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Idaho Department of Water Resources
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Department of Water Resources
Eastern Region

Dear Mr. Warner,

The Williams Lake Water and Sewer District has filed a request for a municipal designation. As a downstream senior water right claimant I am protesting that request based on the fact a municipal designation would violate a state order written in 1993. The order contains site specific stipulations to protect downstream water right claimants as well as those who invested in the Williams Lake water delivery system....a system designed and built based on the 1993 agreement.

Municipal classification allows for the same amount of water now allocated to be redistributed to new locations. The 1993 order limits the number of delivery sites to those developed by 1998. Where does anyone see room for debate?

I feel that if the department office which received the district's municipal designation request had been aware the 1993 order existed, the matter would have been quickly ended with a simple denial. Unfortunately the request was treated as if it had come from an unrestricted taxing district and the publication/protest/hearing process was initiated, by the book. Even though attention to the 1993 order has been brought before the district board and the IDWR time after time...the process for the sake of process continues.

The Idaho Department of Water Resources is supposed to be an active partner in the order it issued, making sure it is being followed for the protection of all parties. The department has not followed through with any kind of informed oversight. I am told that one of the few inspectors over the years said that measuring flows with a bucket and stop watch is acceptable. The order specifically calls for in-line meters. Such meters were installed when the system was built but have since failed and even though it has been advised many times, there is no mechanism in place to monitor spring overflow into Lake Creek. Such tabulations would have provided an early warning system for a water resource depletion which has now been discovered. In addition, the last IDWR inspector approved and signed off on a lake water system that has been dismantled since 1995.

I fault the Idaho Department of Water Resources for failure to follow its own 1993 agreement as much as I fault the Williams Lake Water and Sewer District Board. Neither entity is doing the homework.

District infractions of that order have been documented and brought to the attention of IDWR on numerous occasions yet the only action taken so far has been for department representatives to travel to Salmon, facilitate a meeting of the opposing parties, issue a warning that if this goes to court it will be expensive and leave behind a directive for the parties to negotiate their differences.

My question is...negotiate what? Are you telling me I have the authority to rewrite an order authored by the Idaho Department of Water Resources? What is there to negotiate?

The district's request for a municipal designation has focused much scrutiny on the board's actions and conduct in general. Some issues relate directly to water right claim dispositions as per the 1993 order and some don't, yet all should be investigated within appropriate venues.

As a downstream senior water right claimant my only legitimate concerns have to do with issues pertaining to the 1993 water right order which was written to include the protection of downstream people. I would like to see the order upheld with a continuation of service only to Williams Lake properties developed within the allotted development period. In addition, as per order, I request that the district maintain metering devices to accurately monitor flows and follow the in-house-use-only directive. The order also specifically states the resource is not to be used in a speculative way. Last year an ad on the internet listed a group of vacant lots for sale and stated that water and sewer hookups were available. Those services did not exist at the time and under the 1993 order cannot exist in the future. Even though that ad has since been removed, due to complaints, the essence of a board member's speculative intent still lingers.

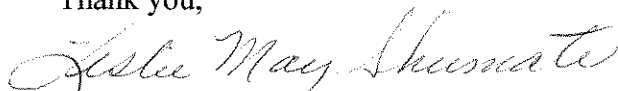
As a friend of people directly invested in the present water delivery system I have attended water board meetings for the past year and a half and I understand all the complaints being leveled. Even with all that information at hand, or should I say in spite of the overload of information, it still comes down to.....exactly what is there to negotiate?

The board's stated reason for seeking a municipal status is to supply water to presently undeveloped properties. That is in fact a duty of water districts in general however this water district is restricted by a document filled with stipulations for use of the resource. The board doesn't seem to grasp the meaning or validity of the order and the state seems to be ignoring it.

If the IDWR intends to stand by its own order then it should inform the board that there is no legal mechanism for delivering water to new developments and bring an end to this futile, time consuming argument. If on the other hand the state is going to renege on the contract that should be announced so that yet another process can begin.

In the meantime, there is nothing to negotiate.

Thank you,



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