

Lenon, Dawn

To: Chuck Edinborough
Subject: City of Onaway Water Right
Attachments: 87-7009 AmndClaimOnawayCity.pdf; 87-7009 CityOnawayMap.PNG; 87-7009 LicenseCityOnaway.PNG; PRBA Instructions Long Form.pdf; DomesticDefinition.png

Hello Chuck,

In regard to our phone call yesterday for the City of Onaway claim.

I've attached several forms. They are:

Amended Notice of Claim 87-7009
Map of the City's Place of Use
License 87-7009
Instructions
Definition of Domestic Use

For the claim – make any necessary adjustments, i.e. name/address/phone. All you need do is cross out the old, write in the new. Also for items five and eight; please expand upon these answers. Example: 5. Gravity flow to reservoir, Pump Size; 8. Usage for the city of Onaway.
Please sign under item 15 for organizations.

On the map – Shows the place of use, and well location. Is everything correct? Any corrections can be made with marker.

License 87-7009 is included so you can see the difference between the two, which should only be for the nature of use, i.e. municipal rather than domestic.
The rest of the elements of the water right will remain the same. (elements=priority date, quantity, well location, etc.)
Remember, claim 87-7009 is based on this license.

Please note – A change from domestic to municipal usage is a “change in the nature of use”. A change of this type will be treated as an “accomplished change in nature of use” pursuant to Idaho Code 42-1425 – Accomplished Transfer. Certain criteria must be met: The change must have occurred before January 1, 2006, there must be some proof of the date of this occurrence and the change cannot include an increase in quantity of water used.

Some history: The license was issued back in 1973. This was prior to the 1996 Municipal Water Rights Act which expanded who could hold a municipal water right. Information from the beneficial use report from the water right file would support a change to municipal usage because the usage has always been a municipal usage, only back then it was listed as domestic rather than municipal. See it at www.idwr.idaho.gov

The definition of domestic vs municipal: I've attached a definition of domestic usage but couldn't find a satisfactory definition of a municipal use; so I would explain the main difference between domestic and municipal to be latitude of usage. A domestic usage lists a specific

type of use; Example: 1 home with ½ acre or less of lawn irrigation, 65 homes including lawns, or other types of usage related to domestic which may be limited to no more than 2500 gallons per day.
With municipal, it's understood that a myriad of uses may occur within the city, and a certain amount of leeway is given for growth.

*Note – this does not increase the amount of water that may be used under the water right. This amount was licensed at 0.21 cfs and has been recommended as such.
However, if growth has occurred such that additional water is necessary; you can apply for a water right to cover the additional amount.
Let me know and our appropriations agents can help with that.

That's about it. I have included a lot of information so feel free to contact me if you have any questions or concerns.

Sincerely,

Linda

Linda A. Werner
Senior Water Resource Agent
Northern Regional Office
7600 N MINERAL DR STE 100
COEUR D'ALENE ID 83815
(208) 762-2800

**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 PALOUSE RIVER BASIN WATER SYSTEM**

CIVIL CASE NUMBER: 59576

Claim ID: _____

Date Received: _____

Receipt No: _____

Claim Fee: _____ By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of claimant(s) Onaway Water and Sewer Association Inc Phone (208) 310-2259
Mailing address PO Box 634 Potlatch ID Zip 83855
Street or Box City State
Email address (optional) _____
2. Date of priority: (Only one per claim) 7/16/1971 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water (✓) or Other () (a) _____
which is tributary to (b) _____
4. a. Location of point of diversion is: Township 41N, Range 04W, Section 6,
NE 1/4 of NW 1/4, Govt. Lot _____, BM, County of Latah
Parcel no. RPO1500017007A
Additional points of diversion, if any: _____
If available, GPS Coordinates _____
- b. If instream flow, beginning point of claimed instream flow is:
Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
Ending point is: Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
5. Description of existing diversion works (dams, reservoirs, ditches, wells, pumps, pipelines, headgates, etc.),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.
Groundwater is pumped to a 100,000 gallon reservoir

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)

For Municipal purposes from 1/1 to 12/31 amount 0.21 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.21 (cfs) and/or (b) _____ (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) Water usage for the city of Onaway and vicinity

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Parcel no(s). _____ Total number of acres irrigated _____

10. In which county(ies) are lands listed above as place of use located? Latah

11. Do you own the property listed above as place of use? Yes () No (☒)
If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (☒)

13. Remarks (Include an explanation of the priority date selected):

Name of claimant(s) Onaway Water and Sewer Association Inc Claim ID _____

Scale: 2 inches equals 1 mile

[illegible]

Name of claimant(s) Onaway Water and Sewer Association Inc Claim ID _____

14. Basis of claim (Check one) Beneficial Use () Posted Notice () License (☒) Permit () Decree ()

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 87-7009

15. **Signature(s)**

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Palouse River Basin Water System 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 Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

_____ of _____
Agent's title (Please print) Name of organization (Please print)

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Printed Name of Authorized Agent _____

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) _____, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____ Date _____

Address _____

Name of claimant(s) Onaway Water and Sewer Association Inc Claim ID _____

HOW YOU WILL RECEIVE NOTICES IN THE PALOUSE RIVER BASIN WATER SYSTEM ADJUDICATION

All documents filed in the Palouse River Basin Water System Adjudication, other than notices of claim, are filed with the court. Notices of claim to water rights filed in the Palouse River Basin Water System Adjudication are filed with the Idaho Department of Water Resources (IDWR). Copies of all documents filed in the Palouse River Basin Water System Adjudication will not be mailed to all parties (claimants) in the adjudication. Any document filed with the court will be mailed only to those parties who may be directly affected by it.

A monthly docket sheet is prepared by the court, which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Palouse River Basin Water System Adjudication. Copies of a monthly docket sheet may be obtained from any of the offices of IDWR; a small fee may be charged to cover the cost of mailing and/or copying. If you wish to receive an annual subscription of the docket sheet printed each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee by the court to cover the cost of copying and mailing. The docket sheet is also available on the court's web site at:

<http://www.srba.idaho.gov/PRBA20.HTM>

Copies of any document listed on the docket sheet may be obtained from any of the IDWR offices or the court and a small fee may be charged to cover the cost of mailing and/or copying the document.

Copies of all notices of claim filed with IDWR will be available for inspection at all IDWR offices. You may also obtain copies of the notices of claim filed by other claimants, but you may be charged for the cost of copying and mailing. A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.

After the notices of claim have been reviewed, the director will prepare and file a Director's report with the court that will contain the Director's recommendations as to each water right claimed under state law and a copy of each federal reserved water right claimed. A Director's report will be prepared for all claims filed in the Palouse River Basin Water System Adjudication. When this report is filed with the court, you will be mailed a notice informing you that the report has been filed. The notice will be sent to the most recent address shown by IDWR's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way another claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection.

It is very important that you inform IDWR in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by IDWR or the court.

If you are acquiring property with water rights within the boundaries of the Palouse River Basin Water System Adjudication in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of IDWR whether a notice of claim has been filed. If you fail to file a required notice of claim for a water right, that water right may be determined to no longer exist.

If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with IDWR. You may contact IDWR regional offices or the IDWR web site <http://www.idwr.idaho.gov/> for change of ownership forms. The notice of change in ownership form must be accompanied by evidence of the ownership of the property. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by IDWR or the court.

TITLE 42

IRRIGATION AND DRAINAGE - WATER RIGHTS AND RECLAMATION

CHAPTER 1

APPROPRIATION OF WATER - GENERAL PROVISIONS

42-111. DOMESTIC PURPOSES DEFINED. (1) For purposes of sections 42-221, 42-227, 42-230, 42-235, 42-237a, 42-242, 42-243 and 42-1401A, Idaho Code, the phrase "domestic purposes" or "domestic uses" means:

(a) The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to one-half (1/2) acre of land, if the total use is not in excess of thirteen thousand (13,000) gallons per day, or

(b) Any other uses, if the total use does not exceed a diversion rate of four one-hundredths (0.04) cubic feet per second and a diversion volume of twenty-five hundred (2,500) gallons per day.

(2) For purposes of the sections listed in subsection (1) of this section, domestic purposes or domestic uses shall not include water for multiple ownership subdivisions, mobile home parks, or commercial or business establishments, unless the use meets the diversion rate and volume limitations set forth in subsection (1)(b) of this section.

(3) Multiple water rights for domestic uses or domestic purposes, as defined in this section, shall not be established or exercised in a manner to satisfy a single combined water use or purpose that would not itself come within the definition of a domestic use or purpose under this section. The purpose of this limitation is to prohibit the diversion and use of water, under a combination of domestic purposes or domestic uses as defined in this section, to provide a supply of water for a use that does not meet the exemption of section 42-227, Idaho Code, and is required to comply with the mandatory application and permit process for developing a right to the use of water pursuant to chapter 2, title 42, Idaho Code.

History:

[(42-111) 1899, p. 380, part of sec. 12; reen. R.C. & C.L., sec. 3250; C.S., sec. 5566; I.C.A., sec. 41-111; am. 1990, ch. 319, sec. 1, p. 870; am. 1995, ch. 233, sec. 1, p. 790.]

State of Idaho
Department of Water Administration
WATER RIGHT LICENSE

License of Water Right No. 87-7009 Priority July 16, 1971 Amount 0.21 cfs

THIS IS TO CERTIFY, that Onaway Water and Sewer Association, Inc.
of Onaway, Idaho, has complied with the terms and conditions of Permit
No. 87-7009 issued pursuant to Application for Permit dated July 16, 1971
and has submitted proof to the Department of Water Administration on September 18, 1972
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.21 cfs of water from a ground water source
tributary to _____, and that the permit holder has applied to a beneficial use &
established a right to use water as follows:

Beneficial Use	Period of Use		Rate of Diversion		Annual Volume
<u>Domestic</u>	from	<u>Jan. 1</u> to <u>Dec. 31</u>	at	<u>0.21</u> cfs and	<u>n/a</u>
	from	to	at	cfs and	
	from	to	at	cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 0.21 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
n/a acre feet per year, said waters to be diverted within the NE 1/4 NW 1/4 of Sec. 6,
Twp. 41 N, Rge. 4 W, B.M. in the County of Idaho

Description and location of place of use: City of Onaway & Vicinity.

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total number of acres irrigated _____

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 17th day of
December, 19 73

Deputy Director



87-7009

