
INTEROFFICE MEMORANDUM

TO: WD 63S 2013 FILE
FROM: VICKY MUSIC
SUBJECT: WD MEETING ON 3/5/2014
DATE: MARCH 10, 2014
CC:

The WD meeting was held on 3/5/14 at Quail hollow golf course. It was the first since the Boise Parks and Rec Dept acquired the Quail Hollow golf course. Items of most concern were the increased hot water withdrawals by the golf course last year, and Niznik.

The golf course had some pump and well issues with their cold well which required that they use more hot water for irrigation. According to Boise City staff, there are tree roots, and some other pump and well problems the city intends to fix, and which they expect will increase the efficiency and production of the cold water well.

Water right 63-5195, owned by David Niznik, has come up in the WD meetings the past 2 years. Mr. Niznik opted out of the WD during the SRBA, when the Dept. thought the right would be recommended as a de minimus domestic, which, according to the WD orders, are not regulated in the WD. However, the right was recommended with a 16 af annual volume, so it should be regulated by the WD.

Ken Neely's watermaster report states that Niznik used 18 af during the 2013 water year, which runs 10/1 – 9/30, whereas the water right season of use is 1/1 – 12/31, so the two do not correspond.

I discussed the situation with Ken and we decided we would present some options to the WD. Those suggestions are attached. The WD passed 2 resolutions, [1] to modify the monitoring schedule to include a yearend measurement of the Niznik well, and [2] to include 63-5195 in the water district. See attachment for handout at the WD meeting.

Now, we will refer to water distribution to see if the WD order has to be amended, or what the procedure will be to get 63-51

WD 63S suggestions

→ 1 – NIZNIK WR 63-63-5195 should be added to WS due to non exempt status.

See Final WD order dated 12/8/95. Finding of Fact No.1 [page 2] states "...Minor or domestic uses exempt from water right permitting requirements remain unregulated within the District absent a showing of cause for regulation."

And, Conclusion of Law No 7 [page 7] states, "... Low temperature geothermal wells found within the District and utilized for domestic use defined in I.C. § 42-111 remain excuse from watermaster regulation."

Prior to the partial decree, and during the history of the WD, Whitehead/Stralow/Niznik was treated as an exempt domestic. However, the 16 af annual volume recommended and decreed kicks the right out of the exempt domestic category.

VIA a RESOLUTION and letter to Tim Luke? Maybe an e-mail from a WD officer to Tim with copy of minutes with resolution is first low cost option, and see if that is enough.

2 – RESOLUTION Because WR 63-5195 was decreed with a season of use of 1/1 – 12/31, the WD proposes to modify the monitoring schedule to add an year end measurement of the 63-5195 [Niznik] well to determine a calendar year volume. This will allow the Watermaster to determine whether Niznik is using more water than the 16 af annually that his water right authorizes.

3 – The Watermaster report indicates that 63-5195 used 18 af for the water year. The "neighborly letter" discussed in prior WD meetings may be timely now, though we cannot be certain that he is exceeding 16 af until the year end monitoring.

4 – If the revised monitoring schedule indicates that Niznik is exceeding his authorized annual volume, when the WM report is available, the WM can refer his finding to the IDWR Compliance Bureau for action.