

Keen, Shelley

From: Gary & Dani Mulkey [garymulkey@peoplepc.com]
Sent: Monday, October 03, 2005 7:01 PM
To: Keen,Shelley
Subject: RE: Water Districts

I received a copy of Leslie Shumate letter to you and your response concerning Williams Lake water district.

I have concerns also about the current water board and what they are doing. My comments and questions in the attachment express those concerns.

Thank you for your time and comments.

Gary M Mulkey

-----Original Message-----

From: "Keen, Shelley"
Sent: Aug 23, 2005 9:42 AM
To: 'Gary & Dani Mulkey'
Subject: RE: Water Districts

Mr. Mulkey,

IDWR has not yet issued water right licenses to the Williams Lake Recreational Water and Sewer District. I have attached the text of a letter I sent to Williams Lake Recreational Water and Sewer District in July. To my knowledge, the district is still contemplating whether to file applications to amend the rights to change them from domestic use to municipal use.

Shelley Keen
Water Right Permits Section
Idaho Dept. of Water Resources
208-287-4947
shelley.keen@idwr.idaho.gov

-----Original Message-----

From: Gary & Dani Mulkey [mailto:garymulkey@peoplepc.com]
Sent: Monday, August 22, 2005 10:05 PM
To: Keen,Shelley
Subject: Re: Water Districts

In June you provided this information concerning the potential change of the Williams Lake Recreational Water District.

We have not been able to get any information from the water district as to the outcome of this request. Has the IDWR made a determination and if so could you provide a copy of the correspondence covering this outcome?

10/4/2005

Thank you.

-----Original Message-----

From: "Keen, Shelley"

Sent: Jun 21, 2005 6:04 PM

To: "'garymulkey@peoplepc.com'"

Cc: "Rassier, Phil" , "Walker, Kay"

Subject: Water Districts

Mr. Mulkey,

IDWR is reviewing the field reports for Water Right Permits 75-7052, 75-7589, and 75-7590 in preparation for the issuance of water right licenses to Williams Lake Recreational Water and Sewer District for the beneficial use of water established in connection with the permits. All three permits originally were issued for domestic purposes with specific limits on the number of homes that can be served by the water right. Since the permits were issued, new legislation has expanded the types of entities that can be "municipal providers" and receive water rights for municipal purposes. The definition of municipal purposes (see Idaho Code Section 42-202B) is broader than domestic purposes. For example, municipal use includes commercial and industrial use and irrigation of parks and open space, as well as the domestic component. Also, municipal water rights are not typically limited to a certain number of homes. Therefore, a municipal water right typically provides greater latitude to the municipal provider to use water for a greater number of purposes within its service area.

IDWR has, on request, approved applications to change water rights from domestic to municipal purposes. Williams Lake Recreational Water and Sewer District has make a similar request, which IDWR is reviewing. One noteworthy finding in the review is that Permits 75-7589 and 75-7590 carry the following unique condition, which is likely to be retained as a limit on the licenses.

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

Please call or email if you have additional questions.

Sincerely,

Shelley Keen
Water Right Permits Section
Idaho Dept. of Water Resources
208-287-4947
shelley.keen@idwr.idaho.gov

-----Original Message-----

From: Rassier, Phil

Sent: Tuesday, June 21, 2005 3:05 PM

To: Keen, Shelley

Subject: FW: FW: Water Districts

Shelley,

10/4/2005

Could you please respond to the Mulkey's questions regarding the Williams Lake Recreational Water and Sewer District water rights. I understand the rights are presently being licensed.

Thanks,
Phil

-----Original Message-----

From: IDWRInfo
Sent: Tuesday, June 21, 2005 7:55 AM
To: Rassier, Phil
Subject: FW: FW: Water Districts

-----Original Message-----

From: Gary & Dani Mulkey [mailto:garymulkey@peoplepc.com]
Sent: Monday, June 20, 2005 2:35 PM
To: IDWRInfo
Subject: Re: FW: Water Districts

Thank you for your response. As we now understand it the Williams Lake Recreational Water and Sewer District has applied to change water rights 75-0789 and 75-0790 to municipal rights. We have not been able to find out the differences between the two and why one might be better than the other. If you can shed any light on this we would appreciate it. Thank you.

-----Original Message-----

From: IDWRInfo
Sent: Jun 15, 2005 10:10 AM
To: "GaryMulkey@peoplepc.com"
Subject: FW: Water Districts

-----Original Message-----

From: Rassier, Phil
Sent: Monday, June 13, 2005 1:33 PM
To: IDWRInfo
Subject: RE: Water Districts

Gary,

Please excuse my delayed response. I am not familiar with the term "municipal water districts." I expect that if a change in the designation of the Williams Lake Recreational Water District is contemplated it would be to change the district to a regular water and sewer district under the provisions of chapter 32, title 42, Idaho Code. The Department of Environmental Quality works more closely with these districts than does the Department of Water Resources. I have made a telephone inquiry and am awaiting a return call from someone who may know what is happening with the Williams Lake Recreational Water District. I'll pass on to you whatever I learn.

Sincerely,

Phil Rassier

Phillip J. Rassier
Deputy Attorney General
Idaho Department of Water Resources
322 East Front Street

10/4/2005

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Email: phil.rassier@idwr.idaho.gov

-----Original Message-----

From: IDWRInfo
Sent: Tuesday, June 07, 2005 9:11 AM
To: Rassier, Phil
Subject: FW: Water Districts

-----Original Message-----

From: Gary Mulkey [mailto:GARYMULKEY@peoplepc.com]
Sent: Monday, June 06, 2005 5:32 PM
To: IDWRInfo@idwr.idaho.gov
Subject: Water Districts

I am a property owner in the Williams Lake Recreational Water District. I understand that a petition has been filed (or is perhaps in the planning stages) to change the district to a municipal water district. Could you please tell me where to access the legal definitions of each district and also where to access information about each category. I would like to create a list showing the differences and similarities. I have approached members of the water board and all they seem to be able to say is that nothing's different. I do not believe this to be the case. I have checked the Idaho statutes and did not find information concerning the formation of a municipal district only information about a recreational district. Under the municipal statutes I found information about incorporation, however, I do not believe the Williams Lake area would fall under this. Help! Help! Help!

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Shelly W. Keen
Water Rights Supervisor
IDWR

RE: William Lake Recreational Water & Sewer District

As a property owner at Williams Lake I have many concerns as to what is happening with the actions of the Water Board. Several owners have been involved in trying to determine if those actions are in everyone's best interest. To that end I have received a copy of the letter which Leslie May Schumate wrote to IDWR dated August 9, 2005 and your reply dated 9/15/05.

In your response you reference permit numbers 75-7589 and 75-7590 and made reference to in-house use. These permits further state "and household stock". Please define the term household stock. More specific does this term cover the watering of one or more horses?

Williams Lake District hired Forsgren Associates Inc, Rexburg, Idaho to do a water facilities planning study. Study is dated 7/19/2004 and a comment made in this study states that a Beneficial Use Report was filed with IDWR January 22, 1998 and that upon receipt of that report IDWR was to verify results with a field exam and then finalize the water right with a license. According to the Study the field inspection was not completed by IDWR and the license not issued. However in your response you indicate that a "field examiner was able to determine the diversion capacities without the installation of measuring equipment". This statement would indicate the Study is incorrect about the field exam. Would you please provide me with the date the field exam was completed and has the water right license been issued?

Ms. Schmate's letter indicates that there was a measuring device and it stopped working five years ago. That is why I am interested as to the date the field exam was completed.

I do not find any information as to how often the Williams Lake District needs to provide the Beneficial Use Report. As described in the Study, "due to the beneficial use requirement, a water right may be lost if it is not used for a continuous five-year period". Would this not suggest that a report should be filed at least every five years? Has there been such a filing and are there requirements for continuous filings?

Municipal use, according to your statement, "would allow the District some flexibility in how the water volume is used". What is the definition of "flexibility"? Does this flexibility cover taking away the 500 gallons per day times 356 days usage per each household, plus fire protection?

You stated that the water permits are limited to 66 homes. As there are 64 homes, do the other two cover the Forrest Service, BLM and Resort usage?