



State of Idaho

DEPARTMENT OF WATER RESOURCES

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

February 22, 2022

SAMANTHA STAHLNECKER
OPAL ENGINEERING
PO BOX 2530
HAILEY ID 83333

Dear Ms. Stahlnecker:

I have recently become aware that you are seeking comment on the proposed Quigley Ranch Subdivision application east of Hailey. Upon review, our office would like to make the following comments for your consideration.

Material made available to the Idaho Department of Water Resources (Department) indicates that each lot intended as a home site would have its own domestic well. The use of each individual domestic well will have to fall under the §42-111, IDAHO CODE, part (a), "domestic use" definition. It should also be noted that the drilling of any new wells must comply with the drilling permit requirements of §42-235, IDAHO CODE, and are subject to the Department's well construction standards (IDAPA 37, Title 03, Chapter 09).

The subdivision plat shows two 10,000 gallon cisterns to be used for fire protection storage. According to Idaho Code §42-201: "...water may be diverted and used at any time, with or without a water right: (a) To extinguish an existing fire on private or public lands, structures, or equipment, or to prevent an existing fire from spreading to private or public lands, structures, or equipment endangered by an existing fire." However, the storage of water to fight a future fire does require a water right, so to fill the cisterns the subdivision may want to consider renting water from the Water Supply Bank (Bank) for the first fill, and subsequent fills of the cisterns. The Water Supply Bank is a water exchange market operated by the Idaho Water Resource Board and managed by the Idaho Department of Water Resources (IDWR). The IDWR contact for the Bank is Mary Condon in Boise. She can be contacted by phone at 208-287-4936. In the event of an existing fire in the subdivision, water could be used from the wells or any other source to fight the fire without a water right.

In regards to future irrigation on subdivision parcels and common areas, it is recommended that all irrigation within any new subdivision be provided by existing surface and ground water irrigation rights on the subject property when these rights are available for use. Domestic wells should be limited to "in-house" use or only used for the occasional irrigation of less than one half acre when the existing water rights are not deliverable. It should be noted that the proposed subdivision is not currently covered by all of the irrigation water rights listed in the plat and other material relating to the subdivision. It may be necessary to file an *Application for Transfer of Water Right* in order to change the place of use of the listed water rights to cover all of the proposed subdivision.

Another potential issue when property is subdivided into smaller parcels is the conveyance language of the deeds from the current owner of the property to the individual lot owners. If the deeds do not specifically exclude the underlying water rights, they may be conveyed to the individual lot owners based on the portion of the property purchased. This issue is sometimes overlooked and can be difficult to "undo". From the materials provided, it is unclear whether or not the water rights will be conveyed to the individual parcel owners.

Finally, the portion of the material that discusses "Stormwater Management" mentions swales, catch basins, and dry wells. If the intent of constructing the dry wells is to inject stormwater into the subsurface, the developers will want to contact Nate Fischer in the IDWR State office, who oversees the State's Underground Injection Control Program, at 208-287-4991. He can provide details on the construction and operation of the injection wells.

If you have any questions, feel free to contact our office at 208-736-3033.

Sincerely,



Jim Bitzenburg
Senior Water Resource Agent