



State of Idaho

DEPARTMENT OF WATER RESOURCES

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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 14, 2005

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

RE: Applications to Amend Permits 75-7052 and 75-7589

Dear Permit Holder:

The Department of Water Resources is reviewing Permits 75-7052 and 75-7589 prior to issuing water right licenses. Permit 75-7052 is for the diversion of water from Williams Lake for use by Williams Lake Recreational Water & Sewer District; permit 75-7589 is for diversion of water from a spring for use by Williams Lake Recreational Water & Sewer District. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit during the authorized development period.

The field examiner who verified the water use in connection with your permits reported that you wish to change the permitted water use from "domestic" use to "municipal" use, as it is defined in Idaho Code § 42-202B(6). In addition, the examiner recommended that diversion of water from two springs be included on Permit 75-7589. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Idaho Code § 42-211. The enclosed Application for Amendment forms depict the elements of the water rights as currently proposed for licensing by the Department. The proposed changes include your requested change to municipal use. Please review the amendment forms carefully. If you concur with the information presented, please sign the forms and return them with a \$50.00 filing fee for each application within 14 days.

When the Department receives the Application for Amendment forms, the Department will publish notice in accordance with Idaho Code § 42-211. The applications can be protested within 10 days of the last date of publication. If the applications are protested, you will be sent a copy of the protest(s), and IDWR will facilitate the informal and formal protest resolution processes.

Changing a domestic water right to municipal use provides the right holder greater flexibility to use water for a variety of purposes within the right holder's service area. While domestic use is limited to the use of water for homes, municipal use can include water use in homes, commercial and industrial enterprises, etc. In addition, municipal water rights are not typically limited to a specific number of lots or connections. Changing your permits to municipal use would allow for this kind of flexibility. Unlike water rights that are originally permitted for municipal use, however, your permits, if changed to municipal use, will not authorize the diversion of water at the permitted rate without a limit on the volume diverted. Because your permits were originally issued for domestic use in a specific number of homes with an expectation that the volume diverted would not exceed what could be used beneficially in those homes, and because there were only 64 (Permit 75-7589) or 66 (Permit 75-7052) homes using water during the authorized development period, the volumes proposed for licensing are limited to the amounts that the Department typically authorizes for use in homes. By changing to municipal use, you will not be

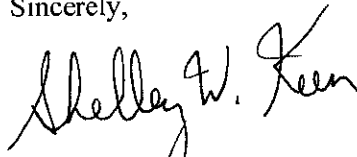
authorized to exceed the licensed volume, but you could alter how that volume is used and how many lots or connections it serves.

The Department has also reviewed the field examiner's report for Permit 75-7590, which was for the diversion and use of water from a spring. An application for amendment form is not enclosed for Permit 75-7590 because the Department believes that the beneficial use of water from the springs can be covered by Permit 75-7589, assuming that it is amended to add the second spring as a point of diversion for it. Once the development period has past, a permit cannot be retained to cover future development of the resource. Therefore, when Permit 75-7589 is licensed, you can relinquish Permit 75-7590, or the Department will void it.

If you are interested in applying for another water right to increase the volume of water available to Williams Lake Recreational Water and Sewer District, it is important to note that there are currently two moratoriums on the issuance of new water rights in your area. The Salmon and Clearwater River Basins moratorium precludes the issuance of permits for new consumptive uses of surface water, including springs, within the Salmon and Clearwater River drainages. The Salmon and Clearwater River Basins moratorium has exemptions for non-consumptive uses of water and for uses that will have no effect on the migration of anadromous fish. The Wilderness Areas moratorium precludes the issuance of new consumptive uses of surface water and ground water in the upper Salmon River drainage. For both moratoriums, in-house domestic uses are usually considered to be non-consumptive. Municipal uses may also be considered non-consumptive if the applicant can guarantee that water will not be used to irrigate parks and open spaces or for consumptive industrial or commercial uses, etc. I have enclosed a blank water right application form in case you need one.

If you have any questions, please call me at 208-287-4947, or email me at shelley.keen@idwr.idaho.gov.

Sincerely,



Shelley W. Keen
Water Rights Supervisor

Enclosures

Cc: Milton A. Slavin
James Kingston
Keith B. Amar
Kathy Gliksman
Roger Warner, IDWR Eastern Region