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DEPARTMENT OF
WATER RESOURCES

October 29, 2008

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Deborah Gibson
IDWR, Water Mngmnt. Div.
322 E. Front St.
P.O. Box 83720
Boise, ID 83720-0098

Re: Water Right Permit No. 95-9198

Dear Ms. Gibson,

I am the City Attorney for the City of Huetter. I am responding to your letter dated August 31, 2008 regarding the Proof Due Notice for the City of Huetter's Permit Number 95-9198 for its municipal water well. I have enclosed the requested Statement of Completion.

The original permit to appropriate water, signed by Gary Spackman on November 4, 2003, indicated there were two points of diversion for this permit, which there were at that time. The legal description for the points of diversion is identical, because the two wells were proximate to each other on lands formerly owned by Crown Pacific Company at its mill. Today, well number one, drilled in 1951 and in continuous use since that date, is the only well in existence that should be associated with this permit. The second well, shown as well number two and drilled in 1968, has been completely capped and it is no longer in use. Further, the easement between well number two and well number one has been vacated due to development of the Mill River housing subdivision by the City of Coeur d'Alene through its urban renewal agency, the Lake City Development Corporation (LCDC), and that agency's River District.

In order to meet emergency municipal water needs of the City of Huetter, a negotiation was had prior to my engagement with the City, unfortunately much of it verbal, which resulted in a water connection to the City of Coeur d'Alene's water system for emergency water service to Huetter should well number one breakdown or need maintenance. Therefore, this Permit 95-9198 for municipal use should only be associated with the single point of diversion shown on the original sketch submitted with this permit as well number one, which was drilled in 1951.

The City of Huetter's watermaster maintains a well log for well number one, and I have submitted with this letter proof of application to beneficial use for the period mid-July through October 8, 2008. Please let me know if the department requires more records.

I have not included a license examination fee with this letter, because the License Examination Fee Schedule states that permits for groundwater diversions of less than 0.04 CFS are not required to pay a fee. Even though the City of Huetter has a population of approximately 100, many of the residents use bottled water, which is why the diversion rate is so low. However, after the water distribution system is upgraded in the next few years, and the old iron pipes are

replaced and individual meters installed, we expect usages and thus the diversion rates to rise. Therefore, please accept our relatively low diversions rates for now, and let me know how to maintain the original 0.55 CFS that was originally requested under this permit.

The City of Huetter's original permit application did not include a request for an appropriation for reasonably anticipated future needs pursuant to Idaho Code section 42-202(2). The City believes that its diversion rates will escalate once the new water system is installed, because the current residential population of 100, and the five businesses (including two drinking establishments), are only using an average of 3610 gallons per day measured at the wellhead. Currently, there are no meters on any individual water user's connection. There are about 55 residences in Huetter, and so, if I remove business use of water for this computation, the average diversion rate of 3610/50 equals only 65 gallons per residence per day. I believe IDWR Director Dave Tuthill testified in court on August 28 in Coeur d'Alene that the average residence uses between 400 and 900 gallons per day *inside* a normal home. Since the businesses include two drinking establishments, it is highly likely that residential usages are even lower due to the use of bottled water since the old pipes make the water appear unsuitable for consumption. I am not sure whether 65 gallons per day is even sufficient for the population to take showers. Given that the City is in the planning stages to upgrade its decades old water system, please let me know the procedure for amending or otherwise altering this permit after the new water system is engineered.

Finally, the priority date for this permit is stated to be October 11, 2002. The priority date should be at least three decades earlier than that, based on Huetter's municipal use of well number one since the early nineteen-seventies. As I understand it, the City of Huetter was the town that housed Crown Pacific mill workers. Well number one was drilled for the express purpose of providing Huetter's residences with water so that the mill's workers could enjoy the amenity of indoor water. Please let me know what information you require to move the priority date back to the actual priority date for beneficial use of this well for municipal use, and I will work with the City to comply with IDWR requirements for proof of an earlier priority date.

All other conditions of approval associated with the permit as issued by Mr. Spackman in November, 2003 have been met.

Thank you for your assistance.

Sincerely,



Arthur B. Macomber
Attorney at Law

Enc. Statement of Completion
Well log for the period July 18, 2008 through October 8, 2008

cc: City Clerk

City of Huetter
Well Log: July, Aug, Sept, 2008

Date	Meter Reading	Daily Use in Gallons	Daily Use CFS	Miscellaneous
7/18/2008	167794			1 CFS = 646,315 gallons/day
7/19/2008	171334	3540	0.00548	
7/20/2008	176880	5546	0.00858	
7/21/2008	180606	3726	0.00576	Added Air, 2 hours
7/22/2008	184607	4001	0.00619	
7/23/2008	187463	2856	0.00442	
7/24/2008	190108	2645	0.00409	
7/25/2008	194672	4564	0.00706	
7/26/2008	199420	4748	0.00735	
7/27/2008	203174	3754	0.00581	
7/28/2008	208845	5671	0.00877	Charger on generator
7/29/2008	211120	2275	0.00352	
7/30/2008	217810	6690	0.01035	
7/31/2008	220778	2968	0.00459	
8/1/2008	225730	4952	0.00766	
8/2/2008	228198	2468	0.00382	Trim Trees, 2 hours
8/4/2008				Sample, 1 hour. Missed 8/3 & 8/4
8/5/2008	242327	14129	Missed Days	
8/6/2008	248630	6303	0.00975	
8/7/2008	252713	4083	0.00632	
8/8/2008	257536	4823	0.00746	
8/9/2008	260314	2778	0.00430	Haul brush, 2 hours
8/10/2008	262135	1821	0.00282	
8/11/2008	265687	3552	0.00550	
8/12/2008	269363	3676	0.00569	
8/13/2008	273756	4393	0.00680	
8/14/2008	276933	3177	0.00492	
8/15/2008	280568	3635	0.00562	
8/16/2008	285044	4476	0.00693	
8/17/2008	288983	3939	0.00609	Air in tank, Run Generator, Air Valve, 2 hours
8/18/2008	293153	4170		
8/20/2008	299878	6725	Missed 8/18	
8/21/2008	302123	2245	0.00347	
8/22/2008	304426	2303	0.00356	
8/23/2008	306429	2003	0.00310	3 loads of brush to the dump, 2 1/2 hours
8/24/2008	309266	2837	0.00439	
8/25/2008	313153	3887	0.00601	
8/26/2008	315681	2528	0.00391	
8/28/2008	320113	4432	0.00686	Missed 8/27
8/29/2008	323024	2911	0.00450	
8/30/2008	326283	3259	0.00504	
8/31/2008	329333	3050	0.00472	
9/1/2008	331138	1805	0.00279	

9/2/2008	333968	2830	0.00438	
9/3/2008	336967	2999		
9/4/2008				Sample, 1 hour
9/5/2008	342307	5340	0.00826	
9/6/2008	344405	2098	0.00325	
9/7/2008	347235	2830	0.00438	
9/8/2008	350434	3199	0.00495	
9/9/2008	352839	2405	0.00372	
9/10/2008	355671	2832	0.00438	Run Generator, Mow weeds
9/11/2008	357871	2200	0.00340	
9/12/2008	361334	3463	0.00536	
9/14/2008	367636	6302	0.00975	Missed 9/13
9/15/2008	370972	3336	0.00516	
9/16/2008	374057	3085	0.00477	
9/17/2008	377840	3783	0.00585	
9/18/2008	380847	3007	0.00465	
9/19/2008	384302	3455	0.00535	
9/20/2008	386777	2475	0.00383	
9/21/2008	389057	2280	0.00353	
9/23/2008	394358	5301	0.00820	
9/25/2008	398778	4420	0.00684	Missed 9/24
9/26/2008	401385	2607	0.00403	
9/27/2008	404024	2639	0.00408	
9/28/2008	406047	2023	0.00313	
9/29/2008	409201	3154	0.00488	
9/30/2008	411610	2409	0.00373	
10/1/2008	415294	3684	0.00570	
10/2/2008	418022	2728	0.00422	Sample, 1 hour
10/4/2008	422042	4020	0.00622	Missed 10/3
10/6/2008	425360	3318	0.00513	Missed 10/5
10/7/2008	426363	1003	0.00155	
10/8/2008	427716	1353	0.00209	

Average/Day =	3610	0.0053
High Day =	6690	0.01035
Low Day =	1003	0.00155