



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

April 4, 2006

Robert Barrett
Warm Lake Recreational Water District
5412 Keybridge Drive
Boise, ID 83703

Re: SRBA Claim Nos. 77-2056 and 77-2056A

Dear Mr. Barrett:

I am the Deputy Attorney General representing the Idaho Department of Water Resources (hereinafter "IDWR") in Basin 77. As I believe you are aware, the Warm Lake Recreational Water District (hereinafter "WLRWD") and the United States Forest Service (hereinafter "USFS") both claimed water right license no. 77-2056 for domestic use on lands owned by the USFS.

In our preliminary Director's Report, sent to you in January of this year, IDWR recommended the water use to the WLRWD because the claim filed by the USFS, 77-2056A, did not appear to claim the water use under the license. However, since we sent out the Preliminary Director's Report, the USFS has amended its claim to claim the same use as the original license.

After analyzing the two claims, IDWR has concluded that it is appropriate to recommend claim no. 77-2056 in the name of the USFS and to disallow any water use under claim no. 77-2056A. This decision is based in part on the fact that the license was originally issued to the USFS and there has been no deed changing the ownership of the water right. Additionally, on the Special Use Permit you have with the USFS, it specifically states on page 5, paragraph X-74 that this permit does not confer a water right to the WLRWD. It is IDWR's understanding that the WLRWD has a water right permit for ground water under water right no. 77-7337.

This letter is provided to you as a courtesy since IDWR's recommendation to the SRBA District Court differs from what was sent to you in the preliminary recommendation.

Barrett
April 4, 2006
Page 2

If you have any questions concerning this matter, please contact me at (208) 287-4810.

Very Truly Yours,


Candice M. McHugh
Deputy Attorney General, IDWR

cc: David Negri, USFS
Carter Fritschle, IDWR

04/04/2006

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 77-2056

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID 83724

SOURCE: CHIPMUNK CREEK

TRIBUTARY: SOUTH FORK SALMON RIVER

QUANTITY: 0.250 CFS

PRIORITY DATE: 03/27/1934

POINT OF

DIVERSION: T15N R07E S7 NESE Within VALLEY County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.250 CFS

Domestic use is for the Warm Lake Recreational Water District.

PLACE OF USE: DOMESTIC Within VALLEY County

T15N R06E S01	SWSE	T15N R06E S01	SESE
T15N R06E S12	NENE	T15N R06E S12 Lot 1	NWNE
T15N R06E S12 Lot 1	SWNE	T15N R06E S12	SENE
T15N R06E S12 Lot 4	SENE	T15N R06E S12	SENW
T15N R06E S12 Lot 3	SENW	T15N R06E S12 Lot 5	NESW
T15N R06E S12 Lot 6	SESW	T15N R06E S13 Lot 2	NWNE
T15N R06E S13	SWNE	T15N R06E S13 Lot 3	SWNE
T15N R06E S13 Lot 2	NENW	T15N R06E S13	SENW
T15N R06E S13 Lot 5	NWSE	T15N R07E S07	SWNE
T15N R07E S07 Lot 2	SWNW	T15N R07E S07	SENW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

RECEIVED

FEB 28 2006

01/05/2006

DEPARTMENT OF
WATER RESOURCES

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: March 3, 2006

Water right number: 77-2056

WARM LAKE RECREATIONAL WATER DIST
9900 LOS RANCHITOS
BOISE ID 83709
Telephone Number: (208)375-0674

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

MAILING ADDRESS INCORRECT

2. Describe the changes you wish to make in the proposed recommendation:

WARM LAKE RECREATIONAL WATER DIST
5412 KEYBRIDGE DR.
BOISE, ID. 83703

3. Give a brief explanation as to why you disagree with these portions:

MAILING ADDRESS INCORRECT

 I AGREE with this proposed recommendation: no changes need to be made.

DATE: 2-23-06 SIGNATURE: Robert Barrett

Please print your name: ROBERT BARRETT

IDWR State Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, (208) 287-4800

02/15/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 77-2056
NAME AND ADDRESS: WARM LAKE RECREATIONAL WATER DIST
9900 LOS RANCHITOS
BOISE ID 83709
SOURCE: CHIPMUNK CREEK TRIBUTARY: SOUTH FORK SALMON RIVER
QUANTITY: 0.250 CFS
PRIORITY DATE: 03/27/1934
POINT OF DIVERSION:

T15N R07E S7 NESE Within VALLEY County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	01/01 12/31	0.250 CFS

PLACE OF USE: MUNICIPAL Within VALLEY County

T15N R06E S12	NENE	T15N R06E S12 Lot 1	NWNE
T15N R06E S12 Lot 1	SWNE	T15N R06E S12 Lot 4	SENE
T15N R06E S12 Lot 3	SENW	T15N R06E S12 Lot 5	NESW
T15N R06E S12 Lot 6	SESW	T15N R06E S13 Lot 2	NWNE
T15N R06E S13 Lot 3	SWNE	T15N R06E S13 Lot 2	NENW
T15N R06E S13	SENW	T15N R06E S13 Lot 5	NWSE
T15N R07E S07 Lot 2	SWNW	T15N R07E S07	SENW

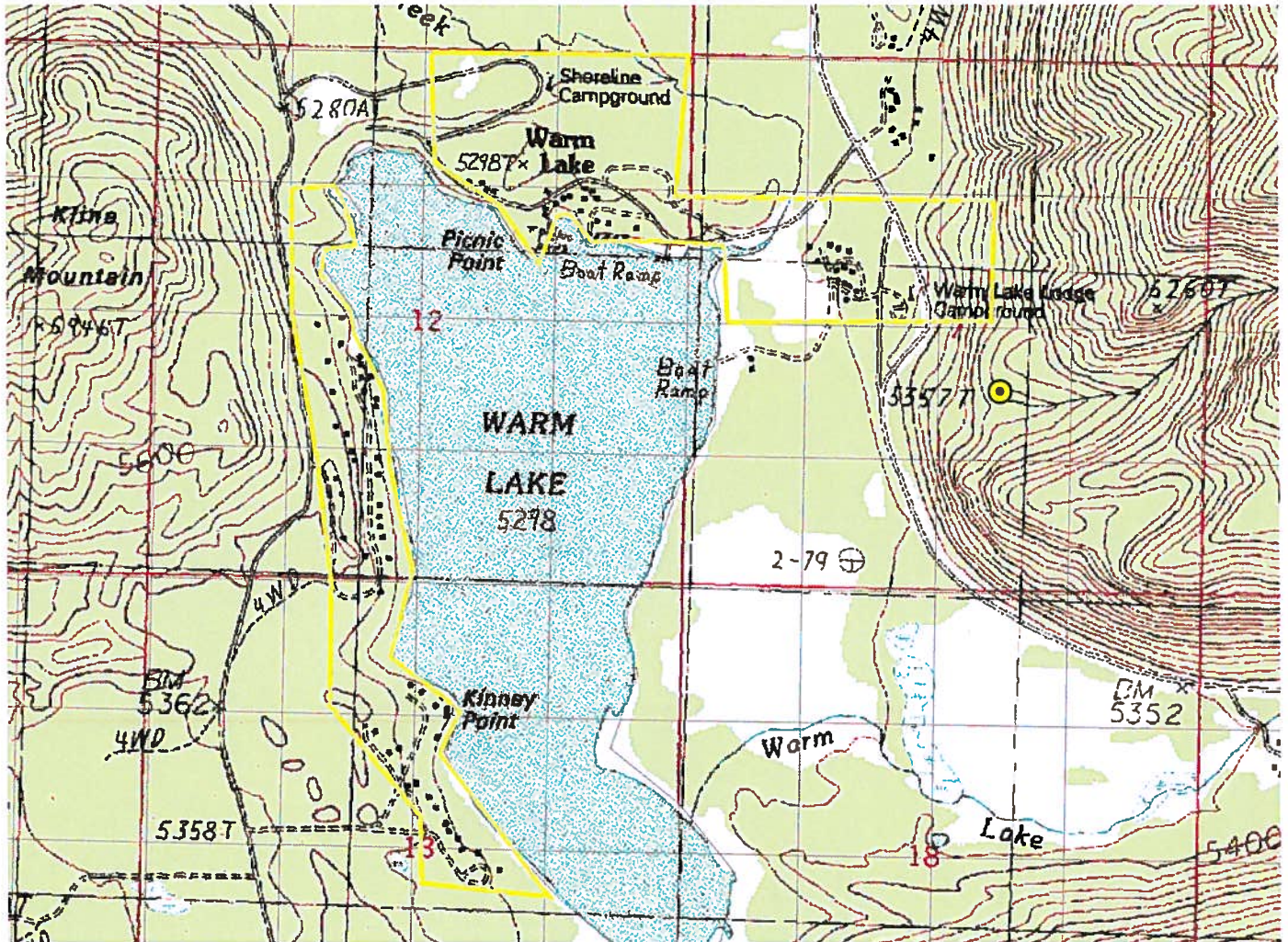
Place of use is within the service area of the Warm Lake Recreational Water District supply system as provided for under Idaho Law.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: License

77-2056



0 1000 2000 Feet

Section 7
T15N R7E
Sections 12 & 13
T15N R6E



● Point of Diversion

□ Place of Use

Map prepared on February 15, 2005
By Kenneth Knoblock
Idaho Department of Water Resources

State of Idaho

License and Certificate of Water Right

Water License No. 17906
 Water District No. _____

Amount 0.25 Sec. Ft.
 Priority 3-27-1934

THIS IS TO CERTIFY that **U. S. FOREST SERVICE, PAYETTE NATIONAL FOREST,**
 of **Boise, Idaho**, made application for a permit to appropriate the
 public waters of the State of Idaho, dated **March 27**, 19 **34**; that Permit No. **17906**
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.25 second feet, was issued thereunder on **March 14th**, 19 **35**, showing that said works
 were completed on the **28th** day of **February**, 19 **35**; and that on the **26th**
 day of **April**, 19 **37**,

THE U. S. FOREST SERVICE, PAYETTE NATIONAL FOREST,
 of **Boise**, State of **Idaho**, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of **Chippunk**
Creek, a tributary of **South Fork of Salmon River**, for the purpose of **domestic use**
 under Use Permit No. **17906** of the **Commissioner of Reclamation**
 and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
 hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume **7**
 of Licenses, at page **3898**, on the **20th** day of **April**, 19 **38**;
 The right hereby confirmed dates from **March 27**, 19 **34**;
 The Point of Diversion is located
 in the **NW ¼ SE ¼, Sec. 7**, T¹⁵ N., R. **7 E.**, B. M., **Valley County**.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,
 is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed **0.25**
 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
15 N	7 E	7	SW ¼ NW ¼	20	0
			SE ¼ NW ¼	30	0
15 N	6 E	12	NW ¼ NE ¼	18	0
			SE ¼ NE ¼	8	0
			NW ¼ NW ¼	15	0
				<u>91</u>	<u>0</u>

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use
 herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
 this **20th** day of **April**, 19 **38**.

R. W. FARDE
 Commissioner of Reclamation

(SEAL)

77 2056

[illegible][illegible]

- 
- Storage Tanks
System Mainline
Well**

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A77-02056
Date Received: 5/17/1988
Receipt No: C 000701

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WARM LAKE RECREATIOAL WATER DISTRICT 208-375-0674
Address: 9900 LOS RANCHITOS
BOISE, ID 83709
2. Date of Priority: MAR 27, 1934
3. Source: CHIPMUNK CREEK Trib. to: SALMON RIVER, SOUTH FORK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15N	07E	7	NE	NE	SE		VALLEY
5. Description of diverting works:
CONCRETE DAM 5 FEET HIGH & PIPELINES TO PLACE OF USE
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.250		
7. Total Quantity Appropriated is:
0.250 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
50- DOMESTIC
10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
15N	06E	12	NE	NE		DOMEST	
			NW	NE		DOMEST	
			SW	NE		DOMEST	
			SE	NE		DOMEST	

A77-02056

Page 1

Date: 05/17/88

MICROFILMED
OCT 05 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15N	06E	12	NE		NW		DOMEST	
			NE		SW		DOMEST	
			SE		SW		DOMEST	
		13	NW		NE		DOMEST	
			SW		NE		DOMEST	
			NW		SE		DOMEST	
	07E	7	SW		NW		DOMEST	
			SE		NW		DOMEST	

11. Place of use in counties: VALLEY

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 17906

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Board member of Warm Lake Recreational Water District Title that I have signed the foregoing Organization

document in the space below as Board member of Warm Lake Recreational Water District Title and that the statements contained in the Organization foregoing document are true and correct.

John A. Cathey Signature of Authorized Agent

Board member, Warm Lake Recreational Water District Title and Organization

5/17/88 Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 17th day

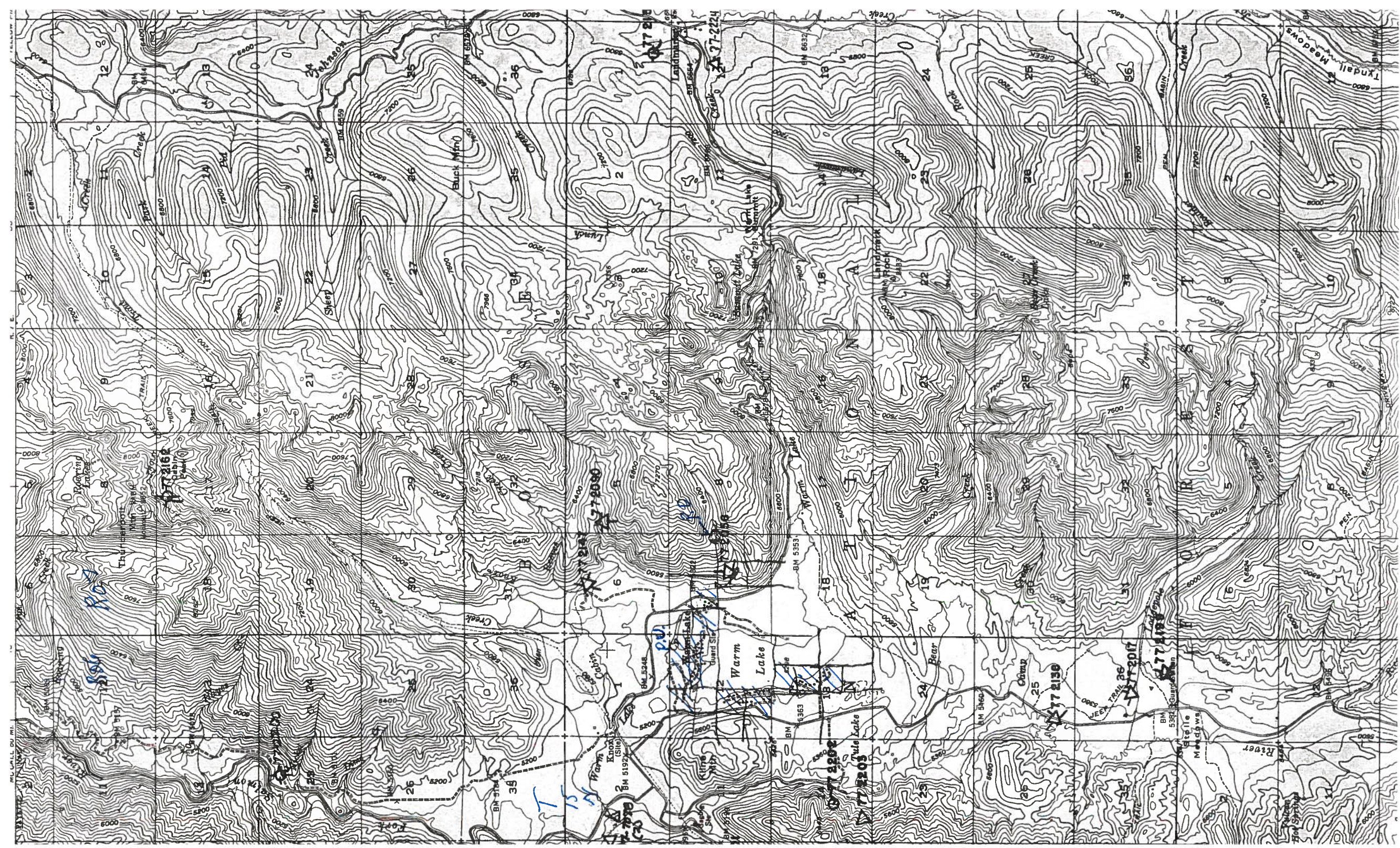
of May 19 88

Dena Sullivan
Notary Public

Seal

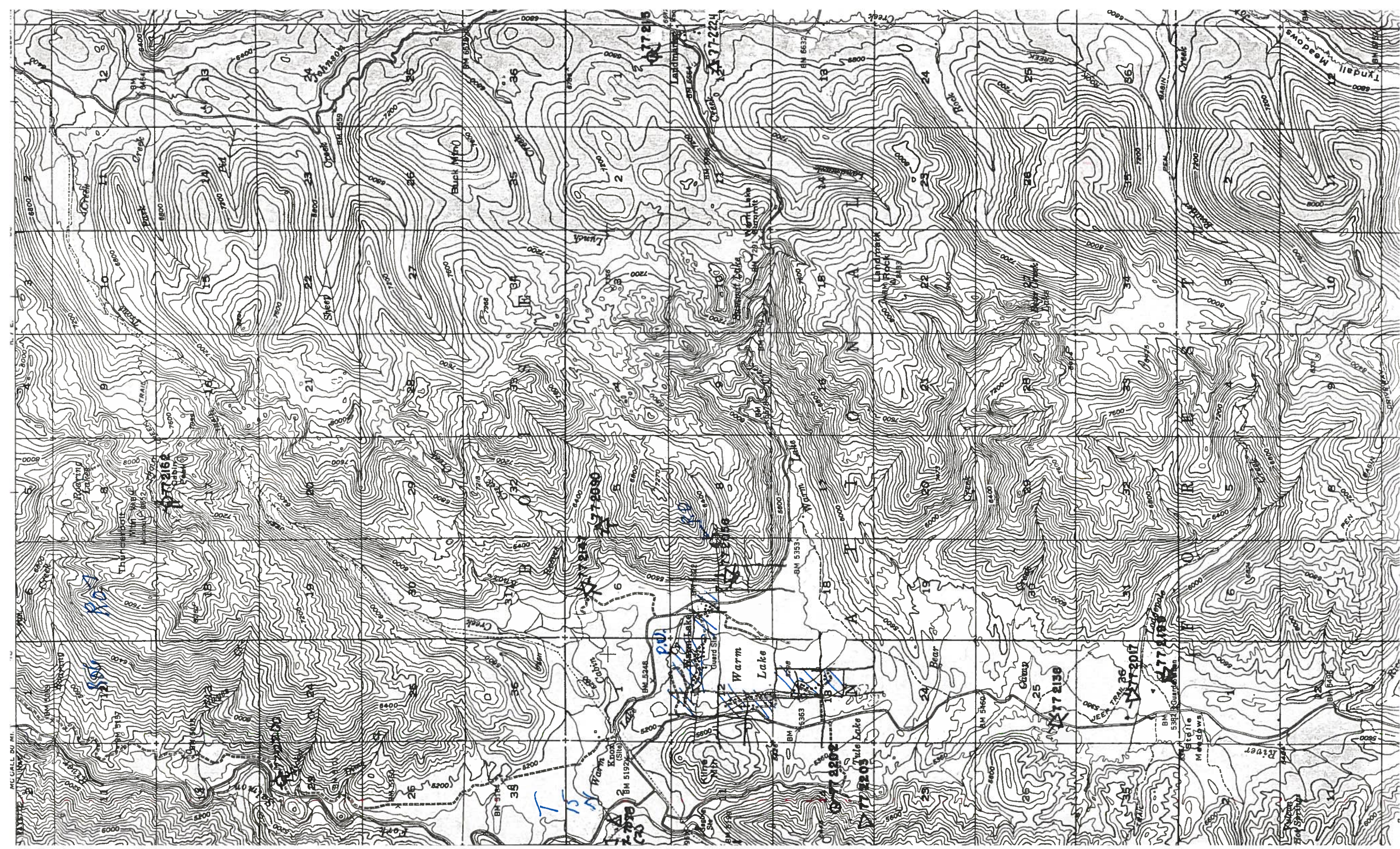
Residing at Caldwell, Id

My Commission Expires 3/21/94



MICROFILMED

OCT 05 1992



RECEIVED

FEB 19 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 77-7337

1. Owner Warm Lake Recreational Water District Phone No. 375-7961

Current Address: 5837 N Oasis Dr. Boise ID 83714

2. Accompanied by: Ken Hunter EXAM DATE: 10/19/01

Address: 10850 W Smoke Ranch Dr. Boise 83709 Phone No. 376-7692

Relationship to Permit Holder: System Manager/Cabin Owner

3. Source: Ground water tributary to

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 77-2056

2. Other water rights with the same point of diversion: 77-2056

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

[illegible]

2. Place(s) of Use:

Indicate Method of Determination same as above

[illegible]

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate well size/ditch size/pipe i.d. as applicable.

See attached GIS map

Y Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

N Aerial Photo Attached (required for irrigation of 10+ acres).

Y Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
		5	Submersible	Gold 25GS50	

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: Pump rated at 25 gpm

E. NARRATIVE/REMARKS/COMMENTS

A 6" well equipped with a 5 hp submersible pump supplies domestic water, via buried mainline, to 52 cabins and 2 lodges at Warm Lake. The distribution system has been installed since the 1940's for use of Chipmunk Creek water. The well was drilled because DEQ required a filtration system for use of the Creek and filtration systems were more expensive than drilling a well. Ken Hunter stated that the price of filtration systems has become more reasonable and that the users are currently looking at their options. Once a filtration system is chosen and installed, the well will be used as a back-up source.

32 private cabins and two lodges are plumbed directly into the water system. 10 public cabins are associated with each lodge. The public cabins do not use indoor plumbing. Approximately 50 patrons per day per lodge, including the public cabin dwellers, frequent the lodges. Warm

Lake Lodge is open year around. The North Shore Lodge is open from May 1 to November 1. The well is also only operated from May 1 to November 1. Warm Lake Lodge and others who snowmobile in use Creek water in the winter for domestic uses.

The only overlap is license 77-2056 for Chipmunk Creek. No other water rights are used. 77-7352 is a separate ground water system used for Shoreline campground and 77-7338 is a separate ground water system used for a Baptist Church campground.

The system mainline varies from 1.5" to 2.5" in size. It takes 135 psi to get the ground water to the storage tanks on the West side of the lake. Total storage capacity is 9700 gallons. The pump was installed by Dale Bowler and set at 245' inside the well. Dale stated that pumping capacity is 25 gpm.

Have conditions of permit approval been met? ☒ yes ☐ no

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

25 gpm = .06 cfs

Theoretical: $\frac{5hp \times 8.8 \times .7}{245 + 135 \times 2.31} = .06 \text{ cfs}$

Pump set at 245' per applicant

Pressure per applicant and pressure gage inside pump house

HP per Dale Bowler and Applicant

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$

2. Volume Calculations for Other Uses:

REQUIRED VOLUME32 Private Cabins: $.6 \times 32 = 19.2 \text{ afa}$ Two Lodges: $50 \text{ patrons/day/lodge} @ 10 \text{ gpd/patron} \times 184 \text{ days} / 325850 = .6 \text{ afa}$ $19.2 + .6 = 19.8 \text{ afa}$ **POTENTIAL VOLUME** $1.9835 \times .06 \text{ cfs} \times 184 \text{ days} = 21.9 \text{ afa system capacity}$ **H. RECOMMENDATIONS**

1. Recommended Amounts

Beneficial Use	Period Of Use		Rate Of Diversion Q (CFS)	Annual Volume V (AFA)
	From	To		
Domestic	5/1	11/1	.06	19.8
TOTAL			.06 cfs	19.8 afa

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other**I. AUTHENTICATION**

Lori Graves -Senior Agent

Field Examiner's Name

Lori Graves

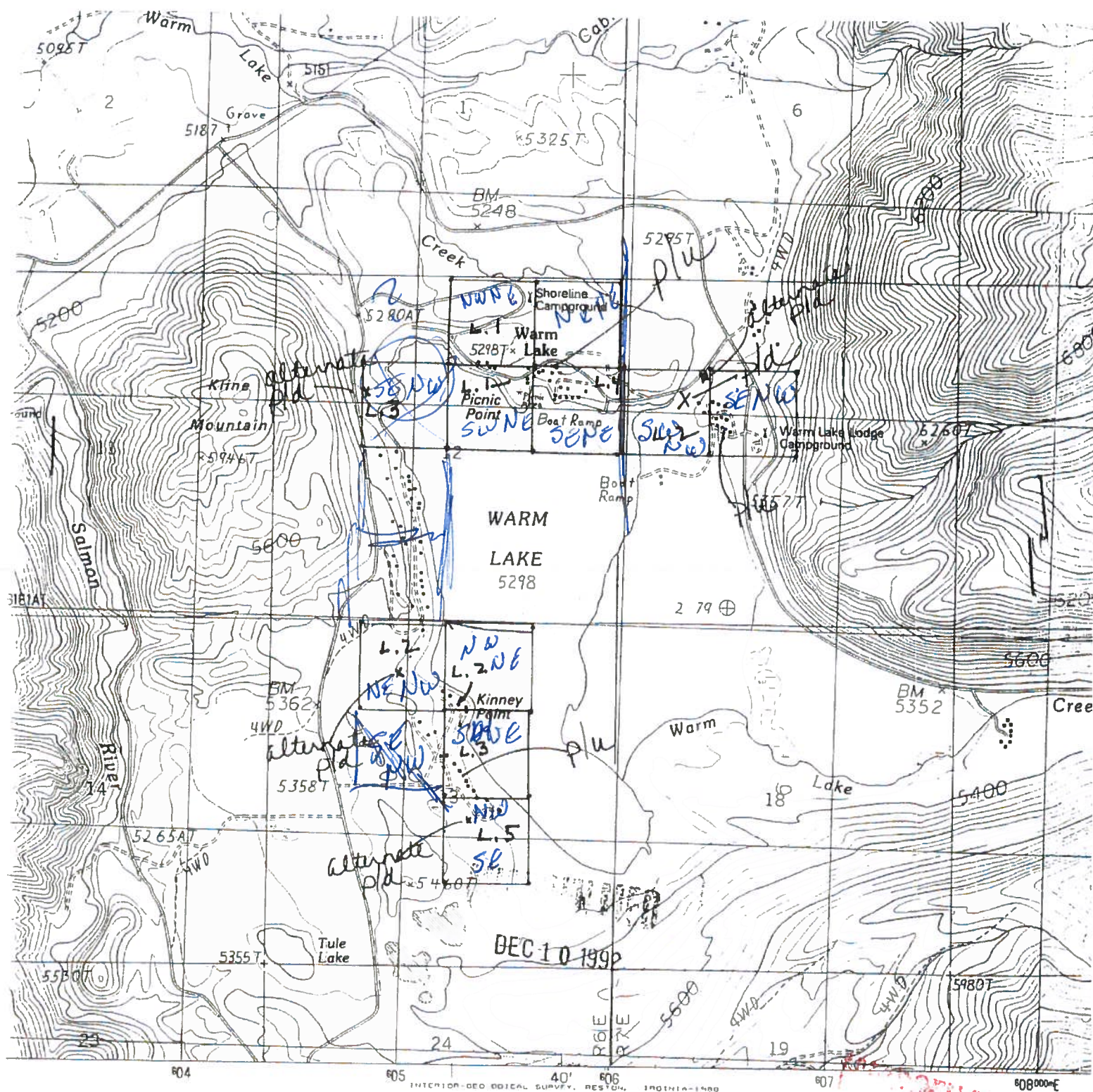
Date

1/9/02

Reviewer

Date

SEAL



NOV 01 1994

rated into products, or otherwise does not return to the waters of the state. Consumptive use is not an element of a water right. Consumptive use does not include any water that falls as precipitation directly on the place of use. Precipitation shall not be considered to reduce the consumptive use of a water right. "Authorized consumptive use" means the maximum consumptive use that may be made of a water right. If the use of a water right is for irrigation, for example, the authorized consumptive use reflects irrigation of the most consumptive vegetation that may be grown at the place of use. Changes in consumptive use do not require a transfer pursuant to section 42-222, Idaho Code.

(2) "Digital boundary" means the boundary encompassing and defining an area consisting of or incorporating the place of use or permissible place of use for a water right prepared and maintained by the department of water resources using a geographic information system in conformance with the national standard for spatial data accuracy or succeeding standard.

(3) "Local public interest" is defined as the interests that the people in the area directly affected by a proposed water use have in the effects of such use on the public water resource.

(4) "Municipality" means a city incorporated under section 50-102, Idaho Code, a county, or the state of Idaho acting through a department or institution.

(5) "Municipal provider" means:

(a) A municipality that provides water for municipal purposes to its residents and other users within its service area;

(b) Any corporation or association holding a franchise to supply water for municipal purposes, or a political subdivision of the state of Idaho authorized to supply water for municipal purposes, and which does supply water, for municipal purposes to users within its service area; or

(c) A corporation or association which supplies water for municipal purposes through a water system regulated by the state of Idaho as a "public water supply" as described in section 39-103(10), Idaho Code.

(6) "Municipal purposes" refers to water for residential, commercial, industrial, irrigation of parks and open space, and related purposes, excluding use of water from geothermal sources for heating, which a municipal provider is entitled or obligated to supply to all those users within a service area, including those located outside the boundaries of a municipality served by a municipal provider.

(7) "Planning horizon" refers to the length of time that the department determines is reasonable for a municipal provider to hold water rights to meet reasonably anticipated future needs. The length of the planning horizon may vary according to the needs of the particular municipal provider.

(8) "Reasonably anticipated future needs" refers to future uses of water by a municipal provider for municipal purposes within a service area which, on the basis of population and other planning data, are reasonably expected to be required within the planning horizon of each municipality within the service area not inconsistent with comprehensive land use plans approved by each municipality. Reasonably anticipated future needs shall not include

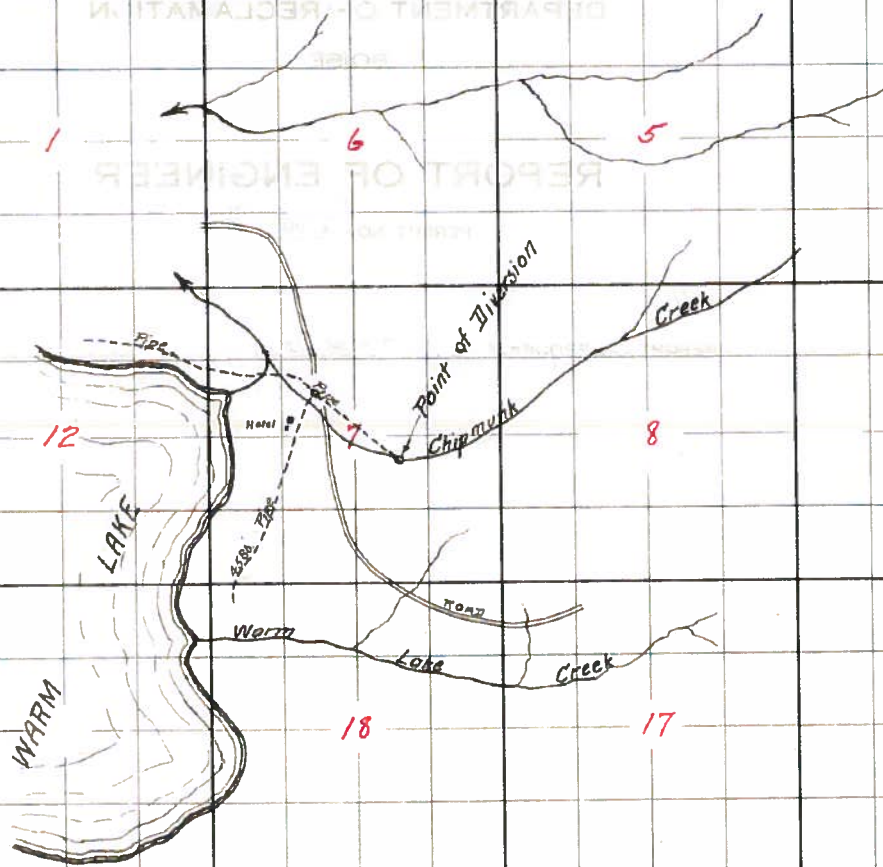
uses of water v plans.

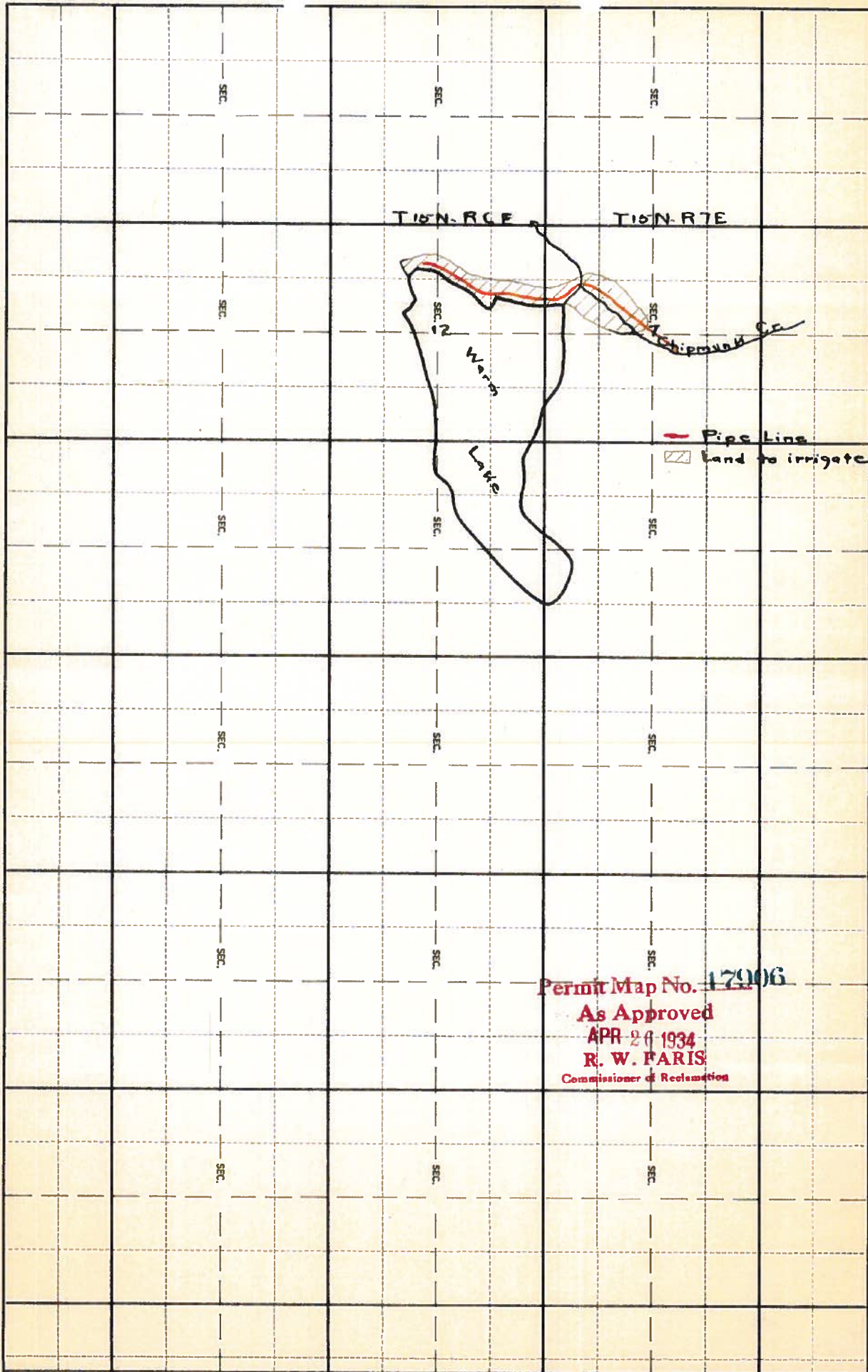
(9) "Service or becomes en For a municip or other recogn or license is is areas outside : within the m delivery syste with lands loca is not a municip authorized or c or license is iss am. 1997, ch. 3 306, § 1, p. 87 733.]

42-203A. Not

Sec. to sec. ref. in § 42-223.

42-222. Ch or nature of u extension — whether repres sources, by clai a beneficial use the court, who period of use or first make appl such change. (department anc is to be chang accompanied by receipt of such department of required in sect notice of the pr section 42-203A desires to prote department wit receipt of any pr section 42-221, department of v hearing thereon which such wate





Permit Map No. **17906**

As Approved

APR 20 1934

R. W. PARIS

Commissioner of Reclamation