

RECEIVED

NOTICE OF ERROR
REPLY

FEB 28 2018

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

IDWR/NORTH

Fill out 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 30, 2018

Water right number: 95-9782

BRONZE BAY COMMUNITY

10972 W CARROLL RD

SPIRIT LAKE ID 83869

Telephone Number: 2086235483

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

NUMBER OF HOMES LIMITATION IN "PURPOSE AND PERIOD OF USE" SECTION

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

"RIGHT NOS 95-9782, 95-9783, 95-9751 AND ANY UNFILED APPROPRIATION RIGHTS FOR PLATTED LOTS IN CARROLL'S HOMESITES ARE LIMITED TO SUPPLYING DOMESTIC WATER TO A COMBINED TOTAL OF 25 HOMES"

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

SEE ATTACHED

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

DATE: 2-28-2018

SIGNATURE:

Sid Wurzburg

Please print your name:

SID WURZBURG

IDWR Regional Office, 7600 N MINERAL DR STE 100, COEUR D ALENE, ID 83815-7763, (208) 762-2800

HISTORY OF CARROLL'S HOMESITES AND NOTICE OF ERROR REPLY

In the early 20th century the area was some sort of logging camp, with several buildings near the lake. I believe that the first water system was installed at that time, but it may have been later when the resort was developed. A resort was developed on the property in the 30s or 40s and at least six identical cabins built. Those six are still in use, though much enlarged and remodeled. They were served by an underground water distribution system of iron pipes, drawing water from a spring East of Birch creek and above Spirit Lake Road. Birch Creek enters Spirit Lake about where lots 12 and 13 of Block 4 meet at the Lake. If that water system was not built for the lumber camp, it was in place for the resort and in use until the first pump house drawing water from the lake was installed in 1958 to serve the residents of the new Carroll's Homesites subdivision. One of the first buyers was Dwight Mayo, who purchased waterfront Lots 1 and 2 in Block 4 and was thus the owner of the old resort cabin on Lot 1. He installed a pump and used water from Spirit Lake for his domestic water, rather than connect to the new Bronze Bay system, thus establishing an unfiled appropriation claim with a 1958 priority date. The Mayo family did connect to the community system for domestic (drinking) water in about 2004 or 2005, but still pumps from the lake for irrigation.

The Community system was expanded as more homes were built. Most did connect to the water system, but an old log cabin and single wide trailer on waterfront Lot 9, Block 4 had its own system pumping water from the lake. John Hayes, the then owner of that property filed a statutory appropriation claim (water right 95-9751) in 1971.

In 1981, Public Health authorities and the Safe Drinking Water act imposed severe restrictions on the use of surface water for public drinking water systems. Two separate systems had to be created for the Bronze Bay community. Some new lines were installed and the water right for 20 homes was obtained (License- water right 95-9873.)

During the existence of the two water systems, there have been 25 water users. There are currently 24 connections and 1 line stubbed in to Lot 1, Block 2. There is a garage on that lot, an easement for a septic drain field was signed and is still valid, but the septic approval has expired without construction of a residence or a drain field. The residence on Lot 7 Block 4 burned down. That lot is now owned by the community as a recreational and pump house site and is unbuildable because drain field and septic approval has been denied.

Bronze Bay property owners now have four separate water rights-two separate community water rights, one filed appropriation right (the Hayes right), and 1 unfiled appropriation right (Mayo). All are for the same water. I don't know where the "23 homes" handwritten notation on the 06/01/1958 notice of claim came from. I prepared the notice, but the "23 homes" is not my writing. It may have been added at the time I dropped the application off. I may very well have miscounted the homes and given the clerk receiving the claim the wrong number.

Whatever the cause, the 23 homes limitation should be changed.. Our systems served 25 homes over the years, years and 24 homes for about the last 10 or so years after the Hayes and Mayo residences connected. The vacant parcel in Block 2 (002-004-A) and the waterfront lot which once had a home on it(Lot 7, Block 4) are both non buildable because of septic tank restrictions. The garage only lot in Block 2 has an agreement with Inland Empire Paper Co. allowing the construction of a drain field and will take us back to our 25 home historic beneficial use connection number if a residence is built.

We have no problem with the quantity, acreage and period of use provisions in the preliminary recommendations, or with recognizing that the community beneficial use and license claims and the Mayo and Hayes rights are overlapping and must be considered together .

I don't know what your rules or procedures are, but the 23 Community residences, plus the individual Mayo and Hayes rights total 25 residences. Your preliminary recommendation language should be amended to read: "Right Nos. 95-9782, 95-9873, 95-9751 and any unfilled appropriation rights for platted lots in Carroll's Homesites are limited to supplying domestic water to a combined total of 25 homes."

This change to both documents doesn't change the quantity or period of use you proposed, but does accurately reflect the historic use and expectations of the Bronze Bay property owners.

Bronze Bay Community
Sid Wurzburg

DRAIN FIELD
EASEMENT from
INLAND Empire
Paper, But never built

GARAGE ONLY
002-001-0
0.333 Ac

002-002-0
0.333 Ac

002-003-0
0.342 Ac

002-005-A
0.397 Ac

003-005-A
0.037 Ac

#5612

#4647

004-013-A
1.4002 Ac

004-011-A
0.303 Ac

004-010-0
0.337 Ac

HAYES
95-975
004-009-0
0.374 Ac

004-008-0
0.257 Ac

004-007-0
0.257 Ac

004-006-0
0.260 Ac

004-005-A
0.155 Ac

#4874

MAYO

004-001-A
0.833 Ac

#5107

COMMUNITY LOT
SITS OF 2 PCHP HOUSES
FORMER CABIN BUT BURNED DOWN
Carroll's Homesites
HAYES (0-1220)