

Rauhut, Manuel

From: Rauhut, Manuel
Sent: Wednesday, November 27, 2019 4:05 PM
To: 'drinkard.s@gmail.com'; 'frank@shamrockad.com'; 'vernad@nctv.com';
'tblankenship@jasewell.com'; 'syringawater@gmail.com'
Cc: Callmeyer, Tom; Grimm, Angie; Frederick, Adam; Jones, Doug
Subject: FW: City of Sandpoint Water Right 96-7505

Mr. Darnell -

Tom forwarded me the email below.

The Place of Use (POU) for municipalities on a water right license corresponds to the service area as defined under Section 42-202B, which includes the following language:

(9) "Service area" means that area within which a municipal provider is or becomes entitled or obligated to provide water for municipal purposes. For a municipality, the service area shall correspond to its corporate limits, or other recognized boundaries, including changes therein after the permit or license is issued. The service area for a municipality may also include areas outside its corporate limits, or other recognized boundaries, that are within the municipality's established planning area if the constructed delivery system for the area shares a common water distribution system with lands located within the corporate limits. For a municipal provider that is not a municipality, the service area shall correspond to the area that it is authorized or obligated to serve, including changes therein after the permit or license is issued. "(<https://legislature.idaho.gov/statutesrules/idstat/title42/t42ch2/sect42-202b/>).

This section of the code provides municipalities the flexibility to serve residents as described above as growth within and outside of city limits occurs. Therefore, from a water rights perspective, the City of Sandpoint does not appear to be in violation of their water right license.

My response to your question is based on the information you provided in your email below.
If you have any additional questions, please feel free to email or call.

Best,
Manuel

Manuel Rauhut, PE
Staff Engineer
Idaho Department of Water Resources
322 E Front St, PO Box 83720
Boise, ID 83720-0098
208-287-4846 (office)

-----Original Message-----

From: Callmeyer, Tom
Sent: Friday, November 22, 2019 11:28 AM
To: 'Fred Darnell' <syringawater@gmail.com>

Subject: RE: City of Sandpoint Water Right

Hello Mr. Darnell,

I am no longer helping with water rights in the Department, and am not well positioned to provide an authoritative response to your question. I will bring it to the Water Rights section and defer any determination or reply to that group. Please give them a chance to address this matter before responding.

Thanks,

Tom Callmeyer
Senior Water Agent
Idaho Dept. of Water Resources
322 E Front St, Boise, ID 83720
208-287-4800
tom.callmeyer@idwr.idaho.gov

-----Original Message-----

From: Fred Darnell [mailto:syringawater@gmail.com]
Sent: Friday, November 22, 2019 11:20 AM
To: Callmeyer, Tom <Tom.Callmeyer@idwr.idaho.gov>
Subject: Fwd: City of Sandpoint Water Right

Hi Tom - In reviewing correspondence for the past year, I ran across this email to you last summer. I remember talking with you, but do not remember the details of our conversation.

Can you please review this email and give me a written determination on the concerns we have?

Thank you
Fred Darnell

> Begin forwarded message:

>

> From: Fred Darnell <syringawater@gmail.com>

> Subject: City of Sandpoint Water Right

> Date: June 18, 2019 at 10:00:32 PM PDT

> To: Tom.Callmeyer@idwr.idaho.gov

> Cc: Stephen Drinkard <drinkard.s@gmail.com>, Frank Cafferty <frank@shamrockad.com>, Verna Gabel <vernad@nctv.com>, Tim Blankenship <tblankenship@jasewell.com>

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> Hi Tom,

> Our last email correspondence was on March 21, 2019. This was regarding the rights of the City per their License # 96-7505 to draw water from the Pend Oreille River and their P/U within City Limits of Sandpoint.

> We are a taxing Water District lying west of City Limits, including about 416 properties. We currently have 212 users, and buy our water for distribution from the City as a large user, served thru one meter.

> As we began a facility upgrade planning program, it was discovered that the City had approved a 14 lot subdivision in our District in 2008, outside City Limits, and a 26 lot subdivision in an area they annexed into the City, but is also in our District. They are serving water to these subdivisions in apparent disregard of their Water Right Limits per their aforementioned License. We have water mains in both areas from which we could serve them.

> What penalties are there for this type of activity? Because of this activity, the District does not have a current Purchase Agreement with the City, and they have given us until June 30, 2019 to agree with their controlling conditions or they will turn off the water supply to the District.

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> Can the City arbitrarily operate outside of their City Limits, or do conditions of the License with the State prevail?

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> Thank you for your timely response .

> Fred C Darnell

> Sec/Treas

> Syringa Heights Water District