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NOV 28 2018

DEPARTMENT OF  
WATER RESOURCES

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DEC 20 2018

IDWR / NORTH

82927

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR PERMIT**  
To appropriate the public waters of the State of Idaho

Ident. No.

85-15795

- 1 Name of applicant(s) City of Culdesac Phone 208-843-5483  
Name connector (check one) ☐ and ☐ or ☐ and/or  
 Mailing address 100 Sixth Street City Culdesac  
 State ID ZIP 83524 Email cofcul@idaho.net
- 2 Name of representative, if any Chris M. Bromley Phone 208-287-0991  
 Mailing address 380 S. 4th St., Ste 103 City Boise  
 State ID ZIP 83702 Email cbromley@mchughbromley.com
- a ☐ Send all correspondence for this application to the representative and not to the applicant OR  
☒ Send original correspondence to the applicant and copies to the representative
- b ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant OR  
☒ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
- 3 Source of water supply Ground Water which is a tributary of \_\_\_\_\_
- 4 Location of point(s) of diversion:

12/18/18

| Twp | Rge | Sec | Govt Lot | 1/4 | 1/4 | 1/4 | County    | Source       | Local name or tag # |
|-----|-----|-----|----------|-----|-----|-----|-----------|--------------|---------------------|
| 35N | 3W  | 14  |          | NE  | SE  |     | Nez Perce | Ground Water |                     |
| 35N | 3W  | 14  |          | SE  | NE  |     | Nez Perce | Ground Water |                     |
|     |     |     |          |     |     |     |           |              |                     |
|     |     |     |          |     |     |     |           |              |                     |

- 5 Water will be used for the following purposes:
- Amount 0.39 cfs for Municipal purposes from 1/1 to 12/31 (both dates inclusive)  
(cfs or acre-feet per year)
- Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per year)
- Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per year)
- Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per year)
- 6 Total quantity to be appropriated is (a) 0.39 cubic feet per second (cfs) and/or (b) \_\_\_\_\_ acre-feet per year (af).
- 7 Proposed diverting works
- a. Describe type and size of devices used to divert water from the source. Well and pump into the City's municipal system
- b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet; total reservoir capacity \_\_\_\_\_ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No
- c. Proposed well diameter is 4 inches; proposed depth of well is 420 feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
- e. If well is already drilled, when? 1964; drilling firm \_\_\_\_\_  
 well was drilled for (well owner) \_\_\_\_\_ Drilling Permit No. \_\_\_\_\_

## For Department Use

Received by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_ Preliminary check by \_\_\_\_\_  
 Fee \$ \_\_\_\_\_ Receipt by \_\_\_\_\_ Receipt No. \_\_\_\_\_ Date \_\_\_\_\_

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FORM 202 Rev. 09/16

DEPARTMENT OF  
WATER RESOURCESIDWR / NORTH STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Ident. No. \_\_\_\_\_

**APPLICATION FOR PERMIT**

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) City of Culesac Phone 208-843-5483  
 Name connector (check one): ☐ and ☐ or ☐ and/or  
 Mailing address 100 Sixth Street City Culesac  
 State ID ZIP 83524 Email cofcul@idaho.net
2. Name of representative, if any Chris M. Bromley Phone 208-287-0991  
 Mailing address 380 S. 4th St., Ste. 103 City Boise  
 State ID ZIP 83702 Email cbromley@mchughbromley.com
- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR  
☒ Send original correspondence to the applicant and copies to the representative.
- b. ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant OR  
☒ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply Ground Water which is a tributary of \_\_\_\_\_
4. Location of point(s) of diversion:

| Twp | Rge | Sec | Govt Lot | 1/4 | 1/4 | 1/4 | County    | Source       | Local name or tag # |
|-----|-----|-----|----------|-----|-----|-----|-----------|--------------|---------------------|
| 35N | 3W  | 13  |          | NE  | SE  |     | Nez Perce | Ground Water |                     |
|     |     |     |          |     |     |     |           |              |                     |
|     |     |     |          |     |     |     |           |              |                     |
|     |     |     |          |     |     |     |           |              |                     |

5. Water will be used for the following purposes:
- Amount 0.39 cfs for Municipal purposes from 1/1 to 12/31 (both dates inclusive)  
 (cfs or acre-feet per year)
- Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
 (cfs or acre-feet per year)
- Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
 (cfs or acre-feet per year)
- Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
 (cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) 0.39 cubic feet per second (cfs) and/or (b) \_\_\_\_\_ acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. Well and pump into the City's municipal system.
- b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet; total reservoir capacity \_\_\_\_\_ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No
- c. Proposed well diameter is 4 inches; proposed depth of well is 420 feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
- e. If well is already drilled, when? 1964; drilling firm \_\_\_\_\_; well was drilled for (well owner) \_\_\_\_\_; Drilling Permit No. \_\_\_\_\_

Received by AW Date 11/28/18 Time 2:12 Preliminary check by \_\_\_\_\_  
 Fee \$ 250 Received by AW Receipt No. C105917 Date 11/28/18

For Department Use

8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in kW. \_\_\_\_\_
  - b. Stockwatering; list number and kind of livestock. \_\_\_\_\_
  - c. Municipal; must complete and attach the Municipal Water Right Application Checklist.
  - d. Domestic; show number of households \_\_\_\_\_
  - e. Other; describe fully. \_\_\_\_\_

9. Description of place of use:
- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
  - b. If water is used for other purposes, place a symbol of the 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 |        |
|     |     |     |                                                                      |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     | Use of water is within the City of Culdesac's municipal service area |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |                                                                      |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |                                                                      |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |                                                                      |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Total number of acres to be irrigated: \_\_\_\_\_

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? 85-7087
11. a. Who owns the property at the point of diversion? City of Culdesac
- b. Who owns the land to be irrigated or place of use? City of Culdesac and residents of the City
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: \_\_\_\_\_
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. This application is for a well that was drilled in 1964. The purpose of this application is to obtain a water right for this existing use.
13. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).
14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

**The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.**

Robert D.E. Sharp  
 Signature of Applicant  
Robert D.E. Sharp  
 Print Name (and title, if applicable)

\_\_\_\_\_  
 Signature of Applicant  
 \_\_\_\_\_  
 Print Name (and title, if applicable)

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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESIDWR / NORTH  
**MUNICIPAL WATER RIGHT APPLICATION CHECKLIST**

This checklist must be completed and submitted with an application to appropriate water for municipal purposes. There are two types of permits for municipal water use. The first type of municipal permit provides water for reasonably anticipated future needs (RAFN) over a defined planning horizon.<sup>1</sup> The second type of municipal permit, called **non-RAFN**, provides water solely for use to meet needs that will arise in the near-term (five years).<sup>2</sup> Each type of municipal water use has a distinct set of review requirements.

**Applicant Name:** City of Culesac

1. Type of Municipal Provider. Applicant must qualify as a Municipal Provider to obtain a water right for municipal purposes. See Idaho Code § 42-202B (5). Check one:

- ☒ Type 1 - Municipality  
☐ Type 2 - Franchise or political subdivision supplying water for municipal purposes  
☐ Type 3 - Corporation or association regulated as a "public water supply" system by IDEQ  
☐ Attach documentation of qualification as a Municipal Provider. See Idaho Code § 42-202(2).  
☐ Check here if you are a Type 3 provider proposing to develop a new municipal system but have not yet received recognition as a Public Water Supply by Idaho DEQ.

- 2a. List existing water rights (permits, licenses, decrees, and beneficial use claims) available to the applicant for municipal needs. These rights may or may not have a purpose of use expressly defined as "municipal." Include a separate attachment as needed.

| Right Number | Nature of Use | Diversion Rate (cfs) | Annual Volume (acre-feet) | Service Area    |
|--------------|---------------|----------------------|---------------------------|-----------------|
| 85-7087      | Municipal     | 0.27                 |                           | City of Culesac |
|              |               |                      |                           |                 |
|              |               |                      |                           |                 |
|              |               |                      |                           |                 |
| <b>Total</b> |               | <b>0.27 *</b>        | <b>*</b>                  |                 |

\* Be sure to account for any combined volume and/or diversion rate limits in the approval conditions of each right listed.

- 2b. List any overlapping water providers within your service area, such as irrigation districts, canal companies, or municipal providers:

None

- 3a. Currently or within five years will your municipal water system demand exceed the total diversion rate or annual volume authorized by the water rights listed in item #2a?

- ☒ Yes, see item #4  
☐ No, see item #3b

- 3b. Are you planning to replace an existing point of diversion, but will not develop a new water source nor exceed the total authorized diversion rate and volume of your current water rights?

- ☐ Yes. Please file an Application for Transfer of Water Right *instead* of an Application for Permit.  
☐ No, I am filing this Application for Permit for reasonably anticipated future needs (RAFN) pursuant to Idaho Code § 42-202B(8). See item #4.

<sup>1</sup> For a thorough discussion of RAFN water rights, see IDWR's *Recommendations for the Processing of Reasonably Anticipated Future Needs (RAFN) Municipal Water Rights at the Time of Application, Licensing, and Transfer* (Application Processing Memorandum No. 74).

<sup>2</sup> For a thorough discussion of non-RAFN water rights, see IDWR's Application Processing Memorandum No. 18.

4. Please specify the term for which you are making an application for permit. See Idaho Code § 42-202B(7). Check one:
  - ☒ Non-RAFN: (planned water system improvements and beneficial use of the entire quantity of water will occur within 5 years). Go to item #5.
  - ☐ RAFN (water system improvements will occur within 5 years, but full water usage may take longer).<sup>3</sup> Specify planning horizon: \_\_\_\_\_ years. Ending year of planning horizon: 20\_\_\_\_. Skip to item #6.
5. Non-RAFN application. Per Water Appropriation Rule 40.05.d.i, attach a water requirement narrative to your application. It should include the following information: See Attached narrative.
  - ☒ Attach a map of the municipal water service area defined by Idaho Code §42-202B(9). If applicable, map should delineate neighboring service areas associated with other municipal water providers.
  - ☐ Current water demand within the municipal service area expressed in average day demand, maximum day demand, and peak hour demand.
  - ☐ The required diversion rate during the peak and the average use period at the end of your project (5 years maximum). Typically, these values would be average day demand, maximum day demand, peak hour demand, and supporting information. State the capacity of any reservoirs which will be used to meet peak demand. Do not include demand solely for fire protection. If your fire protection demand exceeds your other municipal needs, you may request an appropriation for fire protection as a separate beneficial use.
  - ☐ Proposed future annual diversion volume needed by the end of your project (required only for providers not serving an incorporated municipality). Include a copy of your approved preliminary plat and the calculation method used to reach the requested volume.
  - ☐ Current and proposed capacity of entire diversion system (pumps).
  - ☐ If you are a Type 3 municipal provider, do you have a plan for assigning ownership of the water right permit to a subdivision HOA or other local entity? If so, attach a relevant excerpt from your CC&Rs or a description of the ownership change agreement between the HOA and the developer.
6. RAFN application.
  - ☐ Attach a map of the current municipal water service area and the service area as it will be at the end of the planning horizon. Provide justification for inclusion of areas currently served by another municipal provider or by large industrial, commercial, or domestic water systems. Areas overlapped by conflicting comprehensive land use plans may not be included. See Idaho Code § 42-202(2) and § 42-202B(9).
  - ☐ Attach justification for the proposed planning horizon. The planning horizon should be consistent with water infrastructure planning standards and current land use planning documents for the service area. See Idaho Code § 42-202(2) and § 42-202B(7).
  - ☐ Attach a population projection within the service area over the planning horizon. The population projection should be based on planning and demographic studies, standard statistical methods, and evaluation of geography and other limiting factors. See Idaho Code § 42-202(2) and § 42-202B(8).
  - ☐ Attach an evaluation of the water demand within the service area at the end of the planning horizon. Evaluate unaccounted for water (UAW) separate from municipal use. Do not include demand solely for fire protection. See Idaho Code § 42-202(2) and § 42-202B(8). If your fire protection demand exceeds your other municipal needs, you may request an appropriation for fire protection as a separate beneficial use.
  - ☐ Attach a gap analysis: [Municipal Demand in Ending Year] x [UAW Factor] – [Sum of Existing WR Diversion Rates] = RAFN Application Diversion Rate.

<sup>3</sup> Per Idaho Code § 42-204(4), the time for completion of works and application of the water to full beneficial use under any permit involving the diversion of two (2) or more cubic feet per second [...] may be extended by the director of the department of water resources upon application by the permittee for an additional period up to ten (10) years beyond the initial development deadline contained in the permit [...], provided the permittee establishes that the permittee has exercised reasonable diligence and that good cause exists for the requested extension.

## **MUNICIPAL WATER RIGHT APPLICATION CHECKLIST**

### **CITY OF CULDESAC**

#### **Non-RAFN Application, Question No. 5**

Current Water Demand for Well

- Average Daily Demand – 0.20 cfs
- Maximum Daily Demand – 0.39
- Peak Hour Demand – N/A

Current Capacity for Well – 0.39 cfs

All pumping data based on last five years (2013-2018)

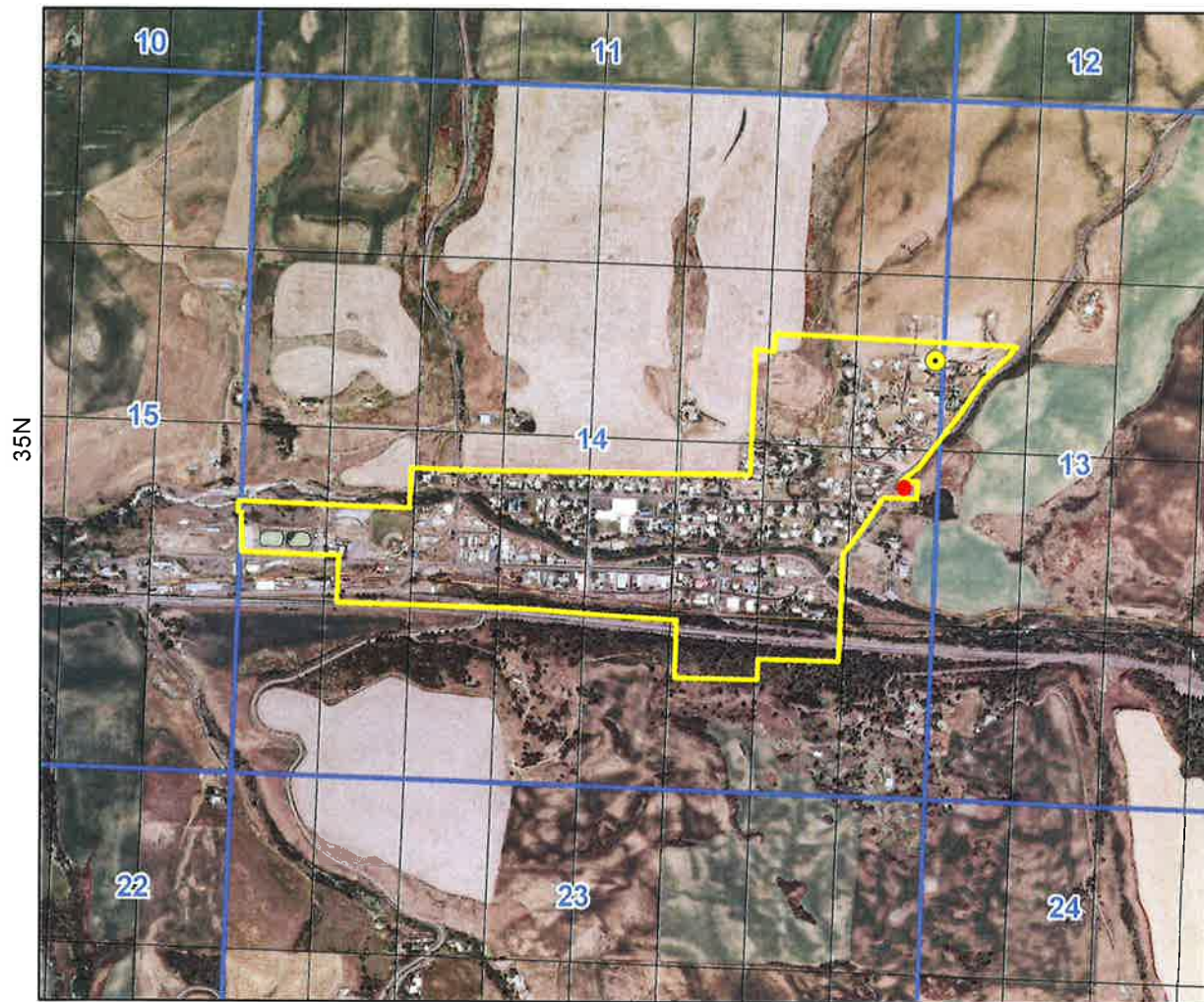
State of Idaho  
Department of Water Resources

City of Culdesac

MUNICIPAL

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

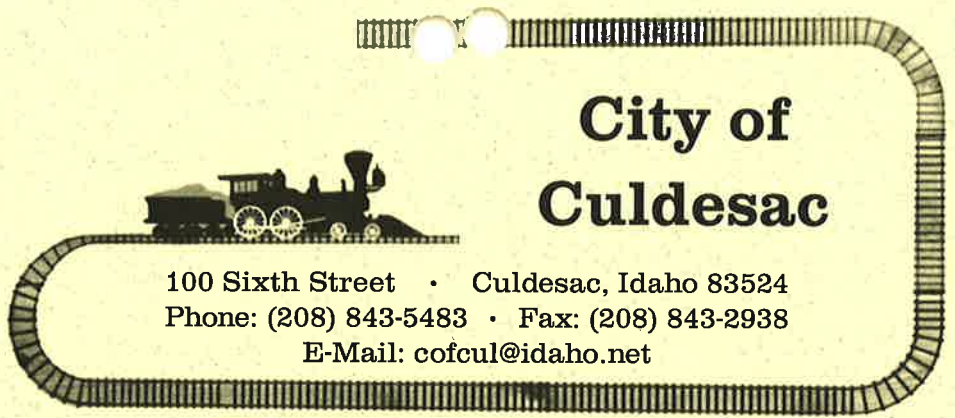
03W



-  Point of Diversion: 85-7087
-  Water Service Area Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Point of Diversion: Lower Well

0 0.175 0.35 0.7 Miles





November 13, 2018

Re: Attachment to IDWR Form 202

Chris Bromley, as our attorney, is authorized to sign documents on behalf of the City in relationship to this matter.

**DATED** this 13<sup>th</sup> day of November, 2018.

**CITY OF CULDESAC**

By: Robert D. E. Sharp  
Robert D. E. Sharp, Mayor



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene ID 83815-7763

Phone: (208) 762-2800 • Fax: (208) 762-2819

Website: [idwr.idaho.gov](http://idwr.idaho.gov) • Email: [northerninfo@idwr.idaho.gov](mailto:northerninfo@idwr.idaho.gov)

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

February 13, 2019

CITY OF CULDESAC  
100 6TH ST  
CULDESAC, ID 83524

Application For Permit No. 85-15795

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the LEWISTON TRIBUNE on 2/21/2019 and 2/28/2019. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in blue ink that reads 'Tammy Alleman'. The signature is fluid and cursive, with a long horizontal stroke at the end.

Tammy Alleman  
Administrative Assistant

CC:

CHRIS M BROMLEY  
MC HUGH BROMLEY PLLC  
380 S 4TH ST STE 103  
BOISE, ID 83702

## **Alleman, Tammy**

---

**From:** Alleman, Tammy  
**Sent:** Wednesday, February 13, 2019 4:27 PM  
**To:** 'Legals@lmtribune.com'  
**Subject:** Legal Notice for WR 85-15795 & Transfer 82944  
**Attachments:** Legal Notice for 85-15795 & Transfer 82944.docx.doc

Please publish the enclosed legal notice in the **Lewiston Tribune** on the dates indicated **February 21<sup>st</sup> and February 28<sup>th</sup>, 2019** (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately. Please send a proof once you have the article ready for print for our review.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 3/11/2019. Your cooperation is appreciated.

Thank you,

Tammy

*Tammy Alleman  
Administrative Assistant  
Idaho Department of Water Resources  
7600 North Mineral Drive, Suite 100  
Coeur d'Alene, ID 83815  
[Tammy.Alleman@idwr.idaho.gov](mailto:Tammy.Alleman@idwr.idaho.gov)  
208-762-2800 Phone  
208-762-2819 Fax*

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

**TRANSFER NO. 82944**

CITY OF CULDESAC, 100 SIXTH ST, CULDESAC, ID 83524; has filed Application No. 82944 for changes to the following water rights within NEZ PERCE County(s): Right No(s). 85-7087; to see a full description of these rights and the proposed transfer, please see [www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx](http://www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx). The purpose of the transfer is to change a portion of the above rights as follows:

**This transfer proposes to add a point of diversion to the City of Culdesac's existing groundwater right in the NE1/4SE1/4 of Section 14, Twp 35N, Rge 03W.**

For additional information concerning the property location, contact Northern Region office at (208) 762-2800. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Northern Region, 7600 N MINERAL DR STE 100, COEUR D ALENE ID 83815-7763 together with a protest fee of \$25.00 for each application on or before 3/11/2019. The protestant must also send a copy of the protest to the applicant.

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

**85-15795**

CITY OF CULDESAC

100 SIXTH ST

CULDESAC, ID 83524

Point of Diversion L17(NESE)

S14 T35N R03W

NEZ PERCE County

Source GROUND WATER

Point of Diversion L16(ENE)

S14 T35N R03W

NEZ PERCE County

Source GROUND WATER

Use: MUNICIPAL

01/01 to 12/31 0.39 CFS

Total Diversion: 0.39 CFS

Date Filed: 11/28/2018

Place Of Use: MUNICIPAL

Place of use is within the service area of the City of Culdesac municipal water supply system T35N R03W S13 & S14 as provided for under Idaho Law.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Northern Region office at (208) 762-2800. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 N MINERAL DR STE 100, COEUR D ALENE ID 83815-7763 together with a protest fee of \$25.00 for each application on or before 3/11/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 2/21/2019 and 2/28/2019

## Alleman, Tammy

---

**From:** Alleman, Tammy  
**Sent:** Wednesday, February 13, 2019 4:13 PM  
**To:** 'Sujata.Connell@deq.idaho.gov'  
**Subject:** Request for Comments on WR 85-15795  
**Attachments:** 85-15795 Application for Permit.pdf

Dear Interested Agencies:

The Department of Water Resources is seeking written comment and/or recommendations from your agency regarding the above referenced Water Right application. You can find copies of the application attached to the email and also at: <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

This office can publish notice of the application as soon as the initial review is completed; therefore, your prompt response to this request is appreciated. If your agency desires to formally protest the approval of the application, you may do so after the notice is published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication. **The deadline for comments on the application is March 11, 2019.**

Please contact the Northern Region Office at (208) 762-2800 if you have any questions regarding the application.

Thank you,

Tammy

*Tammy Alleman  
Administrative Assistant  
Idaho Department of Water Resources  
7600 North Mineral Drive, Suite 100  
Coeur d'Alene, ID 83815  
[Tammy.Alleman@idwr.idaho.gov](mailto:Tammy.Alleman@idwr.idaho.gov)  
208-762-2800 Phone  
208-762-2819 Fax*

## Frederick, Adam

---

**From:** Carlson, Joseph  
**Sent:** Tuesday, February 12, 2019 1:02 PM  
**To:** Frederick, Adam; Jones, Doug  
**Subject:** RE: Culdesac 85-15795 NonRAFN Municipal Application  
**Attachments:** 2019-02 Culdesac spreadsheet on Water Pumped.xlsx

Adam and Doug,

I reviewed/evaluated the Culdesac numbers that Mr. Bromley provided. The submitted data does indeed support the 0.66 cfs requested appropriation. I calculated an appropriate/max. DR (based upon a small system peaking factor of 3.0) of 0.69 cfs (and though not required for Type 1's, an AV of 138.0 AF).

I do believe that the average gallons per day per capita (gpdc) usage (based upon a 2010 population of 380 persons) is a little high at 324 gpdc (in contrast to 220 gpdc for Lone Mountain, and 395 gpdc for Fernan Lakes Estates). There may be other C/I or Ag uses that could be inflating this usage. Though additional information could be sought, or potential conservation practices encouraged, absent IDWR guidance, I recommend approval.

Since this is a Type I Municipal App, and not requiring the scrutiny typically required of a Type III, please let me know if you need any additional information in order to be able to complete your review, or if this e-mail/spreadsheet are sufficient. If you have the what you need, I'll respond to Mr. Bromley that we now have the information necessary to complete our review.

Thank you,  
Joe

**From:** Carlson, Joseph  
**Sent:** Tuesday, February 12, 2019 10:00 AM  
**To:** Frederick, Adam <Adam.Frederick@idwr.idaho.gov>; Jones, Doug <Doug.Jones@idwr.idaho.gov>  
**Subject:** RE: Culdesac 85-15795 NonRAFN Municipal Application

Adam and Doug,

I'm going to run the numbers in Mr. Bromley's attached doc, to validate usage, and I will share the results. That effort should confirm bullets #1, #2, & #4. Feel free to weigh-in on bullet #4, I believe that our prior discussions were that a combined allocation of 0.66 cfs may be a little high for this small community. Bullets #3 & #5 are appropriate and I believe they have answered the initial questions.

Thank you,  
Joe

**From:** Chris Bromley [<mailto:cbromley@mchughbromley.com>]  
**Sent:** Tuesday, February 12, 2019 9:36 AM  
**To:** Carlson, Joseph <[Joseph.Carlson@idwr.idaho.gov](mailto:Joseph.Carlson@idwr.idaho.gov)>  
**Cc:** Frederick, Adam <[Adam.Frederick@idwr.idaho.gov](mailto:Adam.Frederick@idwr.idaho.gov)>; Jones, Doug <[Doug.Jones@idwr.idaho.gov](mailto:Doug.Jones@idwr.idaho.gov)>; 'City of Culdesac' <[cofcul@idaho.net](mailto:cofcul@idaho.net)>  
**Subject:** RE: Culdesac 85-15795 NonRAFN Municipal Application

## Frederick, Adam

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**From:** Chris Bromley <cbromley@mchughbromley.com>  
**Sent:** Tuesday, February 12, 2019 9:36 AM  
**To:** Carlson, Joseph  
**Cc:** Frederick, Adam; Jones, Doug; 'City of Culdesac'  
**Subject:** RE: Culdesac 85-15795 NonRAFN Municipal Application  
**Attachments:** 2013-2018 Water Pumped \_01162019.pdf

Joe,

I'll follow this up with a phone call. See below for my answers to your questions (I'll use **red text**) and thank you in advance for your patience in waiting for the information. I've also copied the Noreen Durante, the City's clerk.

Thanks,

Chris

**From:** Carlson, Joseph [mailto:Joseph.Carlson@idwr.idaho.gov]  
**Sent:** Friday, January 11, 2019 1:21 PM  
**To:** cbromley@mchughbromley.com  
**Cc:** Frederick, Adam <Adam.Frederick@idwr.idaho.gov>; Jones, Doug <Doug.Jones@idwr.idaho.gov>  
**Subject:** Culdesac 85-15795 NonRAFN Municipal Application

Mr. Bromley,

IDWR is in the process of evaluating the City of Culdesac's *Application for Permit*, in particular, the *Municipal Application Checklist*. In the process of conducting that evaluation, IDWR is requesting the following additional information:

- Though a summary of the ADD, MDD, and PHD have been provided, I prefer to see the supporting data that you have referenced, for the period of 2013-2018.
  - I am attaching monthly data for the time period from the upper and lower wells. The lower well is what this application is filed for. The data is recorded by a Scada system with a totalizing flow meter. The data is then transcribed by the operator. The pumping data I am attaching are the operator's transcriptions. The pump for the lower well was replaced in 2017. Since 2018, the lower well pumps between 171-173 gpm (0.38-0.39 cfs). Prior to replacement, the pump for the lower well pumped between 150-152 gpm (0.33-0.34 cfs). The lower well was tested in October 2018 by Uhlenkott Pump Service during a one-hour pump test at 176.4 gpm.
- The values that you have provided for ADD & MDD, are referenced as being current usage. Please provide the requested ADD, MDD, and PHD that you anticipate at the end of five (5) years. The application requires both sets of values.
  - The quantity applied for is the quantity that the city presently uses from the lower well; therefore, there is no increased anticipated use at the end of five years. A water right for the lower well, which has been in existence since at least the 1960s, was missed during the Snake River Basin Adjudication. As you may be aware, the lower well was previously licensed by IDWR as water right no. 85-7228. That license recognized the capacity of the lower well at 0.33 cfs, with an authorized diversion rate of 0.20 cfs. The well capacity was not licensed because all that was applied for was 0.20 cfs (see 7/8/1982 IDWR field exam). Due to the license somehow going unclaimed, a modern water right filing is necessary to correct what was missed in the SRBA.
- Is there any additional storage included in this anticipated future use?

- No. This application is necessary because of an omission in the SRBA. The application for the lower well is for water that was been relied on by the city for decades and is not for any anticipated future use.
- As I understand it, the City of Culdesac has an existing water right 85-7087, which includes a diversion rate of 0.27 cfs. My understanding is that upper well (old license) produces 0.27 cfs. My understanding is that this new (lower) well (on the new application) can produce 0.39 cfs. Please confirm that the total of all water rights is intended to be a combined 0.39 cfs, such that this application is essentially for an additional diversion rate of 0.12 cfs.
  - As licensed, the upper well authorizes 0.27 cfs. The lower well produces 0.39 cfs. The system operates with and requires both diversion rates, for a cumulative diversion rate of 0.66 cfs. The application is not “essentially for an additional diversion rate of 0.12 cfs.” The application is for 0.39 cfs for the lower well.
- Please also confirm that there will be no new wells added, but rather that this application is simply for the purposes of increasing the overall allocation.
  - This is a correct statement. The overall allocation is not increased because it’s a well that’s been in existence for many decades. The application is necessary to correct the omission from the SRBA.

Please feel free to call me, if you would like to discuss in more detail.

Thank you in advance,  
Joe

Joseph Carlson, P.E., PMP  
 Dam Safety Engineer – Northern Region  
 Idaho Department of Water Resources  
 7600 N Mineral Dr. Suite 100  
 Coeur d'Alene, ID 83815  
 office: 208.762.2801  
 cell: 208.819.6713  
[Joseph.Carlson@idwr.idaho.gov](mailto:Joseph.Carlson@idwr.idaho.gov)

# WATER PUMPED

2013

UPPER      LOWER      TOTAL PUMPED      DAILY AVE.

JAN.      1,698,491      1,808,621      3,507,112      113,132

FEB      1,527,309      1,602,214      3,129,523      111,768

PUMP OUT 3-19-13

MARCH      1,021,886      2,502,916      3,524,802      113,703

APRIL      1,317,640      2,021,721      3,339,316      111,312

MAY      1,765,743      1,809,329      3,575,072      115,324

JUNE      1,950,696      2,019,859      3,950,696      131,689

JULY      2,859,183      2,933,623      5,792,808      186,864

~~AUG      2,841,345      2,945,560      5,786,905      175,360~~

SEP      2,084,365      2,174,795      4,259,160      141,970

OCT      1,503,070      1,511,750      3,014,820      97,250

NOV      1,620,678      1,617,215      3,237,893      101,183

DEC      1,919,433      1,969,917      3,889,350      124,460

|     | UPPER     | LOWER     | TOTAL     | DAILY  |
|-----|-----------|-----------|-----------|--------|
| JAN | 1,819,345 | 1,836,583 | 3,655,928 | 117,93 |
| FEB | 1,676,457 | 1,693,279 | 3,369,736 | 120,34 |
| MAR | 1,638,961 | 1,633,180 | 3,272,119 | 105,5  |
| APR | 1,494,994 | 1,473,228 | 2,968,222 | 98,94  |
| MAY | 1,709,353 | 1,774,987 | 3,483,340 | 116,11 |

2014

|      | UPPER     | LOWER     | TOTAL     | DAILY USE |
|------|-----------|-----------|-----------|-----------|
| JUNE | 2,010,986 | 2,024,959 | 4,035,945 | 134,531   |
| JULY | 2,763,369 | 2,731,646 | 5,495,015 | 177,259   |
| AUG  | 2,871,697 | 2,876,240 | 5,747,937 | 185,473   |
| SEP  | 2,054,633 | 2,195,423 | 4,250,056 | 146,554   |
| OCT  | 1,749,078 | 1,712,438 | 3,461,516 | 111,662   |
| NOV  | 1,721,897 | 1,710,031 | 3,431,928 | 110,707   |
| DEC  | 1,557,833 | 1,529,983 | 3,087,816 | 106,477   |

| 2015      | UPPER     | LOWER     | TOTAL     | DAILY   |
|-----------|-----------|-----------|-----------|---------|
| JAN       | 1,722,055 | 1,679,925 | 3,401,980 | 113,400 |
| FEB       | 1,720,718 | 1,734,083 | 3,460,801 | 111,640 |
| MARCH     | 1,682,621 | 1,665,990 | 3,348,611 | 108,020 |
| APRIL     | 1,603,148 | 1,555,808 | 3,156,956 | 105,232 |
| MAY       | 1,927,447 | 1,968,893 | 3,896,340 | 125,689 |
| JUNE      | 2,326,420 | 2,395,768 | 4,722,188 | 157,407 |
| JULY      | 2,792,175 | 2,892,886 | 5,685,061 | 183,389 |
| AUGUST    | 2,897,002 | 2,847,270 | 5,744,272 | 185,299 |
| SEPTEMBER | 2,027,071 | 1,940,780 | 3,967,851 | 132,262 |

| 2015 | UPPER     | LOWER     | TOTAL     | DAILY US |
|------|-----------|-----------|-----------|----------|
| OCT  | 1,913,027 | 1,741,230 | 3,654,257 | 121,800  |
| NOV  | 1,919,286 | 1,713,420 | 3,632,706 | 121,090  |
| DEC  | 1,981,575 | 1,837,910 | 3,819,485 | 123,200  |

|               | <u>UPPER</u> | <u>LOWER</u> | <u>TOTAL</u> | <u>DAILY</u> |
|---------------|--------------|--------------|--------------|--------------|
| 2016<br>JAN → | 2,085,695    | 1,851,170    | 3,936,865    | 123,027      |
| FEB           | 1,824,713    | 1,720,160    | 3,544,873    | 123,237      |
| MARCH         | 1,787,226    | 1,566,940    | 3,354,166    | 111,805      |
| APRIL         | 1,761,667    | 1,518,900    | 3,280,567    | 102,518      |
| MAY           | 1,630,406    | 1,446,340    | 3,067,746    | 106,094      |
| JUNE          | 1,918,410    | 1,834,190    | 3,752,600    | 125,081      |
| JULY          | 2,348,827    | 2,212,150    | 4,560,977    | 147,124      |
| AUGUST        | 2,306,163    | 2,179,080    | 4,485,243    | 144,681      |
| SEPTEMBER     | 1,855,548    | 1,719,870    | 3,575,418    | 119,180      |
| OCTOBER       | 1,714,871    | 1,519,180    | 3,234,051    | 104,323      |
| NOVEMBER      | 1,793,638    | 1,548,310    | 3,341,948    | 111,398      |
| DECEMBER      | 1,899,179    | 1,713,970    | 3,613,149    | 120,438      |

| 2016     | UPPER     | LOWER     | TOTAL     | DAILY  |
|----------|-----------|-----------|-----------|--------|
| JANUARY  | 2,221,689 | 2,073,230 | 4,294,919 | 130,14 |
| FEBRUARY | 1,678,454 | 1,677,454 | 3,294,364 | 117,65 |

| 2017      | UPPER     | LOWER                    | TOTAL     | DAILY PUMP |
|-----------|-----------|--------------------------|-----------|------------|
| MARCH     | 1,833,030 | 1,701,590                | 3,534,620 | 114,020    |
| APRIL     | 1,785,668 | 1,573,800                | 3,359,468 | 108,369    |
| MAY       | 1,749,939 | 1,717,570                | 3,467,509 | 118,855    |
| JUNE      | 1,782,484 | 1,714,466                | 3,496,950 | 117,165    |
| JULY      | 2,680,574 | 2,697,420                | 5,377,994 | 168,066    |
| AUGUST    | 2,493,307 | 2,298,690                | 4,791,997 | 154,58     |
| SEPTEMBER | 1,888,368 | 1,669,150                | 3,557,518 | 107,803    |
| OCTOBER   | 1,590,737 | 1,415,110                | 3,005,847 | 100,195    |
| NOVEMBER  | 2,790,569 | PUMP WENT OUT<br>280,480 | 3,070,999 | 102,367    |
| DECEMBER  | 3,326,001 | SOFT START FAILED        | 3,326,001 | 97,821     |

| 2018                          | <u>UPPER</u> | <u>LOWER</u>                    | <u>TOTAL</u> | <u>DAILY</u> |
|-------------------------------|--------------|---------------------------------|--------------|--------------|
| JANUARY                       | 1,844,184    | 1,642,500                       | 3,486,684    | 120,230      |
| METER BAD<br>FEBRUARY 20 DAYS | 1,298,100    | <sup>28 DAYS</sup><br>1,524,400 | 2,822,500    | 119,340      |
| FROM WELL HOUSES              |              |                                 |              |              |
| MARCH                         | 1,919,100    | 1,776,300                       | 3,695,400    | 115,480      |
| FROM WELL HOUSES              |              |                                 |              |              |
| APRIL                         | 1,679,100    | 1,540,400                       | 3,219,500    | 111,017      |
| MAY                           | 1,841,100    | 1,676,200                       | 3,517,300    | 121,030      |
| JUNE                          | 1,796,200    | 1,712,900                       | 3,509,100    | 121,000      |

| 2018 | <u>UPPER</u> | <u>LOWER</u> | <u>TOTAL</u> | <u>DAILY</u> |
|------|--------------|--------------|--------------|--------------|
| JULY | 2,306,200    | 2,720,100    | 5,026,300    | 167,543      |
| AUG  | 2,251,700    | 2,556,700    | 4,808,400    | 160,280      |
| SEP  | 1,576,000    | 1,860,600    | 3,436,600    | 127,280      |
| OCT  | 1,484,700    | 1,751,400    | 3,236,100    | 104,390      |
| NOV  | 1,424,900    | 1,686,000    | 3,110,900    | 107,272      |
| DEC  | 1,700,900    | 1,805,900    | 3,506,800    | 117,140      |

  
**McHUGH BROMLEY**  
ATTORNEYS AT LAW, PLLC

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Boise, Idaho 83702  
(208) 287-0991

Chris M. Bromley  
cbromley@mchughbromley.com

December 18, 2018

RECEIVED

DEC 40 2018

IDWR / NORTH

Adam Frederick  
Senior Water Resource Agent  
Idaho Dept. of Water Res., Northern Reg.  
7600 N. Mineral Dr., Ste. 100  
Coeur d'Alene, ID 83815-7763

**Re: City of Culdesac**

Dear Adam:

Thank you for taking the time to speak with me today about the City of Culdesac's recently filed *Application for Permit* for what the City refers to as the "lower well." Enclosed is an amended first page to the Application adding the point of diversion for water right no. 85-7087, which the City refers to as the "upper well." In looking again at the Application, I noticed a typographical error in the section number for the lower well. The section number should be 14, not 13. I have made that change as well. I am also including a revised *Municipal Application Checklist* that fixes the typographical error referencing the water right number for the upper well, and correcting the diversion rate for the upper well to reflect its licensed diversion rate as opposed to the diversion rate for the lower well.

If there are any further questions, please do not hesitate to contact me.

Sincerely,



CHRIS M. BROMLEY

Encls.