



IDAHO DEPARTMENT OF
WATER RESOURCES

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Governor Brad Little

Director Mathew Weaver

June 5, 2026

ELAM & BURKE
ABIGAIL R. GERMAINE
251 E FRONT ST, STE 300
BOISE, ID 83702

Dear Ms. Germaine,

On February 12, 2026, the Idaho Department Water Resources (Department) received a letter from your office on behalf of the Nez Perce Tribe (Tribe) requesting enforcement action to be initiated against Central Idaho Land LLC regarding the well located in the NWNW quarter-quarter (Government Lot 8) of Township 35N Range 04W Section 12 in Nez Perce County. The well is located on parcel number RP35N04W123166, and Mr. Buck Boyer is an owner-representative of the company. The purpose of this letter is to provide a response to your letter with details about the Department's investigation and conclusions.

In the February 12, 2026 letter, the Tribe alleged that the well failed to meet a 5-foot setback requirement with the property line and that it failed to meet a 50-foot setback requirement with two springs. The setback requirements are set forth in the Well Construction Standards Rules (IDAPA 37.03.09.25.01.d). The Tribe requested a cease-and-desist order for the use of Mr. Boyer's well, and the Tribe furthermore requested that the Department require Mr. Boyer's well be abandoned due to the alleged violations of setback requirements.

Department staff conducted a site visit on March 5, 2026 and prepared the attached report summarizing their observations. They measured a 50-foot radius from Mr. Boyer's well (Figure A) to identify any springs within the 50-foot radius. As the report indicates, the area had received 2.08 inches of rain for the month of February of 2026 and .86 inches of rain on March 4, 2026. Figure 4 of the staff report shows a small area of puddling water identified within the 50-foot radius. For context, there was also water puddled in the parking lot shown in Figure A of this letter, and standing water was observed elsewhere from the recent rain. Staff returned to the same location on May 21, 2026, and observed the same spot shown in Figure 4 had since dried and there was no longer any standing water. During both visits, staff did not observe water flowing, channelizing, or bubbling up from the ground within 50 feet of the well. Staff reported that they did not observe any springs within 50 feet of the well. The aerial imagery shown in Figure A does not support the allegation that a spring exists within 50 feet of the well since there is no evidence of an overflow channel from that area (which would be evident even if the spring surfaced for a few months each year. The Department finds no violation of the required setback between the well and any spring.

Regarding the property line setback, the February 12, 2026 letter included a preliminary survey

as Attachment A to the letter. The preliminary survey indicated the center of the well is located 2.5 feet east of Mr. Boyer's west property line; therefore, the well is on Mr. Boyer's property. Department staff observed the well was within 5 feet of a wire fence (that may or may not have been on the property line). The Department setback requirement for property lines is intended to protect the well owner from accidentally drilling a well on the wrong property, and it's intended to mitigate disputes between neighbors about property line locations and wells. In this case, since the well is located on the property of Central Idaho Land LLC, and the well is not in violation of any other setbacks, the Department will not require abandonment of the well.

The February 12, 2026 letter also indicates that the use of Mr. Boyer's well for commercial uses should cease because the well is out of compliance with the setback rules. On June 9, 2025, Mr. Boyer applied for a water right for commercial use of the well in question (Application 85-15889). On July 7, 2025, the Tribe protested the application, and on March 7, 2026, the applicant withdrew the application. The withdrawal resolved the protest. Mr. Boyer indicates the well use by Central Land LLC amounts to less than 2.8 acre-feet annually and therefore meets the Domestic Exemption allowed by Idaho Code §42-111.

In conclusion, the Department finds Mr. Boyer's well location to be acceptable and considers the exempt domestic use by Central Idaho Land LLC to be authorized.

If you have any questions, please feel free to contact me at (208) 762-2803 or at michelle.richman@idwr.idaho.gov.

Sincerely,



Michelle Richman, P.E.
Northern Region Manager
Idaho Department of Water Resources

CC:
NEZ PERCE TRIBE WATER RESOURCES DIVISION
ATTN: ALLISON LEBEDA
PO BOX 365
LAPWAI, ID 83540-0365

CENTRAL IDAHO LAND LLC
ATTN: BUCK BOYER
24325 GARDEN GULCH RD
CULDESAC, ID 83524

MS. VALDASUE STEELE
27237 SUMAC LN
LAPWAI, ID 83540



Figure A. Mr. Boyer's well (yellow circle) with 50-foot radius indicated (yellow lines).

MEMORANDUM

DATE: June 2, 2026

FROM: Spencer ^{SH}Humphrey Daniel Sturgis ^{DS}

RE: Boyer Well

Idaho Department of Water Resources (IDWR) received a complaint from the Nez Perce Tribe regarding alleged well construction violations occurring on a property owned by Central Idaho Lands LLC, located at 24325 Garden Gulch Rd Culdesac, ID 83524 (see figure 1). The complaint entailed that a well was drilled 2.5' from the property line according to a survey completed by Cuddy & Associates Inc, licensed surveyors, when the well set back per §42-238(12) should be 5' from a property line. Moreover, the complaint noted that the well was in violation of two springs on the neighboring property. The setback for a spring is 50' and the complaint noted the distance of the springs to be at 23' and 41'. The Complaint also noted that the well was affecting the groundwater in the area drying the two springs up.

Analysis

IDWR staff Daniel Sturgis (Hydrogeologist) and Spencer Humphrey (Water Resources Supervisor) conducted a site visit on March 5, 2026. The weather was cool with light rain. Staff located the wellhead in question and did note that it was up against a wire fence that could have been the property line but did not measure the distance. Staff measured 50' from the center of the wellhead to see if the well was in violation of spring setbacks. There was standing water on both Ms. Steele's and Central Idaho Lands LLC's property, but staff did not see any flowing, bubbling, or channelization that would indicate a spring. Additionally, it is important to note that precipitation total for the month of February 2026 was 2.08 inches when the normal in that area is 1.04 inches (figure 2). It is also important to note that precipitation on March 4, 2026, was .86 inches (figure 3). With this amount of precipitation and the location of the property at the bottom of the drainage and next to Garden Gulch stormwater runoff and standing water would be expected (figure 4) during this time of year.

Conclusion

IDWR staff conducted two site visits. During the first visit, standing water was present which staff believe was due to the location of the property and the amount of precipitation leading up to the site visit. On the second site visit, staff did not observe any standing water (figure 5). Moreover, staff did not observe any flowing water, bubbling water, or channelization during either visit.

Figure 1: map of Ms. Steele's and Central Idaho Land LLC property



Figure 2: February 2026 Climatological Data

Climatological Data for Lewiston Area, ID (ThreadEx) - February 2026									
Date	Temperature				HDD	CDD	Precipitation	New Snow	Snow Depth
	Maximum	Minimum	Average	Departure					
2026-02-01	55	37	46.0	8.3	19	0	0.00	0.0	0
2026-02-02	44	31	37.5	-0.3	27	0	0.01	0.0	0
2026-02-03	55	36	45.5	7.6	19	0	0.00	0.0	0
2026-02-04	59	36	47.5	9.6	17	0	0.00	0.0	0
2026-02-05	52	34	43.0	5.0	22	0	0.00	0.0	0
2026-02-06	43	38	40.5	2.4	24	0	0.00	0.0	0
2026-02-07	46	38	42.0	3.8	23	0	0.02	0.0	0
2026-02-08	48	41	44.5	6.2	20	0	0.54	0.0	0
2026-02-09	52	35	43.5	5.1	21	0	0.00	0.0	0
2026-02-10	49	32	40.5	2.0	24	0	0.00	0.0	0
2026-02-11	49	29	39.0	0.3	26	0	0.00	0.0	0
2026-02-12	48	28	38.0	-0.8	27	0	0.00	0.0	0
2026-02-13	50	29	39.5	0.6	25	0	0.00	0.0	0
2026-02-14	46	38	42.0	2.9	23	0	0.11	0.0	0
2026-02-15	46	39	42.5	3.3	22	0	0.09	0.0	0
2026-02-16	49	36	42.5	3.1	22	0	0.16	0.0	0
2026-02-17	46	33	39.5	0.0	25	0	0.07	0.0	0
2026-02-18	40	30	35.0	-4.7	30	0	0.13	0.0	0
2026-02-19	44	27	35.5	-4.4	29	0	0.03	0.1	T
2026-02-20	38	28	33.0	-7.0	32	0	T	T	T
2026-02-21	48	27	37.5	-2.7	27	0	0.00	0.0	0
2026-02-22	61	35	48.0	7.6	17	0	0.00	0.0	0
2026-02-23	49	35	42.0	1.4	23	0	0.57	0.0	0
2026-02-24	39	32	35.5	-5.4	29	0	0.34	T	T
2026-02-25	54	36	45.0	3.9	20	0	0.01	0.0	0
2026-02-26	58	29	43.5	2.2	21	0	0.00	0.0	0
2026-02-27	57	31	44.0	2.5	21	0	0.00	0.0	0
2026-02-28	53	32	42.5	0.7	22	0	0.00	0.0	0
Sum	1378	932	-	-	657	0	2.08	0.1	-
Average	49.2	33.3	41.3	2.0	-	-	-	-	0.0
Normal	47.0	31.7	39.3	-	718	0	1.04	3.8	-

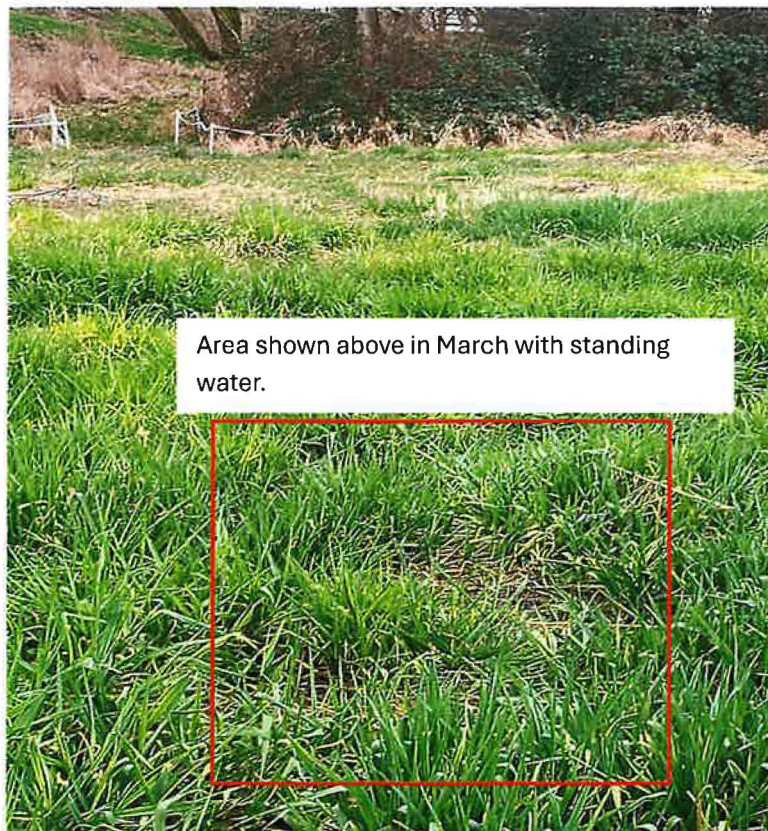
Observations for each day cover the 24 hours ending at the time given below (Local Standard Time).
Max Temperature : midnight
Min Temperature : midnight
Precipitation : midnight
Snowfall : unknown
Snow Depth : unknown

Figure 3: March 2026 Climatological Data

Climatological Data for Lewiston Area, ID (ThreadEx) - March 2026									
Date	Temperature				HDD	CDD	Precipitation	New Snow	Snow Depth
	Maximum	Minimum	Average	Departure					
2026-03-01	55	30	42.5	0.5	22	0	0.00	0.0	0
2026-03-02	58	37	47.5	5.3	17	0	0.00	0.0	0
2026-03-03	58	31	44.5	2.0	20	0	T	0.0	0
2026-03-04	48	43	45.5	2.8	19	0	0.86	0.0	0
2026-03-05	55	39	47.0	4.0	18	0	0.00	0.0	0
2026-03-06	54	36	45.0	1.8	20	0	0.00	0.0	0
2026-03-07	66	42	54.0	10.5	11	0	0.00	0.0	0
2026-03-08	66	41	53.5	9.8	11	0	0.01	0.0	0
2026-03-09	46	32	39.0	-4.9	26	0	T	0.0	0
2026-03-10	47	29	38.0	-6.2	27	0	0.00	0.0	0
2026-03-11	58	39	48.5	4.1	16	0	T	0.0	0
2026-03-12	58	40	49.0	4.3	16	0	0.64	0.0	0
2026-03-13	44	38	41.0	-3.9	24	0	0.66	0.0	0
2026-03-14	48	35	41.5	-3.6	23	0	0.40	0.0	0
2026-03-15	48	30	39.0	-6.3	26	0	T	0.0	0
2026-03-16	53	40	46.5	0.9	18	0	0.01	0.0	0
2026-03-17	60	42	51.0	5.2	14	0	0.00	0.0	0
2026-03-18	60	41	50.5	4.5	14	0	0.00	0.0	0
2026-03-19	62	46	54.0	7.8	11	0	0.00	0.0	0
2026-03-20	69	48	58.5	12.1	6	0	0.00	0.0	0
2026-03-21	59	40	49.5	2.9	15	0	0.09	0.0	0
2026-03-22	58	35	46.5	-0.3	18	0	0.00	0.0	0
2026-03-23	56	38	47.0	0.0	18	0	0.00	0.0	0
2026-03-24	57	46	51.5	4.4	13	0	0.12	0.0	0
2026-03-25	59	44	51.5	4.2	13	0	0.02	0.0	0
2026-03-26	52	33	42.5	-5.0	22	0	0.00	0.0	0
2026-03-27	63	30	46.5	-1.2	18	0	0.00	0.0	0
2026-03-28	61	42	51.5	3.7	13	0	0.00	0.0	0
2026-03-29	50	42	46.0	-2.0	19	0	T	0.0	0
2026-03-30	52	33	42.5	-5.7	22	0	0.00	0.0	0
2026-03-31	51	32	41.5	-6.8	23	0	0.00	0.0	0
Sum	1731	1174	-	-	553	0	2.81	0.0	-
Average	55.8	37.9	46.9	1.5	-	-	-	-	0.0
Normal	55.1	35.7	45.4	-	608	0	1.30	0.8	-

Observations for each day cover the 24 hours ending at the time given below (Local Standard Time). Observation times may have changed during this period.
Max Temperature : midnight
Min Temperature : midnight
Precipitation : midnight
Snowfall : unknown, midnight
Snow Depth : unknown, 4am

Figure 4: Photographs of Ms. Steele's Property March 5, 2026



Area shown above in March with standing water.

Figure 5: Photograph of Ms. Steele's Property May 21, 2026

