



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

JAMES E. RISCH
Governor

KARL J. DREHER
Director

June 1, 2006

Leslie May Shumate
139 Lake Creek Rd.
Salmon, ID 83467

Re: Williams Lake Water and Sewer District Proposed Permit Amendment

Dear Ms. Shumate,

Thank you for sending your well thought out letter. I sincerely appreciate the time and effort that you have put in to this issue.

In your letter you expressed that you wished to "protest" the Williams Lake Water and Sewer District's application to change their beneficial use status from domestic to municipal. According to our records, you are already listed officially as a protestant.

Your letter stated that the Williams Lake board's *stated* intention of changing from a domestic to municipal status was so that they could provide water to more lots than what is currently being served. You also refer to the 1993 order issued by IDWR concerning the limits placed by that order on the number of lots that could be served to those that were developed by 1998. If you recall, the closing conversation of the pre-hearing conference focused directly upon the specifics of that same order. During that conversation, I indicated to all that were present to hear that changing the status from domestic to municipal could NOT change the conditions of the existing order. The number of lots served would NOT be able to be changed.

Your letter also stated that you felt if the Department [IDWR] was aware of the 1993 order, that the Department should have ended the matter quickly with a "simple denial." While I agree with you that a "simple denial" would have made life a lot easier for many, the Department is obligated to follow the letter of the law. In this case, Idaho Statute 42-222 and 42-1701A. I make no excuses for the way the wheels of state government may appear to grind slowly but hope that my part in the mechanism is efficient and just.

Given my statement at the end of the pre-hearing conference and again reiterated in this letter, perhaps the question that requires asking is, "what exactly would Williams Lake Water and Sewer District get if their status were to be changed from *domestic* to *municipal* status?" After reviewing the 1993 order, I feel that perhaps the only flexibility that may be achieved by changing the status would be the flexibility of removing a residential hook up from one lot and moving to another. Under that scenario, if a house

were to burn down or be otherwise destroyed. The owner, if they owned more than one lot, would be able to move the connection elsewhere or even sell the connection to move elsewhere.

I recognize yours and others frustrations in the observed "infractions" or actions of others that are contrary to the conditions of the 1993 order. I have verbally indicated to those that were present and now in writing will repeat again. If you will write me a letter and tell me what the infractions are and where, I will investigate and pursue to the extent of the authority of the IDWR. I have been advised that this letter is coming but have not yet received it.

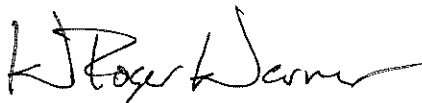
Your letter asked the question, "What is there to negotiate?" I hope this letter clarifies for you and others what I feel is up for negotiation which according to my review, is not much. Let me be clear what I feel is NOT up for negotiation:

1. Number of homes as determined by beneficial use exam.
2. Diversion rate of 0.21 cfs as determined by beneficial use exam.
3. Diversion volume of 38.4 acre-feet as determined by beneficial use exam

Again, I sincerely appreciate yours and others concerns that have been communicated to me via letters, emails, and by telephone. It is refreshing to see a vibrant and active group of concerned citizens take an active role in their local government. Thank you.

If you or others have questions, please feel free to contact me at (208) 525-7161 or you can email me at: roger.warner@idwr.idaho.gov

Sincerely,



W. Roger Warner
Water Right Supervisor – Eastern Region

Enclosure: Shumate letter dated 5/23/06

Cc: Keith Wilson, IDWR – Idaho Falls,
Kathleen Gliksman,
Gary C. Hawkins,
Valeea Steinbruegge,
James Edward Kingston,
Thomas James Thompson,
Gary M. Mulkey,
Alan Bittner, BLM - Salmon
Williams Lake Recreational Water & Sewer District,
Slavin Law Office, Chartered,
Forsgren and Associates – Rexburg.