

November 26, 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 31 2005

Department of Water Resources
Eastern Region

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Amendment of Permit #s 75-07052 and 75-07589

2. Name of protestant Gary M. Mulkey

3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 999 E. Highland Ave Hermiston, OR 97838

5. Service telephone no. (541) 564-4254 (Office)

6. Basis of protest (including statement of facts and law upon which the protest is based)

See attached (2)

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? Comprehensive written development plan including proposed

expenses and a cost benefit analysis presented to the Williams Lake homeowners and

approved by a majority of said homeowners.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 26th day of October, ~~2000~~ 2005

Protestant

Protestant's Representative

Receipt
#E031411
E031425

October 26, 2005

Protest for amendment 75-07052 and 75-07589 in the name of Williams Lake Recreational Water District.

Protestant: Gary M. Mulkey

As I understand it, a change to municipal status gives a wider discretion of water usage for commercial, industrial, parks and open spaces and is not limited to a specific number of homes. My protest is based on the following:

Williams Lake Recreational Water District is currently allowing the watering of lawns and livestock in violation of the recreational permit and it would appear that the amendment would continue to limit water to in-house use. The water district has failed to enforce restrictions under the current permit. A change to municipal status with wider discretion does not guarantee enforcement of any additional restriction IDWR may require before approval.

It would appear that the intention is to expand the present water usage to additional houses. There is currently a list for new hook ups at the law office of Jock Slavin, but there has not been notification to all property owners that such a list exists. The board has not provided any long term details to property or homeowners about how many new hook ups are being considered, who gets water in a fair manner, and when the issuance of additional water will be cut off. There is a lack of adequate planning to prove a cost benefit to the homeowners. Additional hook ups will necessitate increasing the size of feeder lines (necessary to meet current standards), additional maintenance, wear and tear on the pumps, and require additional water storage for already lacking fire protection.

The amendment is also asking for changes to permit 75-07052 which is Williams Lake water. This system was destroyed and dismantled when the new system was installed. The property owners have not been notified as to the intent of the change in this permit and the cost of installing a new system.

The original permit limited the number of homes after a certain period of time. Building at Williams Lake has been restricted due to the lack of water. It would appear that current homeowners, including myself, have seen an increase in property values due to this restriction. More hook ups means more houses, more people, more water maintenance, more watering of lawns, resale value declines and expense to current homeowners increases.

IDWR completed the field report for Beneficial Use and in that report stated there were 64 homes and have based the amount of maximum diversion at 0.21 CFS or 38.4 AF. I feel there is an intent by the board to issue additional water hook ups. If it is the intent of IDWR to restrict the use of water to the original permit then there needs to be an accurate number of homes detailed in IDWR documents so there is no question.

I request that the IDWR make a physical count with someone who is not associated with Williams Lake. I think this number could then be verified with the District Seven Health Department, as it is responsible for water quality of the current system and the Lemhi County Assessor Office. Also, there has been no mention by the board or IDWR as to the water usage of the BLM, and future development of both the Forest Service facility and Williams Lake Resort.

The board has not sought the input from homeowners or property owners as to what the long-term goals of the water district should be and whether the patrons are agreeable with the goals and increased costs. Since the majority of homeowners are ineligible to vote for the board, their concerns are often unaddressed. The board is in fact unaccountable to the patrons. At the least, the patrons deserve to be informed about such a major change in status and how it will affect the future of their community.

In summary, I can not see a reason to change the current permit status. The change would cost me additional taxes for major upgrades with no benefit and a possible decrease in property values if unregulated and poorly developed expansion occur.

Copy to: Slavin Law Offices
116 North Center Street
Salmon. ID 83467