

MEMORANDUM

TO Transfer 89499
FROM Cody Parker
RE Veolia's final comments on draft approval
DATE August 8, 2024

63-7658 – original POD

The partial decree identifies the original point of diversion as the “Bali Hai Well located in T03N, R02E, S03, SENE”. However, the Bali Hai well is located at T03N R01E S03 SENE.

The backfile supports a legal description of T03N R01E S03 SENE within the Bali Hai subdivision. Transfer 89499 will clarify the legal description of the original point of diversion for water right 63-7658.

63-4395 – original POD

The partial decree identifies the original point of diversion as the “Licorice Well located in T03N, R03E, S29, SENE”. The applicant claims the well was originally called Barber #1 and is now called Durham. The adjudication claim record for the water right shows the well in T03N R03E S29 SENE was called the Durham well at the time the claim was made. The Licorice well was located in Section 28.

Transfer 89499 will clarify the name of the original well for water right 63-4395.

63-10405 – original POD

The partial decree does not list a name for the original point of diversion, which is located in T03N R02E S24 SWSE. The applicant says this well is known as the “River Run” well. A *Well Inspection Form* in the backfile for the water right calls this the River Run well. The *Amended Application for Permit* (received 08/25/1987) says River Run Development Company owned the property at the point of diversion.

Transfer 89499 will add condition 226 to water right 63-10405 and describe the original point of diversion as the River Run well.

63-9671 – original POD

The partial decree describes the original point of diversion as the “Maple Hill Well located in T03N, R01E, S14, NENE”. In an email on July 31, 2025 (*RE: IMAP draft transfer approval issues*), Robert Newbry explains:

This is the water right for the original Maple Hills Well that was drilled in 1981 and later deepened [sic] in 1995. Maple Hills 2 was drilled in 2004 under water right number 63-3140 which, I believe, is not included in this transfer. After drilling Maple Hills 2, the original Maple Hills Well was called Maple Hills #1.

For clarity, Transfer 89499 will update the condition identifying the original well to refer to Maple Hills 1.

63-9855 – original POD

The partial decree describes the original point of diversion as the “Frontier Well No. 2 located in T04N, R01E, S34, NESW”. The applicant wishes to refer to this well simply as the “Frontier Well”, which is consistent with name given on the *Application for Permit* (received December 23, 1981). In an email on July 31, 2025 (*RE: IMAP draft transfer approval issues*), Robert Newbry explains:

The original well was drilled in 1982 and was abandoned and redrilled approximately 20 feet from the original location in 1998. We currently call this well the Frontier Well since it was a replacement of the old one.

I could not find any reference to Frontier Well No. 2 anywhere in the record except the partial decree. Proof of Beneficial use for the water right was submitted in 1984, prior to replacement of the original well. Its unclear why the diversion would be referred to as “No 2” by the partial decree.

Transfer 89499 will clarify the name of the original point of diversion to simply the “Frontier Well”, which should be taken to refer to the original Frontier well at this location which was later replaced.

63-11467 – original POD

Water right license 63-11467 describes two points of diversion:

- GROUND WATER L5 NW¼SW¼ Sec. 16 Twp 04N Rge 01E
- GROUND WATER SW¼SW¼ Sec. 16 Twp 04N Rge 01E

A condition of approval says “Points of diversion are locally known as Island Woods Well No 1 and No 2”. Veolia contends that Island Woods 2 is located in T04N, R01E, S21, NWNW rather than the SWSW of Sec 16. Per a *Memo RE: Response to IDWR questions concerning IMAP PODs* from Michael Lawrence (dated January 13, 2025):

Island Woods #1 is located in the NWSW of Sec. 16, T4N, R1E. However, Island Woods #2 is actually located in the NWNW of Sec. 21, T4N, R1E, not the SWSW of Sec 16. VWID believes this inaccuracy likely is due to the well being close to the edge of the quarter-quarter – approximately 230 feet south of the SWSW of Sec. 16.

An Amendment of Permit was issued in 1998 with both PODs in the correct locations: one well (Island Woods #1) in the NWSW of Sec. 16, and the other (Island Woods #2) in NWNW of Sec. 21...However, that amendment was not carried forward to licensing in 2001.

The Application for Permit and Permit describe two points of diversion in Section 16. United Water Idaho applied to amend the legal description of Well 2 on the permit (April 6, 1998), noting on the amendment form that the updated legal description for the well was the result of a

telephone conversation with Gary Spackman. The amendment was approved April 23, 1998. An amended amendment of permit issued May 12, 1998 retained the updated legal description.

The Beneficial Use Field Exam (completed February 12, 1999) describes the location of Well 2 as the SWSW of Sec 16, T04N, R01E. The well inspection report and system maps included in the field report both confirm the same location, which was ultimately licensed.

One piece of evidence for the location claimed by Veolia is on page 2 of the Beneficial Use Field Report which says that Well 2 has a GPS tag of E0006321, which places it in the NWNW of Sec 21. Another point is that the location in the NWNW of Sec 21 is on Lot 13, Block 17 of Island Woods Subdivision #5, land owned by United Water Idaho Inc.

Another amendment at the time of licensing (2001) changed the legal description back to the SWSW of Sec 16.

The record is not conclusive as to the location of Well 2. There are several conflicting pieces of information throughout the record. It seems clear that Island Woods Well No 2 is one of the two original wells. Transfer 89499 will add condition 226 to water right 63-11467 describing the Island Woods 1 and 2 wells in the locations indicated by Veolia.

63-2989 – original POD

The partial decree describes the original point of diversion as the “Westland Acres Well located in T03N R02E S01 SESE”. Veolia asserts the actual location of the Westland Acres well is T03N R01E S01 SESE. The permit and license both support Veolia’s suggested legal description.

Transfer 89499 will update the condition of approval identifying the original point of diversion for water right 63-2989 to describe the Westland Acres well located in T03N R01E S01 SESE.

63-7204 – original POD

The partial decree describes the original point of diversion as the “Arctic Well No 2 located in T03N, R02E, S08, NENE.” The applicant requests to remove the “No 2” from the language because all other rights refer to Arctic 1 and there is only one well in that location.

However, the backfile for 63-7204 mentions the “Arctic Well #2” in the field exam report from 06/19/1974. A table submitted with a Notice of Change in Water Right Ownership in December of 1999 lists both Arctic 1 and 2 wells separately. However, Exhibit A attached to an amended notice of claim from November 2003 shows that no Arctic #2 was incorporated into the municipal system at that time.

Both “wells” are located within the same QQ. The water right record does not conclusively resolve the question of whether the Arctic 1 and 2 were truly separate wells. Therefore, the Department will keep reference to Arctic 2 on the water right.