

Keen, Shelley

From: Keen, Shelley
Sent: Tuesday, October 04, 2005 12:17 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 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 that 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
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10/4/2005

-----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

10/4/2005