



State of Idaho

DEPARTMENT OF WATER RESOURCES

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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 15, 2005

LESLIE MAY SHUMATE
139 LAKE CREEK RD
SALMON ID 83467

RE: Williams Lake Recreation Water and Sewer District Water Rights

Dear Ms. Shumate:

In response to your letter asking for information about recent activity related to the Williams Lake Recreational Water and Sewer District water rights, I have enclosed a copy of a letter I sent to the district board in July. I believe it answers many of your questions, particularly about the potential for a hearing to discuss possible changes to the Williams Lake Recreational Water and Sewer District water right permits (75-7052, 75-7589, 75-7590) and about the volume of water proposed for the licenses proposed for the water use established in connection with those permits.

In my letter I explained that if Williams Lake Recreational Water and Sewer District wants to change its water right permits from domestic purposes to municipal purposes, it would have to apply to amend the permits. To date, IDWR has not received applications to amend the permits. Therefore, all the provisions of the permits are still in force. If the applications for amendment are not submitted soon, IDWR will proceed under the assumption that the permit holder does not desire to change the permits.

Regardless of whether Williams Lake Recreational Water and Sewer District's water rights are changed from domestic use to municipal use or not, IDWR cannot authorize an enlargement of the water right through the amendment and/or licensing process. Therefore, the total combined use under all the rights would be limited to 79.2 acre feet, which is the amount of water IDWR typically authorizes for use in 66 homes.¹ A change to municipal use would not increase the volume, but would provide the district some flexibility in how that volume of water is used. To obtain authorization to divert and use more water, Williams Lake Recreational Water and Sewer District would have to apply for an additional water right. A new application would be subject to the same opportunity for protest that the existing permits were.

As you note in your letter, the order approving Permits 75-7589 and 75-7590, which authorize the diversion of water from springs and Lake Creek, contains the following approval condition:

¹ IDWR's field examiner did not report any beneficial use of water in connection with the resort.

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.

IDWR has included this condition on some permits to facilitate the installation of a measuring device when the field examination to confirm beneficial use is conducted. If IDWR requires the installation and maintenance of a permanent measuring device, a different condition is usually employed. The Department of Environmental Quality may also require measuring devices on public drinking water supply systems, but I do not know what IDEQ has required for the Williams Lake Recreational Water and Sewer District system. The beneficial use field reports for the two permits indicate that IDWR's field examiner is confident that he was able to determine the diversion capacities without the installation of specialized measuring equipment. However, if you have specific information that either supports or contradicts the field examiner's findings, you can submit it to IDWR for review and consideration.

Permit 75-7052, which authorizes the diversion and use of water from Williams Lake, contains the following requirement:

A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

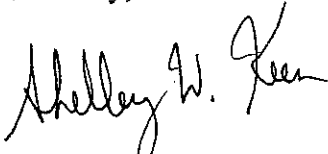
IDWR's field examination for this diversion system was conducted in 1995. The field examiner mentions the measuring device and does not indicate any problems with it at that time. It is possible that circumstances have changed since 1995. I will forward a copy of this letter and a copy of your letter to IDWR's regional office in Idaho Falls so that regional staff are aware that the measuring device should probably be inspected.

In your letter you also mention that there are green lawns in the subdivision, which suggests that homeowners are using the Williams Lake Recreational Water and Sewer District system to irrigate their lawns. Permits 75-7589 and 75-7590 are for in-house use only, which means that lawns should not be irrigated with water diverted under those permits. The volume IDWR proposes to be licensed for the water use under those permits is limited to the amount that IDWR typically recognizes for in-house use. Permit 75-7052, however, has no such restriction. Therefore, it appears to IDWR that water can be diverted from Williams Lake for lawn irrigation without violating the provisions of that permit.

Leslie May Shumate
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IDWR will continue to keep you informed of any actions taken in connection with the Williams Lake Recreational Water and Sewer District Water Rights. If you have any questions, please call me at 208-287-4947, or email me at shelley.keen@idwr.idaho.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being more prominent.

Shelley W. Keen
Water Rights Supervisor

Enclosure

Cc: Roger Warner, IDWR Eastern Region
Milton A. Slavin
Williams Lake Recreational Water and Sewer District
James Kingston
Keith B. Amar
Kathy Gliksman