

Keen, Shelley

From: Keen, Shelley
Sent: Tuesday, October 11, 2005 4:06 PM
To: Warner, Roger
Subject: Williams Lake Water and Sewer District

Roger,

I received the email below regarding the applications to amend the Williams Lake Water and Sewer District permits. Please insert this correspondence into the application files and address the issues as appropriate in the review process.

Thanks.

Shelley Keen
 Water Right Permits Section
 Idaho Dept. of Water Resources
 208-287-4947
 shelly.keen@idwr.idaho.gov

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

From: Gary & Dani Mulkey [mailto:garymulkey@peoplepc.com]
Sent: Thursday, October 06, 2005 10:16 PM
To: Keen, Shelley
Cc: Kathleen13@earthlink.net
Subject: RE: Water Districts

Mr. Keen, thank you for your comments.

You mentioned a horse will consume approximately 15 gallons per day so 12 will consume 65,700 gallons per year. I would not think that would be covered under in-house use.

It would sound like that my copy of the IDWR Water permit report dated 5/19/2004, condition 3.021 stating "Use of water for domestic purpose under this right shall be limited to in-house use **and watering of household stock**" is not correct. I would ask that this be reviewed and corrected documents be provided to the Board and others as the watering of stock is taking place at 65,700 gallons per year.

Your definition of flexibility basically states that as long as water taken out does not exceed the 0.50cfs amount it does not matter what is done with it. However the original recreation permit states 66 homes and in your letter to me on 6/21/05 you stated that even if the board requested a change to municipal status, the following unique condition would still limit the license to 66 homes. The unique condition being " Only homes built and served by the district water lines before or during the development period may be recognized as legitimate places of use."

Is this condition going to remain if the Application for Amendment of permits 75-7589 and 75-7052 is approved?

I am still confused about permit 75-7052 as this is the permit to take water from Williams Lake itself. As this system was destroyed when the new system was constructed, how can the board still be trying to

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deal with it? Has the board given any indication that they plan to construct another system under this permit?

I would like to ask that the number of homes at Williams Lake be certified as to an accurate number. IDWR states 66 and a recent published 911 Emergency map of name address and location reflects 64 homes. I think that this needs to be determined so the "flexibility" of a municipality cannot take the number of homes up to the 66 count. I also feel that the IDWR needs to review the Beneficial Use certification to correct the number of homes, whatever that number is, and to include comments or acknowledgment of the right of BLM, Forest Service and resort usage of water. I was told that the BLM was hooked to the system as it was built and has been using water from the system all along. The Forest Service has a stubbed line at the end of private property. Future water usage needs to be determined and reserved before any alternate uses are conveyed.

Again thank you for your time.

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

From: "Keen, Shelley"

Sent: Oct 4, 2005 2:16 PM

To: 'Gary & Dani Mulkey'

Subject: RE: Water Districts

Mr. Mulkey,

IDWR has received the letter you attached to your email. I am writing in response to your questions.

I read the order approving Permits 75-7589 and 75-7590 to find out exactly what it says about household stock. Apparently the reference to household stock in IDWR's computer database was an error. The order approving the permits actually says, "Use of water shall be limited to in-house use only." I could find no reference to stock in the order. The "in-house use only" condition was intended to prevent the consumption of water that occurs in connection with lawn, garden, and landscape irrigation. IDWR has usually viewed the consumption of water associated with stock watering to be "de minimis", or negligible, particularly for a few head. A range cow or horse will average 12 to 15 gallons per day over the course of a year. It is not clear to me whether IDWR intended to expressly prohibit stock watering or not.

A Beneficial Use Field Report is a one-time effort for the purposes of confirming the beneficial use of water established in connection with a permit. A water right license will be issued or denied based on the field report. The license is confirmation that a water right has been established. Once a license has been issued, the water right can be forfeited after five consecutive years of non-use. However, IDWR does not regularly undertake efforts to identify rights that may have been forfeited. Forfeiture is usually identified during some other legal or administrative process involving the water right. Such processes can include a general adjudication of water rights, an application for transfer, etc.

IDWR staff apparently conducted the field work to verify the development in connection with Permit 75-7052 in September of 1995. The field work for Permits 75-7589 and 75-7590 was conducted in December of 2004. The completed field reports for all three permits were submitted to IDWR's state office in Boise for licensing in May of 2005. IDWR has not issued licenses yet because Williams Lake Recreational Water & Sewer District has applied to amend two of the permits, 75-7052 and 75-7589, to show the water use as "municipal" instead of "domestic". The applications must be processed prior to issuance of the licenses.

Unlike "domestic" water rights, which are typically limited to a specific number of homes, municipal water rights can be distributed to any number of domestic, industrial, and commercial users, so long as the diversion rate and volume limits of the right are not exceeded. I am not familiar with the "500 gallons per day times 356 days usage

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per each household" requirement you refer to. Could that be an IDEQ requirement for public water supply systems? Unlike public water system requirements, water rights represent an opportunity to divert and use water, not an obligation to do so.

The field examiner for Permits 75-7589 and 75-7590 reported tha there are 66 homes served by the Williams Lake Recreational Water and Sewer District system as of 12/02/2004. He did not state whether that includes U. S. Forest Service or BLM use, or not. IDWR's field examiner did not report any beneficial use of water in connection with the resort.

Sincerely,

Shelley Keen
Water Right Permits Section
Idaho Dept. of Water Resources
208-287-4947
shelley.keen@idwr.idaho.gov

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

From: Gary & Dani Mulkey [mailto:garymulkey@peoplepc.com]

Sent: Monday, October 03, 2005 7:01 PM

To: Keen,Shelley

Subject: RE: Water Districts

I received a copy of Leslie Shumate letter to you and your response concerning Williams Lake water district.

I have concerns also about the current water board and what they are doing. My comments and questions in the attachment express those concerns.

Thank you for your time and comments.

Gary M Mulkey

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