

October 21, 2005

Sharla Cox
Administrative Assistant
Department of Water Resources
900 N. Skyline Dr. Suite A
Idaho Falls, Id. 83402

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OCT 21 2005
Department of Water Resources
Eastern Region

Dear Ms. Cox,

Thank you for the opportunity to comment on the municipal water right application filed by the Williams Lake Recreational Water and Sewer District.

I am enclosing a copy of a letter I wrote to Gary Spackman in August of this year. The letter contains my concerns that original 1995 water right agreements with IDWR for the water resource being used by the district are not being kept. As a senior water right holder downstream from that resource, I feel the board's failure to keep those agreements is not conducive to allowing further agreements of any kind. There are far too many questions left unanswered and those questions must be addressed before any consideration is given to the district's application for amendment of water rights numbered ~~75-7589~~ and ~~75-7052~~. I therefore am protesting the board's request for change to municipal status.

I might add that before writing my letter to Mr. Spackman I took my questions directly to the Williams Lake Recreational Water and Sewer District Board. Neither I nor the Williams Lake homeowners who asked similar questions received answers that pertained to the original agreement or demonstrated a willingness by the board to abide by the 1995 ruling.

In your notification letter dated October 5, 2005 you stated, "If protests cannot be resolved voluntarily the department will conduct a conference and/or hearing on the matter." I am officially requesting a hearing be held in Salmon so that all parties involved can have an opportunity to air their concerns either in person or by conference call and have an open discussion with department officials familiar with the history of this situation.

Thank you,



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

Receipt
#ED 31370

August 9, 2005

Gary Spackman
322 E. Front Street
P.O. Box 83720
Boise, Idaho 83720-0098

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OCT 21 2005

Dear Mr. Spackman,

Department of Water Resources
Eastern Region

As a downstream senior water right holder in Lake Creek I am officially requesting that an investigative hearing be held before the Idaho Department of Water Resources takes any action on a Williams Lake Recreational Water and Sewer District application to change their water right status from the originally granted domestic use to that of municipal provider.

The board contends that a municipal designation would allow them to provide water to district taxpayers not presently being served which it would, with major reconstruction of the present water delivery system. However to even consider such a re-designation sails right over the original agreement reached in 1993 between the district, IDWR and the downstream users.

In Proposed and Final Decision and Order documents dated January of 1993, it states that approval of water rights 75-07589 and 75-07590 was contingent upon, among other things, water use being restricted to in-house use only and only for the number of homes built and served by district water lines before or during the new water system development period. It further states that a flow measurement device must be installed so the determination of the rate of diversion can be made by IDWR.

A department approved flow monitoring device was installed when the water delivery system was built however I am told that it ceased to function five years ago and the equipment was not replaced. Therefore, accurate measurements of actual water use since 2000 are not available. A bucket and a stop watch do not equate to an accurate monitoring device.

The water is not being limited to in-house use only, as evidenced by the number of very green lawns in the Williams Lake Subdivision. And, the stated goal of providing more homes with water plus being able to offer water service to new construction...absolutely and totally ignores the unique stipulations connected to the 1993 IDWR approval.

These are but a few of the issues which give me reason to doubt that terms of the original agreement under which the water rights were granted are being upheld in good faith, are understood by the present board or are even being considered. The stipulations purposefully attached to IDWR's 1993 water right approval were for the protection of all parties involved.

As early as June of 2004 real estate ads started appearing on the Internet at Lakehouse.com offering 3 acres of Williams Lake water front property with "water and sewer system in place – ready to build- "...for \$499,000. The water system advertised does not presently exist for that acreage however the property owner seems to take it for granted that it will. A downtown real estate company flyer advertises two lots for sale at the lake and states, "The water moratorium is making some allowance for community water hook-ups for year round water." What water and on whose authority?

In my opinion, there are far too many questions and issues to let the municipal status request by the Williams Lake Recreational Water and Sewer Board proceed without a proper airing of all concerns in the form of an official IDWR hearing.

Since you were the hearing officer at the 1993 hearings I have addressed my request for a new hearing to you. If the request needs to go elsewhere for consideration I would appreciate it if you could redirect this letter to the proper destination.

Thank you,

Leslie May Shumate
139 Lake Creek Road
Salmon, Idaho 83467

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