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02/09/2018

IDWR / NORTH

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 30, 2018

Water right number: 95-2142

UNITED STATES OF AMERICA ACTING THROUGH
USDA FOREST SERVICE
550 W FORT ST MSC 033
BOISE ID 83724
Telephone Number: 2083657055

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

See attachment - 3 pages

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

See attachment

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

See attachment

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

DATE: 3/5/18 SIGNATURE: Steven M. Spencer
Please print your name: STEVEN M. SPENCER

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

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95-02142

Attachment to Notice of Error Reply

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1. Describe the portion of the proposed recommendation with which you disagree:

I disagree with the legal description of the place of use.

I also disagree with the limitation of 2,500 gallons per day limitation for domestic use in the quantity.

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

The NWNW Lot 4 T50N R4W needs to be added to the place of use for domestic.

The limitation statement in the quantity element might be changed to something like:

The quantity of water under this right for domestic use at the residence shall not exceed 13,000 gallons per day.

The quantity of water under this right for domestic use at nursery facilities shall not exceed 2,500 gallons per day.

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

The License and Certificate of Water Right G-30401 is for domestic and irrigation of trees on 198 acres in 7 quarter-quarters. A precise location for domestic use does not appear to be differentiated or otherwise identified or limited on G-30401. The domestic component of 95-02142 includes water use at one nursery residence, the nursery office, employees working at the nursery and irrigation of lawn around the office.

There is a residence at the nursery where an employee and his family live. In addition there are several buildings on the nursery compound where employees use water – primarily at restroom facilities in various buildings. The two attached aerial photos show the residence in the heavy red circle. There are eleven smaller red circles over buildings showing the approximate location of restroom and other work related water uses throughout the complex. There is one red circle in a parking lot on the west side of the complex that is a fire hose station.

As you can see there is distinct domestic use at the residence pursuant to 42-111(a) as well as distinct non-residential use at various other buildings throughout the compound that appears to fall under 42-111(b).

For the above reasons the legal description of the domestic POU needs to include the NWNW Lot 4 Sec T50N R4W and the SWSW Sec 34 T51N R4W and the quantity element needs to accommodate the use at the residence as well as the other use throughout the nursery complex.

If there are any questions about this matter please contact Steve Spencer at 208-365-7055.



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