approval by SCPHD to ensure compliance with state regulations. Property buyers will be required to:

- Apply for a subsurface sewage permit
- Excavate test holes
- Consult with SCPHD on well and septic system locations
- Submit a scaled (1"/20') plot plan prior to the permit being issued

Please share this information with all buyers of parcels.

Please feel free to call this office with any questions.

Sincerely,

John Wingrove, REHS/RS

cc: Blaine County Planning and Zoning



Review of Cove Springs Parcel B Subdivision and applicable requirements and/or recommendations.

**Number of lots and acreage of development:**

Proposed number of lots is 50 (50 Buildable) lots on 191.060 acres. This meets and exceeds South Central District Health’s one-acre minimum requirement.

**Soils type**

Test holes were dug on the proposed subdivision and soils were classed as loamy coarse sand and silt loam. This soil type is confirmed by the Natural Resources Conservation Service soil maps of the area. The soils are an A (Loamy Coarse Sand) and B (Silt Loam) soil as defined in Idaho “RULES FOR INDIVIDUAL AND SUBSURFACE SEWAGE DISPOSAL SYSTEMS.” Type A and B soils are suitable for standard and alternative septic systems.

**Soil depth**

Soil depth ranges from 6’ 6” (78”) feet of suitable soil to 8’ 1” (97”) feet. Six-foot deep soils are suitable for standard septic systems. Soils that are less than six feet deep may require alternative septic systems based on depth and soils less than two feet are considered unsuitable.

**Septic systems and types**

Standard septic systems, basic alternative and complex septic systems may be approved for this subdivision based on soil type and depth.

**Wells or water system**

Public water system is proposed.

**Well and septic system location**

Proposed septic systems as located on plat will meet the separation distance requirement if placed as planned.

**Concerns**

Lots 24-29, 49-50 need to maintain a 50’ setback to irrigation ditch.  
Parcels A-H are non-buildable.  
Ponds are lined and fed by the irrigation canal.

**Recommendations**

Recommend filing a copy of this letter with subdivision CC&R’s and with the warranty deed for each lot.

**Requirement**

All lots will require a septic installation application, fee, approved site plan prior to issuance of any permit.  
All lots will be required to have a new test hole(s) dug (in location of drain field) before subsurface septic can be permitted.



City of Bellevue  
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March 25, 2025

Samantha Stahlnecker, P.E.  
Opal Engineering, PLLC  
416 S Main Street, Suite 204  
PO Box 2530  
Hailey, Idaho 83333

RE: COVE SPRINGS NORTH SUBDIVISION – Will Not Serve Letter

Dear Ms. Stahlnecker:

Please allow this notification to act as a WILL-NOT SERVE letter regarding COVE SPRINGS NORTH SUBDIVISION PARCEL B, BLOCK 2, COVE SPRING SUBDIVISION, PHASE 1 south of Bellevue, Idaho.

This letter confirms the City of Bellevue WILL NOT provide water or wastewater services for the development from the City of Bellevue, Idaho. Bellevue's water and wastewater systems are already committed to current developments inside the City's Area of City Impact (ACI). This development is approximately 2 miles outside of the ACI, the city does not have the infrastructure or resources to support it, and the city is evaluating the current EDUs to ensure the city can provide the current level of services to existing users.

If you have any questions, please feel free to reach out to me at [cjohnson@bellevueidaho.us](mailto:cjohnson@bellevueidaho.us) or 208-309-0656.

Chris Johnson  
Public Works Director  
City of Bellevue