

ADMINISTRATIVE MEMORANDUMS INDEX

As of January 21, 2016

Please note that these Administrative Memorandums will include many memos that have become outdated due to changes in rules, statutes or current Department policy. Some memos have been amended or superseded by others, and some may no longer be applicable.

DRILLING PERMITS			
No.	Title	Signed	Amended or Superseded
1.	Expedited Approval of Drilling Permits	10-6-88	
2.	Proof of B/U and Drilling Permit Considerations	12-19-88	
3.	Approval of Drilling Permits	12-30-88	
4.	Drilling Permits Approvals	12-1-94	12-20-13



State of Idaho
DEPARTMENT OF WATER RESOURCES

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CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

MEMORANDUM

TO: All Resource Administration Division Staff

FROM: Norman C. Young *NCY* Administrator Drilling Permit No. 1

DATE: October 6, 1988

RE: Expedited Approval of Drilling Permits

Rule 7,1,4 of the Well Construction Standards provided that a drilling permit is not to be issued until all related approvals (water appropriation permit, transfer or abandonment, geothermal permits or waste disposal and injection well permits) have been obtained. The rule does allow for an expedited approval when to do so is in the public interest. Regional Managers, Section Supervisors and Bureau Chiefs are hereby authorized to give an expedited approval if all of the following are complied with:

1. Applications, as necessary, are on file seeking authorization to use the well for the purpose which it is being drilled.
2. There are no apparent reasons that the pending applications will not be approved authorizing use of the well.
3. The applicant has requested in writing the expedited approval and demonstrated a need for immediate construction.
4. The drilling permit has been conditioned to show that the drilling permit does not authorize the diversion and use of water from the well.
5. The drilling permit includes a statement that the applicant by accepting the drilling permit and commencing construction acknowledges that he accepts all risk that the well may not ultimately be approved for use.

filing requirements need to be checked before the proof is considered acceptable. A copy of the well log and drilling permit should be forwarded to the vault as received for filing in the water right file.

If the log and drilling permit can not be located or if the applicability of the drilling permit requirement can not readily be determined, correspondence may be required to determine when the well was drilled, deepened or enlarged. This determination should be a joint effort of water right personnel and groundwater protection personnel with the groundwater section taking the lead to obtain the well log and drilling permit.

The question on the proof form relative to when the water was first beneficially used will eliminate much of the potential correspondence. i.e. if the date of first beneficial use shown on the proof is prior to the date a drilling permit was required, a drilling permit likely is not applicable. An exception could involve multiple wells where some of the wells are constructed prior to 7-1-87 and some after or deepening of a well after 7-1-87.

If a drilling permit is required but was not applied for, the proof should be considered incomplete and unacceptable until the required drilling permit and fee are submitted, the drilling permit has been issued and the conditions of the drilling permit have been met.

A drilling permit must also be checked against the proof to be sure the proper drilling permit fee has been paid. If the drilling permit fee paid is too small, the proof should be considered incomplete until the correct drilling permit fee has been paid.

The legal basis for rejecting a proof of beneficial use for failure to obtain a drilling permit or for failure to have paid the proper drilling permit fee is based on a condition of water right permit approval which reads as follows:

"The permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code".

This condition should also be added to extension requests or amendments which indicate a well is yet to be constructed or deepened. If a permit holder fails to comply with the drilling permit statute, the permit will be cancelled under the provisions of Section 42-311, Idaho Code for failure to comply with the conditions of permit approval.

ADMINISTRATOR'S MEMORANDUM

To: Water Compliance Bureau
Regional Offices
Water Allocation Bureau

Drilling Permits No. 4

(This memorandum replaces the memo dated
12-1-1994)

From: Matt Weaver, Deputy Director



RE: DRILLING PERMITS APPROVALS

Date: December 20, 2013

The following procedures are to be implemented immediately relative to drilling permit approvals:

1. The Department will not approve drilling permits for domestic wells proposing a well diameter greater than eight (8) inches unless the driller or owner can demonstrate that the use is for "domestic purposes" as defined in Section 42-111(a) and (b), Idaho Code, and that:

a. A larger diameter casing is required because of the expected limited productivity of the formation(s) usually encountered or the difficulties in drilling that have been experienced in the formation(s);

or

b. The pumping equipment available requires a larger well diameter and will be fitted with a valve to prevent excessive diversion;

or

c. The use is for multiple ownership subdivisions, mobile home parks, commercial or business establishments for which the department has issued a water right approval;

and

d. The well owner acknowledges in writing that use of the well for any other purpose requires approval by IDWR and that failure to comply is a violation of Section 42-351, Idaho Code.

2. The Department will not approve drilling permits for wells which the Department has reason to believe will exceed those authorized under Section 42-111, Idaho Code, unless the applicant can show to the satisfaction of the Department that the water required for the operation will not exceed that authorized under Section 42-111, Idaho Code, or until the authorizing water right document has been approved.

3. The Department will not issue drilling permits for wells, the use of which may be combined with other wells with exempt uses to create a full water supply for a facility which needs or is expected to need more water than authorized under Section 42-111, Idaho Code, for the entire facility.

MEMORANDUM

To: Matt Weaver

From: Tim Luke 

Date: December 19, 2013

RE: Revision of Administrator's Memorandum – Well Drilling Permits No. 4 (12-1-1994)

In December 1994 an Administrator's Memorandum (attached) was issued to Department staff that process drilling permits. This memo directed Department staff not to approve any drilling permit for a domestic well with a well casing diameter greater than 6 inches unless the well owner or driller could justify the need for a larger casing diameter. The purpose of the policy was to limit the production of domestic wells so that they were not exceeding the domestic use limitations as defined in Idaho Code 42-111 A and B. A tremendous increase in the number and size of dairies in the Magic Valley and other areas of the state around 1994 contributed to adoption of this memorandum. At the time, the Department often responded to complaints about expansion of use from new or existing domestic wells to serve dairy expansions. Over the years, the Department has found that there are frequent requests for 8 inch diameter domestic wells due to limited production and/or complicated geologic conditions. The larger diameter often provides more flexibility to the driller with respect to well completion or addressing future modifications. Although IDWR receives frequent requests for 8 inch diameter casing on domestic wells, we rarely receive requests for anything greater than 8 inches.

IDWR has continued to approve drilling permits for domestic wells exceeding 6 inches when the application is accompanied by a separate form signed by the well owner (attached). Processing this additional form does not directly limit use from domestic wells and seems to only reiterate what the law already mandates. This extra form creates an additional process that does little to prevent over use of a domestic well.

The revisions proposed on the updated policy memo would allow the approval of domestic drilling permits for 8 inch diameter wells (or greater than 6 inches) without having to process additional forms. This will save staff time and resources in addition to reducing additional requirements of the public (well owner) and the well driller. It is common and in many cases advisable to initially construct a domestic well with a larger casing or borehole diameter to accommodate future modification or deepening. As an example, it has been easier to modify or deepen wells in the Lewiston Plateau GWMA when the surface casing diameters are 8 or even 10 inches. An alternative to revising the policy memo would be to rescind the original memo altogether.

Please consider the change to the policy memorandum as attached.

Drilling Permit Tag No. _____

Water Right No. (if applicable) _____

**REQUEST FOR ISSUANCE OF A DOMESTIC WELL DRILLING PERMIT
ALLOWING A PRODUCTION CASING SIZE EXCEEDING EIGHT (8) INCHES**

_____ will be the Well Owner and requests approval of a Drilling Permit for "domestic" purposes. If approved, the associated drilling permit authorizes construction of a well with production casing size exceeding eight (8) inches in diameter. Domestic use is defined by Section 42-111, Idaho Code.

"Domestic purposes" or "domestic use" 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.*

Domestic purposes or domestic use does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use meets the diversion rate and volume limitations set forth in subsection B above.

This request is made for the construction of a _____ inch diameter well for the following reason(s):

- A larger casing diameter is necessary due to the limited productivity of water bearing formations expected to be encountered.
- The pump or diverting works to be installed requires a larger production casing diameter.
- Other:

I attest that I will be the owner of the well as I own the property on which the well is to be constructed and will be responsible for the lawful use and maintenance of this well.

I understand that use of this well for any purpose other than "domestic" may constitute a violation of both State Law and Administrative Rules.

Well Owner (Print Name)

Signature

Date