

From: Fritschle, Carter
Sent: Friday, January 15, 2016 10:08 AM
To: David Odgers
Cc: Tom Benson
Subject: Conkling Park Water Assn water rights

Dear Mr. Odgers:

As I discussed on the phone with Tom Benson yesterday, Conkling Park Water Association received two water right licenses for water diverted from the same well, but now only one of those water rights is required to satisfy the association's water needs.

First, a little history. The application for what would become licensed water right 95-7165 was filed in 1971, and at that time, Idaho Department of Water Resources (IDWR) was required to license the water use as "Domestic" with a limit of 83 homes. The right was also limited to a diversion rate of 0.12 cfs (approximately 54 gallons per minute) and an annual diversion volume of 86.7 acre-feet. The 86.7 acre-feet was calculated with the assumption that the pump would run constantly for the entire year. This was a rather generous assumption, and the water right recognized the maximum amount of water the system was capable of producing at the time it was licensed.

The association filed another application in 1984 to add more homes to the system. That application became licensed water right 95-8465, and authorized the use of water for 32 additional homes, with "Domestic" as the purpose of use. However, both licensed water rights were limited to a combined diversion rate of 0.12 cfs and an annual volume of 86.7 acre-feet, or in other words, the diversion capacity of the system.

When the Coeur d'Alene-Spokane River Basin Adjudication (CSRBA) claim was filed by the association, it had both water right numbers written on the claim form. My earlier correspondence with Samuel Melye explains why two water rights could not be claimed on the same claim form.

However, a change in the Idaho statutes occurred in 1996 that expanded the definition of a Municipal water provider. IDWR was now able to recognize some water rights that historically were considered "Domestic" water rights as "Municipal" water rights. This change in definition can be found in Section 42-202B, Idaho Code. The effect of this change on the water rights for the Conkling Park Water Association was that instead of filing two CSRBA claims for domestic purposes to supply water to a total of 115 homes as described on the licenses, a single claim could be filed listing "Municipal" as the purpose use. Municipal purposes are also defined in Section 42-202B, Idaho Code, and in your situation, Municipal purposes more than adequately covers the water supplied to the homes.

Tom also had some questions about the adequacy of the water right in light of the increase in the storage capacity of the system to 40,000 gallons. IDWR has a "24-hour fill rule" that essentially says that as long as the authorized diversion rate can provide enough water to fill the system's storage capacity in 24 hours or less, a storage water right is not required. In your case, a pumping rate of 0.12 cfs can produce over 77,000 gallons in 24 hours, so a storage right is not needed.

Additional information requested by Tom concerned the annual diversion volume limit. IDWR uses a formula that a typical home uses approximately 500 gallons per day for in-house use. 500 gallons per day multiplied by 365 days a year produces an annual volume of approximately 0.57 acre-feet. IDWR

then rounds that number to 0.6 acre-feet for licensing purposes, which would be 535 gallons per day. So, the 86.7 acre-feet per year limit that will be recommended for CSRBA claim number 95-7165 should be adequate to supply all of the water required for your in-house use, plus some water left over for other uses. The calculation I ran for Tom was that 86.7 acre-feet divided by 0.6 acre-feet per home would be enough "in-house water" for 144.5 homes, assuming year round occupancy. Tom mentioned that many of the homes were only occupied during the summer months, so the volume limit on the water right appears to more than adequate to meet the needs of the association's water users.

If you need any additional information or clarification, please contact me.

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From: Tom Benson
Sent: Thursday, January 14, 2016 4:25 PM
To: Fritschle, Carter
Subject: Conkling Park Water Assn water rights

Hi Carter,

This is in reference to our telephone conversation of January 14th, 2016 in which you outlined the limits of our existing Conkling Park water rights certificate(s). Those certificate #'s are 95-7165 and 95-8465. Please send that information to our secretary Dave Odgers

This is greatly appreciated.

Thank you,
Tom Benson, President
Conkling Park Water Assn