McCarty Drilling & Pump

March 15, 2005

Mr. Bob Haines
Regional Director
Idaho Department of Water Resources
1910 Northwest Blvd.
Coeur d'Alene, Idaho 83814

Request for Waiver

Dear Mr. Haines;
On behalf of Terry and Kathy Dennis of 6225 Harbor Drive, Coeur d'Alene, Lot 23 Harbor Island. I hereby request a waiver of the minimum setback requirements from both septic tanks and drain-fields in their location. As you are aware, the well currently serving the Dennis residence has been determined to require deepening due to a declining water table.

The neighbors, Mr. and Mrs. Magers, Lot 24 Harbor Island, while being aware of the Dennis' water shortages, observed the Dennis' site preparations for the deepening their well. The Magers have now revealed the presence of their septic drain-field to be less than the required offset distances to the Dennis well, and do not want the Dennis' to have their well deepened. They have contacted you and other regulatory agencies of this debacle. It is also important to note that Mager's well is also in violation of the setback requirements and most likely is placed within a few feet of their own septic drain-field. The two wells are approximately 30 feet apart. Magers claim that their septic tank is less than fifty feet from both wells and the drain-field is assumed to be less than twenty feet from both wells.

In light of these unusual circumstances, please consider this waiver request and refer to the well construction diagram presented to you recently as a drilling method in which both the aquifer and human health can be protected, while allowing the Dennis family access to potable drinking water.

Thank you for your consideration.

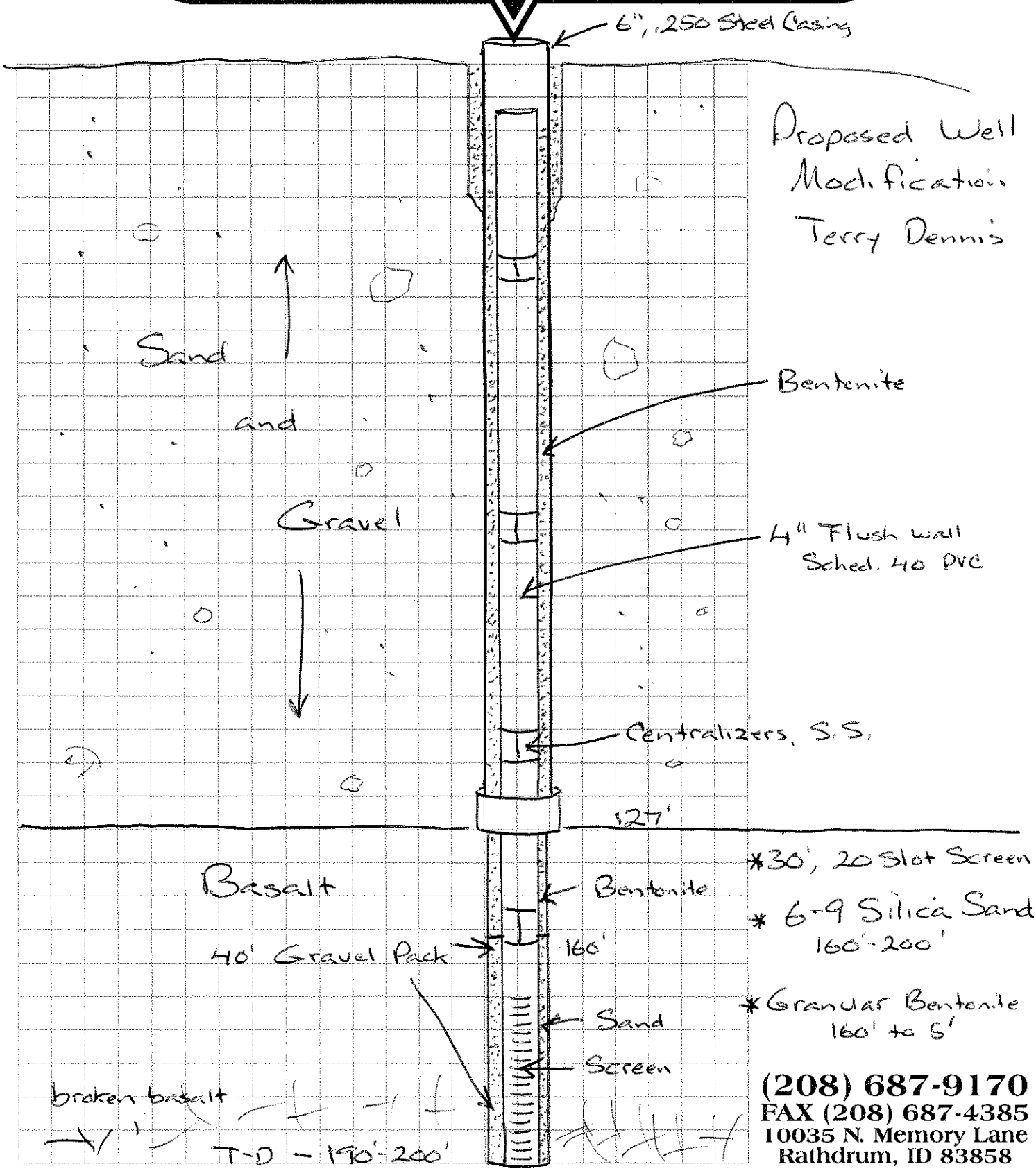
Brett McCarty CWD/PI
President
McCarty Drilling & Pump Inc.
"Nationally Certified Well Driller & Pump Installer"

McCarty Drilling & Pump Inc. 10045 N. Memory Lane Rathdrum, ID 83858
Local 208-687-9170 Toll Free 888-513-8000 Fax 208-687-4385

D40008

RECEIVED
APR 12 2005
IDWR/North

McCarty Drilling & Pump



(208) 687-9170
FAX (208) 687-4385
10035 N. Memory Lane
Rathdrum, ID 83858

PANHANDLE HEALTH DISTRICT

Healthy People in Healthy Communities

Public Health

ENVIRONMENTAL HEALTH
2195 IRONWOOD CT.
COEUR D'ALENE, IDAHO 83814
(208) 415-5200
http://www2.state.id.us/phd1

RECEIVED
APR 04 2005
IDWR/North

March 29, 2005

Bob Haynes
Idaho Department of Water Resources
1910 Northwest Blvd.
Coeur d' Alene, ID 83814-2615

Re: Dennis' Water Well Location/ Magers' Septic system Location

Dear Mr. Haynes:

On March 28, 2005, I met with Mr. Bill Magers, at his property located at 6271 Harbor Drive (Parcel #0-3320-000-024-0) on Harbor Island. Mr. Magers showed me the approximate locations of the septic tank and drainfield serving his home. Measurements taken at the site indicate that the water well located on the Dennis' property (Parcel #0-3320-000-023-A) was placed approximately forty-four (44') feet from the Magers' septic tank and twenty (20') feet from the Magers' drainfield. The Magers' water well is located in the center of their driveway approximately tweny-seven (27') feet from their drainfield. At the time of my site visit, I did not notice any overt signs that Magers' septic system was failing. I did discuss with Mr. Magers' that parking and driving over his existing drainfield was not allowed under Idaho subsurface sewage disposal rules, and this practice could cause compaction of the soils in the area of the drainfield and could lead to premature failure of the system.

The pertinent events leading up to the current situation are as follows:

-Kootenai County Assessor's records indicate that the home on the Magers' property was constructed in **1958**. As this home and associated septic system were constructed prior to Idaho rules governing installation standards for subsurface sewage disposal systems (1970), this septic system is classified as a pre-existing, non-conforming septic system. Although it is assumed that this septic system does not meet current standards, due to the date of construction it is allowed and viewed as legal under vested right/ non-conforming use guidance (Technical Guidance Manual for Subsurface Sewage Disposal).

-According to Mr. Bob Haynes of Idaho Department of Water Resources (IDWR), the water well serving the Magers' residence was installed in **1972**. Mr. Haynes indicated that at that time, well construction standards did not dictate a 100' foot setback from any existing drainfield. However, at that time Idaho subsurface sewage disposal rules did have the minimum drainfield to well setback of 100' feet.

-Also according to Mr. Bob Haynes of IDWR, the water well serving the Dennis' property was installed in **1997**. The installation of this water well at this time would have been in violation of both IDWR and Idaho subsurface sewage disposal rules regarding water well setbacks from drainfields,

Based on the above information, in the event of refinancing or selling of either parcel, due to the proximity of both water wells to the Magers' drainfield, if a mortgage survey is requested through the PHD office, these non-compliant water wells will be noted on the mortgage survey. This documentation could render these parcels difficult if not impossible to finance dependent upon the loaning agency's criteria. In addition, allowing the Dennis' water well to remain in this location will present a hardship on the Magers' in the event that their existing septic system fails and a replacement septic system must meet the 100' setback from neighboring water wells.

Therefore, due to the potential future legal issues associated with the Magers' and Dennis' water wells not meeting the minimum setback from the Magers' drainfield, the Panhandle Health District reserves the right to place a notice on the title of both properties to notify any potential buyer of the lack of compliance with Idaho rules. The proposal to grout the Dennis' water well to the basalt/ soil interface still will not satisfy the water well to septic system setbacks as outlined in Idaho subsurface sewage disposal rules.

If you have any questions, please contact me at the Panhandle Health District office in Coeur d' Alene at 415-5220.

Sincerely,

Erik Ketner
Environmental Health Specialist

Cc: Terry Dennis, 6295 W. Harbor Drive, Coeur d' Alene, ID 83814
Bill & Marlene Magers, 6271 W. Harbor Drive, Coeur d' Alene, ID 83814

VESTED RIGHTS/NON-CONFORMING USES

Failed system. Repair or replacement of an existing system.

1. Dwelling or structure unit served by the system must not be altered, remodelled or otherwise changed, so as to result in increased wastewater flows.

2. The reason for failure should be determined if possible.

3. If failure is due to age, the system may be repaired or replaced with a similar system that shall be constructed to come as close as possible to current dimensional and set back requirements for standard systems.

4. If failure has occurred in less than ten years and is due to increased wastewater flows or poor site characteristics, an alternative or larger system must be constructed as close as possible to current dimensional and set back requirements for alternative systems.

Additions or Alterations. Changes to an existing structure or dwelling, such as remodelling.

1. The addition or alteration will not cause the existing system to become unsafe or overloaded. Enough reserve area for both the original and additional system shall be preserved.

2. The addition or alteration will not be additional or new dwelling units.

3. The wastewater flow will not be significantly increased.

4. The area reserved for replacement cannot be used for the addition.

Abandoned System: An abandoned system is considered to be a system that has not received wastewater flows or blackwaste for one year or more.

1. An abandoned system may be used if wastewater or blackwaste characteristics are similar to former waste strengths and flow rate received by the system <u>and</u>,

2. The system was originally permitted, and approved <u>and</u>,

3. The site is inspected and approved.

4. If the system is an unapproved system it must be uncovered, pumped and inspected. It must meet all current requirements, including the issuing of a permit.

MEMORANDUM

To: Mark Slifka, Guy Paul & Glen Saxton
From: Bob Haynes
Date: April 14, 2005
Subject: Request for a Waiver Setback Requirements from McCarty Drilling – D40008

We received a request for a waiver of the site separation distances for a well from the features of septic waste system from McCarty Drilling on behalf of Terry & Kathy Dennis. Mark Slifka, Brett McCarty and I discussed this situation when Mark was in the area for the drillers workshop. The septic system involved belongs to a neighbor, Mr. And Mr. Bill Magers, and was apparently installed sometime in the 1950's. No permits were required for this installation. Domestic water for the neighboring property may have come the Spokane river until 1971 when a well was drilled for a previous owner of this property, Gale Stocking. A letter from Erik Ketner, which is attached details the separation distances. At the time the Stocking well was drilled IDWR rules had not incorporated DEQ setbacks from septic systems. The use of the Magers' septic system is covered under the "vested rights/non-conforming uses". A copy of the pertinent page from the DEQ manual is attached.

In 1997, apparently relying on faulty information about the drain field location, Brett McCarty drilled a well for Dennis' that did not meet the setback requirements. The Dennis' well has apparently gone dry a couple of times in the winter. We became aware of the situation about a year ago, when we called by the Magers', saying that they had heard that Dennis' were going to deepen their well. Nothing came of it at that time. The issue arose again this last winter.

Neither the Dennis' well nor the Magers' well have reported any contamination. The log for Mager's well shows clay and, while the log for Dennis' well does not indicate any clay, I suspect that clay is present. The clay is preventing any downward movement of effluent from septic tanks in the area. I believe that a well can be safely constructed with setbacks less than the rules require. My main concern has been that allowing wells to be constructed that did not meet the setback requirements could prevent Magers from repairing their septic system if it were to fail. I talked to Dale Peck, who is the Environmental Director for the Panhandle Health District, and he explained that, because Magers system predated the standards, the system can be repaired under the "Vested right/non-conforming uses" section of the DEQ Technical Manual.

I suggest that we approve the drilling permit pursuant to the schematic McCarty Drilling has provided.

State of Idaho
DEPARTMENT OF WATER RESOURCES
NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450 Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 2, 2005

D40008

MR. & MRS. TERRY DENNIS
6295 HARBOR DR
COEUR D'ALENE ID 83814

Re: Request for a Waiver of the Minimum Well Construction Standards

Dear Mr. & Mrs. Dennis:

On March 15, 2005, we received a request from McCarty Drilling, filed on your behalf, for a waiver of the Idaho Minimum Well Construction Rules for the deepening of a well on **Lot 23 of Harbor Island.** This waiver request was with regard to site separation distances required between septic tanks, septic tank drain fields and wells. On April 12, 2005, McCarty Drilling supplied a schematic drawing of how they propose to drill the well to protect the ground water quality.

As you know, the potential impact on owners of the Bill Magers' property to maintain the drain field system has been a concern to us in our review of this situation. The Department of Environmental Quality "TECHNICAL GUIDANCE MANUAL FOR INDIVIDUAL AND SUBSURFACE SEWAGE DISPOSAL SYSTEMS" provides that systems classified under the "Vested rights/Non-conforming uses" may be repaired if they fail. Because of that permitting your well to remain and be deepened will not result in any impairment for the Magers'.

The request for a Waiver of the Minimum Well Construction Standard pursuant to the proposal of McCarty Drilling is hereby APPROVED. In addition, you are directed to provide results of water quality tests taken quarterly for two years to the Northern Region of the Idaho Department of Water Resources. If contamination is found, the Department may require additional action, which could include abandoning of the well.

If you have any questions, please contact me.

Sincerely,

Robert G. Haynes

Robert G. Haynes, P.E.
Regional Manager

State of Idaho)
) ss.
County of Kootenai)

On this 2 day of June, 2005, personally appeared before me the signer of the above instrument, who acknowledged to me that he executed the same.

ALLEN BEARDSLEE NOTARY PUBLIC SEAL STATE OF IDAHO

Cd'A
Notary Public residing at

My commission expires: 08/08/06

USE TYPEWRITER OR BALL POINT PEN

card in

State of Idaho
Department of Reclamation

WELL DRILLER'S REPORT

State law requires that this report be filed with the State Reclamation Engineer within 30 days after completion or abandonment of the well.

RECEIVED APR 12 2005 IDWR/North

1. WELL OWNER WELL ON HARBOR Island

Name GALE R. STOCKING

Address 37 WEST 15th ave SPOKANE WASH

Owner's Permit No.

2. NATURE OF WORK 95-71-N-43

☒ New well ☐ Deepened ☐ Replacement

☐ Abandoned (describe method of abandoning)

3. PROPOSED USE

☒ Domestic ☐ Irrigation ☐ Test

☐ Municipal ☐ Industrial ☐ Stock

4. METHOD DRILLED

☒ Cable ☐ Rotory ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 6" inches Total depth 187 feet

Casing schedule: ☒ Steel ☐ Concrete

Thickness	Diameter	From	To
.250 inches	6" inches	+1 feet	120 feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet

Was a packer or seal used? ☒ Yes ☐ No

Perforated? ☐ Yes ☒ No

How perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation inches by inches

Number	From	To
perforations	feet	feet
perforations	feet	feet
perforations	feet	feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name

Type Model No.

Diameter Slot size Set from feet to feet

Diameter Slot size Set from feet to feet

Gravel packed? ☐ Yes ☒ No Size of gravel

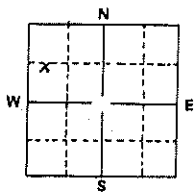
Placed from feet to feet

Surface seal? ☒ Yes ☐ No To what depth 18' feet

Material used in seal ☒ Cement grout ☐ Puddling clay

6. LOCATION OF WELL

Sketch map location must agree with written location.



95

County KOOTNEI

SW ¼ NW ¼ Sec. 8, T. 50 N/S, R. 4W E/W

7. WATER LEVEL

Static water level 125 feet below land surface

Flowing? ☐ Yes ☐ No G.P.M. flow

Temperature ° F. Quality

Artesian closed-in pressure p.s.i.

Controlled by ☐ Valve ☐ Cap ☐ Plug

8. WELL TEST DATA

☐ Pump ☒ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped
25	NONE	3 hrs

9. LITHOLOGIC LOG

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
6"	0	3	TOP SOIL		
	3'	40'	GRAVEL SMALL CLAY MIXED		
	40'	80'	LARGE GRAVEL. SAND		
	80"	120'	GRAVEL MIXED WITH HEAVY GRAY CLAY		
	120'	130'	BASALT ROCK SOFT BLACK		
	130'	140'	SAME WATER 10 GAL PER MINUTE	X	
	140'	182	HARD BASALT		
	187	187	HONEYCOMB BASALT	X	

10. Work started MAY 2 1971 finished MAY 12, 1971

11. DRILLER'S CERTIFICATION

This well was drilled under my supervision and this report is true to the best of my knowledge.

IRVIN L. FRY 109

Driller's or Firm's Name Number

10211 EAST 9TH. SPOKANE WASH 99206

Address

Irvin L Fry MAY 12 1971

Signed By Date

USE ADDITIONAL SHEETS IF NECESSARY

Form 238-7
3/95

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT
Use Typewriter or Ballpoint Pen

Office Use Only
Inspected by _____
Twp ____ Rge ____ Sec ____
____1/4 ____1/4 ____1/4
Lat: : : Long. : :

RECEIVED
APR 12 2005
IDWR/North

1. DRILLING PERMIT NO. ____-____-____-____
Other IDWR No. D3269

2. OWNER:
Name Terry Dennis
Address 6225 Harbor Drive
City Coeur d'Alene State ID Zip 83814

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location.

Twp. 50 North X or South
Rge. 4 East or West X
Sec. 7 ____ 1/4 SE 1/4 NE 1/4
(10 acres, 40 acres, 160 acres)
Gov't Lot County
Lat: : : Long: : :

Address of Well Site
6225 Harbor Drive City Coeur d'Alene
(Distance to Road or Landmark)

Lt 23 Blk. ____ Sub. Name ____

4. USE:
X Domestic Municipal Monitor Irrigation
Thermal Injection Other ____

5. TYPE OF WORK check all that apply (Replacement etc.)
X New Well Modify Abandonment Other ____

6. DRILL METHOD
Air Rotary X Cable Mud Rotary Other ____

7. SEALING PROCEDURES

SEAL FILTER PACK Material	From	To	AMOUNT Sacks or Pounds	METHOD
Bentonite	0	20	300#	overbore

Was drive shoe used? X Y N Shoe Depth(s) 127'
Was drive shoe seal tested? Y N How?

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6"	+2	127	.250	Steel	X			

Length of Headpipe ____ Length of Tailpipe ____

9. PERFORATIONS/SCREENS
Perforations Method ____
Screens Screen Type ____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:
96" ft. below ground Artesian pressure ____ lb.
Depth flow encountered 96' ft. Describe access port or control devices: ____

11. WELL TESTS:
Pump X Bailer Air Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
10 gpm			

Water Temp. ____ Bottom hole temp ____
Water Quality test or comments: ____
Depth first Water Encountered 96

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Size Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Water	
10	0	1	Topsoil		X
	1	16	Sand		X
	16	18	Sand & Gravel		X
8"	18	39	Gravel with sand		X
	39	46	Gravel, Cobbles, Coarse Sand		X
	46	49	Gravel, Boulders		X
	49	63	Gravel with sand		X
	63	89	Sand & Gravel		X
	89	112	Sand, coarse	X	
	112	121	Sand, fine	X	
	121	126	Sand	X	
	126	127	Cobbles	X	
	127		Basalt		

Completed Depth 127' (Measurable)
Date. Started 9/2/97 Completed 9/22/97

13. DRILLER'S CERTIFICATION
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name McCarty & Associates Firm No 586
Firm Official [signature] Date 9/28/97
and
Supervisor or Operator ____ Date ____
(Sign once if Firm Official & Operator)

FORWARD WHITE COPY TO WATER RESOURCES

Form 238-7
3/95-C96

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

Office Use Only
Inspected by _____
Twp ____ Rge ____ Sec ____
____ 1/4 ____ 1/4 ____ 1/4
Lat: : : Long: : :

1. DRILLING PERMIT NO. 833247 - ____
Other IDWR No. D0040008

2. OWNER:
Name Terry & Kathy Dennis
Address 6295 Harbor Dr
City Coeur d'Alene State ID Zip 83814

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location

N
W ☒ E
S

Twp. 50 North ☒ or South ☐
Rge. 4 East ☐ or West ☒
Sec. 7 ___ 1/4 (10 acres) SE 1/4 (40 acres) NE 1/4 (160 acres)
Gov't lot ____ County Kootenai
Lat: : : Long: : :
Address of Well Site 6295 Harbor Dr
City Coeur d'Alene
(Give at least name of road + Distance to Road or Landmark)
Lt. ____ Blk. ____ Sub. Name ____

4. USE:
☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other ____

5. TYPE OF WORK check all that apply (Replacement etc.)
☐ New Well ☒ Modify ☐ Abandonment ☐ Other ____

6. DRILL METHOD
☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other ____

7. SEALING PROCEDURES

SEAL/FILTER PACK			AMOUNT	METHOD
Material	From	To	Sacks or Pounds	
Bentonite	10	120	1050lbs	Dry Granular
6-9 Silica Sand	120	180	1000lbs	Tremie

Was drive shoe used? ☐ Y ☒ N Shoe Depth(s) ____
Was drive shoe seal tested? ☐ Y ☐ N How? ____

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
6"	+2	136	250	Steel	☒	☐	☒	☐
4"	10	180	Sc40	PVC	☐	☒	☐	☒
					☐	☐	☐	☐

Length of Headpipe ____ Length of Tailpipe ____

9. PERFORATIONS/SCREENS
☐ Perforations Method ____
☐ Screens Screen Type slotted pvc screen

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
150	180	10	500	4"	PVC	☐	☒
						☐	☐
						☐	☐

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:
125'ft. below ground Artesian Pressure ____ lb
Depth flow encountered ____ ft. Describe access port or control devices: ____

50 N 4 W 7

11. WELL TESTS:
☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal/min.	Drawdown	Pumping Level	Time
30GPM			3 Hrs

Water Temp. Warm Bottom hole temp. ____
Water Quality test or comments: Cloudy then clear
Depth first Water Encountered 132'

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia	From	To	Remarks: Lithology, Water Quality & Temp.	Water Y	Water N
			DEEPENING		
8"	127	128	Basalt, hard		
	128	136	Gravel, Clay, grey 5GPM	☒	
6"	136	137	Basalt, hard		
	137	140	Gravel, Clay, grey		
	140	163	Basalt, hard		
	163	174	Basalt, broken, Clay, brown 5GPM	☒	
	174	178	Basalt, medium		
	178	183	Basalt, broken 20GPM	☒	
	183	186	Basalt, Gravel, angular 10GPM	☒	
	186	190	Clay, Sand, brown		
		*	NOTE: PVC Screen was gravel packed,		
			PVC liner was grouted to surface		
		*	NOTE: Threaded cap on PVC screen		
			assembly		
		*	NOTE: 5 S.S. Centralizers evenly		
			spaced on 4" PVC screen & pipe		

Completed Depth: 180 (Measurable)
Date: Started 4/20/05 Completed 4/21/05

13. DRILLER'S CERTIFICATION
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name McCarty Drilling & Pump Inc Firm No. 586
Firm Official [signature] Date 4-22-05
Supervisor or Operator ____ Date ____
(Sign once if Firm Official & Operator)