

JAMES E. KINGSTON
110 McRae Road
Arlington, WA 98223

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL™



7005 2570 0001 7282 1092



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83467

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NORTH LAKEWOOD, WA
98259
SEP 08, 06
AMOUNT

\$4.88

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*SPN
9/2/06
JES*

9-12

*Bob Fisher
ITWR Salmon office
206 Van Creek Complex
Exit B Salmon Id 83467*

9-27

RECEIVED

SEP 12 2006

Sept 5, 2006

To: ITWR/Hearing Sept 06

Department of Water Resources

The action of the WLWB and any expanding of the system will create a hardship of major size for existing people who have homes and high investment at the lake.

Any expanding of our system must provide that the new add on's pay for it, and that fire protection be provided at at least the level we now have

Also the water system needs to be proper on the home cont.

For examp - the resort is going to use more water than 12 homes

apt - they (water Bd) want to call it a backup

Same with the BLM -

The Board has no leadership skills when it comes to water systems.

The ITWR needs to enforce the protect of the water system at Williams Lake.

Sub: WLWB vs protest group.
and Homeowners.

Items: to talk about at Sept Hearing

- (1) Orig IVWR - WLWB Contract and order.
- (2) Construction Guide for proper water Supply Constructions
10 States Standards
- (3) Note to IVWR
- (4) Statement Showing speculation and wrong proper actions by
The board to enforce the orig order
Ref: to Paper Submitted 4/17-06
marked for use in the Sept hearing
- Sub for that use: on 4/1/06
Ref: Paper sent to each person.

I oppose any Change in
the System or the Status at this
Time.

will be limited to in house use only.

12. Lawns, garden and landscape can only be irrigated if a prior, consumptive right is acquired and transferred, or water is diverted pursuant to an established right from Williams Lake.

13. Combined diversion pursuant to rights 75-07589 and 75-07590 will be limited to 0.50 cfs.

14. Although the district might be operating improperly at times, it appears to have sufficient financial resources to construct the project. Furthermore, Brown has no standing before the Department to raise an impropriety internal to the district when he has no vested interest in the district. The approval of this permit, with sufficient conditions, is in the local public interest.

15. Use of water for in-house, culinary purposes will conserve the water of the state of Idaho.

ORDER

IT IS HEREBY ORDERED that applications to appropriate water nos. 75-07589 and 75-07590 are APPROVED subject to the following conditions:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 1995.

2. Subject to all prior rights except subordinated hydropower rights.

3. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

4. Use of water shall be limited to in-house use only.

5. The combined rate of diversion for rights 75-07589 and 75-07590 shall be limited to 0.50 cfs.

6. Only homes built and served by district water lines before or during the development period may be recognized as legitimate places of use.

7. A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

MAY 21 1993

Spectra folder #5 - Exhibit "E"

2. Rule 4,4,2,1. of the Water Appropriation Rules and Regulations states the applicant shall bear the initial burden of coming forward with evidence of the evaluation of criteria (a) through (d) of Idaho Code § 42-203A.

3. Rule 4,4,4,2. of the Water Appropriation Rules and Regulations states that both the applicant and the protestant have the burden of coming forward with evidence regarding local public interest of which they are most cognizant.

4. The applicant bears the ultimate burden of proof regarding all issues.

5. By moratorium order dated May 15, 1992, the Director prohibited approval of new applications to appropriate water in the Salmon River drainage. Domestic uses were exempted from the moratorium prohibition.

6. Evidence presented by all the parties leads to a conclusion that there is sufficient water for appropriation. Other than a reduction in flow authorized by the hydropower right which is subordinated, all earlier right holders have been receiving their full entitlement.

7. Approval of this right will not reduce the quantity of water under an existing right that is not subordinated.

8. Approval of a permit and future license for domestic use related to 100 homes when only 58 homes have been built, and when the number of homes hasn't changed significantly in 20 years, would result in a speculative water right.

9. Proper limits and conditions can prevent speculation, however. The permit to appropriate water can be approved for 100 homes, but the development period should be shortened to two years, plus any lesser period granted as an extension of time for filing proof of beneficial use. Only homes built and served by district water lines before or during the development period may be recognized as legitimate places of use.

10. Public interest dictates that domestic users have a safe, uncontaminated source of domestic water. A subordinated hydropower right must yield water to a later-in-time domestic water right, particularly where the domestic units are existing, and the domestic appropriation is sought to comply with public health requirements.

11. In this case, the domestic homes are recreational property, built for the most part on steep terrain. The hearing officer is not convinced that the domestic use of water should include a right to irrigate one-half acre per lot at the expense of downstream rights, including hydropower. Any domestic approval

MAY 21 1993

Exhibit

"E" - 2/3

Used - Storage 48 hrs
24 hr over for treatment
also 8 hrs Repair time min

6.3 Fundamental Design Principle for Physical Capacity Analysis

The overall design goal of maintaining adequate pressure in the distribution system under peak hourly demand (PHD) or maximum day demand (MDD) plus fire flow (FF) conditions, as detailed in WAC 246-290-230 and Section 8.1.5, must be adhered to in all physical capacity analyses. With this considered, the number of customers that can be served is dependent on the characteristic water demand patterns, and the minimum requirements associated with design factors identified in Section 6.5. Capacity determinations are to be reported in terms of equivalent residential units (ERUs) as described in Section 6.4.

All designs after 1991
must conform to 1996 act
(Clean Water act
for Sizing.)

6.2 Relationship between System Capacity and Physical Capacity

System capacity as defined in the 1996 Safe Drinking Water Act means the "operational, technical, managerial and financial capability" of a system to achieve and maintain compliance with drinking water regulations. System "physical capacity" refers to system components or facilities (i.e. source, treatment, storage, transmission, and distribution) that either individually or in combination limits service to customers (limits the number of ERUs that can be served). "Physical capacity" is a term that is associated with only the "technical" aspect of "system capacity." [see WAC 246-290-010 for definitions]

This is the Question ↓ Answer M ↓

all Systems in Idaho have
to meet the "10 States Rule"

Q10 - Can they (3d meet
the Capacity according to EPA

Page 2

These are Standards for Building
a new Water System,

6.4.3 Part-time Versus Full-time Residences

According to WAC 246-290-221(1), water demand design data shall correlate to the maximum number of full-time or part-time equivalent residential units in service at any time. Full-time refers to a permanent place of residence, whereas a part-time residence is a vacation home, not lived in year-round (occupied only seasonally, holidays, and/or weekends). The reason for the distinction is that systems designed only for part-time residences have been noted to gradually convert to full-time residences (because of retirement, changing housing markets, etc.). If the system is designed for only part-time residences, but is eventually used for full-time occupancy, the system may not be able to provide adequate levels of service. Unless it can be guaranteed through obligatory covenants or other binding agreement that full-time occupancy will not be allowed, any part-time residence should be considered a full ERU and the system should be designed correspondingly. This would reduce the concern associated with resident status changing to full-time without notice to the water purveyor. This concept would also apply to part-time versus full-time multi-family residences.

6.4.4 Multi-family Residences ERUs

Multi-family residences typically use less water per living unit than separate single-family residences. Similar to single family residences, multi-family residence water uses can be expected to vary from system to system (i.e., specific to any given system, but not always applicable to another system). When calculating ERUs, it is desirable to separate multi-family usage from single-family usage. For multi-family metered connections, the total water use for the multi-family connection(s) should be divided by the system-specific single-family ERU to determine the ERUs associated with the multi-family connection(s) [multi-family customer account(s)].

6.4.5 Nonresidential Customer ERUs

For a practical analysis of overall demands, nonresidential customers may be classified into groups and average equivalency factors selected for each group (average ERU per nonresidential customer). A nonresidential customer with large water demands (agricultural uses, or an industry like a pulp mill or plating process, etc.), should be analyzed separately and included in the ERU totals. It should be noted that, just as with full-time single family residences, nonresidential ERUs might have different values for each of the demand factors i.e., ADD, MDD and PHD.

Transient Residential use

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State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 27, 1998

John McKinney
Attorney at Law
1015 Main Street
Salmon, ID 83467

*This makes
Contract Clear!*

RE: TELEPHONE INQUIRY

Dear Mr. McKinney:

Enclosed at your request on this date is a copy of a letter FAXed to the department from Keith B. Amar on March 16, 1998. You apparently already have a copy of my letter dated March 17, 1998 responding to Mr. Amar.

With respect to continued development under Permit Nos. 75-07589 and 75-07590 in the name of Williams Lake Recreational Water and Sewer District (district), the opportunity to continue with additional development under the permits ceased with the filing of the proof of beneficial use of water on January 23, 1998 by Harold Sisco on behalf of the district. Development which did not exist on January 23, 1998, will have to occur under different permits than 75-07589 and 75-07590.

If you have questions, please feel free to contact me or the department.

Sincerely,

L. Glen Saxon

L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 2

c: Keith B. Amar
IDWR - E. Region

FACT
July 23/1998

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of August 2006, a true and correct copy of the above and foregoing document described below was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Document(s) Served: *IDWR Notes - orig 1994 order - Const. Stals*
Copy of 1998 Bldg Cut off.

✓ GARY C HAWKINS
9 COPPER MTN RD
SALMON ID 83467

✓ KATHLEEN GLIKSMAN
87 DAPPELGRAY LANE
ROLLING HILLS ESTATES CA 90274

✓ LESLIE MAY SHUMATE
139 LAKE CREEK RD
SALMON ID 83467

✓ VALEEA STEINBRUEGGE
67 N SHORE DR
SALMON ID 83467

✓ JAMES EDWARD KINGSTON
1108 MC RAE RD
ARLINGTON WA 98223

✓ THOMAS JAMES THOMPSON
12623 QUERCUS
WELLINGTON FL 33414

✓ GARY M MULKEY
999 E HIGHLAND AVE
HERMISTON OR 97838

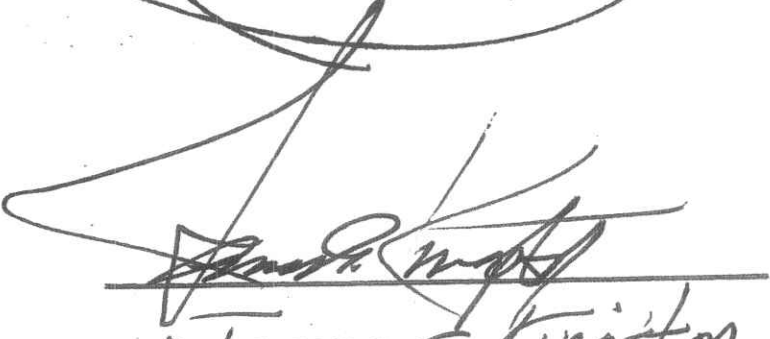
✓ US DEPT OF INTERIOR
BLM - ALAN BITTNER
1206 S CHALLIS
SALMON ID 83467

✓ WILLIAMS LAKE RECREATIONAL
WATER & SEWER DISTRICT
PO BOX 82
SALMON ID 83467

✓ SLAVIN LAW OFFICE
MILTON SLAVIN
116 N CENTER ST
SALMON ID 83467

✓ IDWR - EASTERN REGIONAL OFFICE
900 N SKYLINE DR STE A
IDAHO FALLS ID 83402-6105

✓ BOB FOSTER
IDWR - SALMON OFFICE
206 VAN DREFF COMPLEX
SUITE B
SALMON ID 83467


James G. Kingston