

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

—

85-11536

—

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B. NAME AND ADDRESS OF PERSON OBJECTING

Waha Water District

40032 Waha Glen Road

Lewiston, ID 83501

Daytime Phone: (209) 746-6966

Edwin L. Litteneker

P.O. Box 321 - 322 Main St.

Lewiston, ID 83501

Waha Water District

40032 Waha Glen Road

Lewiston, ID 83501

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: .52 cfs
4. ☒ **Priority Date**
Should be: 1957
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: Municipal
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☒ **I object because:**
☐ This water right Should not exist.

☒ This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTIONS(S):** See attached comments
and supporting documentation.

F. VERIFICATION (must be completed)

State of Idaho)
County of Nez Perce) ss.

Edwin L. Litteneker
(Name of person filing objection), duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

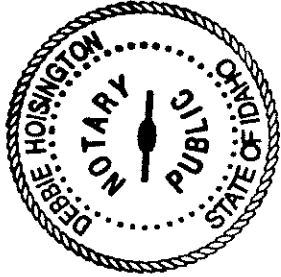
(Signature of person filing objection)

Ed L. Litteneker

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

May 25, 2005



Debbie Hoisington
Notary Public for Idaho
Residing at: Culdesoe
My Commission Expires: 7/11/07

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on May 25, 2005, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name:	Waha Water District
Address:	40032 Waha Glen Road
	Lewiston, ID 83501

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



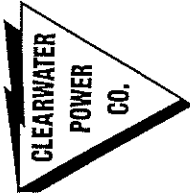
Signature of objector or attorney
mailing on Objector's behalf

E. REASONS SUPPORTING OBJECTIONS: Attached is a letter from Clearwater Power Company Engineering Department and the complete Clearwater Power work order from March 19, 1957, which includes a map that was drawn on the back of the "staking sheet" that shows where a "3 phase transformer bank" and a "60,000 gallon reservoir" were installed, which is evidence that multiple households were being serviced in 1957, because a 3 phase transformer bank would not be installed for one household. (Exhibit 1.)

Additionally, water meters were not used in this area in 1957, nor were they required. As a result the Waha Water District is unable to provide the exact number of households the well served in 1957. The Waha Water District currently services 38 households. The Board documentation detailing the elections that took place in the 1970's shows 49 households were being served in the 1970's. (Exhibit 2.)

In 1976 the Department of Health and Welfare, Department of Environmental Quality reported that the system was provisionally approved as a public water system. See letter and map of Charles Fiske. (Exhibit 3.)

EXHIBIT '1'



CLEARWATER POWER COMPANY

4230 HATWAI ROAD

P. O. BOX 997

LEWISTON, IDAHO 83501

www.clearwaterpower.com

(208) 743-1501
FAX (208) 746-3902
BILLING (208) 798-5200

February 28, 2005

Waha Glen Water District
% Lorene Alder
40032 Waha Glen Road
Lewiston ID 83501

To Whom It May Concern:

The account 25-29A which serves the Waha Glen Water District pump was given power on March 19, 1957 according to a workorder on file. At that time four 3 KVA transformers were installed for a three phase pump to the account under the name of A.E. Clark which specifically was listed at that time as the Waha pump. Given the 60,000 gallon reservoir and the three phase pump multiple households most likely were being served. Unfortunately we did not keep records on the pump size that existed.

Sincerely,

CLEARWATER POWER COMPANY

Douglas J. Pfaff
Manager of Engineering

owned by those we serve

JOB ORDER REPORT

Sheet 1 of 2

Please and Acct. No. **25-30A** Pole No. **151-2** Clearing Acct. No. **100.32**
 Name **Mr. A. E. Clark (Domestic)** Address **5 Harry Harrison, Sr.** Order No. **100.32**
 No. of Services **1** Minimum **3.75** Completed by **May Stewart** Date Issued **8-6-56**
 TRANSFORMER DATA Write yes or no
 Transf. Installed ☒ Co. No. **151-2** Meter Installed ☒ Meter No. **151-2**
 KVA **15** Size **15** Reading **15** Multiplier **1**
 Make **15** CSP ☐ Conv. ☐ CSP ☐
 Membership Pd. **15** Date **15** Reason for Change: **15**

REMARKS: This will be on Schedule A, & min. will be 15 min. This acct. has been served temporarily for several weeks and may already be set up in the billing department. Full address is Mr. A. E. Clark, 5 Harry Harrison, Sr., First Security Bank, Lexington, Ma.

MATERIAL	QUAN- TITY	UNIT PRICE	TOTAL COST	MATERIAL	QUAN- TITY	UNIT PRICE	TOTAL COST
Adaptor, Pin Insulator				Pin, Crossarm			
Anchor, 6000 lbs. ✓ 800's	2	275	550	Pin, Pole Top			
Anchor, 8000 lbs.				Plate, Butt Ground			
Arrestor, Dble. Spill Gap				Plate, Guy Strain (shim)			
Arrestor, Lightning Distr.				Pole, 25-7			
Attachment, Guy	2	30	60	Pole, 30-6			
Bolt, Carriage, 3/8"				Pole, 30-7			
Bolt, Carriage, 1/2"				Pole, 35-			
Bolt, Dble. Arm. 5/8"				Pole, 35-5			
Bolt, Machine 1/2"				Pole, 35-6			
Bolt, Machine 5/8"				Pole, 35-7			
Bolt, Oval Eye 5/8"	6	30	180	Pole, 40-			
Bolt, Thimble Eye 5/8"		40	80	Pole, 40-5			
Bolt, Single Upset + 5/8"	6	45	270	Pole, 40-6			
Bolt, Double Upset				Pole, 45-			
Brace, Alley Arm				Pole, 45-5			
Brace, Angle 60"				Pole, 50-			
Brace, Crossarm 28"				Pole,			
Band, Pole Stubbing				Rack, Service (K13)			
Clamp, D.E. Trip.				Rod, Anchor			
Clamp, D.E. ACSR				Rod, Armor ACSR		240	480
Cluster, Transf. Mtg. bkt.				Stub, Pole 10'			
Clamp, Ground Rod				Stub, Pole			
Clamp, Guy Bonding	3	25	75	Rod, Ground			
Clamp, Guy 3-bolt	4	90	360	Screw, Lag 1/2" x 4"			
Clamp, Hot Line				Shackle, Anchor			
Clamp, Loop D.E. (C412)				Conductor, ACSR No. 4			
Clamp, Susp. Angle				Conductor, ACSR No. 2			
Clevis, Sec. D.E. Sta. (J10)				Conductor, ACSR No. 1/0			
Clevis, Sec. Swing. (J6)				Conductor, ACSR No.			
Clevis, Ser. Sta. (K14)	6	45	270	Conductor, A1 WP #4 Trip.			
Clevis, Ser. Swing (K11)				Conductor, A1 WP #2 Trip.			
Clip, Armor Rod				Conductor, A1 WP #1/0 Trip.			
				Conductor, A1 WP # Trip.			
Conductor, WP No. 6	370	064	2368	Washer, 2 3/4" x 2 1/4"			
Conductor, WP No. 4	340	109	3706	Washer, 4" x 4"			
				Washer, Round			
Conductor, B.S.D. Cu. No. 6	10	04	40	Wireholder, K10			
Connector, A1							
Connector, Cu.	5	35	175				
Crossarm, 4'							
Crossarm, 8'							
Crossarm, 16'							
Cutout, Arrest. or Gap Comb.							
Cutout, Bushing Mounted							

37-A

Pole No. <u>151-1</u> Address <u>151-1</u> Completed by <u>W. H. H. H.</u>	Clearing Acct. No. <u>10432</u> Order No. <u>36411</u> Date Issued <u>8-26-36</u> Date <u>3-19-57</u>
Transformer Data Meter Installed <u>151-1</u> Co. No. <u>151-1</u> Size <u>151-1</u> Reading <u>151-1</u> Multiplier <u>151-1</u>	JOB DATA New Connect ☐ Reconnect New Party ☐ Add Third Wire ☐ Meter and/or Transf. Change ☐ Other: ☐
Reason for Change: <u>151-1</u>	Reason for Change: <u>151-1</u>

Reason for Change:

MARKS:

For 63035 material only. Max, please fill this sheet in.

[illegible]

CLEARWATER

Legal Description of Property

A.E. Clark (Wah 3-pump)

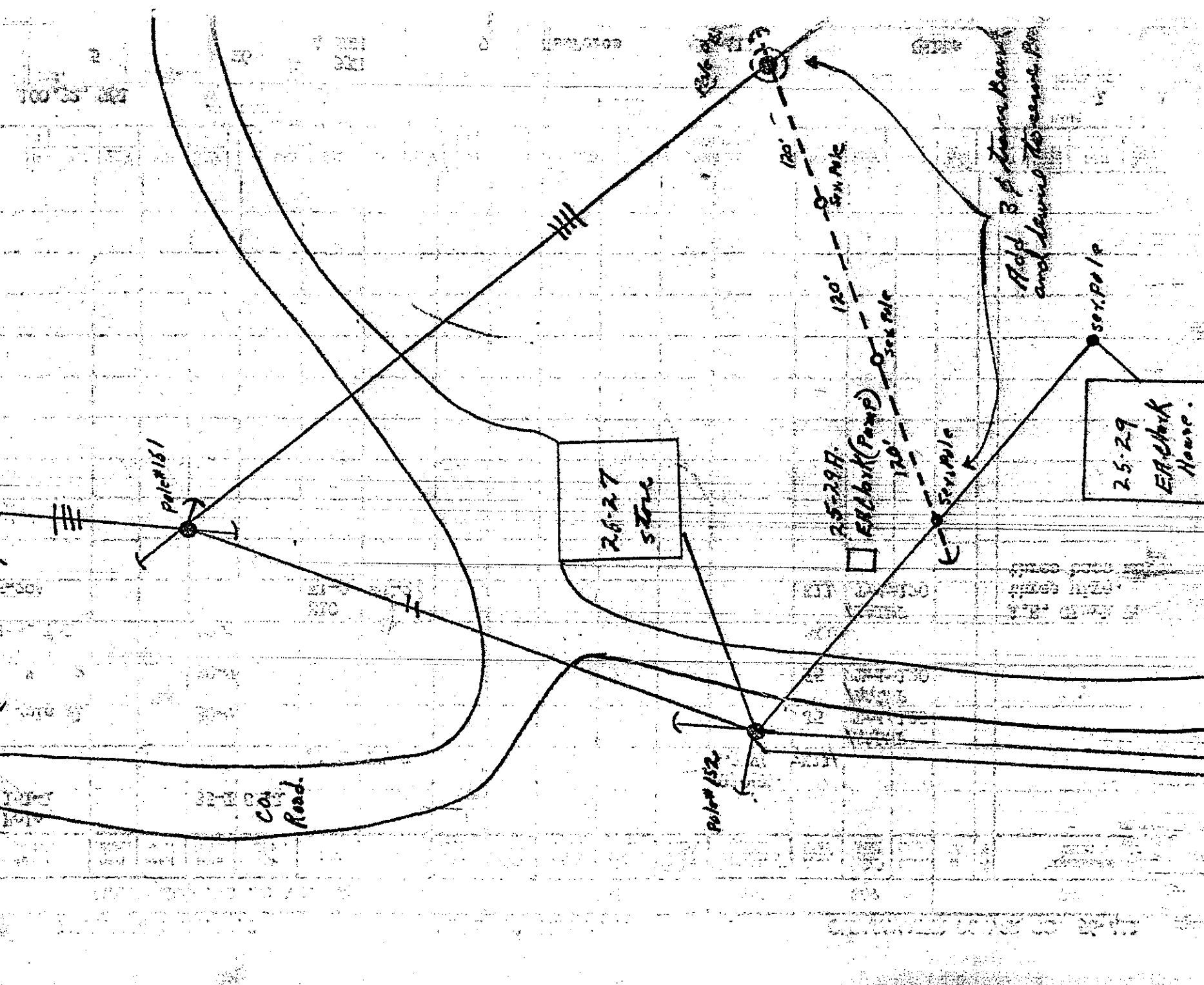


EXHIBIT '2'

WAHA WATER DISTRICT

SUMMATION OF RECORDS UP TO THE ELECTION OF BOARD OF DIRECTORS

August 14, 1977

Meeting was held in the park. Steering committee (then called guidance committee) was elected. Elected persons were: Ron Horn, Gary Dodge, Robert Grimm, Rick Ricci, and Jim Daniel

August 21, 1977

Meeting was held in park. Rick Riccie was asked by the guidance committee to be spokesman for the committee.

Ballot vote was cast for chairman with:

Rick Ricci	18
WayneThomason	8
Chuck Gerith ;	2
Max Tanner	5

Atotal of 33 votes cast, thus electing Ricci. Anne Schroeder was elected unanimously for secretary.
Temporary name of "Waha Glen Property Owmers" was decided on.
A revote on guidance committee was requested by Jim Daniel. The five members were elected again. (Yes 26 No 0)
Marian Hartley made motion to have 2/3 present in order to have legal meeting.
Barbara Bussolini seconded, passed with only 2 voting against.

October 30, 1977

No place given. Proposal was recieved from Ed Hull concerning turning over the water rights. In proposal was a list of inventory.

Valves	\$972.00
Pipe	\$1884.00
Engineers Plans	\$2750.00
fittings	\$1720.00

Total

\$6881.00

Rick Ricci made a motion to select a lawyer, seconded by Gary Dodge, for legal counsel before accepting Ed Hull, proposal.

Vote:

Keeton 17
McCann 14

November 20, 1977

At Waha Store. Paul Keetion was present and answered questions. He recommended forming a district. Harvey Hartley made a motion we form water district.
Seconded by Ann Schroeder.

Vote:

Yes	46
no	3

Total 49 49 people present

Margaret Adams (Representative of the Health Dept.) gave report and answered question on our water system as seen by health Dept.

It was voted on to accept Ed Hull proposal. Yes 41 No 8

WAHA WATER DISTRICT

STEERING COMMITTEE

RESOLUTION NO. 1

Where As: A steering committee was formed on Aug. 14, 1977 consisting of Ron Horn, Gary Dodge, Robert Grimm, Jim Daniel, and Rick Ricci and,

Where As: Rick Ricci was selected as spokesman for the committee and Ann Schroeder Sec./Treas. and,

Where As: At a meeting on Nov. 20, 1977 the community decided to employ Paul Keeton as a legal council and,

Where As: At a meeting on Nov. 20, 1977 the community decided to form a Water District. At the same meeting the community decided by a vote of 41 for and 8 opposed to accept the E. O. Hull Jr. proposition with modifications. (Copy of modified propositions including inventory and signed Dec. 23, 1977 attached herewith) and,

Where As: A new pump was installed to replace the malfunctioned pump in the well and was paid for in full by the Steering committee, and no follow up appears to be necessary and,

Where As: On June 14, 1978 the community voted to form the Water District and elected board members and,

Where As: As of June 14, 1978 the board under law was authorized to function as the duly authorized Board of Directors of the Waha Water District.

Therefore Be It Resolved:

1. Steering Committee -- To accept the performance of the Steering Committee as indicated in the foregoing and further,
2. Secretary -- To request that the Secretary include in her minutes the following: place, date, yes and no and abstentions for District formation, those nominated and number of votes cast for each nominee and further, to request that the secretary book starting with the meetings held on June 14, 1978 and further that the secretary not be held responsible for any meetings prior to June 14, 1978 and further,
3. Acceptance of Water System -- To accept the water system, the inventory of pipe and etc., the quick claim deeds of easements and to attach the originals here to and further,

EXHIBIT '3'



STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE

DIVISION OF ENVIRONMENT - 1525 Idaho Street - Lewiston, Idaho 83501

April 25, 1978

Mr & Mrs. Glenn F. Cox
911 Linden Avenue
Lewiston, Idaho 83501

Re: Status of Waha Glenn
Water System

Dear Mr & Mrs. Cox:

The above mentioned water system was surveyed in 1976 and was provisionally approved.

Subsequently improvements have been made that will bring it into complete compliance with State Standards.

Additionally, the system has been turned over to a newly formed Water District for maintenance, operation and ownership.

As it now stands, the water system in Waha Glenn is approved as a public water system.

Sincerely,

DIVISION OF ENVIRONMENT

Marlin D. Brinkley
Marlin D. Brinkley, P. E.
Environmental Engineer

MDB/cmd

cc: Mike Christie

Waha Glenn Water District



FAX TRANSMITTAL

STATE OF IDAHO - ENVIRONMENTAL QUALITY

DATE: 9/7/05

FROM:

A. Pedersen

TO:

Loane Alders

LEWISTON REGIONAL OFFICE

1118 "F" STREET

LEWISTON, IDAHO 83501

PHONE#: (208)799-4370

FAX#: (208)799-3451

PHONE #:

FAX#:

798-5541

DOCUMENT DESCRIPTION: Report on water quality

TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): 4

IF YOU DO NOT RECEIVE ENTIRE FAX CALL: (208) 799-4370

COMMENTS:

REPORT ON WATER SYSTEM AT WAHA GLEN

There is a complete storage system at Waha Glen in which wells and a spring are the source of supply, 55,000 gallon storage and a complete distribution system.

1. Source of Supply

Well No. 1 606 feet deep in Columbia Basalt. The diameter of the well is 10" to 175' and 8' to the bottom. A 5 H.P. pump provides 20 gallons per minute. The well is located in a pit which needs to be provided with a drain.

Well No. 2 332 feet deep in Columbia Basalt formation. The well was drilled years ago but was cleared out in 1956 and was in good condition at that time. There is no information regarding the capacity of this well, but it is estimated as having a capacity of 5 gallons per minute.

Spring The spring is located due west of the Waha Glen area. It has a normal flow of about 15 gallons per minute during most of the year but drops to as low as 3 gallons per minute during the fall.

The flow from the spring is conveyed a distance of approximately 1150 feet by a 1½ inch polyethylene pipe to the reservoir. The flow from the spring is not filtered or chlorinated.

Tests on the water from the spring have shown that this water must be chlorinated in order to comply with Idaho Department of Environmental Protection and Health standards. The feed line from the spring to the reservoir is conveniently located so that the water may be chlorinated before going into the reservoir.

2. Storage

A 55,000 gallon concrete storage reservoir is located on the hill west of the north end of Waha Glen. The reservoir is in good condition.

This reservoir is adequate in size to provide for the proposed Waha Glen Development.

3. Distribution System

The distribution system consists of 4 inch 160 p.s.i., Polyvinyl Chloride pipe that runs from the reservoir to Lake Drive at the north end of Waha Glen and then along Lake Drive to a point 400 feet past the south end of the Waha Glen Subdivision. Services are all one-inch plastic. There are 14 services now with future provisions for approximately 60 connections total.

The 4-inch pipe is more than adequate than size to provide for the development.

WATER SYSTEM AT WAHA GLEN

Page 2

4. Right-of-way and Easements

Most of the distribution system is located on Lake Drive which bisects Waha Glen. The pipe running from the spring to the reservoir and from the reservoir to the distribution and traverses land owned by Edgar O. Hull, Jr. Easements are being prepared for these two sections.

5. Capacity of the System.

The capacity of the spring varied from 15 to 3 gallons per minute. This spring capacity is not figured in the system capacity because the capacity is low during the period of maximum use.

The springs do provide a good emergency water supply in event of failure of the wells. The flow from the springs must be chlorinated prior to use.

The estimated development will total 60 units with an average of 3 persons per unit.

Well No. 1	capacity	20	gallons per minute
Well No. 2	capacity	<u>5</u>	gallons per minute

Total Capacity	25	gallons per minute
	36,000	gallons per day

Total demand:

180 persons at 100 g.p.d. - 18,000 gallons

This is domestic use. There is sufficient capacity to provide for some irrigation.

6. Conclusions

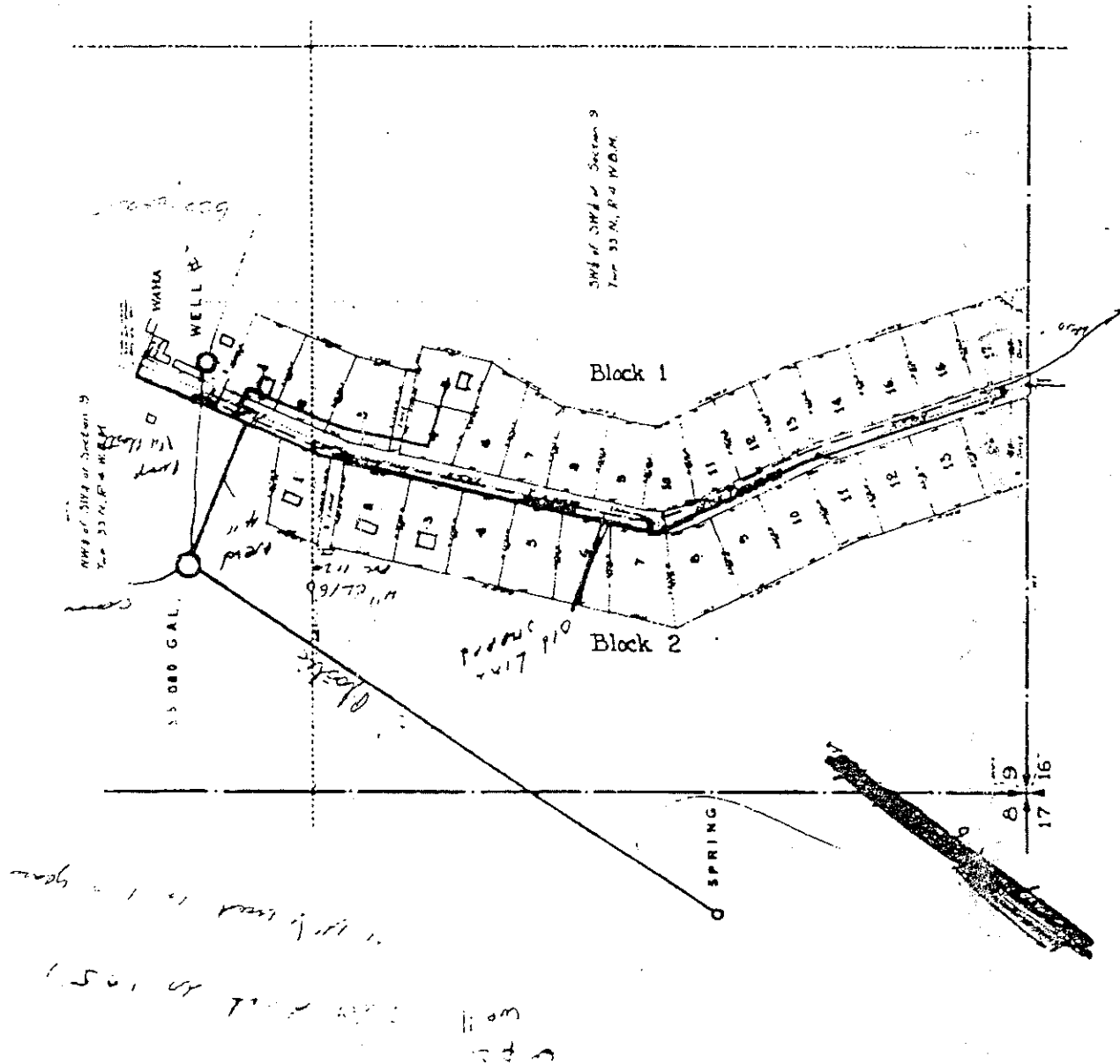
The water system is capable of supplying the planned requirements of the Waha Glen development. The quality is good and the quantity, using just the wells, is sufficient to meet the domestic needs and provide a margin of safety. The water is clear and palatable.

Charles C. Fiske

Charles C. Fiske

ID Dept of Health

Engineer CE629, LS1028



WATER AND SEWER

- EXISTING WATER
- WELL
- STORAGE RESERVOIR
- FUTURE WATER
- FUTURE FIRE HYDRANT

WHAHA
NEZ PEECE COUNTY
IDAHO