

Memorandum

Date: August 22, 2003

To: Allen Merritt, Southern

From: Bob Foster, Salmon

RECEIVED
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Department of Water Resources
Portland, Oregon

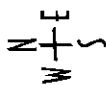
Re: Living Waters Ranch groundwater use

I met with Christopher James, owner of the Living Waters Ranch, on August 13, 2003 to document the groundwater use at the facility. The groundwater system consists of a six-inch groundwater well, IDWR tag # E0008351, connected to a 35,000-gallon storage tank located approximately one-quarter mile east of the well. The storage tank provides groundwater use to 17 buildings ranging from a shop and laundry to several motels and lodges. Another well is located near the facility Welcome Center but is not in use at this time. Mr. James stated the well was very shallow and they had some problems with it.

Mr. James stated the facility could house a maximum of 250-300 visitors. Irrigation of the grounds is separate from the groundwater system and utilizes Garden Creek water right(s). Mr. James also provided meter readings on this well for the past three years. It appears from these readings the facility is not exceeding the 13,000-gallon per day domestic limit.

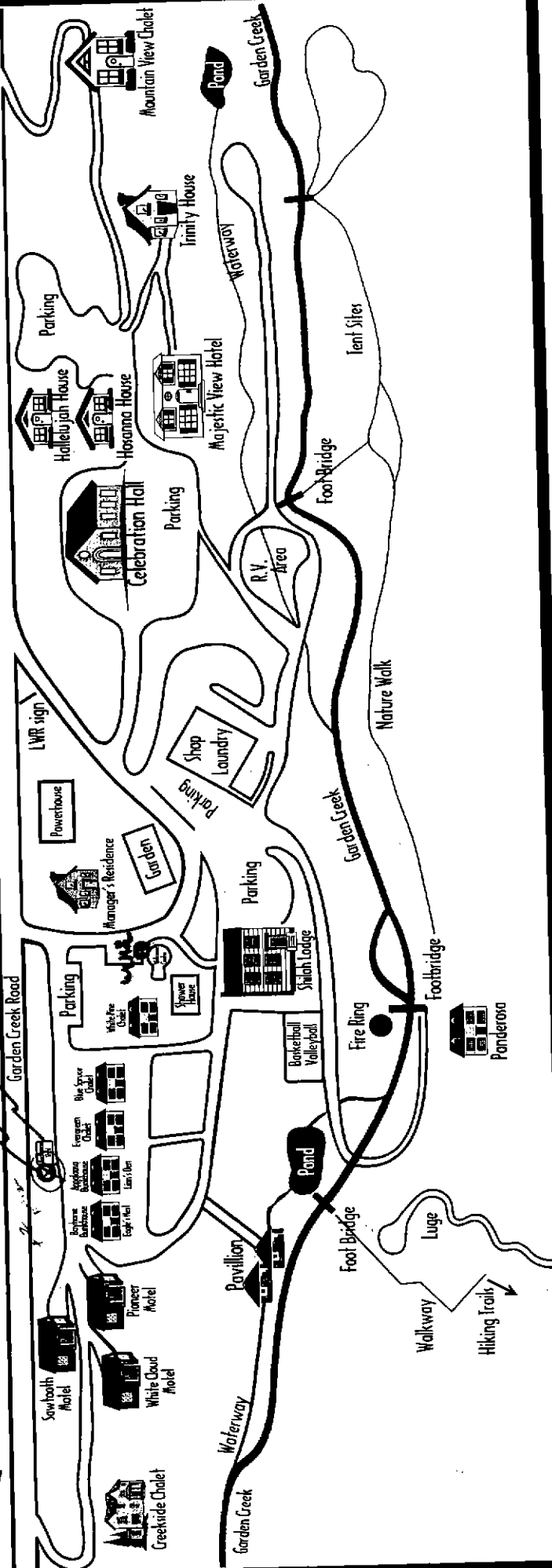
I have enclosed a map of the facility with the well locations and buildings served by the groundwater system. I have also enclosed the well meter reading and other correspondence Mr. James provided.

Living Waters Ranch



35,000
GAL.
STORAGE
TANK

Chipmunk Ski Hill → To Custer & Bonanza (old mining towns) To Mountain Lake → Old Custer Highway → To Challis 4.2 miles to US93 → 5 Minutes → Golf Course → 20 Minutes → Hot Springs



— Buildings currently connected to well #1

- ⊗ — well #1 in use
- ⊙ — well #2 not in use

⬡ — 35,000 GALLON STORAGE TANK

Living Waters Ranch
Well #1 Meter Reading – 2003

Jan 03	8478320 – 8329550 =	148,770 gal
Feb 03	8643160 – 8478320 =	164,840 gal
March 03	8802950 – 8643160 =	159,790 gal
April 03	8957150 – 8802950 =	154,200 gal
May 03	9150310 – 8957150 =	193,160 gal
June 03	9346000 – 9150310 =	195,690 gal
	Total	1,016,450 gal

Living Waters Ranch
Well #1 Meter Readings – 2002

Jan 02	6679710 – 6543330 =	136,380 gal
Feb 02	6791760 – 6679710 =	112,050 gal
March 02	6833480 – 6791760 =	41,720 gal
April 02	7032680 – 6833480 =	199,200 gal
May 02	7191440 – 7032680 =	158,760 gal
June 02	7355470 – 7191440 =	164,030 gal
July 02	7531530 – 7355470 =	176,060 gal
Aug 02	7682910 – 7531530 =	151,380 gal
Sept 02	7837750 – 7682910 =	154,840 gal
Oct 02	7984640 – 7837750 =	146,890 gal
Nov 02	8157060 – 7984640 =	172,420 gal
Dec 02	8329550 – 8157066 =	172,484 gal

Total 1,786,214 gal

Living Waters Ranch
Well #1 Meter Readings – 2001

Jan 01	4887775 – 4784320 =	103,455 gal
Feb 01	5028050 – 4887775 =	140,275 gal
March 01	5171430 – 5028050 =	143,380 gal
April 01	5344270 – 5171430 =	172,840 gal
May 01	5474680 – 5344270 =	130,410 gal
June 01	5627520 – 5474680 =	152,840 gal
July 01	5825560 – 5627520 =	198,040 gal
Aug 01	6011100 – 5825560 =	185,540 gal
Sept 01	6137530 – 6011100 =	126,430 gal
Oct 01	6270290 – 6137530 =	132,760 gal
Nov 01	6432610 – 6270290 =	162,320 gal
Dec 01	6543330 – 6432610 =	110,720 gal
	Total	1,759,010 gal

Living Waters Ranch
P O Box 1190, Challis, ID 83226
lwatersr@custertel.net, 208-879-2729
www.livingwatersranch.org

August 8, 2003

William Teuscher PE
Idaho Department of Environmental Quality
900 North Skyline, Suite B
Idaho Falls, ID 83402-1718

Steve Adams
District 7 Health
104 South Daisy
Salmon, ID 83467

**Regarding: Living Waters Ranch - Septic Systems -- Phase 1 and Phase 2
and LWR Water System**

Dear Mr. Teuscher and Mr Adams:

In the last month we have had questions raised by community members, County Commissioners, and Challis City officials. It seems that there are fears and concerns that the water and sewer systems here at LWR could have negative effect on the local water aquifer. A study that was done by the Idaho Water Resources Research Institute, for the City of Challis, raised questions about development on Garden Creek and possible contamination to the city's water.

As you know we have been working closely with you at the Department of Environmental Quality and the District Seven Health Department. You have given us advice that has encouraged us to install systems that go beyond the requirements. You have guided us in developing monitoring systems to assure safe results for our guests, the residents downstream, and the environment.

After our septic and water systems were approved and permitted by you, we have been monitoring the usage on a weekly basis. We have taken water samples of Garden Creek both up and downstream of our property twice a year. We are also monitoring our public water system on a quarterly basis.

There are still two areas that you have asked for that we are still in the process of completing. We need to add meters to our septic systems to measure the flow of effluent that may transfer from Phase 1 Dosing Tank System to Phase 2 Dosing

Tank System. The meters are on order. Also, attached is a letter from our plumbing engineer, Joe Chester who had requested District 7 to upgrade the system, but he hasn't of yet received their approval. Secondly, we need to finalize with you the replacement drain field areas.

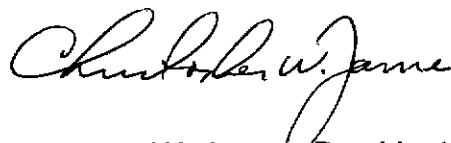
It is our desire to complete all of the requirements that are needed to assure that our systems are up to Idaho standards. After we have completed these changes, we would like to arrange for you to meet with our County Commissioners, Challis City officials, and any interested citizens to answer any questions or concerns they may have. We hope that such a meeting can take place on our property.

For your information I am enclosing a copy of the Challis Messenger article that was written concerning possible contamination of Garden Creek. It was requested that the commissioners assert their authority through their not issuing building permits, thereby imposing a moratorium on any "substantial development" on Garden Creek.

Could you possibly help me to shed real truth on the matter? As you can see I'm sending this letter to the Custer County Commissioners, the City of Challis, and Allen Merritt of the IDWR. Additionally, I am sending an exhibit that challenges the impact of LWR on the Garden Creek Aquifer. Please check my math and logic so that truth comes forth in the proper context.

Again, it is my intention to be a good neighbor. It is LWR's intention to bless the land and our neighbors.

Yours Truly,



Christopher W. James, President of Living Waters Ranch

Cc: Custer County Commissioners
Challis City Council
Allen Merritt, IDWR, Twin Falls, ID

Encl: Exhibit A - what constitutes substantial development on Garden Creek
Messenger Article on rescinding building permits
Messenger dear Editor
Letter from Joe Chester to Jack Hammond
Water Usage 2003 → 2001

EXHIBIT A

What Constitutes "Substantial Development" on Garden Creek?

The City of Challis requested the Idaho Department of Water Resources (IDWR) to study their water system. Their recommendation was to "closely monitor upstream water use in order to assess potential sources of contamination or infringement on the City's water right". The City Council requested that the Custer County Commissioners assert their authority through their building permits and impose a moratorium on any "substantial development" on Garden Creek.

As a result of this request and action LWR was denied building permits for a planned 14 unit motel with 15 toilets and a pavilion with 1 toilet. The planned 14 unit motel had 3 more toilets than earlier submittals for the development of their Phase 2 Septic System. LWR was waiting for data to submit to District 7 Health and DEQ to show that the additions were well within its permitted 2500 gal/day septic system for Phase 2. This was not an additional "substantial development". It was a request for 3 additional toilets to the already permitted properly sized septic system. The waiver from District 7 and DEQ would only come if data proved the system to comfortably handle that amount. They are very diligent to perform their jobs.

Both Phase 1 and Phase 2 septic systems have been working beautifully. Both systems were built with large 12,000 to 15,000 gallon dosing tanks to provide flexibility to the system. This was done above State Standards.

There is a relationship between water use and septic use. Let's look at the impact that LWR has had on Garden Creek.

LWR has approximately 4200 feet of frontage on Garden Creek (GC). If single family homes were built on the Creek, it could be assumed that 21 x 200 foot frontage lots could be developed. How much water would those homes use? Let's say only 1,500 gal/day. That would be 31,500 gal/day if all 21 were developed. LWR is allowed to use 13,000 gal/day and we currently use less than half. Is LWR threatening the aquifer?

In a study that a hydrologist completed in 1999 over the winter of 1998-1999, Garden Creek showed flows of 4.77 CFS to 8.13 CFS from September to January. What percentage is LWR's 6,000 gal/day of that total flow using a lower amount of flow? 5 CFS equals 3,240,000 gal/day (1 CFS = 450 gpm) (5CFS x 450 gpm x 1440 min/day). 6,000 gal/day divided by 3,240,000 gal/day equals 0.0019 or less than 2/10ths of 1%. Much of that water returns to the aquifer through the leach fields. How much of an impact is LWR having on Garden Creek? The answer is very little. From this data a good case can be made that much more development along Garden Creek can be sustained.

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THE CHALLIS *Messenger*

Commissioners rescind two LWR building permits

July 17, 2003

by **Anna Means**

The Custer County Commissioners rescinded two building permits submitted by Living Waters Ranch, Inc. (LWR) until the county has documentation that Garden Creek water quality and quantity are protected.

Looking for proof

The commissioners made the decision at their regular meeting July 14. Commissioner Wayne Butts told the *Messenger* he's not trying to pick on LWR, but thinks it's prudent to ask for documentation that will put an end to the rumors. There are people who believe the ranch isn't in compliance with Department of Environmental Quality (DEQ) regulations, and Butts wants to end the debate before allowing more construction at the facility.

Commissioner Cliff Hansen told the *Messenger* the county knew there was a letter coming from the city asking for a moratorium on further development up the creek. He said he felt it was wise to postpone approval of the permits until they had assurance that the city's water quality and quantity weren't in jeopardy.

The action came as a result of two citizens, Don and Bonnie Rowles, asking the city to write a letter to the county commissioners. They suggested the letter could ask for a moratorium on any more development up Garden Creek, which serves as the water source for the city.

The Rowles referred to conclusions drawn from the Idaho Water Resources Research Institute study completed last year. It said water use on Garden Creek could affect the city's water quality and quantity.

The council agreed to write the letter and reminded the Rowles that based on the Institute's recommendations, the city has been monitoring water quality above and below LWR. To date, there's no data to show there's a problem.

On July 14 the Rowles submitted paperwork to the county, which they believed showed that LWR wasn't in compliance with DEQ

requirements. They said because there is no planning and zoning in the county, the one way the commissioners could deal with problems up the creek was to deny building permits.

The commissioners did so at their Monday meeting by rescinding permits issued to LWR by Assessor Chris James. The building permit ordinance (No. 32) doesn't specifically grant the commissioners authority to approve or deny building permits. Butts told the *Messenger* he was under the impression it did, but regardless, feels it was right to ask for verification.

The county leaders said the permits won't be approved until the receive assurances that sanitary requirements are fulfilled and there are no negative impacts to the city.

Quality and quantity

The next day the county received the city's letter. It said that the institute's recommendation was to "closely monitor upstream water use in order to assess potential sources of contamination or infringement on the city's water right."

Due to the absence of county planning and zoning, the city council requested that the commissioners assert their authority through their building permits and impose a moratorium on any "substantial development" on Garden Creek.

Rowles told both the city and the county that according to conversations with and documentation from DEQ, the ranch was out of compliance on their wastewater disposal system.

Agencies

The *Messenger* received copies of the DEQ documentation. The latest letter, dated March 12, 2003, said DEQ wanted flow data on sewer use rather than basing information on bedrooms and bathrooms. This stipulation came as a result of LWR's request for a variance to allow two more bathrooms to the existing wastewater disposal system.

The DEQ wrote that it had received some flow data, but felt there were discrepancies. The letter made note that LWR and its engineering firm had agreed in December 2002 to install more event meters that would better assess the capacity of the existing system.

William Teuscher, water quality engineer with DEQ, told the *Messenger* all of the current facilities existing at the ranch and proposed new facilities for 2004 have been permitted. Steve Adams with District Seven Health told the *Messenger* the same thing.

Teuscher said DEQ is aware LWR wants to build a motel and a pavilion with camp store next year. He said DEQ still wants flow, as well as occupancy data to determine peak daily flow before allowing any

additional sewage into the current system. To date, they haven't received that information, but he said it was "in the process." He said if LWR wants to develop any more than what's currently planned, they will have to meet Large Soil absorption System criteria, which is for a larger system.

Teuscher said it wasn't accurate to say LWR is out of compliance with DEQ requirements. Even though DEQ hasn't received the flow data, there's no reason to believe LWR engineers, which have always been cooperative, won't produce the information in due time.

Adams said there is a problem with consistent monitoring with all that's been agreed to up at the ranch. He said because of the way it's been developed and regulated, there is an absence of "institutional memory." He'd like to see DEQ and District Seven fund monitoring programs that keep track of and hold facilities to deadlines. He said it's not so much a case of policing, but remembering when certain documentation and reviews are due.

Assurances

Don Rowles told the *Messenger* that based on conversations with DEQ and District Seven Health, he and his wife were given the impression LWR is out of compliance with stipulations. In reviewing correspondence, they saw evidence that flow data was inadequate and LWR was supposed to install flow meters that hadn't yet been done.

Bonnie Rowles told the *Messenger* it wasn't her intent to close Living Water Ranch. "I just want to make sure our [the city's] water quality and quantity are assured. We all need to proceed responsibly," she said.

Christopher James told the *Messenger* he agrees with managed growth. "There's wisdom to that." He said there's no problem with his facility, and they have water tests showing the water is cleaner leaving the ranch than coming into it.

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THE CHALLIS Messenger

Rowles explains water requests

Dear Editor:

The following letter was sent to James Johnson, regional administrator of the Department of Environmental Quality and Steve Adams of District Seven Health:

Idaho Water Resources Research Institute recently completed a preliminary draft on the Hydrogeologic analysis of the water supply for the community of Challis. It stated upstream domestic or agricultural development and use of Garden Creek water will impact the quality and supply of the water that reaches the city diversion. Recommendations were made that the city of Challis should closely monitor upstream water use on Garden Creek in order to assess potential sources of contamination or infringement on their water right. As a property owner in the city of Challis I have concerns in regards to extensive development at Living Waters Ranch located approximately four miles to the West of the City of Challis on Garden Creek.

Recently I contacted Idaho Department of Environmental Quality, District Seven Health Department and the Idaho Department of Water Resources regarding the development of Living Waters Ranch and the proposed expansion for 2003-2004. I also had questions regarding their existing system and requested copies in regards to their proposed expansion and the status of their existing system.

After reviewing all information provided, I questioned why there were discrepancies in flow data, why they were allowed to build over replacement areas? (replacement area for Phase II was not relocated until the recent purchase of the property to the east. Phase I replacement area had been encroached upon by the assembly hall construction.) How could new expansions and variances be approved when existing permits have not been signed off?

With over 65 toilets, over 33 showers, several kitchens, laundry facilities and drinking water fountains, LWR should have been required to meet the Large Soil Absorption System criteria. A site visit by IDEQ and DSHD was done on June 19, 2002, before property to the east was purchased and variances were approved.

I feel my only recourse is to request that IDEQ stop any additional

construction at Living Waters Ranch until the following information is completed.

1. IDEQ and DSHD make an on site visit to inventory the existing facility. Get a current count on the number of existing buildings on Phase I Wastewater Disposal System and the number of buildings on Phase II Wastewater Disposal System.
2. All requirements are met under the LSAS criteria.
3. Any and all required permits on the current infrastructure are signed off by IDEQ and DSHD.

It is not my intent to imply Living Waters Ranch is doing anything illegal or intentionally infringing on the city's water right. I feel they are an asset to the community and have a beautiful facility. As a property owner in the city of Challis, I just want assurance that Idaho Department of Environmental Quality, District Seven Health Department, the City of Challis and the Custer County Commissioners are doing their job to closely monitor upstream water use. It is in everyone's best interest to make sure the correct steps are being taken. If existing systems are in order at Living Waters Ranch then there should not be a problem signing off on current permits.

*Sincerely,
Bonnie Rowles
Challis*

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Chester Plumbing and Heating, Inc.

PO Box 759

Challis ID 83226

Phone/Fax 208-879-4463

December 11, 2002

Jack Hammond

HEDCO

PO Box 1070

Challis ID 83226

Phone 208-879-5333

Fax 208-879-2860

Subject: DEQ Letter Dated 11/15/02 Re: Living Waters Ranch Wastewater System
Response to DEQ July 24, 2002 Letter

Dear Sir:

I have the following comments:

- 1b. The pumps that do not have meters transfer effluent from one dose tank to the other. All effluent discharged to the drainfield is recorded by the dual event and time meters already installed at each dose tank.

As requested, Chester Plumbing and Heating will install two additional event and time meters to record the "transfer" of effluent between dose tanks.

Chester Plumbing and Heating has also requested approval by District 7 Health Department to modify the dose tank pump controls so as fluid level rises, transfer of fluid from tank to tank occurs before untimed lag pump operation occurs. During high flows this will result in alternating timed dose discharge to both drainfields before any untimed lag pump discharge occurs. We have submitted forms to District 7 Health Department requesting approval to make the change but have not yet received approval.

Thank you,



Joe Chester

Chester Plumbing and Heating, Inc.

JC/lr