

TO: Jim Cole, Timbrshor Association President (electronic only)

CC: Kurt Hafferman, PE, Hafferman Engineering (electronic only)

Diana Luke, Lake County Sanitarian (electronic only)

FROM: Emily Gillespie, PE

DATE: January 9, 2018

SUBJECT: **Timbrshor Association (Borchers at Finley Point)
Water System Compliance**

As we previously discussed, I extend my gratitude to the Timbrshor Association for your completion of the wastewater improvements on site.

Additionally, Tim Cole recently inquired about compliance for the water systems onsite. The intent of this memo is to outline the units which are currently in compliance with the original approval and those that are not. For the ones out of compliance, I have listed a few options for coming into compliance.

Units currently in compliance (17): Units 203, 204, 205, 210, 211, 306, 307, 308, 309, 311, 312, 314, 315, 316, 401, 402 and the lodge were outlined as having individual water systems that predated the 24-77-K902 Borchers at Finley Point Water Certificate of Subdivision Approval (dated July 22, 1977). Hence, these lots may remain served by individual water systems.

Units currently out of compliance (38 original, 30 current units): Units 201, 202*, 206, 209, 216, 217**, 219, 301, 302, 305, 317***, 318, 319, 320, 403/404, 406, 408, 409, 410, 411, 412, 413, 414, 416, 417, 418/419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430 were approved to be connected to a Community water supply system. All of these units, whether built or non-built, must seek an approvable solution to their water supply. Individual surface water intakes are not allowed by current DEQ Subdivision laws.

***Shaded units** are no longer approved for construction per the "Restriction on Development Lots" agreed to by the Lake County Commissioners on April 16, 2015.

****Unit 217** currently has sanitary restrictions placed on it.

*****Unit 317** was inadvertently left off 1977 Water COSA, but shows up in the 1977 Wastewater COSA

Options for compliance:

- (1) The 1977 COSA pertaining to water could remain in place. However, since the approved plans for the Community Public Water Supply (PWS) system have expired, new water system plans (prepared by a Professional Engineer) would need to be submitted to DEQ for review and approval as a Community PWS system. This Community PWS system could be served by either groundwater wells or surface water, with appropriate treatment. By not changing the 1977 COSA, the PWS system plans do not require water rights verification. Therefore, compliance with water rights could be delayed until the Salish Kootenai Compact has been resolved.
 - a. It is also possible that a Community PWS system designed to supply domestic water only could be served by two (or more) groundwater wells that pump less than 35 gpm and use less than 10 acre-feet volume per year. In that case, simple Notice of Completion water rights certificates could be submitted to DRNC Water Resources Division.
- (2) The 1977 COSA could be re-written to allow for individual, shared or multi-user water systems that could be served by groundwater wells that pump less than 35 gpm and 10 acre-feet volume per year. In this scenario, simple Notice of Completion water rights certificates could be submitted to DRNC Water Resources Division for each well.
- (3) The 1977 COSA could be re-written to allow for individual or shared cisterns to be filled by a water hauler (or potentially hauled by individual unit owners). No water rights are involved with this scenario.

If you have any questions, please contact me at 406-755-8979 or egillespie@mt.gov.