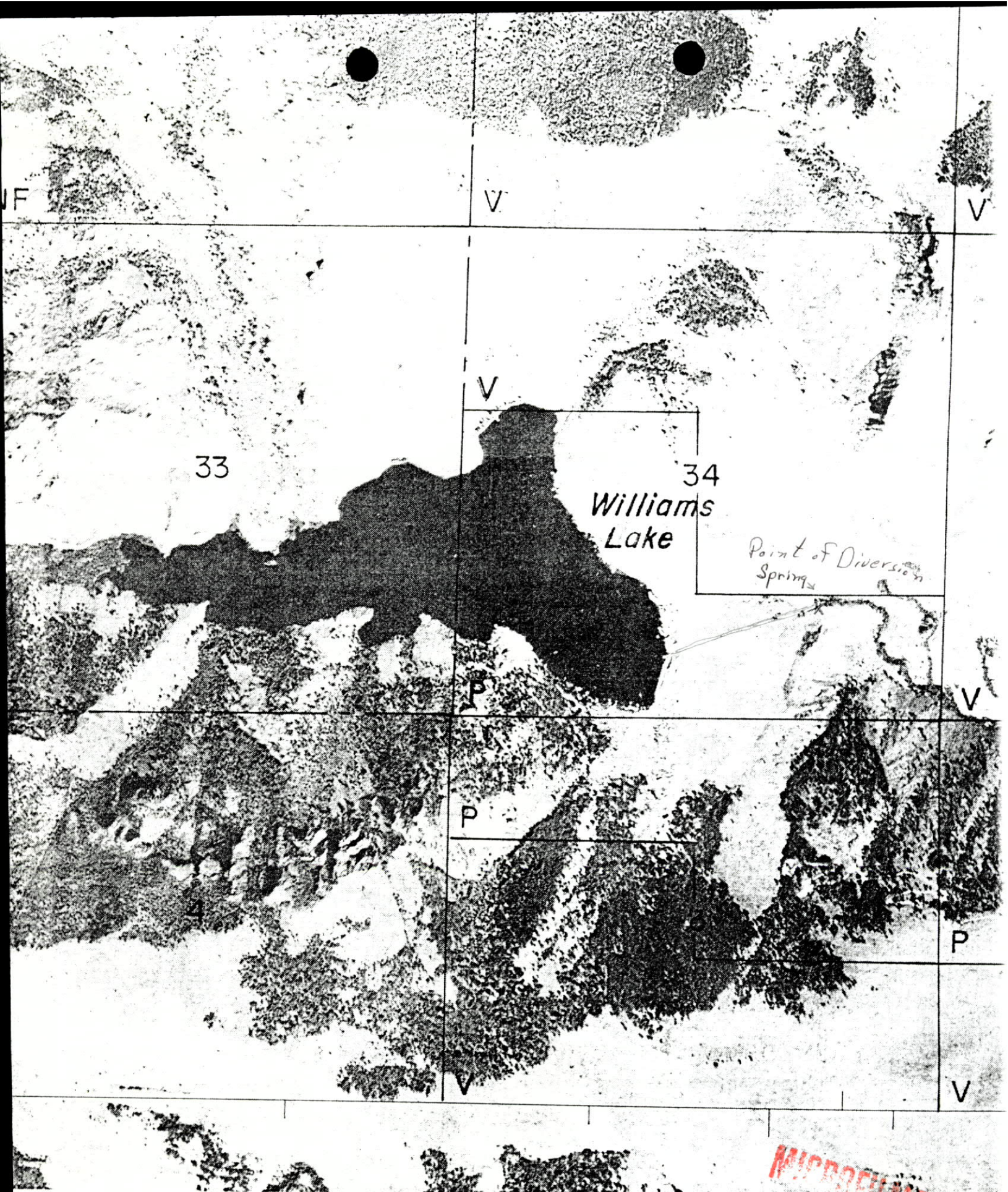




Williams
Lake

Point of Diversion
Spring

490 000 FEET

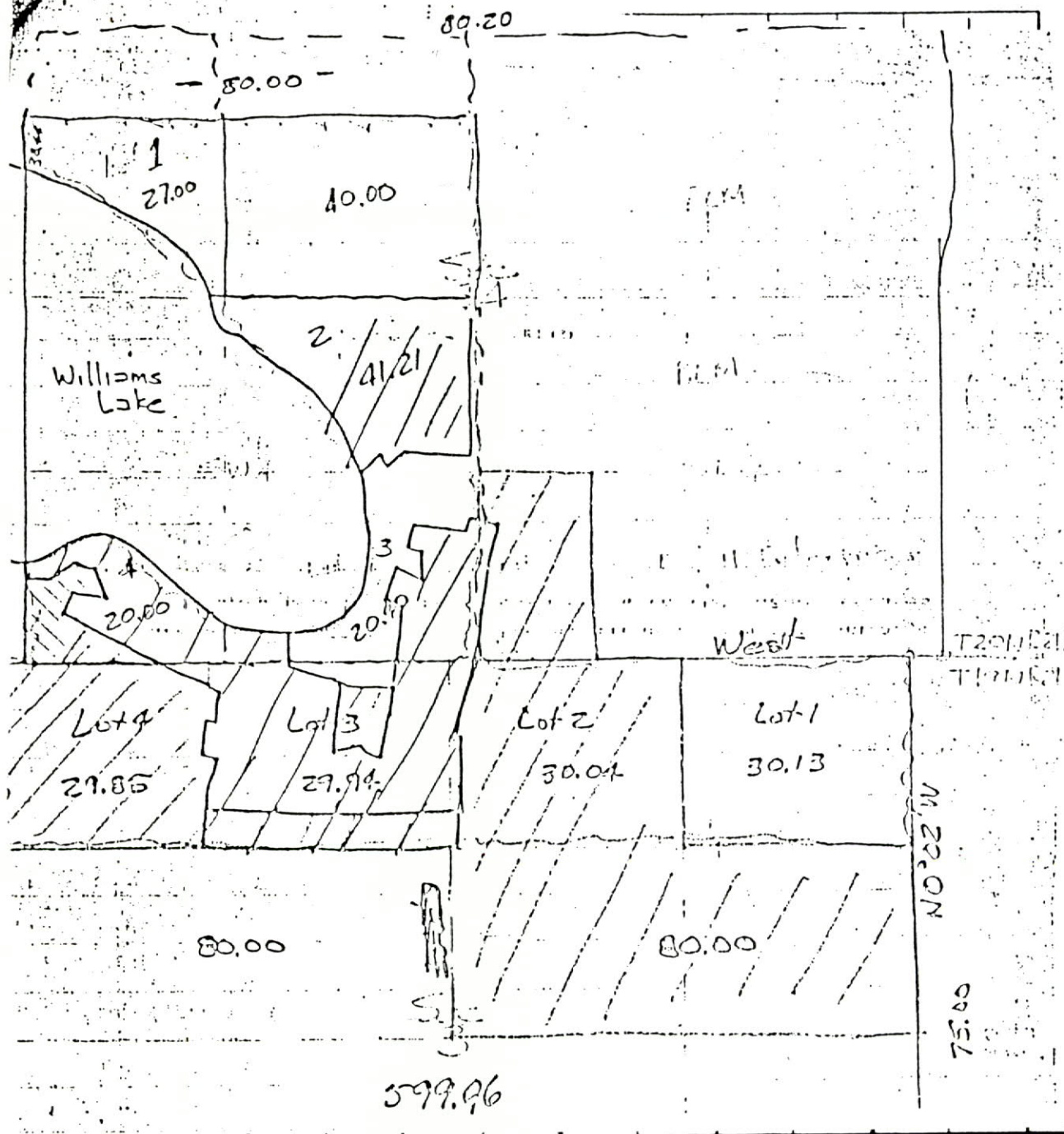
MICROFILMED
MAY 21 1993

Published by the Geological Survey
with the U.S. Forest Service

prepared from 1:80,000-scale

Place of Use of water

Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number. See *Attachment A-1*



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**NOTICE OF APPLICATION
FOR WATER RIGHT**

The Following application(s) have
been filed to appropriate the public
waters of the State of Idaho:

75-07589

**WILLIAMS LAKE WATER &
SEWER DIST**

PO BOX 518

SALMON, ID 83467

Source: LAKE CREEK

Tributary: SALMON RIVER

County: LEMHI

Diversion Pt: NESWSE Sec 34 T

20N R 21E

Use: DOMESTIC (.500 CFS)

Total Diversion (.5000 CFS)

Date Filed: 6/29/1992

In: LEMHI County

T19N R21E S03 SWNE SENE

T20N R21E S34 SENW

75-07590

**WILLIAMS LAKE WATER &
SEWER DIST**

PO BOX 518

SALMON, ID 83467

Source: LAKE CREEK

Tributary: SALMON RIVER

County: LEMHI

Diversion Pt: NESESE Sec 34 T

20N R 21E

Use: DOMESTIC (.500 CFS)

Total Diversion: (.500 CFS)

Date Filed: 6/29/1992

In: LEMHI County

T19N R21E S03 SWNE SENE

T20N R21E S34 SENW

75-07591

PEDROW, GARRY

PEDROW, PEGGY

HC 64 BOX 1

SHOUP, ID 83469

Source: SPRINGS

Tributary: SALMON RIVER

County: LEMHI

Diversion Pt: NENWNW Sec 36

T 24N R 18E

Use: DOMESTIC (.040 CFS)

Total Diversion: (.040 CFS)

Date Filed: 7/6/1992

In: LEMHI County

T24N R18E S36 NENW

75-07592

FAYLE, CURTIS R

FAYLE, SHANNON R

1412 SHOUP ST

SALMON, ID 83467

Source: LEMHI RIVER

Tributary: SALMON RIVER

County: LEMHI

Diversion Pt: SWSE Sec 5 T 21N

R 22E

Use: RECREATION (.240 CFS)

Total Diversion: (.240 CFS)

Date Filed: 7/2/1992

In: LEMHI County

T21N R22E S05 SWSE

The permit(s) will be subject to
all prior water rights. Protests must
be filed with the Director, Dept. of
Water Resources, Eastern Region,
150 Shoup Avenue, Suite 15, Idaho
Falls, Idaho 83402 on or before
AUGUST 24, 1992.

R. Keith Higginson, Director

Published: 8/6/1992 & 8/13/1992

8-6-2tc

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

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SEP 18 1992

RICKY G. HODGES

Department of Water Resources
being first duly sworn, deposes

and says he is one of the printers (publishers) of the RECORDER-HERALD, a newspaper published
weekly at Salmon, Lemhi County, Idaho, and of general circulation therein.

That the Notice of Application for Water Rights

75-07589, 75-07590, 75-07591, 75-07592
a true
printed copy of which is attached to the margin hereof, has been and was correctly printed and pub-
lished in the regular and entire issue of every number of said newspaper and not in any supplement
thereof or thereto for two (2) consecutive issues, commencing with the issue
dated August 6, 1992 and ending with the issue dated August 13
1992.

STATE OF IDAHO

COUNTY OF LEMHI

ss.

On this 13 day of August in the year of 1992
before me, A Notary Public, personally appeared RICKY G. HODGES
known or identified to me to be the person whose name subscribed to the within instrument, and being
by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he
executed the same.

Rachel E. Snook
Notary Public for Idaho

Residing At Salmon, Idaho

My Commission expires: 10/18/97

Publication Fee \$ 88.56

#630



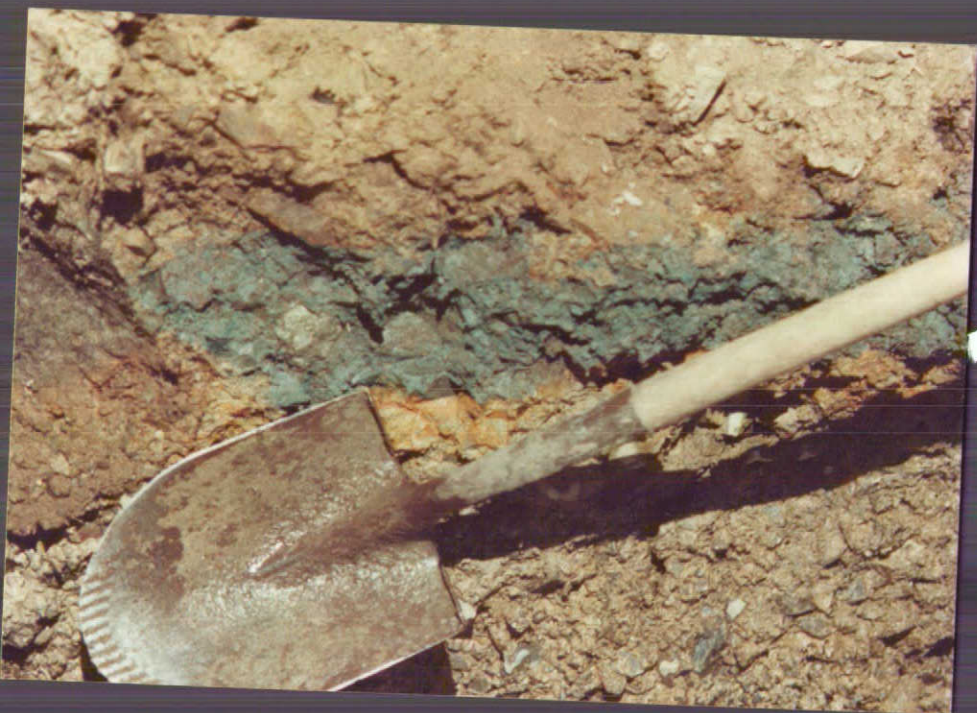






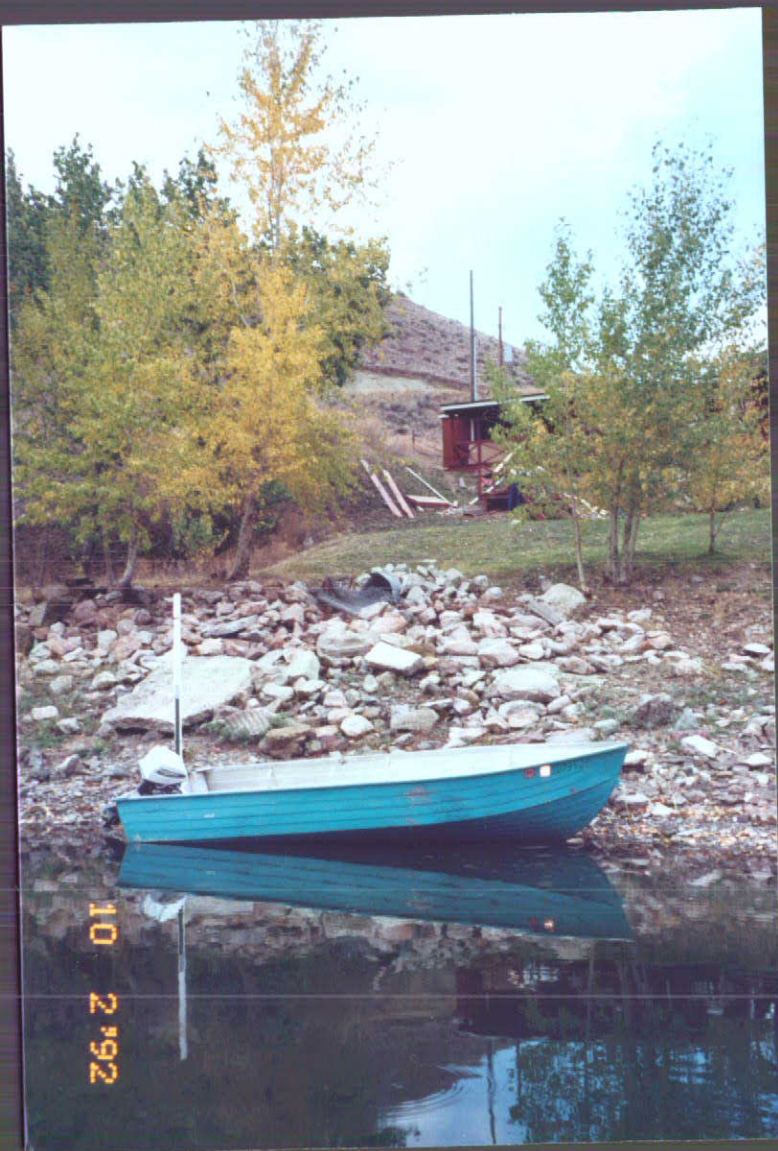












10 2 '92



10 2 '92

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COUNTY COMMISSIONERS

The following report was presented to the Board of County Commissioners on September 9, 1974.

Edward G. Allen
Charles W. Han

COUNTY RECORDER'S CERTIFICATE

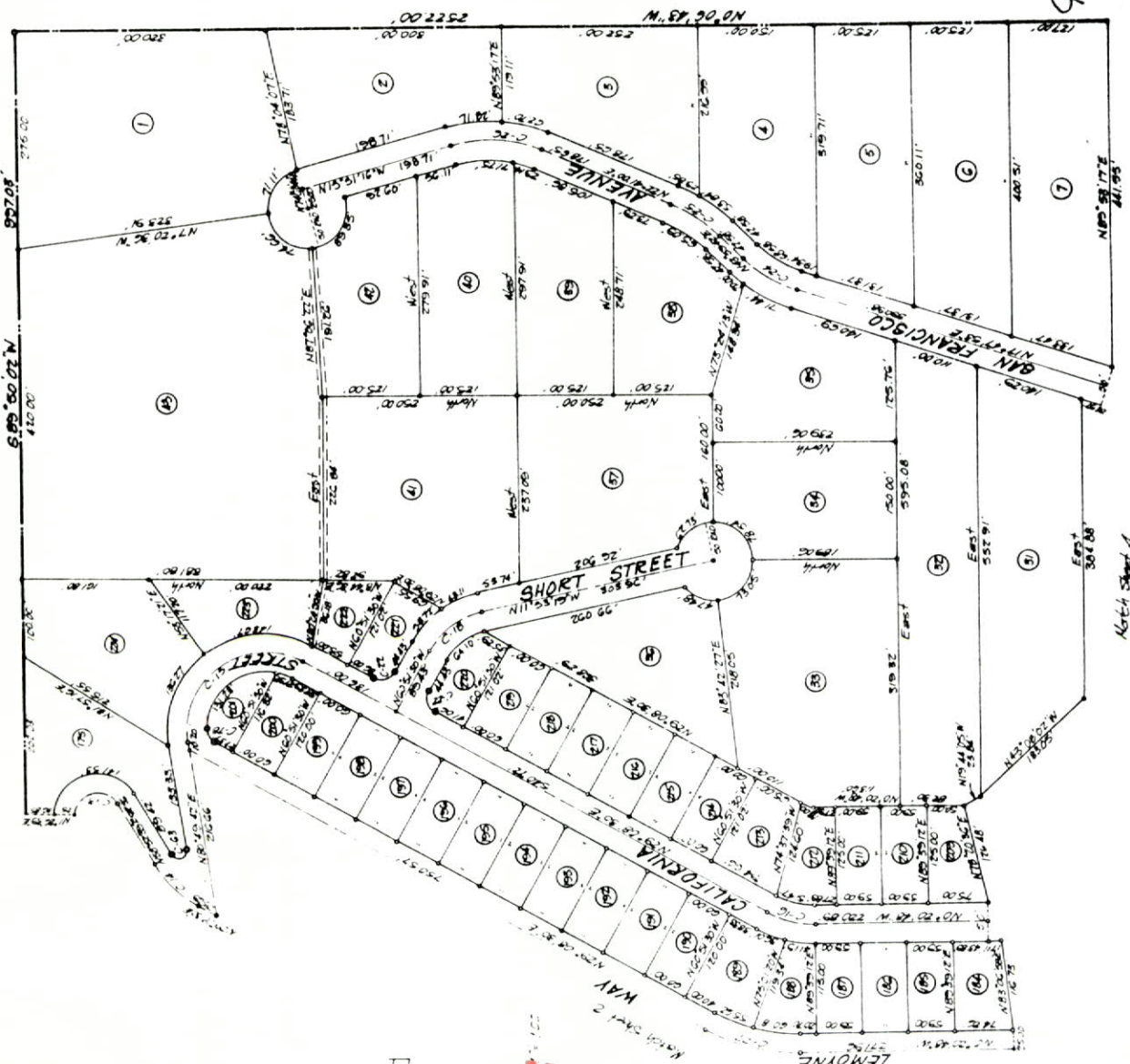
STATE OF IOWA)
COUNTY OF LAMAR)
This is to certify that the foregoing plat was duly recorded in the Recorder of Lamar County, Iowa, on the 12th day of September, 1974, at 11:14 AM and duly recorded in Plat Book # 11, Page # 12.

DEPUTY
James E. Allen
EX-OFFICIO RECORDER

CURVE	RADIUS	Δ	TANGENT	LENGTH
C-13	30.00	147° 52' 22"	107.70	177.30
C-14	30.00	207° 44' 29"	259.82	177.85
C-15	100.00	128° 18' 48"	236.46	223.95
C-16	175.00	207° 29' 18"	307.90	344.43
C-18	100.00	48° 58' 17"	46.54	89.47
C-24	175.00	25° 11' 40"	42.72	82.01
C-25	200.00	27° 18' 42"	37.43	71.89
C-26	175.00	50° 52' 16"	67.18	117.71
C-27	250.00	29° 29' 18"	65.79	128.67

CURVE	RADIUS	Δ	TANGENT	LENGTH
C-22	20.00	90° 00' 00"	20.00	31.42
C-23	10.00	150° 02' 57"	51.52	27.68
C-78	50.00	62° 57' 52"	12.25	21.98

- LEGEND**
- 3/4" x 100' Steel Bar set on Boundary and Block Corners
 - 1/4" x 24' Steel Bar set on Lot Corners
 - Boundary Line
 - Lot Line
 - Utility Easement - 5' wide
 - Match Line
 - (15) Lot Number



MICROFILMED
MAY 21 1993

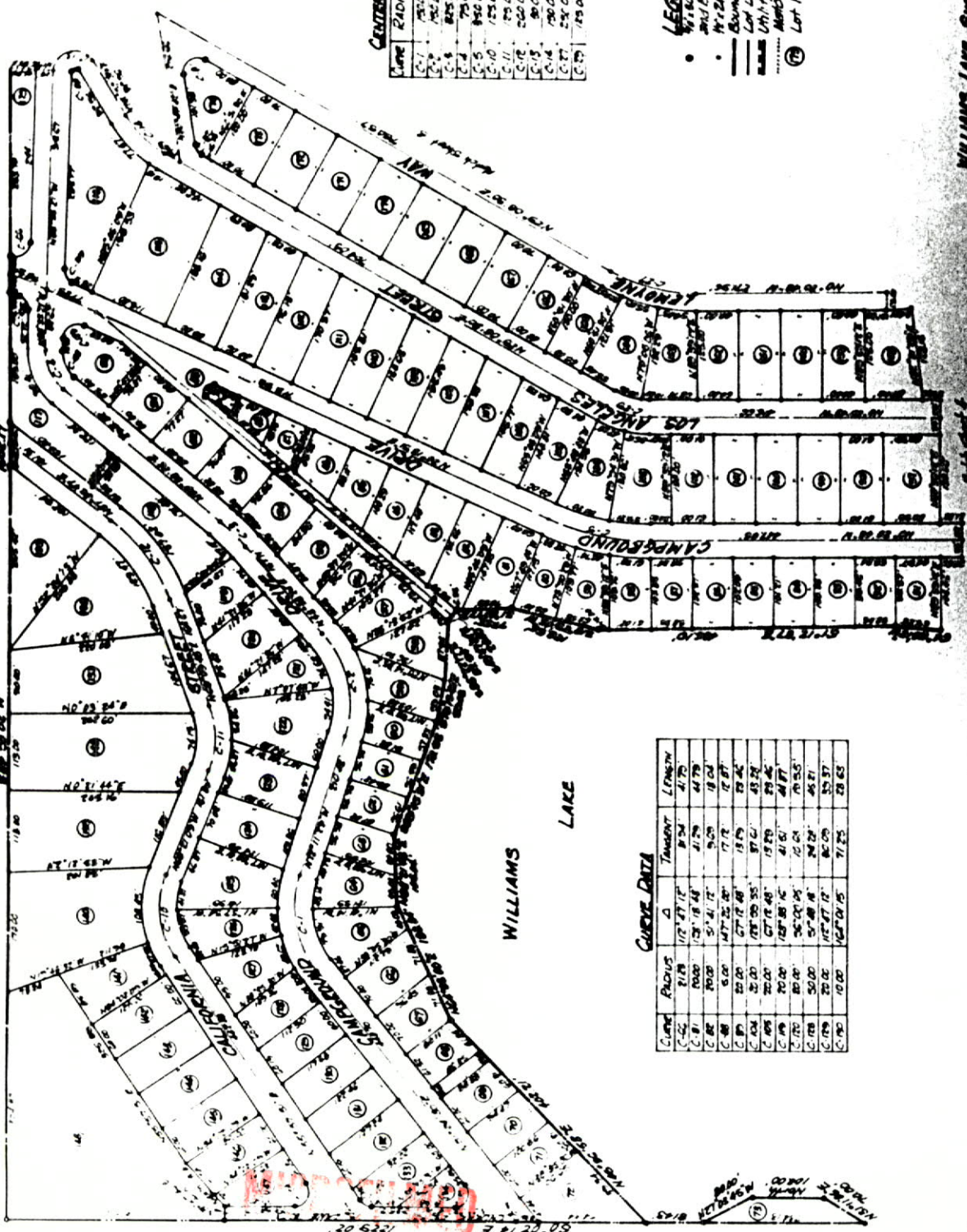
COUNTY COMMISSIONER'S ACCEPTANCE
 This is to certify that the foregoing plat was filed in the office of the County Clerk of Lumb County, North Carolina, on this 14th day of July, 1924, and is a true and correct copy of the original as recorded in Plat Book 14, at Page 124.

E. H. Williams
 Chairman

COUNTY RECORDER'S CERTIFICATE
 State of North Carolina }
 County of Lumb }

This is to certify that the foregoing plat was filed in the office of the County Clerk of Lumb County, North Carolina, on this 14th day of July, 1924, and is a true and correct copy of the original as recorded in Plat Book 14, at Page 124.

E. H. Williams
 Recorder



CENTERLINE CURVE DATA

LINE	RADIUS	ANGLE	TANGENT	LENGTH
C-1	100.00	90.00	100.00	157.08
C-2	100.00	90.00	100.00	157.08
C-3	100.00	90.00	100.00	157.08
C-4	100.00	90.00	100.00	157.08
C-5	100.00	90.00	100.00	157.08
C-6	100.00	90.00	100.00	157.08
C-7	100.00	90.00	100.00	157.08
C-8	100.00	90.00	100.00	157.08
C-9	100.00	90.00	100.00	157.08
C-10	100.00	90.00	100.00	157.08
C-11	100.00	90.00	100.00	157.08
C-12	100.00	90.00	100.00	157.08
C-13	100.00	90.00	100.00	157.08
C-14	100.00	90.00	100.00	157.08
C-15	100.00	90.00	100.00	157.08
C-16	100.00	90.00	100.00	157.08
C-17	100.00	90.00	100.00	157.08
C-18	100.00	90.00	100.00	157.08
C-19	100.00	90.00	100.00	157.08
C-20	100.00	90.00	100.00	157.08

- LEGEND
- 1/2" line on Boundary and Black Corners
 - 1/4" line on the within Lot Owners
 - Boundary Line
 - Lot Line
 - Utility Easement - 6' wide
 - Metes Line
 - Ⓢ Lot Number

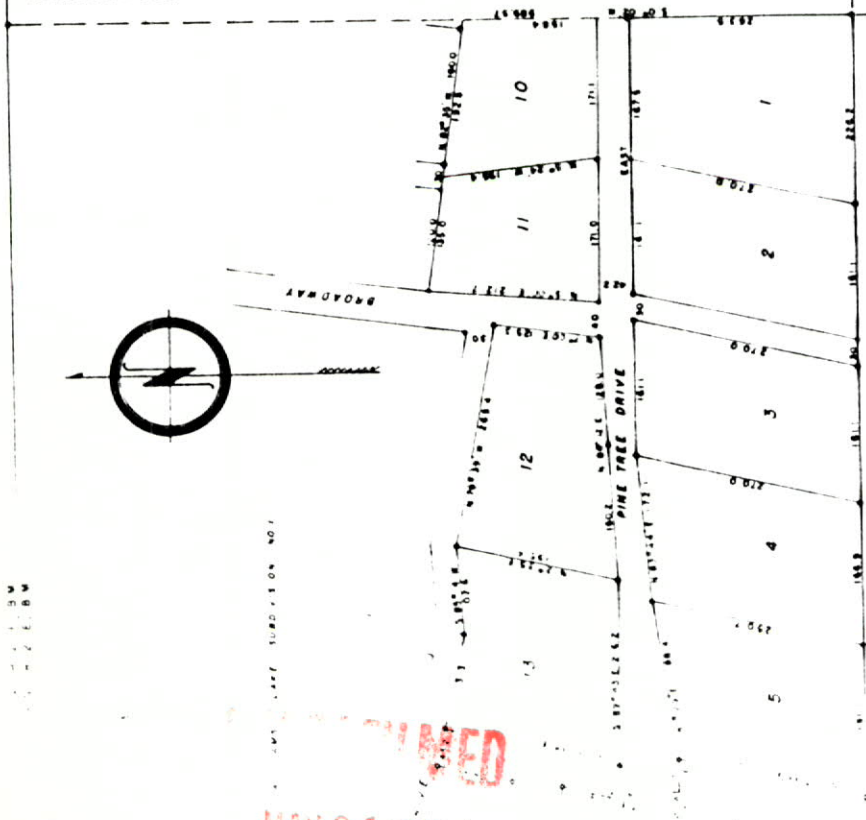


WILLIAMS LAKE SUBDIVISION NO. 2 AND 4
 SHEET 2 OF 4

MAY 21 1993

Brown #9

1/4 Section 3



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MAY 21 1993

DEDICATION CERTIFICATE:
Be it known, that we, M. M. Melton and Lane M. Melton, of Salmon, Idaho, and the LeMay Development, Inc., a Idaho corporation, Harry F. LeMay, Jr., President, and promoters of the LeMay Development, Inc., a Idaho corporation, have caused the same to be surveyed and plotted, to be known as the WILLIAMS LAKE SUBDIVISION No. 3, in Lots 3 and 4, Section 3, T. 19 N., R. 21 E., B. 1 M. And all Streets and Alleys, as shown, are hereby dedicated and donated to, and reserved for, the use of the property owners, only, and it is further stipulated that all commercial and residences shall be constructed in a manner that will conform with Idaho State health requirements.

By my notary -
Harry F. LeMay, Jr.
President, LeMay Development, Inc.
Attest: E. E. Moore, Jr.
Notary Public

On this 6th day of Sept., 1987, before me at Salmon, Idaho, a Notary Public in and for the State of Idaho, personally appeared Harry F. LeMay, Jr., known to me to be the President of the LeMay Development, Inc., and M. M. Melton and Lane M. Melton, whose signatures appear above, and acknowledged to me that they executed the same.

E. E. Moore, Jr.
Notary Public

SURVEYORS CERTIFICATE:
I, Hugh M. Conner, Registered Land Surveyor in the State of Idaho, hereby certify that the survey of WILLIAMS LAKE SUBDIVISION No. 3, as delineated on the plat, was made by me and under my supervision, and that the survey was correctly made and is accurately represented on this map, and that all corners are properly monumented.



APPROVED BY: The Lemhi County Board of Commissioners at a regular meeting, at Salmon, Idaho, this 11th day of September, 1987.

Attest: [Signature] Clerk
[Signature] Chairman

LAKE SUBDIVISION No. 3

in

3 and 4, Sec. 3, T. 19N., R. 21E.B.M.

Lemhi Co., Idaho

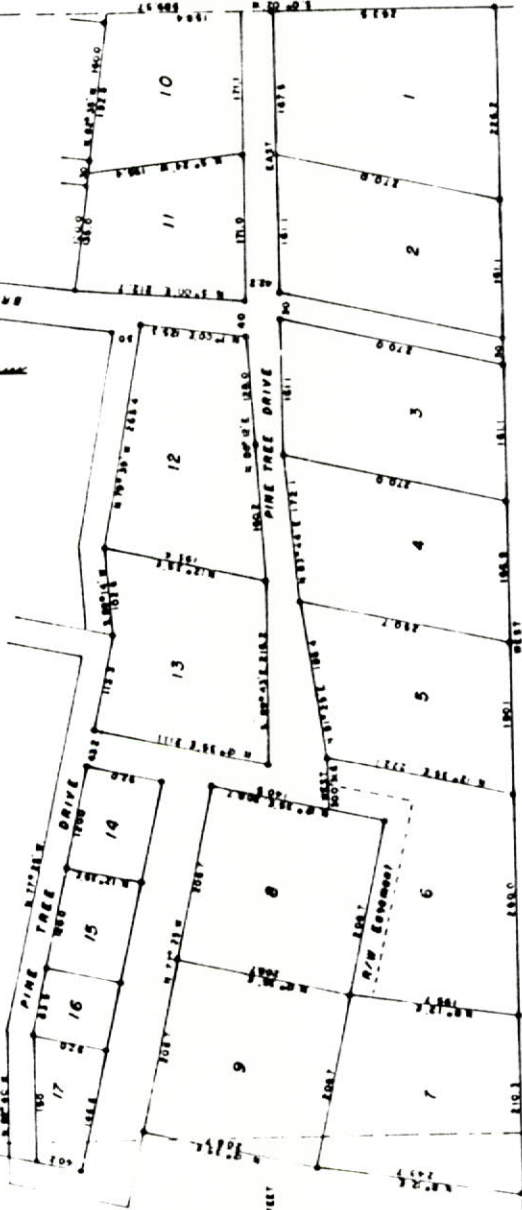
Filed by Record, at the request of Hugh M. Melton, on this 11th day of September, 1987, at 2:00 p.m. always and as shown on Sheet 1, in Book 2, of Maps, of page 11, Records of Lemhi County, of Salmon, Idaho.

[Signature]
Lemhi County Recorder
by [Signature] Deputy

Section 34 T 19 N, R 21 E, B 1 M
Section 3 T 19 N, R 21 E, B 1 M

Lot 3

WILLIAMS LAKE SUBDIVISION No. 3



WILLIAMS LAKE SUBDIVISION No. 3

in
Lots 3 and 4, Sec. 3, T 19 N, R 21 E, B 1 M.
Lemhi Co., Idaho

DEDICATION CERTIFICATE

Be it known, that we, M. M. Melton and M. M. Melton, of the County of Lemhi, State of Idaho, and the Le Moyne Development, Inc., of the County of Lemhi, State of Idaho, for and in behalf of the Le Moyne Development, Inc., do hereby certify that the survey of Williams Lake Subdivision No. 3, as delineated on the map made by me and under my supervision, and the survey was correctly made and is accurately represented on this map, and that all corners are properly monumented.

*By M. Melton
M. M. Melton
Le Moyne Development, Inc.
Harry F. Le Moyne, Inc.
before me, M. M. Melton, Notary Public in and for the State of Idaho, personally appeared Harry F. Le Moyne, known to me to be the President of Le Moyne Development, Inc., and M. M. Melton and Le Moyne Development, Inc., signatures appear above, and acknowledged to me that they executed the same.*

On this 6th day of Sept. 1967, before me, M. M. Melton, Notary Public in and for the State of Idaho, personally appeared Harry F. Le Moyne, known to me to be the President of Le Moyne Development, Inc., and M. M. Melton and Le Moyne Development, Inc., signatures appear above, and acknowledged to me that they executed the same.

*g. melton
NOTARY PUBLIC*

SURVEYORS CERTIFICATE

I, Hugh M. Gerner, Registered Land Surveyor in the State of Idaho, hereby certify that the survey of Williams Lake Subdivision No. 3, as delineated on the map made by me and under my supervision, and the survey was correctly made and is accurately represented on this map, and that all corners are properly monumented.



APPROVED BY: The Lemhi County Board of Commissioners in regular meeting, at Salmon, Idaho, this ____ day of _____, 1967.

Attest: _____ Clerk
_____, Chairman

Filed by Record, at the request of _____ this ____ day of _____, 1967, at ____ minutes past o'clock ____ M., in Book ____ of plats, of page ____ Records of Lemhi County, of Salmon, Idaho.

*g. melton
Lemhi County Recorder
by _____*

MAY 21 1993

CERTIFICATE OF OWNERS

This is to certify that the individuals named below are the owners in fee simple of the following described property: Lot 72, Lot 73, Lot 74, Lot 75, and Lot 76 WILLIAMS LAKE SUBDIVISION N2E AND 4d, as shown on the official plat thereof now on file in the office of the Lemhi County Recorder and duly filed in Plat Book 4 at pages 33, 34, 35 and 36.

That the area contained in this plat is land as shown and is 128 acres that said land is hereby included in this plat known as the AMENDED PLAT OF LOTS 72, 73, 74, 75 AND 76 WILLIAMS LAKE SUBDIVISION N2E AND 4d. Their easements indicated on this plat are not dedicated to the public but the rights to use said easements are hereby, perpetually reserved for public utilities and no structures other than for such utility purposes are to be erected within the lines of said easements.

- | | |
|-------------------------|-----------------------|
| HELENE FISCHER | GREGORY JOSEPH BURDEN |
| GENE V. MELTON | MARY LOU MELTON |
| LEONARD J. MOVIOUS | LUCILE MOVIOUS |
| LEMOYNE DEVELOPMENT CO. | |

CERTIFICATE OF ENGINEER

This is to certify that I, Thomas K. Springer, a Registered Professional Engineer in the State of Idaho made the survey of the land as shown on the Certificate of Owner and designated herein as AMENDED PLAT OF LOTS 72, 73, 74, 75 AND 76 WILLIAMS LAKE SUBDIVISION N2E AND 4d and that this plat is a true and correct representation of said survey as made and stated by me on said land.



ACKNOWLEDGEMENT

STATE OF IDAHO) ss
COUNTY OF LEMHI)
On this 9th day of September 1975, before me a Notary Public, one or more state persons appeared, Thomas K. Springer, known to me to be the person whose name is subscribed in the foregoing Certificate of Engineer, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in and to, hereunto first above written.



CERTIFICATE OF WAIVER

I, Eleanor Adams, duly acting and qualified recorder of the County of Lemhi, State of Idaho do hereby certify that I executed the within plat by reason of the failure of the owners or proprietors named to so execute the plat.

Eleanor Adams
LEMH COUNTY RECORDER

ACKNOWLEDGEMENT

STATE OF IDAHO) ss
COUNTY OF LEMHI)
On this 9th day of Sept. 1975, before me, a Notary Public in and for said state personally appeared Eleanor Adams known to me to be the person whose name is subscribed to the foregoing Certificate of Waiver and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

William C. Smith
NOTARY PUBLIC for the STATE OF IDAHO



COUNTY COMMISSIONER'S ACCEPTANCE

The foregoing plat was duly accepted and approved by the Board of County Commissioners of the County of Lemhi, Idaho on this 8th day of Sept. 1975.

William C. Smith
ATTEST CLERK
CHAIRMAN

COUNTY RECORDER'S CERTIFICATE

STATE OF IDAHO) ss
COUNTY OF LEMHI)
This is to certify that the foregoing plat was filed in the office of the Recorder of Lemhi County, Idaho on this 9th day of Sept. 1975 of 1975, and duly recorded in Plat Book 4 at page 37.

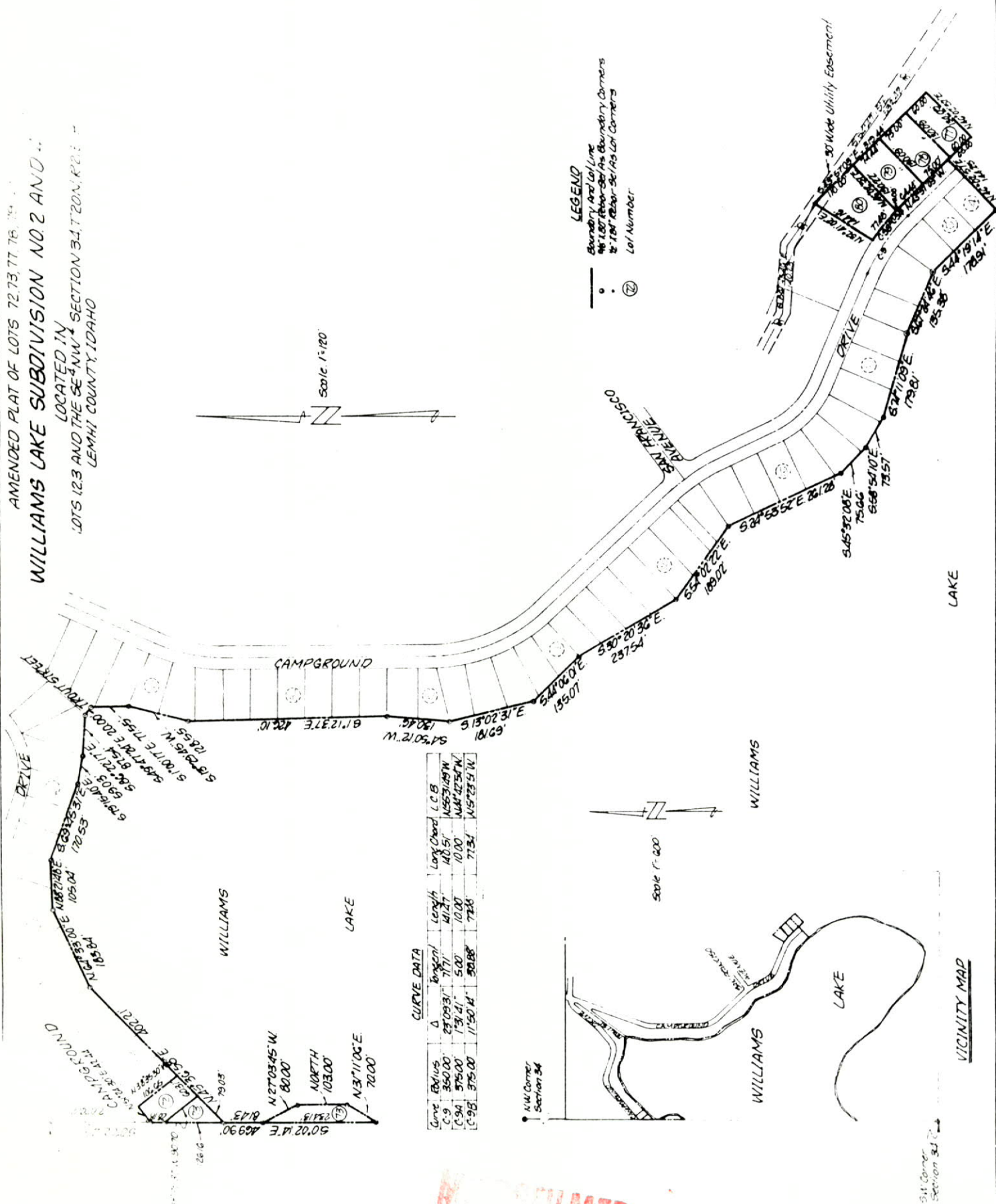
Eleanor Adams
DEPUTY
EX-OFFICIO RECORDER

SANITARY RESTRICTIONS

Each lot in this subdivision shall be connected to a central water and central sewer system when it becomes available.
IDAHO DEPARTMENT OF HEALTH

Approved by _____ ENVIRONMENTALIST
DATE _____

AMENDED PLAT OF LOTS 72, 73, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 8



RECEIVED

MAY 21 1993

State of Idaho)
County of Lemhi)
Know all men by these presents that the State of Idaho, by and through its Surveyors, do hereby certify that the survey of the WILLIAMS LAKE SUBDIVISION, as shown on this plat and described in the accompanying certificate, was made by me and under my supervision, and that the survey was correctly made and that all corners are marked on the ground, as required.



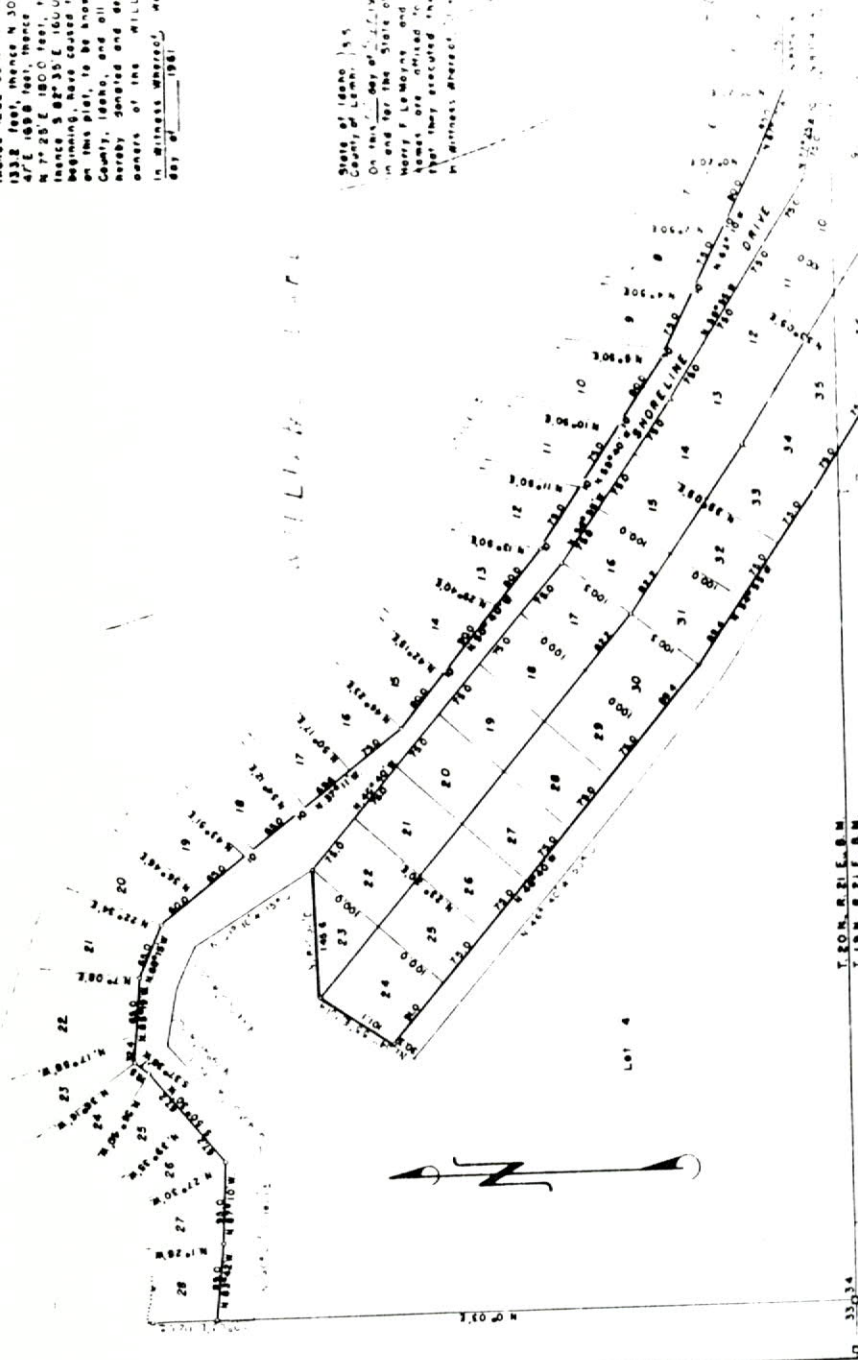
State of Idaho)
County of Lemhi)
BE IT KNOWN, that at a meeting of the Board of County Commissioners of Lemhi County, held on the 22nd day of May, 1901, the matter of the approval of the Plat of the WILLIAMS LAKE SUBDIVISION was brought up for consideration, and after considering the same the said Board of Commissioners accepted by the said Board of Commissioners

ARMEL P. B. [Signature]
Lemhi County Clerk & Recorder

[Signature]
Chairman

State of Idaho)
County of Lemhi)
KNOW ALL MEN BY THESE PRESENTS that the State of Idaho, by and through its Surveyors, do hereby certify that the survey of the WILLIAMS LAKE SUBDIVISION, as shown on this plat and described in the accompanying certificate, was made by me and under my supervision, and that the survey was correctly made and that all corners are marked on the ground, as required.

State of Idaho)
County of Lemhi)
On this day of May, 1901, before me, Harry F. LeMay, and [Signature], Agents are divided into two equal parts, their duties being as follows:

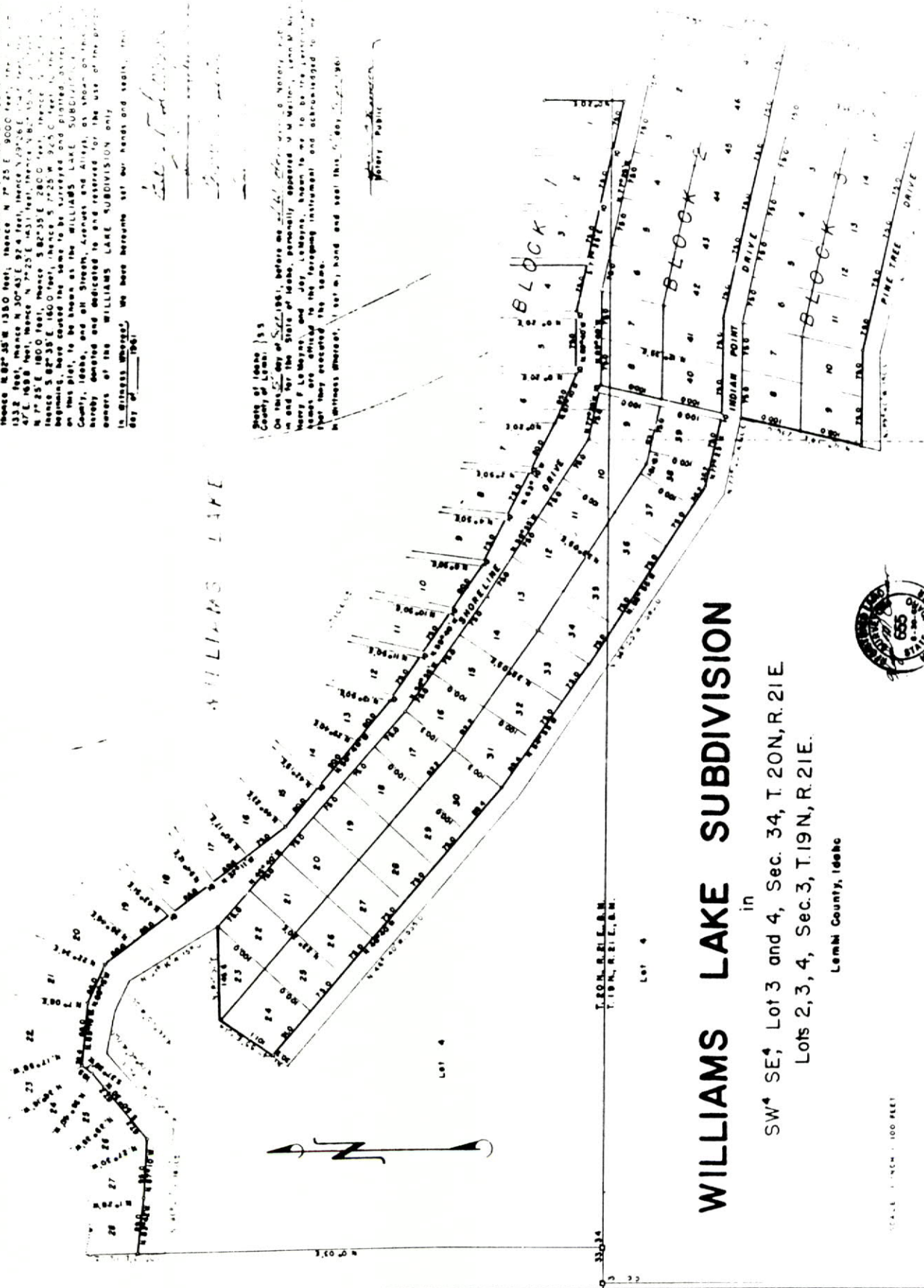


[illegible][illegible]

State of Idaho) s. s.

County of Lewis, 1932.
On this day of October, 1932, before me, John A. Nelson, Notary Public in and for the State of Idaho, personally appeared W. M. Miller, Lem M. Miller, Harry F. LeMay, and Jay L. Mayers, known to me to be the persons whose names are affixed to the foregoing instrument and acknowledged to me that they executed the same.
In witness whereof, I set my hand and seal this 6th day of October, 1932.

Walter P. Reuther



WILLIAMS LAKE SUBDIVISION

SW⁴ SE⁴, Lot 3 and 4, Sec. 34, T. 20N, R. 21E
Lots 2, 3, 4, Sec. 3, T. 19N, R. 21E.

Lemhi County, Idaho



SCALE : 1 CM = 100 FEET

CONFIDENTIAL

MAY 21 1993

WILLIAMS LAKE SUBDIVISION NO. 2 A.K.

LOCATED IN LOTS 1, 2, 3, AND THE SE¹/₄NW⁴
SECTION 34, T20N, R21E, B.M., LEWIS COUNTY, IDAHO.

CERTIFICATE OF OWNERS

[illegible]

2000 ft. more southerly section of rollers
at the northern corner of Section 36 of township
36 N. range 14 E. T. 12 S. to the REAL POINT

THE REAL POINT OF BEGINNING IS DISTANCE OF 1000 FEET FROM THE WEST BOUNDARY OF LOT 1 ALONG THE WEST BOUNDARY OF LOT 1

July 20 1885 3.35 94.64.00 July 22 1885 3.35 97.00.00 July 24 1885 3.35 99.35.00 July 26 1885 3.35 101.70.00 July 28 1885 3.35 104.05.00 July 30 1885 3.35 106.40.00 July 31 1885 3.35 108.75.00

Year	Month	Day	Time	Location	Notes
1994	12	15	10:00	1000 ft	1st record
1994	12	15	10:00	1000 ft	2nd record
1994	12	15	10:00	1000 ft	3rd record
1994	12	15	10:00	1000 ft	4th record
1994	12	15	10:00	1000 ft	5th record
1994	12	15	10:00	1000 ft	6th record
1994	12	15	10:00	1000 ft	7th record
1994	12	15	10:00	1000 ft	8th record
1994	12	15	10:00	1000 ft	9th record
1994	12	15	10:00	1000 ft	10th record
1994	12	15	10:00	1000 ft	11th record
1994	12	15	10:00	1000 ft	12th record
1994	12	15	10:00	1000 ft	13th record
1994	12	15	10:00	1000 ft	14th record
1994	12	15	10:00	1000 ft	15th record
1994	12	15	10:00	1000 ft	16th record
1994	12	15	10:00	1000 ft	17th record
1994	12	15	10:00	1000 ft	18th record
1994	12	15	10:00	1000 ft	19th record
1994	12	15	10:00	1000 ft	20th record
1994	12	15	10:00	1000 ft	21st record
1994	12	15	10:00	1000 ft	22nd record
1994	12	15	10:00	1000 ft	23rd record
1994	12	15	10:00	1000 ft	24th record
1994	12	15	10:00	1000 ft	25th record
1994	12	15	10:00	1000 ft	26th record
1994	12	15	10:00	1000 ft	27th record
1994	12	15	10:00	1000 ft	28th record
1994	12	15	10:00	1000 ft	29th record
1994	12	15	10:00	1000 ft	30th record
1994	12	15	10:00	1000 ft	31st record
1994	12	15	10:00	1000 ft	32nd record
1994	12	15	10:00	1000 ft	33rd record
1994	12	15	10:00	1000 ft	34th record
1994	12	15	10:00	1000 ft	35th record
1994	12	15	10:00	1000 ft	36th record
1994	12	15	10:00	1000 ft	37th record
1994	12	15	10:00	1000 ft	38th record
1994	12	15	10:00	1000 ft	39th record
1994	12	15	10:00	1000 ft	40th record
1994	12	15	10:00	1000 ft	41st record
1994	12	15	10:00	1000 ft	42nd record
1994	12	15	10:00	1000 ft	43rd record
1994	12	15	10:00	1000 ft	44th record
1994	12	15	10:00	1000 ft	45th record
1994	12	15	10:00	1000 ft	46th record
1994	12	15	10:00	1000 ft	47th record
1994	12	15	10:00	1000 ft	48th record
1994	12	15	10:00	1000 ft	49th record
1994	12	15	10:00	1000 ft	50th record
1994	12	15	10:00	1000 ft	51st record
1994	12	15	10:00	1000 ft	52nd record
1994	12	15	10:00	1000 ft	53rd record
1994	12	15	10:00	1000 ft	54th record
1994	12	15	10:00	1000 ft	55th record
1994	12	15	10:00	1000 ft	56th record
1994	12	15	10:00	1000 ft	57th record
1994	12	15	10:00	1000 ft	58th record
1994	12	15	10:00	1000 ft	59th record
1994	12	15	10:00	1000 ft	60th record
1994	12	15	10:00	1000 ft	61st record
1994	12	15	10:00	1000 ft	62nd record
1994</					

[Faint, illegible handwritten notes]

[illegible][illegible]

There is a small, dark, rectangular object, possibly a piece of wood or metal, lying on the ground. It is surrounded by a large, irregular, light-colored area that appears to be a pile of dirt or a large, flat, light-colored object. The background is a dark, textured surface, possibly a wall or a large, dark object.

[illegible]

• Marjorie Rife	Irving Kline	with 3 other
• Marjorie & Bill	Carl Kline	1 of 3 brothers
• Marjorie & Bill	Alvin Kline	1 of 3 brothers
• Marjorie Rife	Eric Lowell	husband & nephew

1947	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355</
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James R. Long	James R. Long	Alfred P. Adams	Alfred P. Adams
Carl J. Adams	Carl J. Adams	John H. Adams	John H. Adams
James R. Adams	James R. Adams	Thomas H. Adams	Thomas H. Adams
James R. Adams	James R. Adams	James R. Adams	James R. Adams

[illegible][illegible]

1	1940	1941	1942	1943	1944	1945	1946	1947	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347
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John & I	United States
Ry. agents	Larry Nelson
in car + truck	Belle Curtis
" " " "	Leslie Gardner
" " " "	Ned Cherry

[illegible]

NAME _____
ADDRESS _____
CITY _____
STATE _____
ZIP _____

CERTIFICATE OF ENGINEER

This is to certify that J. James S. Johnston, a Registered Professional Engineer in the State of Idaho made the survey of the land as described in the Certificate of Owner, and designated herein as WILLIAM LACE SUBDIVISION No. 2 and also that said survey comprised of four shares is a true and correct representation of the same, as made and returned by me on and under the authority of the State of Idaho.

ACKNOWLEDGEMENT

STATE OF IOWA }
COUNTY OF LEWIS } ss
On the 9 day of October, 1944, before me, a Notary Public in and for
said State personally appeared James E. Johnston, known to me to be

my office, every day and year on this continent and nation
in N. W. INDEPENDENCE, I have known to see my
some day and year on this continent and nation
any day and year on this continent and nation

John P. Quisenberry
Treasurer - The Sons of Temperance

COUNTY COMMISSIONERS

ACCEPTANCE

The foregoing plan was duly accepted and approved by the Board of County Commissioners of the County of Leona, Idaho on this 31st day of January, 1934.

COUNTY RECORDER'S CERTIFICATE

STATE OF LOUISIANA } SS
County of Iberville }

This is to certify that no intervening steps were filed in the Office of the Clerk of Court, Iberville Parish, Louisiana this 10th day of Oct. 1974 at 9:00 a.m.

SANITARY RESTRICTIONS

It is in this condition that I be connected to a central master and find a center! I want system where it becomes available

W. T. H. M. J. de Vries
de Vries

ACKNOWLEDGEMENT

STREET IN LOANED } 25
COUNTRY OF LOANED }
"in 1850" day of _____, 1858, before me, a Notary Public at and for
said State, personally appeared all the within, Louis de Meillon, Harry M
de Meillon, and _____, all of whom are known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Letting me know how much he enjoyed it so that they created the same atmosphere I have here and offered my services as a writer at that time.

NOTARY PUBLIC for the STATE OF IOWA

CERTIFICATE OF MARRIAGE

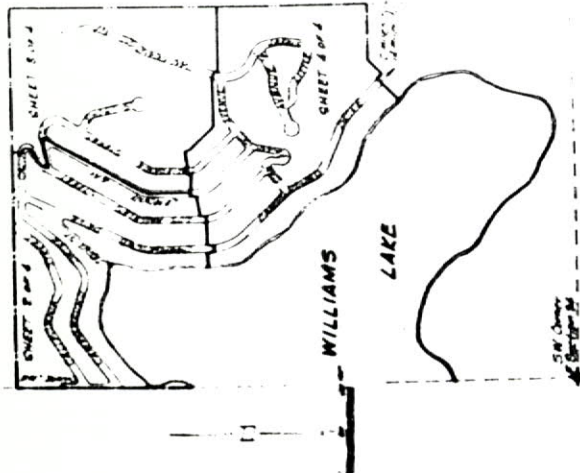
[illegible]

ACKNOWLEDGEMENT

...

1. The first of these is the fact that the majority of the population of the United States is now living in urban areas. This is a result of the process of urbanization, which has been going on since the beginning of the 20th century. The population of the United States has increased from about 100 million in 1900 to over 200 million in 1950, and the majority of this increase has been in urban areas. This has led to a concentration of population in a few large cities, which has in turn led to a number of problems, such as overcrowding, pollution, and traffic congestion.

1897



INDEX MAP

1

MAY 21 1993

LOCATED IN LOTS 1, 2, 3, AND THE SE¹/₄NW⁴
SECTION 34, T.20N, R.21E, B.M., LENNI COUNTY, IDAHO

CERTIFICATE OF ENGINEER

This is to certify that J. James S. Johnston, a Registered Professional Engineer in the State of Idaho made the survey of the land as described in the Certificate of Conveyance, and designated herein as the WILLIAMS (LACE) SUBDIVISION No. 2 and 3 and that this survey comprised of four shares is a true and correct representation of said survey as made and stated by me on said land.

Edmund Adams

ACKNOWLEDGEMENT

[illegible]

ACKNOWLEDGEMENT

DATE OF BIRTH } 55
CITY OF BIRTH }
COUNTRY OF BIRTH }
On the _____ day of _____, 19____, before me, a Notary Public in and for
said state personally appeared James E. Johnston, known to me to be
the person whose name is subscribed to the foregoing Certificate
of Marriage, and acknowledged to me that he executed the same
in WITNESS WHEREOF, I have hereunto set my hand and affixed
my official seal, and gave to this Certificate with about certain
witnesses and I have signed my name to this Certificate.

COUNTY COMMISSIONER'S
ACCEPTANCE

The foregoing plan was duly accepted and approved by the Board of County Commissioners of the County of Linn, Iowa on this 9th day of June, 1972.

Charles A. Kane
 Charles A. Kane
 County Auditor

COUNTY RECORDER'S CERTIFICATE

STATE OF OHIO } 55
COUNTY OF COLUMBIA }

This is to certify that one foregoing plant was filed in the office of the
Recorder of Deeds, County, Ohio, on this 10th day of Oct., 1924 at 9:00 a. m.
and duly recorded in Plant Book # at Page 23

Richard C. Johnson
Recorder of Deeds

SANITARY RESTRICTIONS

Each lot in this subversion shall be connected to a central
master and central, power system when it becomes available.

LONG DEPARTMENT OF HEALTH

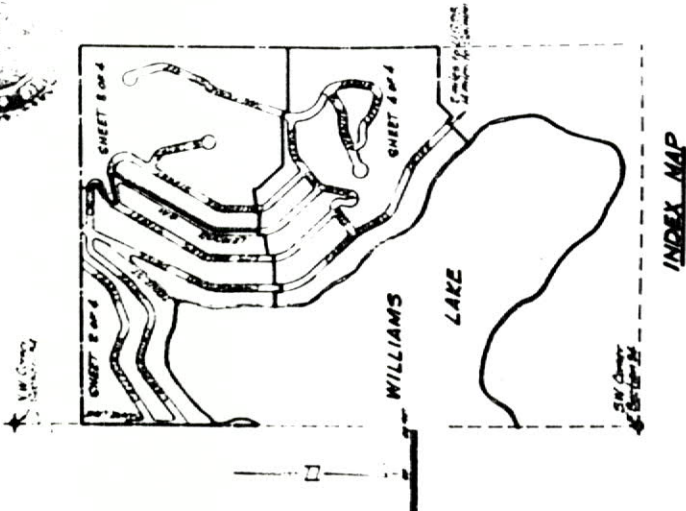
Approved by Edmund J. Kelly 1/2/74
ENVIRONMENTAL DATE

ACKNOWLEDGEMENT

STATE IN LOUISIANA } 55

"...the day of
"...and where
"...of the
"...and by E. L.
"...the same
"...in witness whereof I have hereunto set my hand and affixed my
"...seal the day and year in this certificate first above written."

Victims' Public for the State of Pennsylvania



1 OF 4

RECEIVED

MAY 21 1993

MEMORANDUM

To: Harold Jones

From: L. Glen Saxton 

RE: PERMITS 75-07589 AND 75-07590

Date: April 22, 1998

The department has issued the above two (2) referenced permits in the name of Williams Lake Recreational Water & Sewer District after conducting a hearing on the protested applications in the early 1990's. Proof has been submitted and licensing exams need to be conducted.

A controversy has developed among some of the lot owners concerning whether the travel trailer of Keith B. Amar qualifies as one of the domestic hook-ups under the permits. To me, the contest appears to be whether the travel trailer of Amar complies with the rules and by-laws of the local jurisdictions rather than whether domestic water will be authorized by the state for use in a travel trailer.

I believe Amar is represented by Kent Foster and that the permit holder is represented by attorney John McKinney of Salmon. James Kingston who owns property on Williams Lake said he installed the water system. He opposes use of water by Amar in his travel trailer.

Norm's attached memo dated April 21, 1998, specifically asks that when a license is issued as a preliminary order, the state office send a copy of the order to Kingston and to Amar in order that they can file a petition for reconsideration if they so choose.

The purpose of this memo is to provide information for the region's files and for the examiner who conducts the examination of the water system. Please attach these memos to the field exams or otherwise call this matter to the examiner's attention.

If you have questions, please feel free to contact me.

MEMORANDUM

TO: FILE 75-7590

FROM: NORM YOUNG

RE: TELEPHONE CONVERSATION WITH MR. JAMES KINGSTON
(360) 652-6814

DATE: April 21, 1998

I returned Mr. Kingston's call to Karl Dreher. He explained his concern that the Amar lot should not be licensed under this permit because it was not part of the previously developed lots, that it had not been properly developed during the development period, and use of water in a travel trailer was not in compliance with the permit requirement to only make "in-house" use of the water.

I explained that determining the adequacy of a home to meet county or subdivision standards is not a responsibility or authority of IDWR. The "in-house" use limitation was to prevent consumptive uses such as irrigation to protect prior right holders on the stream.

After an explanation of the field examination-licensing process, he wanted to be mailed a copy of the preliminary order issuing the license.

MR. KINGSTON AND MR. AMAR SHOULD BE SENT COPIES OF THE PRELIMINARY ORDER ISSUING THE LICENSE TO ALLOW THEM OPPORTUNITY TO PARTICIPATE.

RECEIVED

JAN 23 1998

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

M.A. Sloan (208) 756-2030
 (Accountant) Salmon Business Service

1. Permit No. 75-07589 Telephone No. (208) 756-4845

2. Name(s) of Permit Holder(s): Williams Lake Recreational water & Sewer District

3. Mailing Address: Box 82, Salmon, ID 83467

4. Source of Water: Spring If **GROUNDWATER** (well), Date Drilled: mo. ____ / yr. ____

a. Well Driller: _____ Drilling Permit Number: ____ - ____ - ____

b. **OPTIONAL:**
 Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): 64 dom. Stockwater (No. and type of stock): _____

Irrigation (No. of acres): _____ Other: + Williams Lake Resort

6. Total rate of diversion and/or volume for which proof is submitted: 0.50 cfs OR _____ acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes ____ or No ☒

Has the measuring device been installed? Yes ____ or No ____

Flow Measurement Port: Is a flow measurement port required? Yes ☒ or No ____

Has the measurement port been installed? Yes ____ or No ☒

* Please waive condition

8. Fee Enclosed: \$ 100.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Harold G Sisco Telephone Number: 756-4845

Address: _____

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Harold G Sisco, Chairman Date: 1-22-1998
 (include your title, if on behalf of company or organization)

* per request of permit holder on 1-23-98 Gley

RECEIVED
FEB 28 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

REQUEST FOR EXTENSION OF TIME

**TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT**

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 75-07589

Name(s) of Permit Holder: Williams Lake Water + Sewer Dist.

Mailing Address: P.O. Box - 82, Salmon, Id. 83467

Date Proof is Due: March 1, 1995 Telephone No. (208) 376-3369

Describe what work has been completed toward the development of this water right:

(This must be filled out! If no work has been completed, show "none".)

Laid lines to pump station, completed
distribution station

Costing \$ 159,000.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

ran out of time & money

Permit holder(s) request an extension to March 1, 19 2000.

FEE: \$50.00

Harold G. Liaco
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

[Stamp]

MAR 30 1995

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to March 1, 1998.

Signed this 2nd day of March, 19 95

[Signature]
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 75-07589

Proposed Priority: June 29, 1992 Maximum Diversion Rate: 0.50 CFS
This is to certify, that WILLIAMS LAKE WATER & SEWER DIST
PO BOX 518
SALMON ID 83467

has applied for a permit to appropriate water from:

LAKE CREEK tributary of SALMON RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.50 CFS

LOCATION OF POINT(S) OF DIVERSION: NESWSE , Sec. 34, Township 20N, Range 21E
LEMHI County

PLACE OF USE: DOMESTIC
TWN RGE SEC

19N 21E 3	SWNE	SENE
20N 21E 34	SENE	

CONDITIONS/REMARKS:

1. See Final Memorandum Decision and Order for conditions of approval.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

16th day of March, 1993.

R. Keith Higginson
for R. Keith Higginson, Director

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MAY 21 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS	)	
FOR PERMIT NOS. 75-07589 AND	)	FINAL MEMORANDUM
75-07590 IN THE NAME OF WILLIAMS)	)	DECISION AND ORDER
LAKE WATER AND SEWER DISTRICT	)	
	)	

After a hearing, and issuance of a proposed decision, exceptions were filed by the applicant, Williams Lake Water and Sewer District (the District), and two of the protestants, A. W. Brown and Martin Capps. The exceptions have been reviewed, and are addressed in the analysis section which follows. The order follows the analysis portion of this decision.

ANALYSIS

Summary of Exceptions

Protestants A. W. Brown and Martin Capps objected to the proposed decision on the following grounds:

1. The permit for development of 0.50 cfs is excessive because the District testified the present system diverts a maximum of 30 gallons a minute, or 0.067 cfs.

2. The existing surface right from Williams Lake should not continue to be recognized if the applications for diversion from springs is approved.

In addition, Martin Capps also alludes the water supply for the existing downstream users may not be sufficient.

Finally, the District filed an exception asking that the decision be amended to specifically authorize use of water for the Williams Lake Resort, including the restaurant, bar, motel rooms and attached facilities.

Exception Analysis

The Department of Water Resources has established maximum limits for reasonable water use within domestic systems. The limits are imposed to prevent excessive diversion, and are based on the number of possible domestic units which will be developed. Diversion of 0.50 cfs is within the acceptable range of flow rates for a domestic development the size of the Williams Lake Subdivision. The actual quantity of water diverted will be restricted by both a short development period for the water right permit and use only within the dwellings. The capacity of the system will be evaluated at the time of the examination, and the

MAY 21 1993

District will not be licensed for more water than it is actually diverting.

The applications before the Department propose a new use of water. The applications do not propose abandonment of any existing water right diverted from Williams Lake. Furthermore, the applicant did not stipulate to forfeit its Williams Lake water right. These applications, standing on their own, are sufficient to approve without any limitation on the Williams Lake water right, if one exists. The proposed decision merely suggested the Williams Lake right might be used to supply water for out-of-house use.

Martin Capps suggests there is insufficient water to supply the irrigation rights diverted from Lake Creek. Unfortunately, his allegations contradict the clear and uncontroverted testimony at the hearing. The finding of fact regarding sufficiency of water will not change.

The applicants filed for domestic use, which includes domestic use at the Williams Lake Resort. The nature of use will not be changed in defining the water right. To the extent the use at the Williams Lake Resort is domestic in nature, it will be included as part of the water right.

The exceptions do not justify any change in the proposed decision and order.

ORDER

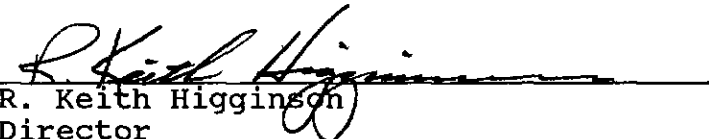
WHEREAS, R. Keith Higginson, Director of the Department of Water Resources, sent a copy of the proposed Memorandum Decision and Order addressing the above captioned matter to the parties of record January 20, 1993, pursuant to Section 67-5211, Idaho Code; and,

WHEREAS, more than fifteen days have passed since the service of the Proposed Memorandum Decision and Order; and,

WHEREAS, exceptions filed to the proposed decision have been addressed in the analysis of the order;

IT IS, THEREFORE, HEREBY ORDERED that said Proposed Memorandum Decision and Order be adopted and issued as the Final Decision and Order.

Dated this 1ST day of March, 1993.


R. Keith Higginson
Director

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CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 16th day of March, 1993, I mailed a true and correct copy of the foregoing Final Memorandum Decision and Order, postage prepaid, to the following:

Martin Capps

HC 61 Box 14
Salmon, ID 83467

Williams Lake W & S

PO Box 518
Salmon, ID 83467

Eva Miles

506 Courthouse Dr
Salmon, ID 83467

Albert & Diane Brown

1207 Pembroke Lane
Newport Beach, CA 92660

Leslie May Shumate

PO Box 352
Salmon, ID 83467

C Tom Arkoosh

Roden and Arkoosh
PO Box 2110
Boise, ID 83701

Steve Adams
District 7 Health
117 Lilliam
Salmon, ID 83467

Karen L. Gustafson
Karen L. Gustafson
Secretary/Records Manager

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MAY 21 1993

BEFORE THE DIRECTOR OF THE DEPARTMENT
OF WATER RESOURCES OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR)
PERMIT NOS. 75-07589 AND 75-07590 IN)
THE NAME OF WILLIAMS LAKE WATER AND)
SEWER DISTRICT

ORDER ISSUING
PROPOSED MEMORANDUM
DECISION

R. Keith Higginson, Director of the Department of Water Resources, Having reviewed the attached proposed decision prepared by this appointee, Gary Spackman, who conducted the hearing or who has read the record in this case, hereby approves the same as a proposed decision pursuant to Idaho Code, Section 67-5211.

Each party to these proceedings who appeared at the hearing is given the opportunity, pursuant to Idaho Code, Section 42-1701A and 67-5211, to file exceptions to the proposed decision and to present briefs and oral arguments. If no timely and proper exceptions are received, an order by the Director will be entered adopting the proposed decision as his final decision.

I.
EXCEPTIONS

A. To be considered by the Director, exceptions must:

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision,

2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions, and

3. be sent to each of the parties who appeared or their attorneys.

II.
BRIEFS

A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.

B. All response briefs to the exceptions must be filed with the Director within 15 days after the exceptions were served upon the responding party.

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III.

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exception.

B. If oral arguments have been properly requested by a party filing exceptions, any other party, upon reasonable notice to the Director, shall have the right to present oral argument in response to the exceptions filed.

C. Oral arguments before the Director on exceptions to the proposed decision shall be heard at the discretion of the Director, pursuant to Idaho Code, Section 42-1701A. If oral arguments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour the oral arguments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral arguments shall be heard in Boise, Idaho.

IV.

CERTIFICATE OF SERVICE

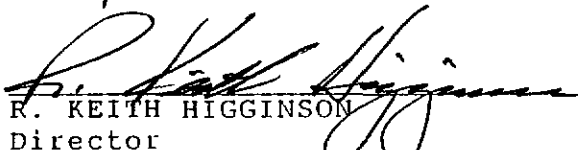
All exceptions, briefs, requests for oral argument and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.

FINAL DECISION

Following the submission of all exceptions, briefs and oral arguments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

Dated this 20th day of January, 19 93.


R. KEITH HIGGINSON
Director

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MAY 21 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 75-07589 AND) PROPOSED MEMORANDUM
75-07590 IN THE NAME OF WILLIAMS) DECISION AND ORDER
LAKE WATER AND SEWER DISTRICT)
_____)

A hearing having been held regarding protests filed against applications for permit 75-07589 and 75-07590, the hearing officer as a representative of the Director of the Department of Water Resources, proposes the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. Water right application nos. 75-07589 and 75-07590 were filed with the Department for the purpose of supplying domestic water to homeowners within the Williams Lake Water and Sewer District (hereafter referred to as the district). Both applications describe the source of water sought to be diverted as Lake Creek. Lake Creek is tributary to the Salmon River. At the beginning of the hearing, however, the attorney for the applicant, Milt Slaven, stated the district wants to develop and divert two springs which are tributary to Lake Creek. The parties all stipulated the springs contribute water to Lake Creek.

2. The components of the water right applications are:

Application No. 75-07589

Source: Lake Creek (spring) Amount: 0.50 cfs
Point of Diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec.34, T20N, R21E
(This point of diversion will be referred to as spring no. 1)
Place of Use: S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec.3, T19N, R21E, and
SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 34, T20N, R21E

Application No. 75-07590

Source: Lake Creek (spring) Amount: 0.50 cfs
Point of Diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 34, T20N, R21E
(This Point of diversion will be referred to as spring no. 2)
Place of Use: S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 3, T19N, R21E, and
SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 34, T20N, R21E

The applications also describe several lots without a tract description and which are not clearly located.

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3. Williams Lake Water and Sewer District was formed to supply water to a subdivision and a resort which were built on the shores of Williams Lake. The water and sewer district now supplies water to approximately 58 homes and the Williams Lake Resort.

4. The district presently diverts water from Williams Lake through pumps located offshore approximately 90 feet. The diversion is authorized by permit to appropriate water no. 75-07052. Recent amendments to the Safe Drinking Water Act require that the district either install a costly filtration and treatment facility for the lake water, or find an alternate source of water. The district evaluated several alternatives, including treatment and drilling wells, and determined development of the springs (tributary to Lake Creek) is the cheapest alternative.

5. Traditionally, the district has diverted approximately 30 gpm. Applications 75-07589 and 75-07590 do not propose a cumulative flow of 1.0 cfs, but a total flow of only 0.50 cfs. Nevertheless, the applications seek approval for diversion of approximately 8 times more water than has traditionally been diverted by the district.

6. The applications were protested by Eva Miles, Albert Brown, Leslie May Shumate, and Martin Capps. Brown was represented at the hearing by C. Tom Arkoosh, attorney at law.

7. The protestants contend development of the springs proposed by the district will reduce the water supply available to them under prior rights. The protestants also object to excavation of the springs and possible compromise of the earth structure which impounds Williams Lake. Finally, Brown contests the legality of the operation of the district.

8. During the summer of 1992, the district excavated in the vicinity of the two springs. Before construction, spring #1 was only flowing 20 ~~cfs~~ ^{gpm}, but after some minor excavation, the flow increased to 35 ~~cfs~~ ^{gpm}.

9. The area around spring #2 was excavated with a backhoe until a vent for the spring was located. The flow increased from 35 gpm to 75 gpm.

10. The district alleges construction increased the flow from the springs, and alleges it should be entitled to divert the additional water developed with no injury to the prior right holders.

11. One of the district board members testified that when the flow of the spring was originally measured, there was a large boggy area from which all the water could not be captured. He was not able to estimate the flow of the spring water through the ground prior to excavation.

APPROVED

MAY 21 1993

12. Although the district alleged it has developed water, no facts were presented to counter probable hydrologic reality. The springs were probably always flowing the flow rate measured, but, until the excavation, the flow from the springs was diffuse, and not sufficiently concentrated to measure all of the flow.

13. According to Department records, the following is a summary of permits, licenses, decreed rights and claims listing Lake Creek or its tributaries below Williams Lake as a source of water:

<u>Number</u>	<u>Priority Date</u>	<u>Name</u>	<u>Amount</u>	<u>CFS</u>
A75-10054	1898	Parish	0.020	Domestic
75-0093A	1898	McBride	2.666	Irrigation
75-0093C	1898	Wrasper	0.034	Irrigation
75-04467	1922	First Federal	1.160	Irrigation
75-04010	1922	Nelson	1.020	Irrigation & Domestic
75-02149	1961	Capps	1.460	Irrigation
75-07419	1985	Brown	0.440	Irrigation
75-07427	1985	Brown	6.00	Power

14. The summary of water rights does not represent the actual diversion of water from the stream. Both Capps and Brown testified that only two diversions divert water from Lake Creek authorized by existing rights:

<u>Number</u>	<u>Priority Date</u>	<u>Name</u>	<u>Diversion Ownership</u>	<u>CFS</u>	<u>Use</u>
75-0093A	1898	Brown	Brown	0.27	Irrigation
	1898	Johnson	Brown	0.04	Irrigation
75-02149	1961	Capps	Capps	1.46	Irrigation
75-07419	1985	Brown	Brown	0.44	Irrigation
75-07427	1985	Brown	Brown	6.00	Power

15. Other rights were claimed in the adjudication, but, according to Brown, many of the rights have not been diverted since the early 1980's.

16. Both Capps and Brown testified they have always received sufficient surface water to satisfy their irrigation demands, even in drought years.

17. Brown owns a hydropower facility located near the confluence of Lake Creek and the Salmon River. Brown stated flows have been insufficient to operate his hydropower plant at full capacity. His water right for the power facility, however, is subordinated to future uses of water other than hydropower. Brown's rights are subordinated to upstream domestic uses.

MAY 21 1993

18. The district has about \$40,000 to construct the project. The estimated cost of development of the springs and installation of necessary equipment is approximately \$30,000.

19. The district anticipates it will collect another \$30,000 to \$40,000 in taxes during the upcoming year. Brown argued the district does not conduct it's business properly, and, as a result, it is unable to legally collect the funds necessary for the project.

20. Although the application seeks to appropriate water for 100 homes, only 58 homes have been built. There has been no significant change in the number of homes within the Williams Lake Water and Sewer District in the last 20 years.

21. The homes served by district water are recreational homes and many of the lots are located on rather steep hillsides with very little vegetation.

22. Witnesses for the district stated the diversion works will be constructed so excess water diverted by the district but not used by the district will overflow back into Lake Creek.

CONCLUSIONS OF LAW

1. Section 42-203A, Idaho Code, states, in part, as follows: The director of the department of water resources shall find and determine from the evidence presented to what use or uses the water sought to be appropriated can be and are intended to be applied. In all applications whether protested or not protested, where the proposed use is such (a) that it will reduce the quantity of water under an existing water right, or (b) that the water itself is insufficient for the purposes for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein or (e) that it will conflict with the local public interest where the local public interest is defined as the affairs of the people directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho; the director of the department of water resources may reject such application and refuse issuance of a permit therefor, or may partially approve and grant a permit for a smaller quantity of water than applied for, or may grant a permit upon conditions.

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2. Rule 4,4,2,1. of the Water Appropriation Rules and Regulations states the applicant shall bear the initial burden of coming forward with evidence of the evaluation of criteria (a) through (d) of Idaho Code § 42-203A.

3. Rule 4,4,4,2. of the Water Appropriation Rules and Regulations states that both the applicant and the protestant have the burden of coming forward with evidence regarding local public interest of which they are most cognizant.

4. The applicant bears the ultimate burden of proof regarding all issues.

5. By moratorium order dated May 15, 1992, the Director prohibited approval of new applications to appropriate water in the Salmon River drainage. Domestic uses were exempted from the moratorium prohibition.

6. Evidence presented by all the parties leads to a conclusion that there is sufficient water for appropriation. Other than a reduction in flow authorized by the hydropower right which is subordinated, all earlier right holders have been receiving their full entitlement.

7. Approval of this right will not reduce the quantity of water under an existing right that is not subordinated.

8. Approval of a permit and future license for domestic use related to 100 homes when only 58 homes have been built, and when the number of homes hasn't changed significantly in 20 years, would result in a speculative water right.

9. Proper limits and conditions can prevent speculation, however. The permit to appropriate water can be approved for 100 homes, but the development period should be shortened to two years, plus any lesser period granted as an extension of time for filing proof of beneficial use. Only homes built and served by district water lines before or during the development period may be recognized as legitimate places of use.

10. Public interest dictates that domestic users have a safe, uncontaminated source of domestic water. A subordinated hydropower right must yield water to a later-in-time domestic water right, particularly where the domestic units are existing, and the domestic appropriation is sought to comply with public health requirements.

11. In this case, the domestic homes are recreational property, built for the most part on steep terrain. The hearing officer is not convinced that the domestic use of water should include a right to irrigate one-half acre per lot at the expense of downstream rights, including hydropower. Any domestic approval

MAY 21 1993

will be limited to in house use only.

12. Lawns, garden and landscape can only be irrigated if a prior, consumptive right is acquired and transferred, or water is diverted pursuant to an established right from Williams Lake.

13. Combined diversion pursuant to rights 75-07589 and 75-07590 will be limited to 0.50 cfs.

14. Although the district might be operating improperly at times, it appears to have sufficient financial resources to construct the project. Furthermore, Brown has no standing before the Department to raise an impropriety internal to the district when he has no vested interest in the district. The approval of this permit, with sufficient conditions, is in the local public interest.

15. Use of water for in-house, culinary purposes will conserve the water of the state of Idaho.

ORDER

IT IS HEREBY ORDERED that applications to appropriate water nos. 75-07589 and 75-07590 are APPROVED subject to the following conditions:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 1995.

2. Subject to all prior rights except subordinated hydropower rights.

3. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

4. Use of water shall be limited to in-house use only.

5. The combined rate of diversion for rights 75-07589 and 75-07590 shall be limited to 0.50 cfs.

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

7. 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.

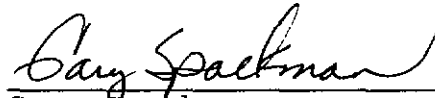
APPROVED
MAY 21 1993

8. The issuance of this right in no way grants any right-of-way or easement across the land of another.

9. Place of use is located within Williams Lake Subdivision.

10. Domestic use is for 100 homes.

Dated this 19th day of January, 1993



Gary Spackman
Hearing Officer

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CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 20th day of January, 1993, I mailed a true and correct copy of the foregoing Proposed Memorandum Decision and Order and Order Issuing the Proposed Memorandum Decision and Order, postage prepaid, to the following:

Martin Capps

HC 61 Box 14
Salmon, ID 83467

Williams Lake W & S

PO Box 518
Salmon, ID 83467

Eva Miles

506 Courthouse Dr
Salmon, ID 83467

Albert & Diane Brown

1207 Pembroke Lane
Newport Beach, CA 92660

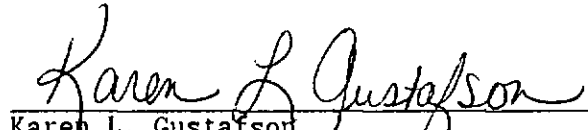
Leslie May Shumate

PO Box 352
Salmon, ID 83467

C Tom Arkoosh

Roden and Arkoosh
PO Box 2110

Boise, ID 83701


Karen L. Gustafson
Secretary/Records Manager

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant WILLIAMS LAKE WATER & SEWER DISTRICT Phone (208) 756-2945

Post office address P.O. Box 518, Salmon, Idaho 83467

2. Source of water supply Lake Creek which is a tributary of Salmon River

3. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot _____

Sec. 34 Township 20N Range 21E B.M. Lemhi County; additional

points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .50 cfs for DOMESTIC purposes from April 1 to Dec. 1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) .50 cfs and/or (b) .999 acre ft.
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Pumps, submersible goulds, 7 $\frac{1}{2}$ HP,
single phase, SCH 40, 4 inch pipe line.

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 90°F being sought? _____

7. Time required for the completion of the works and application of the water to the proposed beneficial use is
five years (minimum 1 year).

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8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. 100 households
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for *Domestic*) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
19N	21E	3			D	D													
20N	21E	34								D									
LOTS WITHOUT 1/4 1/4 DESCRIPTION:			DOMESTIC																
19N	21E	3	02-D	03-D	04-D														
20N	21E	34	01-D	02-D	03-D	04-D													

Total number of acres to be irrigated -0-

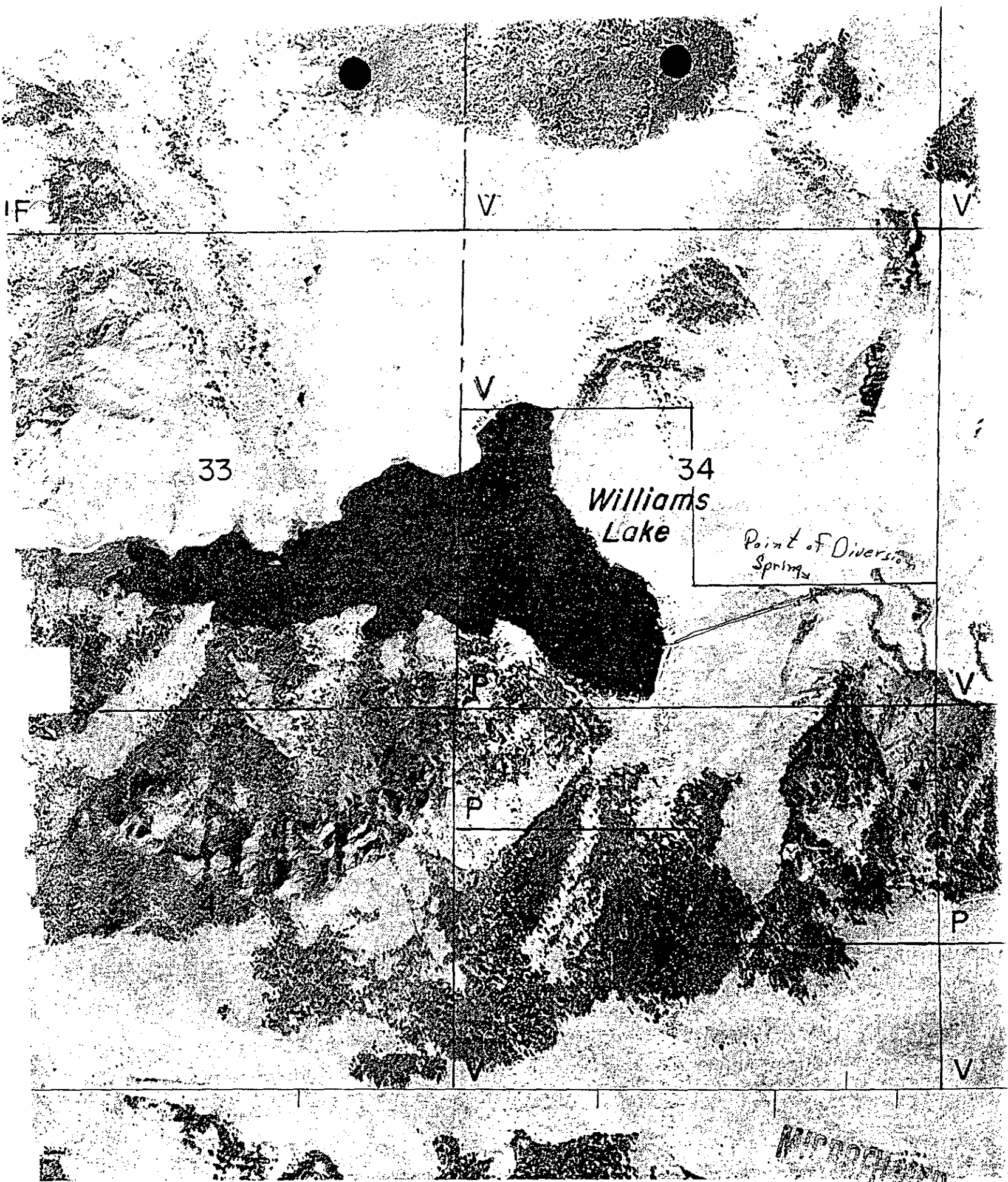
10. Describe any other water rights used for the same purposes as described above. _____

B.L.M.

- Who owns the property at the point of diversion? SEE ATTACHED APPLICATION FOR UTILITY SYSTEM
- Who owns the land to be irrigated or place of use? Homeowners
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Water and Sewer District

12. Remarks: The domestic waters are for Williams Lake Subdivision. Waters are being appropriated by the Williams Lake Water and Sewer District which was formed with accordance with the Idaho statutes for this express purpose. The District will be the owner of the use of the waters and will provide it to persons within the district.

MAY 21 1993

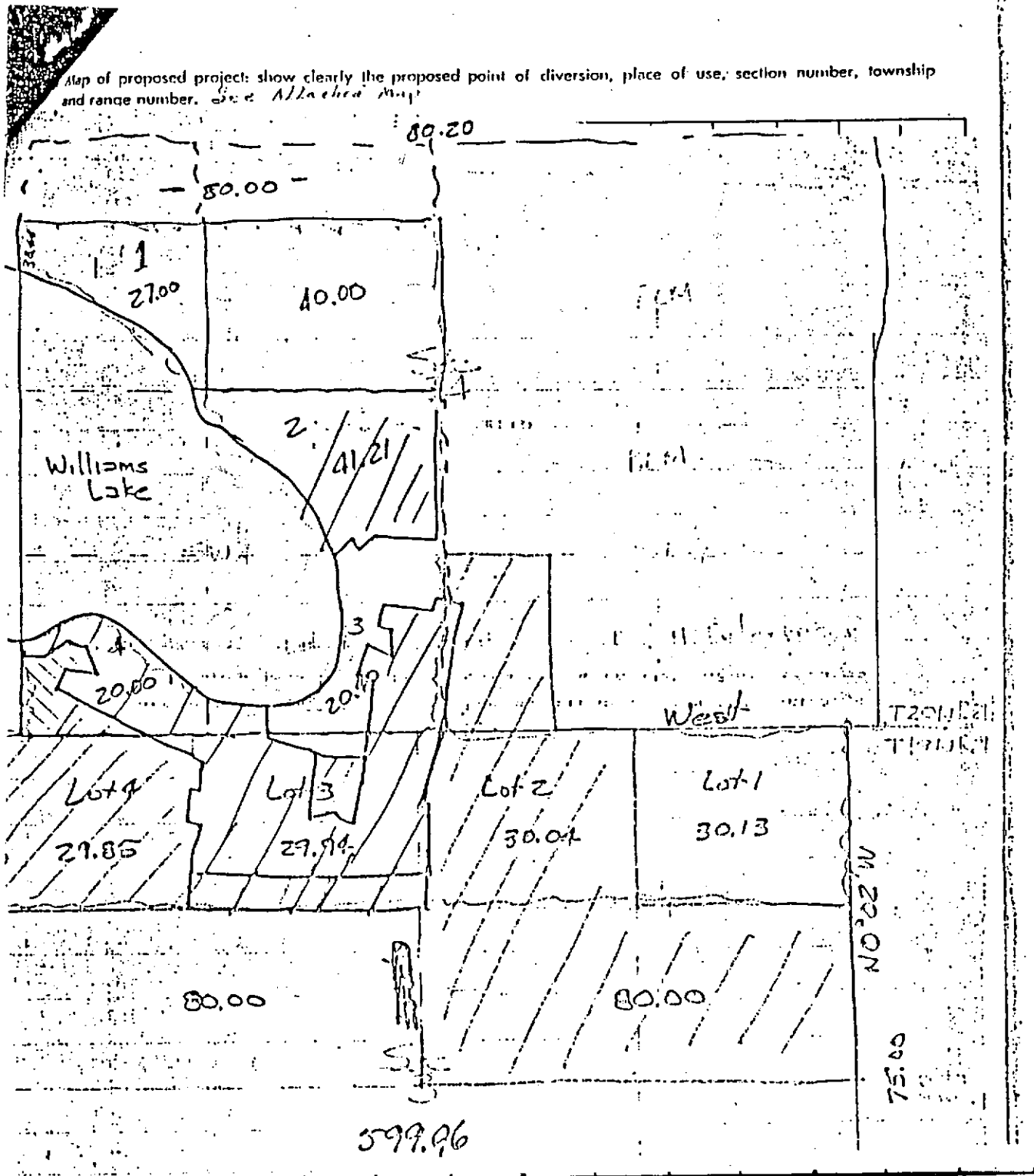


Published by the Geological Survey
with the U.S. Forest Service

Prepared from 1:80 000-scale

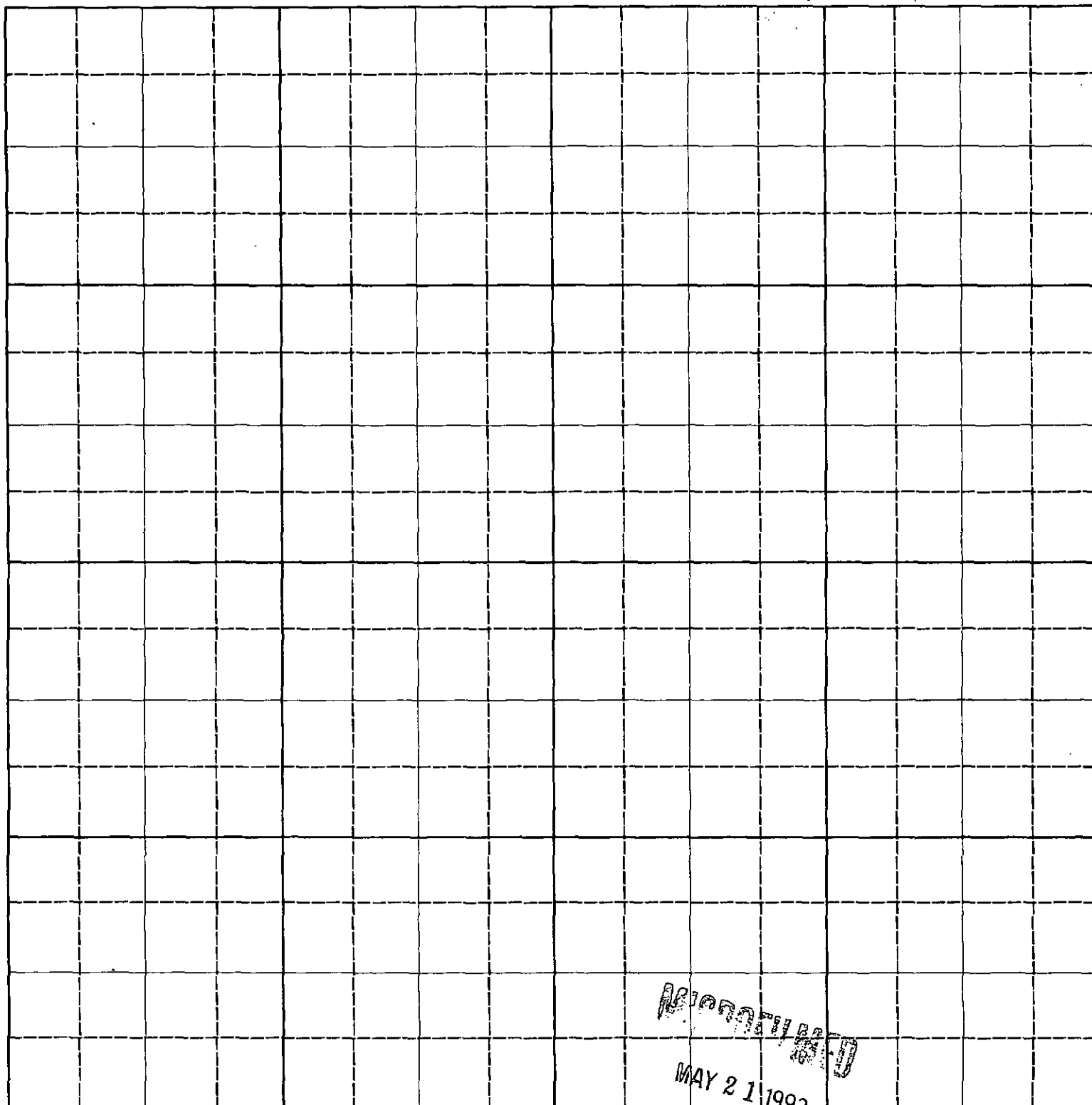
WILLIAMS LAKE SUBDIVISION

Place of Use of water



MICROFILMED

MAY 21 1993

A large grid of graph paper, consisting of 20 columns and 20 rows of squares. In the bottom right corner, there is a rectangular stamp. The stamp contains the word "RECORDED" in a bold, sans-serif font, slanted upwards to the right. Below it, the date "MAY 21 1992" is stamped in a similar font, also slanted upwards to the right. The stamp is slightly faded and has a textured appearance.

RECEIVED
MAY 21 1993

WILLIAMS LAKE WATER AND SEWER DISTRICT
BY: Maurice A. Kondeau
(Applicant) Chairman

Received by SC Date 6/29/92 Time 1:30 P.M. Preliminary check by _____
Fee \$ 45.00 Receipted by HWJ # E017556 Date 6-29-92
Publication prepared by RB Date 8-6-92 Published in Recorder Herald
Publication approved RB Date 9-21-92

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

MICROFILMED

MAY 21 1993

APPLICATION FOR TRANSPORTATION AND
UTILITY SYSTEMS AND FACILITIES
ON FEDERAL LANDS

FORM APPROVED
OMB NO. 1004-0060
Expires: May 31, 1989

NOTE: Before completing and filing the application, the applicant should completely review this package and schedule a preapplication meeting with representatives of the agency responsible for processing the application. Each agency may have specific and unique requirements to be met in preparing and processing the application. Many times, with the help of the agency representative, the application can be completed at the preapplication meeting.

FOR AGENCY USE ONLY

Application Number

Date filed

1. Name and address of applicant (include zip code)

WILLIAMS LAKE WATER/SEWER DIST.
P.O. Box 518
SALMON ID 83467

2. Name, title, and address of authorized agent if different from Item 1 (include zip code)

COL MAURICE RONDEAU

3. TELEPHONE (area code)

Applicant

208-756-2945

Authorized Agent

4. As applicant are you? (check one)

- a. ☐ Individual
b. ☐ Corporation*
c. ☒ Partnership/Association*
d. ☐ State Government/State Agency
e. ☐ Local Government
f. ☐ Federal Agency

* If checked, complete supplemental page

5. Specify what application is for: (check one)

- a. ☒ New authorization
b. ☐ Renew existing authorization No. _____
c. ☐ Amend existing authorization No. _____
d. ☐ Assign existing authorization No. _____
e. ☐ Existing use for which no authorization has been received*
f. ☐ Other*

* If checked, provide details under Item 7

6. If an individual, or partnership are you a citizen(s) of the United States? ☒ Yes ☐ No

7. Project description (describe in detail): (a) Type of system or facility, (e.g., canal, pipeline, road); (b) related structures and facilities; (c) physical specifications (length, width, grading, etc.); (d) term of years needed; (e) time of year of use or operation; (f) Volume or amount of product to be transported; (g) duration and timing of construction; and (h) temporary work areas needed for construction. (Attach additional sheets, if additional space is needed.)

- a. Dig out spring & install a tiled cistern, install 7 1/2 hp single phase pump to raise water through a 4" schedule 40 pipe to relay water to next pump & cistern approx 300' up the hill. May have 2 or 3 relay cisterns/pumps to get water up to 58,000 gallon storage tanks. Pipe will be buried approx 2' deep & installed by a cat.
b.
c. Approx. 1/2 mile long x 50' wide, 20% slope
d. 30 yrs.
e. April 1 - Nov. 30
f. 50 cfs
g. would like to start April 1993 & will take approx 1 yr.
h. Possibly road along pipeline route

8. Attach map covering area and show location of project proposal

9. State or local government approval: ☐ Attached ☒ Applied for ☐ Not required

IDWR Appln for Permit

10. Nonreturnable application fee: ☐ Attached ☐ Not required

11. Does project cross international boundary or affect international waterways? ☐ Yes ☒ No (If "yes," indicate on map)

12. Give statement of your technical and financial capability to construct, operate, maintain, and terminate system for which authorization is being requested.

a certified engineer will be employed to develop plans for this project.

Are hazardous and/or toxic materials proposed for use or storage or will they be generated or used during any phase of the right-of-way project?

☐ Yes ☒ No

MAY 21 1993

13a. Describe other reasonable alternative routes and modes considered.

water from Williams Lake

b. Why were these alternatives not selected?

surface water contamination would require expensive filtration/treatment system.

c. Give explanation as to why it is necessary to cross Federal lands.

To get from spring to private land to use subsurface water.

14. List authorizations and pending applications filed for similar projects which may provide information to the authorizing agency. (Specify number, date, code, or name.)

NONE

15. Provide statement of need for project, including the economic feasibility and items such as: (a) cost of proposal (construction, operation, and maintenance); (b) estimated cost of next best alternative; and (c) expected public benefits.

16. Describe probable effects on the population in the area, including the social and economic aspects, and the rural lifestyles.

17. Describe likely environmental effects that the proposed project will have on: (a) air quality; (b) visual impact; (c) surface and ground water quality and quantity; (d) the control or structural change on any stream or other body of water; (e) existing noise levels; and (f) the surface of the land, including vegetation, permafrost, soil, and soil stability.

temp effect on air quality; visual scar until rehabilitated; none; diversion + ~~temporal~~ transportation of water for domestic use; none; f) removal of vegetation within R/W would be reseeded

18. Describe the probable effects that the proposed project will have on: (a) populations of fish, plant, wildlife, and marine life, including threatened and endangered species; and (b) marine mammals, including hunting, capturing, collecting, or killing these animals.

NONE

19. Name all the Department(s)/Agency(ies) where this application is being filed.

USDI-BLM

Id. Dept of Water Resources

MAY 21 1993

I HEREBY CERTIFY, That I am of legal age and authorized to do business in the State and that I have personally examined the information contained in the application and believe that the information submitted is correct to the best of my knowledge.

Signature of Applicant

Date

Title 18, U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The Following application(s) have
been filed to appropriate the public
waters of the State of Idaho:

75-07589

**WILLIAMS LAKE WATER &
SEWER DIST**

PO BOX 518

SALMON, ID 83467

Source: LAKE CREEK

Tributary: SALMON RIVER

County: LEMHI

Diversion Pt: NESWSE Sec 34 T
20N R 21E

Use: DOMESTIC (.500 CFS)

Total Diversion (.5000 CFS)

Date Filed: 6/29/1992

In: LEMHI County

T19N R21E S03 SWNE SENE

T20N R21E S34 SENW

75-07590

**WILLIAMS LAKE WATER &
SEWER DIST**

PO BOX 518

SALMON, ID 83467

Source: LAKE CREEK

Tributary: SALMON RIVER

County: LEMHI

Diversion Pt: NESESE Sec 34 T
20N R 21E

Use: DOMESTIC (.500 CFS)

Total Diversion: (.500 CFS)

Date Filed: 6/29/1992

In: LEMHI County

T19N R21E S03 SWNE SENE

T20N R21E S34 SENW

75-07591

PEDROW, GARRY

PEDROW, PEGGY

HC 64 BOX 1

SHOUP, ID 83469

Source: SPRINGS

Tributary: SALMON RIVER

County: LEMHI

Diversion Pt: NENWNW Sec 36
T 24N R 18E

Use: DOMESTIC (.040 CFS)

Total Diversion: (.040 CFS)

Date Filed: 7/6/1992

In: LEMHI County

T24N R18E S36 NENW

75-07592

FAYLE, CURTIS R

FAYLE, SHANNON R

1412 SHOUP ST

SALMON, ID 83467

Source: LEMHI RIVER

Tributary: SALMON RIVER

County: LEMHI

Diversion Pt: SWSE Sec 5 T.21N
R 22E

Use: RECREATION (.240 CFS)

Total Diversion: (.240 CFS)

Date Filed: 7/2/1992

In: LEMHI County

T21N R22E S05 SWSE

The permit(s) will be subject to
all prior water rights. Protests must
be filed with the Director, Dept. of
Water Resources, Eastern Region,
150 Shoup Avenue, Suite 15, Idaho
Falls, Idaho 83402 on or before
AUGUST 24, 1992.

R. Keith Higginson, Director

Published: 8/6/1992 & 8/13/1992

8-6-2tc

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

RECEIVED

SEP 18 1992

RICKY G. HODGES

Department of Water Resources

and says he is one of the printers (publishers) of the RECORDER-HERALD, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein.

That the Notice of Application for Water Rights

75-07589, 75-07590, 75-07591, 75-07592

a true
printed copy of which is attached to the margin hereof, has been and was correctly printed and pub-
lished in the regular and entire issue of every number of said newspaper and not in any supplement
thereof or thereto for two (2) consecutive issues, commencing with the issue
dated August 6, 1992 and ending with the issue dated August 13, 1992.

STATE OF IDAHO

COUNTY OF LEMHI

ss.

On this 13 day of August in the year of 1992

before me, A Notary Public, personally appeared RICKY G. HODGES

known or identified to me to be the person whose name subscribed to the within instrument, and being
by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he
executed the same.

Rachel E. Snook
Notary Public for Idaho

Residing At Salmon, Idaho

My Commission expires: 10/18/97

Publication Fee \$ 88.56

#630

75-07589

Keith B. Amar
119 Cottonwood Ave
Salmon, ID 83467
208-756-2001 phone
208-756-2004 fax

facsimile transmittal

To: L. Glen Saxton

Fax: 208-327-7866

From: Keith B. Amar

Date: February 22, 1999

Re: Plumbing Application and Inspection

Pages: 3

CC:

☐ Urgent☒ For Review☐ Please Comment☐ Please Reply☐ Please Recycle

Notes: For your records.

File in
75-07589
↓
75-07590

VH
2-23

PF-17
06/09/98STATE OF IDAHO
DEPARTMENT OF LABOR AND INDUSTRIAL SERVICES
PLUMBING DIVISIONAPPLICATION FOR HOMEOWNER'S PLUMBING PERMIT

This application is to be completed and mailed before work is started and is for the use of homeowners doing the actual plumbing work inside of a one or two family dwelling only on their own property. Persons, companies, firms, associations, or corporations making plumbing installations must be licensed as a plumbing contractor by the state of Idaho as provided by Idaho Code section 54-2602.

THE PROPER INSPECTION FEE MUST ACCOMPANY THIS APPLICATION

☒ New Construction ☐ Remodel ☐ Fixture Replacement

☐ Bathtub/Shower	☐ Floor Drain	☐ Sewer (\$38)
☐ Sink	☐ Dish Washer*	☒ Water (\$38)
☐ Toilet	☐ Garbage Disposal*	☐ Sewer & Water (\$50)
☐ Wash Basin	☐ Automatic Washer	☐ Sprinkler (\$38)
☐ Water Heater	☐ Water Softener	☐ Mobile Home (\$40)**
	*Remodel or Replacement Only	Other _____

Total Fixtures _____ x \$8 = \$ _____ + PERMIT FEE \$30 = TOTAL REMITTANCE \$ 38.00

Homeowner: Mr. Keith W. Amos (Please Print)
 Mailing Address: 119 Cottonwood Ave Lemhi
 (City) Idaho 83467 (State) (Zip) Telephone Number: (208) 756-2001
 (City) (State) (Zip)

Location of property where plumbing work is to be done: (If address is unknown, please include a map.)
Block Twelve (12), Block One (1), Williams Lake Subdivision No. 12
County, State of Idaho.

Failure to send permit application and required fee prior to work being commenced will, at the discretion of the Department, result in the assessment of a double fee.

Make check or money order payable to the Plumbing Division and mail to the Department of Labor and Industrial Services, Plumbing Division, 207 North 6th Street, Suite 100, P.O. Box 83720, Boise, Idaho 83720-0068.

Additional permits are required for sewer and water service lines.

**Mobile Home permit is for the actual connection of the mobile home sewer and water lines to existing sewer and water stubs. Additional permit is required for any new water or sewer service lines or any replacement of water or sewer service lines.

FOR THE MOBILE HOME OWNER: I agree to permit inspections of this installation by an inspector from the Department of Labor and Industrial Services and hereby certify that this installation herein designated will comply with Title 54, Chapter 26, Idaho Code.

FOR THE HOMEOWNER: I agree to permit inspections of these plumbing installations by an inspector from the Department of Labor and Industrial Services. I agree to conduct all required tests of the hot and cold water distribution system, and of the drainage and vent piping system in conformance to the requirements of section 318 of the Uniform Plumbing Code and hereby certify that these plumbing installations herein designated are to be made by the homeowner below and that said homeowner will assume responsibility for compliance with Idaho Code Title 54, Chapter 26, Idaho Code.

Signature of Homeowner: Keith W. Amos Date: 5/17/96

(1) WHITE: Division Copy (2) YELLOW: Office Copy (3) PINK: Owner Copy

rb

FEB-22-99 MON 02:07 PM AMAR REPAIR & SERVICE

208 756 2004

P.03

FEB-22-99 MON 01:49 PM PLUMBING DIVISION

FAX NO. 2083343470

DEPT OF LABOR & INDUSTRIAL SERVICES NO: H000031251
PLUMBING DIVISION
NEW CONST AREA: 27 INSP: 27 PRNC: ELL ISSUE DATE: 05/21/1998
OWNER: Keith S. Amey ADDR: 119 Cottonwood Avenue
CITY, ST, ZIP: Salem, ID 83653 PERM #: 756-2001
PROPERTY LOCATION: Lot 11, Block 1, N. Laramie Lake Sub #1.

**** PERMIT BASE COST DETAIL ITEMS ****

CNT	DESCRIPTION	AMT	CNT	DESCRIPTION	AMT
1	WATER	38.00			

INSPECTION COMPLETED SEP 10 1998 *TR*

ITEM TOTAL: 38.00 + PERMIT FEE: 0.00 = TOTAL PERMIT FEE: 38.00
REF #: 12034 AMT PAID: 38.00

THIS PERMIT VOID IF WORK IS NOT COMMENCED IN 120
DAYS FROM ISSUE OR ABANDONED FOR 120 DAYS

3-INSPECTOR



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 18, 1999

Milton A. Slavin
Williams Lake Rec. Water & Sewer District
P.O. Box 82
Salmon, ID 83467-0082

RE: PERMITS 75-07589 AND 75-07590

Dear Mr. Slavin:

I have reviewed your letter dated February 3, 1999, in connection with the above referenced water right permits in the name of Williams Lake Recreational Water and Sewer District (district). In your letter you sent a copy of a building permit issued to Keith Amar, described activity of Mr. Amar relative to use of water at Williams Lake and asked if the information you have provided changes my March 17, 1998 letter to Mr. Amar.

I have reviewed my March 17, 1998 letter to Mr. Amar and believe that it is accurate with one clarification. In my letter I state that

"Your past use of water appears to comply with Condition of Approval No. 6. described above, since your use began within the authorized development period."

This statement is based on Mr. Amar's representation of when his water use began. I do not know when Mr. Amar's use began or whether it is within the authorized permit development period.

The next step in the water right development process is for the department to conduct a field examination to determine the extent of beneficial use made of the water. The recommendations of the department's examiner will be based on the findings of the examiner. Regardless of what the ultimate license shows as the extent of authorized use, the license does not preclude the requirement of parties to comply with local planning and zoning requirements, if any. The district and Mr. Amar may need to work out alleged compliance or non-compliance with requirements of the district, since the department will not make this determination for the parties.

I do not know when the department's eastern regional office in Idaho Falls will schedule a field examination of the two permits.

I am sending a copy of my March 17, 1998 letter, a copy of your February 3, 1999 letter with copy of building permit and a copy of this letter to all the parties listed below in order that the parties who have periodically contacted me about this matter will have as much information as I have and can proceed to resolve disagreements among themselves if they so choose.

Sincerely,



L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 3

c: IDWR - E. Region
Harold Sisco
Keith B. Amar
John B. McKinney
Jim Kingston

WILLIAMS LAKE RECREATIONAL WATER & SEWER DISTRICT

P. O. BOX 82

SALMON, ID 83467-0082

RECEIVED

FEB 16 1999

Department of Water Resources

February 3, 1999

L. Glen Saxton, Chief
Water Allocation Bureau
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: Permits 75-07589 and 74-07590
Williams Lake Recreational Water and Sewer District
(Domestic Use Water Hookup – Keith Amar)

Dear Mr. Saxton:

This letter is written on behalf of Williams Lake Recreational Water and Sewer [District].

In your letter of March 17, 1998 you stated:

“Please recognize, however, that even though the Department is willing to include domestic use to your trailer as one of the authorized uses on the two pending permits, policies or rules of the District may exclude or restrict water deliver to your trailer”

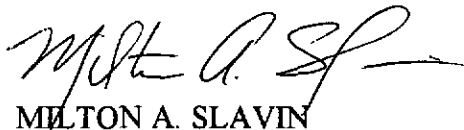
Keith Amar never had an authorized water hookup from the District as he was denied a hookup by the Board on October 10, 1996. The District became aware when Mr. Amar helped himself as to hook into the water system in the spring of 1998, which he did without the approval or permission or authorization by the District. Mr. Keith Amar has not followed any of the requirements of the District and has misled the County Commissioners, the District 7 Health Department and the Idaho Department of Water Resources by leading them to believe that his lot was “served” by the Williams Lake Recreational Water and Sewer District water supply system. The conditions of your approval on the permit stated in Paragraph No. 6:

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

Mr. Amar's "home" was not built (see attached building permit), as it was termed a "shed" without plumbing, and he was not served by the District water lines, as he was never properly authorized or recognized as a valid hookup to the District water system lines. Granted, Mr. Amar did have a shed located on his lot (see attached building permit) and a 16' camper trailer which he had parked there for temporary or intermittent use. As far as the District is concerned, Amar did not have a home built and served by the District water lines before or during the development period as per the Order and at the time of January 23, 1998 when the Proof of Beneficial Use of Water was filed for the permits.

Please respond to the District as to whether or not this additional information would change your letter of March 17, 1998 to Mr. Keith Amar.

Very truly yours,



MILTON A. SLAVIN

Attorney/Secretary

Williams Lake Recreational Water and Sewer District

cc: Directors

BUILDING PERMIT APPLICATION

City of Salmon ☐

Lemhi County ☒

APPLICANT TO COMPLETE
UNSHADED AREAS ONLY

ORIGINAL

COPY

3021

JOB ADDRESS				
FILE REFERENCE				
1. Legal Description	Lot: 12	Block: 1	Subdivision: Williams Lake #1	Description Attached
2. Owner: Keith R Anwar	Address: 119 Cottonwood	City, State, Zip Code: Salmon, Id 83467	Telephone: 756-2001	
3. Contractor: Same	Address:	City, State, Zip Code:	Telephone:	
4. Architect or Engineer: Same	Address:	City, State, Zip Code:	Telephone:	
5. Lender: None	Address:	City, State, Zip Code:	Telephone:	
6. Class of Work	GRADING NEW ADDITION ALTERATION REPAIR MOVE DEMOLISH SIGN			
7. Describe Work	A Frame - 16' x 20' Appropriate plans must be attached.			
8. Use of Structure	Storage Shed	8. Change of Use?	From?	
10. Signature	This signature acknowledges that all information on this application and the attached plans is true and correct, AND that the activity permitted will be conducted in full compliance with all ordinances of the City of Salmon or Lemhi County, and state and federal law; AND that the activity conducted will be in full compliance with any and all conditions imposed on this permit's approval or the approval of previous permits (special use permits, variances, etc.) required. This permit expires in 180 days if the activity authorized is not commenced OR if the activity is commenced but abandoned for 180 days at any time before its completion. <u>Keith R Anwar</u> <u>10/20/92</u> Applicant's Signature date			
Application Accepted By:		Date: 10-20-92	Permit Fee Received: \$300 54.00	
Zoning District:	Checked for Zoning Compliance: <u>Complies</u> Fails to Comply		Checked for Health Department Compliance: <u>NO PHUM Bldg</u> <u>Complies</u> Fails to Comply	
Lot Size: 7300	Square Feet: 320	Stories: 2	Type Construction: II	Occupancy Group:
Maximum Occupant Load:		Number Dwelling Units: 1	Number of Parking Spaces: 3	
Conditions Imposed:				
Additional sheets may be used attached as needed.				
Permit Approved By: <u>[Signature]</u>		Date: 10-20-92		

Your permit is void if your check does not clear.

MEMORANDUM

To: Files 75-07589 and 75-07590

From: L. Glen Saxton *LS*

RE: OFFICE VISIT BY HAROLD SISCO

Date: July 7, 1998

On this date, Harold Sisco visited this office concerning the water measuring condition on each of the above referenced permits and whether water use could be changed from in-house use only to include external use.

With regard to water measurement, I advised Sisco that the department needed installed equipment which would allow the department to readily determine the rate of diversion of water being made under terms of the permits. Sisco advised that there presently is installed equipment which measures both rate of diversion and volume diverted.

With regard to external domestic use, I advised Sisco that the permit authorized in-house use only and that the department likely would not change the condition. I did, however, advise Sisco of the general method to change a water right under terms of an amendment or a transfer. He said he would like a written response to the questions which I said I would provide upon receipt of written questions. Hence, he said he would have Milt Slavin correspond with the department concerning the matter.

c: IDWR - E. Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

April 17, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Jim Kingston
1108 McRae Road
Arlington, WA 98223

RE: TELEPHONE REQUEST

Dear Mr. Kingston:

This letter responds to your telephone conversation today in which you requested a copy of a letter FAXED to me on March 16, 1998 from Keith B. Amar. Enclosed is the requested copy.

I also understand from our telephone conversation that you plan to submit some information concerning the water system at Williams Lake and some history related to the use of the system. As I indicated to you, I will file the information which you provide in water right permit files 75-07589 and 75-07590 in order that the information will be available for department reference in connection with the license field examinations to be conducted by the department in connection with the permits and in connection with the licenses of water right to be issued by the department.

If you have questions, please feel free to contact me.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 1

c: John McKinney
Keith B. Amar
IDWR - E. Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 27, 1998

John McKinney
Attorney at Law
1015 Main Street
Salmon, ID 83467

RE: TELEPHONE INQUIRY

Dear Mr. McKinney:

Enclosed at your request on this date is a copy of a letter FAXed to the department from Keith B. Amar on March 16, 1998. You apparently already have a copy of my letter dated March 17, 1998 responding to Mr. Amar.

With respect to continued development under Permit Nos. 75-07589 and 75-07590 in the name of Williams Lake Recreational Water and Sewer District (district), the opportunity to continue with additional development under the permits ceased with the filing of the proof of beneficial use of water on January 23, 1998 by Harold Sisco on behalf of the district. Development which did not exist on January 23, 1998, will have to occur under different permits than 75-07589 and 75-07590.

If you have questions, please feel free to contact me or the department.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 2

c: Keith B. Amar
IDWR - E. Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 17, 1998

Keith B. Amar
119 Cottonwood Ave
Salmon, ID 83467

RE: DOMESTIC USE INQUIRY - PERMITS 75-07589 AND 74-07590 ✓

Dear Mr. Amar:

This letter responds to your inquiry FAXed to this office on March 16, 1998 in connection with domestic use.

In your letter, you state that you have used water provided by Williams Lake Recreational Water and Sewer District (district) in your trailer house at Williams Lake since May 1996.

Department records show that on January 20, 1993, the department issued permit Nos. 75-07589 and 75-07590 in the name of Williams Lake Recreational Water and Sewer District authorizing the diversion of 0.50 cfs of water from two springs for domestic use for up to 100 homes. Conditions of approval on the permits included the following:

4. Use of water shall be limited to in-house use.
6. Only homes built and served by district water lines before or during the development period may be recognized as legitimate places of use.

On January 23, 1998, the permit holder filed proof of beneficial use of water for the permits showing that water has been diverted and applied to a beneficial use for sixty-four (64) homes and for Williams Lake Resort.

As I understand your question, you are wondering if the words "in-house" use shown in Condition of Approval No. 4. above exclude trailer homes from the authorized place of use for the permits. The department routinely issues permits and licenses showing "domestic use" where the use is associated with a manufactured or trailer home which is occupied either full time or part time. The obvious limitation in Condition of Approval No. 4. is that water is not authorized for use outside the residence as is usually included in domestic uses.

Your past use of water appears to also comply with Condition of Approval No. 6. described above, since your use began within the authorized development period. I assume that the 64 homes shown on the proof of beneficial use filed on January 23, 1998 includes your use.

Please recognize, however, that even though the department is willing to include domestic use to your trailer as one of the authorized uses on the two pending permits, policies or rules of the district may exclude or restrict water delivery to your trailer.

If you have additional questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Glen Saxton". The signature is fluid and cursive, with the first name "L." being small and the last name "Saxton" being larger and more prominent.

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - E. Region
Harold Sisco

Post-it Fax Note	7671	Date	3/16/98	# of pages	4
To	Glen Saxon	From	Keith Amav		
Co./Dept.	DWL	Co.			
Phone #	327-7900	Phone #	756-2001		
Fax #	327-7866	Fax #	756-2004		

We have had a trailer as our primary residence at Williams Lake since 1991. In 1992 We started building an A-frame structure to use for storage and shelter. When Harold Sisco asked us to vote for the new water system, we asked if we could use the water in our trailer which is self contained. Harold said yes and we voted for the system. We hooked up to the water system in May of 1996 (see attached permit) to a valve provided for us off the main line. Shortly there after, the water board decided that trailers were not acceptable. There-fore we are proceeding with converting our building permit from "shed" to "dwelling" with help from Gary Goodman, Lemhi County building inspector. We expect our septic permit to be approved right a way as our engineering firm says we meet all the requirement.

My Question concerns the use of the terms "House" or "Home" in the conditions for use of water in permit #75-07590 and #75-07589. For example #4 says "in house use only". We feel that we comply because we don't use the Water for irrigating or washing cars or other outside uses, but until our permit can be changed to "House" or "Home" we are forced to use water "in trailer". My understanding of the terms when we voted for the system was where we lived and used water when we stayed at William Lake, our trailer was our primary residence or "Home". The water Board itself uses various terms on what they consider a "Home" (see attached list).

Board Meeting minutes June 25, 1996, Pg 2

"Premises" and "Residential construction"

Resolution 95-1

pg 1, sec 2, "premises"

sec 3 "house, building or water service" "all buildings, houses, structures, or improvements of any nature receiving water through the district system".

Resolution 96-1

pg. 1, 3rd paragraph "all property owners with septic systems or sewage systems on each housing unit".

Pg. 2, (6) "land user"

(7) "to the property" b. "land user"

In Steve Adams, District 7 Health Dept., proposal for compliance agreement, July 10, 1997

Paragraph 7 "number of units needing service"

Barry Burnell - DEQ, in a letter to Steve Adams, on Oct. 30, 1996 -

Interprets a "travel trailer" as a "dwelling" if occupied for human living purposes.

We need this clarification so we can continue to use water from the lake system, without endangering the approved permits. We thank you for your time.

Sincerely,


Keith B. Amar

COPY
v b

IDAHO RULES AND TGM INTERPRETATION

Dwelling: As used in Title 1, Chapter 3, Rules for Individual and Subsurface Sewage Disposal includes, but is not limited to, single-family dwellings, mobile homes, and multiple residential dwellings. The Technical Guidance Committee (TGC) intended for the Holding Tank section of the Technical Guidance Manual for Individual and Subsurface Sewage Disposal (TGM), as the third condition of approval, that holding tanks are not approved for new dwellings. The use of the term dwellings in this case was intended to include all buildings or structures that would discharge wastewater from the building to a subsurface sewage disposal system. The use of the term dwellings in this application would include, but is not limited to, single-family dwellings, multiple residential dwellings, institutional establishments, food service establishments, commercial and industrial buildings, and seasonal and recreational buildings as identified in §16.01.03.007.

DEFINITIONS

Building: (*UPC, 1996*) A building is a structure built, erected, and framed of component structural parts designed for the housing, shelter, enclosure, or support of persons, animals, or property of any kind.

Dwelling: (*Webster's, 1985*) A residence.

Dwelling: (*Hidden Springs Planned Rural Community Application*) Any building or portion thereof designed or used as the residence or as separate living quarters of one or more persons, but not including a tent, trailer or a room in a hotel, motel, or bed and breakfast establishment.

- Dwelling, Multi-family: A building or portion thereof designed for or used by three (3) or more families or housekeeping units.
- Dwelling, Single-family: A building designed for or used exclusively for residence purposes by one (1) family or housekeeping unit.

Dwelling: (*Massachusetts Rule, 1995*) A building which is used, intended, or designed for human habitation including, but not limited to, houses, hotels, motels, apartments, mobile and modular homes, and condominiums.

Dwelling: (*Oregon, Rules 1985*) Any structure or building, or any portion thereof which is used, intended, or designed to be occupied for human living purposes including, but not limited to, houses, houseboats, boathouses, mobile homes, travel trailers, hotels, motels, and apartments.

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 15-01589 Reviewed by Jy Date 2-25-98

GENERAL CONSIDERATIONS

yes Name same as permit?
yes Address same as permit?
yes Proof timely received?
If not, complete calculation below.

TYPES OF USE

dom. municipal

Correct Uses? yes

SOURCE OF WATER

☒ Surface water source

☐ Ground water source

☐ Drilling permit required?

☐ Copy in the file? Drilling Permit No. _____

☐ Amount paid for permit

☐ Well log in the file?

Correct? _____

LICENSE EXAMINATION FEE

yes Required?
100- Amount Submitted
yes Correct?

MEASURING DEVICE

yes Required?
NO Installed?
yes Waiver requested?

PRIORITY CALCULATION

Date proof received _____
Date proof due _____
No. of days late _____
Priority Date _____
New Priority Date _____

DEFICIENCIES OR ACTION ITEMS

Prepare order to waive flow port requirement.
Proof acceptable

DATA ENTRY

New Address X Proof Made 1-23-98



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

March 2, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Williams Lake Recreational Water
& Sewer District
PO Box 82
Salmon ID 83467

RE: Water Right No. 75-07589

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

The department has considered your request to waive the flow port condition from the permit. Due to the fact that this water right was a contested matter, the condition will not be waived unless you can provide more specific information, in writing, why the request should be granted. You will need to comply with the measurement condition before the field examination is performed.

Be advised that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the department's Eastern Regional Office in Coeur d'Alene at (208)525-7161.

Sincerely,

JULIE L. YARBROUGH

Senior Secretary, Water Allocation Bureau

c: IDWR - Regional Office

December 31, 1997

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

PROOF DUE NOTICE

RE: PERMIT NO. 75-07589

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before March 1, 1998.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

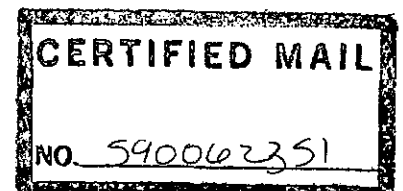
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures



11/12/97

MEMORANDUM

To: Files 75-07589 and 75-07590

From: L. Glen Saxton *WLS*

RE: PHONE CALL TO GARY SLETTE - PERMITS 75-07589 AND 75-07590

Date: March 13, 1996

On this date, I returned a call to Gary Slette at the request of Norm Young. Slette was out but later returned my call.

Slette advised that he has a client who has purchased lots at Williams Lake and wants to park an RV vehicle on it. Slette wanted to know why the department required in the Final MD&O issued by the department on March 1, 1993, that a house be constructed on the lots in order to be counted as one of the authorized domestic uses when in the case of Kanaka Rapids, the department would count lots if the water source had been stubbed off to the lots.

I advised Slette that there were three (3) reasons which were aired at the hearing by the protestants and included in the Final MD&O of the department. The reason included 1) the limited amount of water available (i.e 0.50 cfs for up to 100 domestic connections), 2) to minimize interference with prior water rights downstream and 3) to prevent speculation in the development and use of the springs.

Slette asked if my response to him was the position of the department. I advised that I did not know, but that my response is the position I would support.

Slette wanted to know if the department intended to "also make changes" in the proof due dates shown as March 1, 1998 on the extension requests. I advised that the department would not change the proof due dates unless the approvals were legally challenged.

c: Gary Spackman
Norman C. Young

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 75-07589 Reviewed by [Signature] Date 3-2-95

BASIC INFORMATION

2-28-95 Date stamp received
yes Extension received timely
yes Fee received and receipted
yes Name and signature same as permit
yes Address Change

BASIS FOR EXTENSION REQUEST

yes Has adequate work been completed to demonstrate due diligence?

_____ Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? _____ Requested? _____

_____ Is delay by a government agency?
Is supporting documentation needed to complete the file? _____ Requested? _____

_____ Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN Should extend to March 1, 1998,
for due diligence.

PRIORITY CALCULATION

Date extension received	_____	=	_____
Proof due date	_____	=	_____
Number of days late	_____	=	_____
Priority date	_____	=	_____
New Priority Date	_____	=	_____

DATA ENTRY

New Address X
Change Proof Due Date 3-1-98
Change Priority Date X



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 2, 1995

Williams Lake Water & Sewer Dist.
P.O. Box 82
Salmon, ID 83467

RE: Permit No. 75-07589

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to **March 1, 1998**. Please note that the department has granted this extension based on **due diligence**. It is important that you work diligently toward the completion of this project during the construction period allowed since the department will not be able to grant additional extensions based on due diligence.

If you have any questions or if I can be of any further assistance, please feel free to contact this office.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Regional Office

PROCESSED

MAR 30 1995

December 31, 1994

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

PROOF DUE NOTICE

RE: PERMIT NO. 75-07589

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before March 1, 1995.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

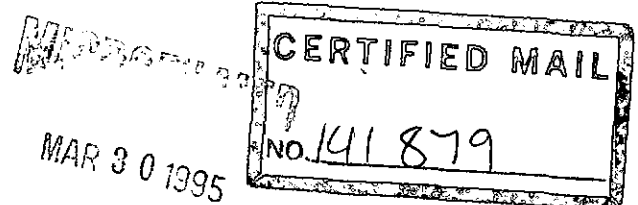
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures





State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

October 29, 1993

Milton A Slavin
Attorney at Law
PO Box 1103
Salmon, ID 83467

Re: Permit Nos. 75-07589 and 75-07590

Dear Mr Slavin:

The Department is in receipt of your correspondence dated October 18, 1993 requesting an extension of the time necessary to begin construction of the Williams Lake Water District project.

The Department is willing to extend the start of construction to the spring of 1994. Section 42-204, Idaho Code makes provision for a later start provided the permit holder is temporarily interrupted by circumstances over which the permit holder has no control. This, however, does not extend your proof due date which is March 1, 1995.

The Department will keep your correspondence in the water right file for reference purposes in case other water users should have need to refer to it.

If you have any questions, or if I can be of any further assistance, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Karen L. Gustafson".

Karen L. Gustafson
Senior Secretary

RECEIVED

MAR 30 1995

MILTON A. (JOCK) SLAVIN
ATTORNEY AT LAW
1016 MAIN ST., P.O. BOX 1103, SALMON, IDAHO 83467
208/756-2030

RECEIVED
OCT 21 1993
Department of Water Resources

October 18, 1993

Gary Spackman
Department of Water Resources
1301 North Orchard St.
Statehouse Mail
Boise, Idaho 83720-9000

RE: Permits to Appropriate water Nos. 75-07589 and
75-07590 in the name of Williams Lake Water
District

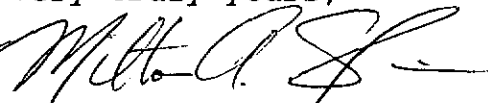
Dear Mr. Spackman:

Williams Lake Water and Sewer District has been working with both the Department of Health and Welfare and Department of Environmental Quality and Ross D. Miller of Land and Water Consulting, Inc. in order to develop the new water distribution system at Williams Lake.

It now appears that the engineering plans will be submitted to the DEQ for approval, but with the winter months rapidly advancing, it will probably not be likely that construction will begin before the spring of 1994. Therefore, Williams Lake Water and Sewer District would like to request an extension for implementation of the beneficial use of the spring water from the above referenced points of diversion.

If any additional information is needed, please feel free to contact this office at your earliest convenience.

Very truly yours,



MILTON A. SLAVIN

MAS/rt

cc. Harold Jones

RECEIVED
OCT 21 1993

MAR 30 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 18, 1993

C. Tom Arkoosh
Attorney at Law
PO Box 2110
Boise, ID 83701-2110

Re: Permits to Appropriate Water nos. 75-07589 and 75-07590 in the name of Williams Lake Water District

Dear Mr. Arkoosh:

Thank you for your letter dated July 23, 1993. After receiving the initial motion for reconsideration from Milton Slavin, Mr. Slavin wrote me another letter withdrawing his original petition. I consider the matter to be closed at the present time.

The Department is willing, however, to consider any arrangement between Williams Lake Water District and the protestants which would better satisfy the needs and concerns of the parties.

Sincerely,

Gary Spackman

Enclosure

C: Milt Slavin
Eva Miles
Albert & Diane Brown
Leslie May Shumate
Steve Adams, District 7 Health

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AUG 30 1993

RODEN & ARKOOSH, CHARTERED

ATTORNEYS AT LAW

802 WEST BANNOCK - SUITE 900

POST OFFICE BOX 2110

BOISE, IDAHO 83701-2110

RECEIVED

JUL 26 1993

Department of Water Resources

WILLIAM C. RODEN

C. TOM ARKOOSH

July 23, 1993

TEL. (208) 336-7930

FAX NO. (208) 336-9154

Gary Spackman
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

Re: Permits to Appropriate Water Nos. 75-07589 and 75-07590
Williams Lake Water District

Dear Mr. Spackman:

I have received and reviewed your correspondence of June 30, 1993, concerning the above, which had appended thereto the correspondence of Milton Slavin, Secretary of Williams Lake Water and Sewer District, dated June 7, 1993. Mr. Slavin's correspondence requested that the domestic water obtained pursuant to the permits above could be used for irrigation use as distinguished from its current limited use for "in house".

On behalf of A. W. Brown, Inc., and A. W. Brown individually, protestants to the above permits, and parties who took exception to the findings of the amount of water allowed, Mr. Brown would not object to allowing the irrigation use under the following conditions:

1. That the Department limit the water right to .12 cfs as offered by Mr. Slavin. Further, the Department require the water system constructed by the District be limited to a .12 capacity. I would call your attention to the final Memorandum Decision and Order, which provided in its EXCEPTION ANALYSIS that,

"The actual quantity of water diverted will be restricted by both a short development period for the water right permit and use only within the dwellings."

If the use is to be expanded beyond the dwellings, the amount of use should be numerically qualified or carried to reflect the actual need, which the evidence at hearing reflected is only .067 cfs, or 30 gallons a minute. As stated, however, Mr. Brown will accept .12 csf.

2. The second condition upon which Mr. Brown would not object to allowing the use of .12 cfs described in Mr. Slavin's letter would be that an order to the applicant and its members by the

RECORDED

AUG 30 1993

Mr. Spackman
July 23, 1993
Page 2.

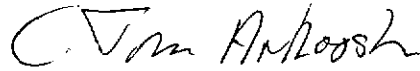
Department of Water Resources include an absolute prohibition upon illegally removing water from the lake for irrigation or other purposes. We understand this to be Mr. Slavin's request as a trade off, and it is important that this be expressly included.

If you have any questions or concerns regarding Mr. Brown's position, please do not hesitate to contact me.

Thank you.

Sincerely Yours,

RODEN & ARKOOSH, CHARTERED



C. Tom Arkoosh

WR

CTA/kk
cc. A. W. Brown
Milton Slavin

RECEIVED

AUG 30 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 21, 1993

Milton A Slavin
Attorney at Law
PO Box 1103
Salmon, ID 83467

Re: Permit Nos. 75-07589 and 75-07590

Dear Mr. Slavin:

The Department is in receipt of your correspondence withdrawing the request for reconsideration.

The Department has mailed a copy of the correspondence to all interested parties.

If you have any questions, or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

Enclosure

C: Martin Capps
Eva Miles
Albert & Diane Brown
Leslie May Shumate
C Tom Arkoosh, Roden & Arkoosh
Steve Adams, District 7 Health

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AUG 30 1993

MILTON A. (JOCK) SLAVIN

ATTORNEY AT LAW

1016 MAIN ST., P.O. BOX 1103, SALMON, IDAHO 83467

208/756-2030

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JUL 15 1993

Department of Water Resources

July 7, 1993

Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail, Boise, Idaho 83720-9000

ATTN: Gary Spackman

RE: Permits to Appropriate Water Nos. 75-07589 and 75-07590 in
the name of Williams Lake Water District

Dear Mr. Spackman:

This letter is to withdraw my letter of June 7, 1993, requesting, on behalf of Williams Lake Water and Sewer District, a modification and clarification of your decree with regard to the above referenced water rights.

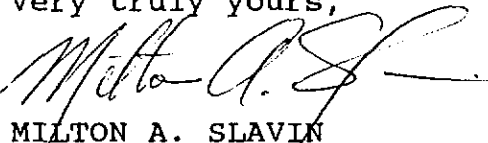
Since the writing of my letter dated June 7, 1993, there has been a change in the members of the Board of Directors for Williams Lake Water and Sewer District. Due to this change and the fact that my original letter was written, in your opinion, in an untimely manner, the decision has been made to withdraw the request for reconsideration.

The current Board of Directors has decided, at least for the present, to withdraw the petition for reconsideration and attempt to live within the bounds and restrictions of your recent decision.

Please withdraw my letter for reconsideration and if you have any questions, feel free to contact my office at your earliest convenience.

It is also my understanding that you will circulate my request for withdrawal to the other interested parties in this matter.

Very truly yours,


MILTON A. SLAVIN

MAS/ras

RECEIVED

AUG 30 1993

cc: Harold Sisco, Chairman, Williams Lake Water District



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

June 30, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Milton A. Slavin
Attorney at Law
PO Box 1103
Salmon, ID 83467

Re: Permits to Appropriate Water Nos. 75-07589 and 75-07590 in the name of Williams Lake Water District

Dear Mr. Slavin:

I acknowledge receiving your letter dated June 7, 1993. The letter does not show that carbon copies were sent to the other participating parties. I have mailed copies to all of the protestants.

You asked for modification or clarification of the decision issued by the Department. Our records show that Williams Lake Water and Sewer District was mailed a copy at P.O. Box 518 in Salmon, Idaho, the address we had in our files at approximately the time of the hearing. We may have neglected to serve you with a copy, however, because your name and address is not on the mailing certificate.

Department rules and regulations allow the filing of exceptions to a proposed decision, or a petition for rehearing, and possibly reconsideration, after issuance of a final decision. An appeal may also be filed from a final decision issued by the Director. Petitions for each of these procedural options must be filed with the Department within fixed time frames.

I am not certain your letter was filed timely, but at this point, consider it to be a petition for rehearing/reconsideration.

I believe there may be a serious question whether you timely filed the petition. I welcome your comments regarding this question, as well as comments from the other protestants. I will allow a period of thirty (30) days for comments and reaction to your letter.

Respectfully,

Gary Spackman

C: Martin Capps
Eva Miles
Albert & Daine Brown
Leslie May Shumate
C Tom Arkoosh, Roden Arkoosh
Steve Adams, District 7 Health

AUG 30 1993

MILTON A. (JOCK) SLAVIN

ATTORNEY AT LAW

1016 MAIN ST., P.O. BOX 1103, SALMON, IDAHO 83467

208/756-2030

RECEIVED

JUN 21 1993

Department of Water Resources

June 7, 1993

Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

ATTENTION: R. Keith Higginson
Director

RE: Williams Lake Water District
Permits No. 75-07589 and No. 75-07590

Dear Mr. Higginson:

On June 4, 1993 the Board of Directors for the Williams Lake Water and Sewer District held their first regular meeting for the 1993 season. Discussion was held regarding the March decision and order in the above referenced permits. Particular concern was directed to the restriction in the decision as to the use of water being limited to "in house" use only.

On behalf of the Board of Directors, we would like to request the Department of Water Resources for a clarification and/or modification thereof. With regard to the "in house" use restrictions. As per your order the District is authorized to .5 cfs of water from the Lake Creek spring sources. It is intended that this water would be pumped to the present holding tanks and distributed through the present distribution lines to the homes which are located in the Williams Lake Subdivision and also includes the Williams Lake Resort. Because of the fact the Lake water could not be utilized in the present system, due to the impurity problems, a separate or redundant system would have to be developed for landscaping irrigation. Also the resort is not specifically included or excluded from the your "in house" use only.

We would therefore propose that the District be given an opportunity to phase in a separate irrigation system, if necessary. We would also propose that the District be permitted to continue to Idaho Department of Water Resources

RECEIVED

AUG 30 1993

Idaho Department of Water Resources
June 7, 1993
Page -2-

use the present system for both in house resort use and landscaping providing that the maximum consumption does not exceed .12 cfs. The District would be willing to impose a rationing restriction should the consumption exceed .12 cfs. This would allow at least an interim period of time in order to develop a dual system or alternate system for landscaping and other out of house uses, and would be consistent with 50 gpm, which is more than the water which was flowing into Lake Creek before the development of the springs.

Also, we would like to point out that the Lake Creek drainage includes the runoff from Williams Lake, and it would appear that the total input into the lake would not be adversely affected for any downstream usages.

Therefore, it is requested that the District be allowed to be relieved from the restriction of "in house use only", at least until there is a larger demand, population or separate irrigation systems may be developed for the homes and lawns/landscaping which are presently in place.

We appreciate your consideration in this matter.

Very truly yours,



MILTON A. SLAVIN
Secretary
Williams Lake Water and Sewer District

RECEIVED

AUG 30 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 7, 1993

Colonel Rondeau
Williams Lake Water and Sewer District
PO Box 1731
Salmon, ID 83467

Re: Permit Nos. 74-07589 and 74-07590

Dear Colonel:

Per your request to Gary Spackman, please find enclosed a copy of the approved permits for the above referenced permit numbers. Also enclosed are the Proposed and Final Memorandum Decision and Orders.

Please note that the original mailing to Williams Lake Water and Sewer District is to PO Box 518 Salmon, Idaho. Nothing in the file indicates the address you have provided. Therefore, this is the first document that the Department has mailed to PO Box 1731.

If you have any questions, or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

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MAY 21 1993

**ROUTING SHEET FOR PROTESTED APPLICATIONS
WHICH REQUIRE A MEMORANDUM DECISION AND ORDER**

Date

Activity

8/17/92

HEARING HELD

FILE RECEIVED AT STATE OFFICE (Cindy)

- Date stamp, label and add file to bar code system
- Attach temporary file from protest drawer
- Route to Brenda for general review

12-17-92

GENERAL APPLICATION REVIEW (Brenda) *BLM*

- Create "P" file and edit per general review
- Route file to Karen

1/20/93

PREPARE PMD&O (Karen & Hearing officer)

- Log in for tracking through the decision process
- Route file for review of the decision
- Prepare order issuing PMD&O and certificate of mailing, route for signature and mail
- Hold file for 15 days - for exceptions

3/1/93

PREPARE FINAL ORDER (Karen)

- Prepare order adopting PMD&O as the final order or make needed changes to PMD&O and prepare final order
- Route final order for signature
- Route to Brenda for final permit processing

3-5-93

FINAL PERMIT PROCESSING (Brenda) ✓

- Edit and condition "P" file per signed MDO
- Update data base and prepare APPROPRIATE permit document (Use signature stamp on permit).
- Drop "P" from temporary file
- Route to Karen for final order processing

3/16/93

PREPARE FINAL ORDER (Karen)

- Route to Karen for final order processing
- Prepare cover letter and certif. of mailing
- Mail the final MD&O
- Send file to microfilm

MICROFILM

- Film the file
- Route file to vault

VAULT

- Remove out-cards from the protest drawer and hold drawer



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 16, 1993

Re: In the Matter of Application for Permit Nos. 75-07589 and 75-07590 in the name of Williams Lake Water and Sewer District

Dear Permit Holder:

Enclosed is a copy of the Final Memorandum Decision and Order issued in reference to the above mentioned permit.

Any person who does not agree with the decision of the department may request a rehearing before the Director within 20 days, or may appeal directly to the district court within 30 days of the date the decision is mailed.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enc: Final Order
Certificate of Mailing
Copy of Approved Permit

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MILTON A. (JOCK) SLAVIN
ATTORNEY AT LAW

1016 MAIN ST., P.O. BOX 1103, SALMON, IDAHO 83467

208/756-2030

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FEB 8 1993

Department of Water Resources

February 4, 1993

State of Idaho
DEPARTMENT OF WATER RESOURCES
130 North Orchard St.
Statehouse Mail
Boise, Idaho 83720-9000

ATTENTION: L. Glen Saxton
Chief, Water Allocation Bureau

RE: Applications for Permit Nos. 75-07589 and 75-07590
Williams Lake Water and Sewer District
Proposed Memorandum Decision and Order

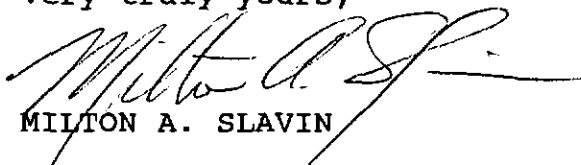
Dear Mr. Saxton:

As legal counsel for the Williams Lake Water and Sewer District, it is of upmost concern that the District furnish water to the Williams Lake Resort, which includes the restaurant, bar, motel rooms and attached facilities.

The decision only addresses use of water for in-house use only. A clarification on this area is requested in order that the Williams Lake Water and Sewer District would not be in violation of its statutory duty to furnish water to patrons within the district.

Please advise us on this matter.

Very truly yours,



MILTON A. SLAVIN

MAS/rt

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FEB 5 1993

2/2/ 93

Department of Water Resources

RE: applications for permits 75-07589
Williams Lake 75-07590

Mr. Gary Spackman
Dept. of Water Resources
1301 North Orchard St.
Boise, ID 83706-2237

Dear Sir:

You and your staff did alot of work and research on this issue. Decisions aren't easy. You only gave us about ten days to respond.

NEVER IN A LAND OF JUSTICE WOULD THE DISTRICT BE ALLOWED EIGHT times MORE WATER THAN WHAT THEY USE, in addition to what they already have at the lake. Can't find any place that states they will relinquish their water right out of the lake, when they use this other source.

In article 6 on page 5, the defendants really slipped up and DID NOT USE THE WORD ALTERNATING OUR USE, WHEN WE STATED WE RECEIVED SUFFICIENT WATER. The measurement of the stream flow will bear this out. In addition to this is a pond to store water for use. #16 page 3

Water is the life blood of Idaho. It needs to be guarded and protected.

Sincerely,

Martin Capps
Martin capps

MICROFILMED

MAY 21 1993

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FEB 3 1993

Department of Water Resources

C. TOM ARKOOSH
RODEN & ARKOOSH, CHARTERED
Attorneys at Law
802 West Bannock, Suite 900
P.O. Box 2110
Boise, Idaho 83701
Telephone: 208-336-7930

ATTORNEYS FOR A. W. BROWN

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

In the Matter of the Applications)	
for Permit No.'s 75-07589 and)	EXCEPTION TO ORDER
75-07590,)	ISSUING PROPOSED
)	MEMORANDUM DECISION
WILLIAMS LAKE WATER & SEWER DIST.)	
_____)	

COMES NOW A. W. Brown, a party to the above matter, and takes the following two exceptions to the proposed Memorandum Decision and Order in the above matter:

I.

A. W. Brown takes exception to the amount of the water right proposed in hearing, 0.50 cfs. The record in this matter indicates that thirty gallons a minutes, or .067 cfs, will suffice to meet the needs of the Applicant. Allowing the water right for nearly ten times as much as the record indicates is needed is without foundation.

II.

No provision is made in the proposed order regarding the current diversion facilities of the Williams Lake Water & Sewer

EXCEPTION TO ORDER ISSUING
PROPOSED MEMORANDUM

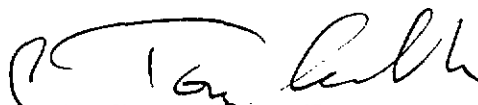
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District, nor is any provision made concerning the existing water right. The evidence at hearing indicated that the district would use the same storage facilities for the new facility, and the waters could not be mixed with the water coming from the present diversion in Williams Lake. Further, in the event that inadequate water right is granted through spring water, there exists no reason for allowing a water right out of Williams Lake itself, it is merely a duplication, and cannot be put to beneficial use.

RESPECTFULLY SUBMITTED this 3rd day of February, 1993.

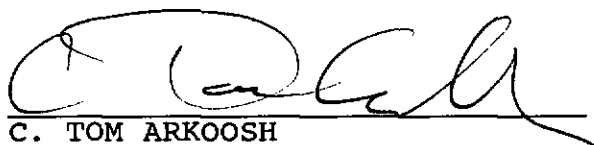

C. TOM ARKOOSH

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of February, 1993, I caused to be served a true and correct copy of the above and foregoing document by the method indicated below, and addressed to the following:

X U.S. Mail
_____ Hand Delivered
_____ Overnight Mail
_____ Telecopy (FAX)

MILTON ARTHUR SLAVIN
Attorney at Law
1016 Main
P.O. Box 1103
Salmon, Idaho 83467


C. TOM ARKOOSH

EXCEPTION TO ORDER ISSUING
PROPOSED MEMORANDUM

-2-

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MAY 21 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 20, 1993

Dear Interested Party:

Enclosed are copies of the Proposed Memorandum Decision and Order and the Order Issuing the Proposed Memorandum Decision and Order.

Any party who appeared at the hearing is given the opportunity to file exceptions or briefs, or to request oral arguments within 15 days of the date of this mailing. At the end of that time, the director will issue his final decision adopting, modifying, rejecting or replacing the proposed decision. Copies of that decision and order shall also be mailed to all parties.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads 'L. Glen Saxton'.

L. Glen Saxton
Chief, Water Allocation Bureau

Enc: Proposed Memorandum Decision and Order
Order Issuing Proposed Memorandum Decision and Order
Certificate of Mailing

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APPLICATION FOR PERMIT REVIEW

Application #: 75-7589 Date: 12-17-92 Reviewer: Brenda Miller

SYSTEM COMPLETED:

- No - 26A-P17
- Complete in 1 year - P16
- Yes
- Proof not submitted - P16
- Proof submitted - N/A

AREA OF CONCERN?

YES
Salmon-Clearwater
moratorium Area

GROUNDWATER:

- GT. 0.2 cfs <flo-ch> - 01G-P03, 01C-P03 (existing well)
- No measurement required <flow chart>
- LT. 0.2 cfs - No measurement required <flow chart>
- Drilling Permit:
- Approved w/permit - P99 Permit No. _____
- Not included - 046-46A-46B-P23 (after 7/1/87), N/A
- SURFACE WATER: not in w/d - 01C-P03 (=GT.2 w/pump), NMR <flow chart>

LOCATION:

- Water Districts - WD No. _____
- Surface water - R04, R04-01H-P01(LT.2 w/pump)
- R04-01J-P08(GT.2), NMR <flow chart>
- Groundwater - P05
- Irrigation Districts - 023
- Canal Co. Areas - 023
- Drainage Districts - 024
- Boise Front (63) - 058 (Groundwater)
- Swan Falls Flag - _____ (1, Blank or Other)
- Trust - 051-052-053-P74(Consumptive Uses)
- Non Trust <1> - 048-049

RIVER BASINS:

- (Surface Water) Water District Control Condition &....
- Boise (63) - 05A & 11E
- Payette (65) - 047-P04, 059-P71
- Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

USE:

- Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
- 042(req.), 002-P06(MD), 07A(Spec.),
- 044(Policy 5G)
- Power - Use Power Review
- Mining - 06A, 010, or 09E-P10 & 054(req.)
- Storage - 18A-for multiple measuring devices(In WD),
- 18B-P09(Size)
- Rec/Wildlf/Aes - 027(Non-Consumptive)
- Domestic - 021 (Boise River - upstream from L Peak)
- (restricted areas) 27A (Payette River & main tributaries)

OWNERSHIP:

- Non land owner - 004

PROTESTED:

- Agreement - 020

Beneficial Use Due Date

Other Conditions/Remarks:

From Order
01-02-1998 03-01-1995
Don't use

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NOV 20 1992

Department of Water Resources

C. TOM ARKOOSH
RODEN & ARKOOSH, CHARTERED
Attorneys at Law
802 West Bannock, Suite 900
P.O. Box 2110
Boise, Idaho 83701
Telephone: 208-336-7930

ATTORNEYS FOR A. W. BROWN

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

In the Matter of the Applications)
for Permit No.'s 75-07589 and)
75-07590) BRIEF
WILLIAMS LAKE WATER & SEWER DIST.)
_____)

DESCRIPTION OF PROCEEDINGS

Williams Lake Water & Sewer District (the "District") filed two applications to appropriate water from the headwaters of Lake Creek, a tributary of the Salmon River, in Lemhi County, Idaho. The applications sought .5 cubic feet per second (csf) for domestic purposes to service 100 households within the territorial confines of the district. See Application No.'s 75-7589 & 75-7590. Four downstream users owning prior rights timely protested pursuant to Idaho Code §42-203. The Director of the Department of Water Resources (Director), through its designated hearing officer, Gary Spackman, caused a hearing to be conducted on October 22, 19982, at the Lemhi County courthouse in Salmon, Idaho. The District appeared through its chairman and *de facto* general manager, Maurice A. Rondeau, as well with its counsel, Milton Arthur Slavin. All

BRIEF

-1-

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MAY 21 1993

four protestants personally appeared. Protestant A. W. Brown also appeared with counsel, C. Tom Arkoosh, Roden & Arkoosh, Boise, Idaho. The parties offered testimonial and documentary evidence, and the hearing officer took the matter under advisement, allowing counsel 30 days to file briefs supportive of their respective positions.

FACTS

Williams Lake sits approximately 2 miles east of the Salmon River, approximately 8 miles north of the town of Salmon. The Lake sits approximately 1200 feet above the level of the River in a gorge of bedrock running east and west. A mass of water permeable material settled between the bedrock walls of the gorge captures water as a dam, and forms the eastern terminus of the Lake.^{1/} Lake Creek feeds the Lake at its western shore.

Springs flow from the eastern wall of this natural dam forming the headwaters of the western preservation of Lake Creek. Between the dam and the Salmon River, the Lake Creek flows in 1992 measured:

June 18	3.46 cfs
July 10	2.91 cfs
August 18	2.76 cfs

^{1/} The parties differed whether a landslide or a glacier formed the dam causing the Lake, but for purposes of the relevant issues here, the distinction will make no difference.

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MAY 21 1993

The District seeks a water right to use .5 cfs of the waters of these springs.

In 1972, the qualified electors residing in platted and unplatted lands surrounding Williams Lake voted to form the District to supply water and sewer services to their lands. The platted lands encompass some 400 plus building lots in Williams Lake Subdivision, and Williams Lake Subdivisions No.'s 2,3, and 4. Resort facilities, including cabins, a lodge, and recreational facilities for hire, occupy some of the unplatted ground.

Although at one time the subdivided ground had as many as 60 single family dwellings which the owners used as summer, or vacation, homes, now only 58 remain. The District currently provides chlorinated water to these 58 houses, plus the resort, directly from Williams Lake under authority of Permit No. 75-07052 which allows the District to divert .5 cfs from Williams Lake for the domestic use of 66 houses.

No one foresees, anticipates, or expects further vacation home development on the Lake. This is, in part, because the District has not developed sewer facilities to accommodate further growth; and, in part, because of economic uncertainties.

The District pumps the water from the north-northeast section of the Lake through two pumps and a chlorinator to a 53,000 gallon storage facility 260 feet above the surface of the Lake, and higher than the houses to which it provides water. The elevated water then charges the domestic systems of the houses around the Lake by gravity through a system of water mains, some of which are buried

and some of which lay above ground. The District's experience establishes that 30 gallons per minute, or .067 cfs, will amply meet its needs.

The current Federal Safe Drinking Water Amendments and the regulations promulgated thereunder mandate that by June of 1993, the District must install and employ a filtration system if it continues to provide drinking water from a surface water source. The District estimates the capital cost of this installation will be approximately \$100,000. To avoid this expense, the District made its current applications upon the springs from Lake Creek.

Steve Adams, the Lemhi County Environmental Health Specialist, testified that whether the water from the springs will be characterized as surface water or ground water will remain uncertain until the Idaho Department of Health and Welfare, Division of Environmental Quality, promulgates and applies its regulations. The absence of certitude compels the conclusion that whether the District may avoid the \$100,000 capital expenditure to build a filtration facility will remain unknown for some indefinite time.

The protestants all use the water of Lake Creek below the proposed point of diversion. Each enjoys a right senior in time to the pending application. The existing rights, in the order they appear from the mouth of Lake Creek where it empties into the Salmon River, upstream, are:

Brown	Hydropower	6.00 cfs
Parish	Domestic	.02 cfs

BRIEF

-4-

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MAY 21 1993

Capps	Irrigation	1.56 cfs
Johnson [Wrasper]	Irrigation	.034 cfs
Brown	Irrigation	.44 cfs
First Federal	Irrigation	1.16 cfs
Brown	Irrigation	.12 cfs ^{2/}

With the flows in Lake Creek ranging from 3.46 cfs to 2.76 cfs, some or all of these prior uses will be affected by the new application.

ISSUES

1. Whether the proposed use will reduce the quantity of water under existing rights.

As of August of this year, the flows of Lake Creek ran at 2.76 cfs. The testimony at hearing in this matter showed without dispute that the following consumptive rights are currently in use:

Parish	Domestic	.02 cfs
Capps	Irrigation	1.56 cfs
Johnson	Irrigation	.034 cfs
Brown	Irrigation	<u>.44 cfs</u>
TOTAL		2.054 cfs

^{2/} This right, No. 75-07524, comes from a spring which is tributary to Lake Creek. Brown testified that he expected its depletion from upstream use because the disappearing and re-appearing nature of Lake Creek strongly indicated a direct relationship between its surface and below surface flows.

This left only .714 cfs (2.76 minus 2.054) running at the end of Lake Creek.

This, however, is only the first of the story. Brown testified that he believes that the prior consumptive right in use for the springs near Lake Creek which supply irrigation and domestic water to his property will diminish if the department allows the applicant's upstream appropriation. This would further reduce the .714 figure by .12, to equal .594. Further, the records of the Department show a prior right in First Federal of Utah for irrigation in the amount of 1.16 cfs. This right originates from the irrigation right established in the McBride decree, and is appurtenant to ground in the in the Lake Creek canyon. Some confusion exists in the record regarding this right, but the ground yet remains and Brown testified that he owned some of the ground and had made inquiries regarding the transfer of this right into his name before the commencement of these proceedings. In any event, the right validly appears of record at the Department of Water Resources for irrigation of ground in the canyon, and will be detrimentally affected by upstream appropriation.

Finally, Brown owns a nonconsumptive right at the end of Lake Creek to power his small hydroelectric plant. It is axiomatic that the more water upstream appropriators remove from Lake Creek, the less will flow through the downstream hydroelectric plant.^{3/}

^{3/} Although Idaho Code section 42-203B(3) provides that water rights for power purposes not defined by agreement with the state of Idaho are held in trust by the state, and shall be subject to subordination to and depletion by future consumptive upstream

RECORDED
MAY 21 1993

2. Whether the application is make for speculative purposes.

The testimony and exhibits in the record of this case establish beyond quibble that the current needs of the Williams Lake Water and Sewer District are met with 30 gals per minute of water, or .067 cfs, less than 1/10th of the water sought. Mr. Rondeau, in testifying in his capacity as Chairman of the District, conceded that the portion of the application for water in excess of this amount was for speculative purposes. Further, no one offering evidence at the hearing reasonably foresaw any future development in the District. On the contrary, all the evidence suggests that the territory encompassed by the District will not enjoy any development in the foreseeable future.

This condition, the absence of any expected development in the District, and consequently, the reasonable expectation that no water in excess of 30 gallons per minute will be applied to beneficial use, fails the Department's criteria prohibiting speculation in Rule 5,1,3., which provides:

Speculation for the purpose of this rule is an intention to obtain a permit to appropriate water without the intention of applying the water to beneficial use with reasonable diligence.

beneficial users whose rights are acquired pursuant to state law, the later right must comply with the state law. In this case, as will be later discussed, the applicant cannot meet all the requirements of state law.

For this reason alone, the Department should deny the application's request for appropriation in excess of the 30 gallons per minute.

3. Whether the proposed use conflicts with the local public interest.

The Department's rules point up three considerations useful to determine the local public interest, two of which appear to be relevant to this case. The record developed at hearing regarding each will be discussed in turn.

5,1,5,1. The effect the project will have on the economy of the local area affected by the proposed use as determined by the employment opportunities, both short and long term, revenue changes to various sectors of the economy, short and long term, and the stability of revenue and employment gains.

5,1,5,3. Compliance with applicable air, water and hazardous substance standards, and compliance with planning and zoning ordinances of local or state government jurisdictions.

The current proposal by the District to take water from the springs forming Lake Creek instead of pumping water from Williams Lake as it currently does arises from the District's desire to avoid investing approximately \$100,000 to construct a filtration system to meet the federal Safe Drinking Water Amendment standards. The total expected cost of installing the spring system, however, will be \$25,000, saving \$75,000 capital costs. Further, the District's representative testified that it expected an approximate \$20,000 per year savings in operations. Equally assessed among the

400 lots available for assessment, this cost would be \$187.50 in capital costs, and \$4.17 per month operation, which is much cheaper than the city of Salmon. Assessed against only the 58 present households, and one resort, for a total of 59 present users, the cost would divide up to be \$1,694.91 in capital, and \$28.24 per month operation. This would not be unreasonable when compared to the \$1000 to \$2000 ongoing cost each year to Brown for loss of hydropower production, especially in light of the District's ability to bond its capital indebtedness and pay for the same over a long period. In short, the proposal would require a great loss to one individual so the many could avoid a much smaller loss per person to pay what appears to be a fair water service fee.

Of much more interest is the effect of the District's efforts to avoid the construction of a filtration plant. Currently, the District must build a filtration plant to treat the surface water that it draws from Williams Lake unless that water can be replaced with ground water. The evidence offered at the hearing in this matter was equivocal whether the water taken from the springs at the head of Lake Creek is ground water or surface water. One reason for the confusion is that the state of Idaho has not yet promulgated its regulations pursuant to the federal mandate to classify this water. This is not expected to happen until next summer. Because the Division of Environmental Quality of the Department of Health and Welfare has given the District a deadline in mid-summer of 1993 to complete a filtration plant, it may well find itself without either a filtration plant or a ground water

BRIEF

-9-

NOT FILMED

MAY 21 1993

source when the state ultimately adopts its regulations. Consequently, although the District may obtain this water right and spend \$25,000, it enjoys no assurance that it will have a continuing source of water, or may put this water to a continuing beneficial use.

4. Whether the proposed use is contrary to conservation of water resources within the State of Idaho.

The District proposes using the spring water forming Lake Creek as a substitute for its current diversion out of Williams Lake. Although the net amount of water consumption should be the same, the change does not amount to conservation insofar as by "conservation" we mean the resourceful use of water. The District should be required to continue to draw its water from Williams Lake so that no reduction in the flows of Lake Creek occur to the detriment of downstream users. The District does not seem willing to do this, however. In order to speculate upon saving many users in the District a small amount of money each, the District proposes exposing downstream users to significant damage and large costs. All of this could be avoided by either drilling a well, or by going forward with the construction of the filtration plant, which is cheap water service on a per customer basis. It simply is not fair to ask the prior, downstream appropriators to absorb large costs so that the District's users will not be required to pay a fair user charge.

The District's development of the springs to open their flows presents a significantly larger conservation problem. At hearing in this matter, the District's personnel explained that they dug back into the moraine dam to increase the flows of the springs, but admitted that they could not fathom the effect this may have on the Williams Lake hydrologic system. This activity may result in "pulling the plug" on the lake, and ultimately draining the lake down to the level of a warm water swamp. No one who gave evidence concerning this possibility could evaluate how close we may now be to the spectra of such a disastrous event. Without some assurances that the development of these springs will not incite such a calamity, the District should be directed not to "fool with Mother Nature."

CONCLUSION

Allowing the appropriation of this water will reduce downstream flows to the extent that this appropriation will infringe upon water rights with priority in time. Allowance of the application in excess of 30 gallons per minute caters to what the applicant admits is speculation upon the unlikely prospect of any further homes being built in the District in the foreseeable future. The District's proposal concentrates high costs on priority downstream users to save the District's users from paying a fair, de minimis per capita cost. The District can now only speculate whether this program will save it any money in the long run because the requirements it seeks to avoid, the Safe Drinking

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MAY 21 1993

Water Amendments, it may not avoid, or may not avoid quickly enough to save the construction of filtration facilities. This may result in the ultimate irony of building a filtration facility to treat the waters the District seeks to appropriate from the springs.

Therefore, the Department is respectfully requested to deny the application of the District pursuant to the protest of Brown.^{4/}

DATED this 20th day of November, 1992.

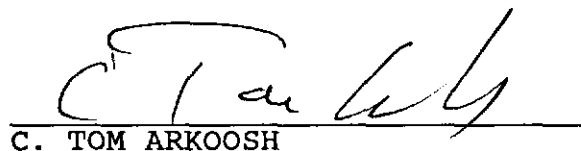

C. TOM ARKOOSH

CERTIFICATE OF SERVICE

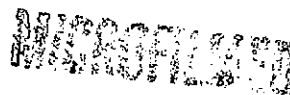
I hereby certify that on the 20th day of November, 1992, I caused to be served a true and correct copy of the above and foregoing document by the method indicated below, and addressed to the following:

<u> X </u>	U.S. Mail
<u> </u>	Hand Delivered
<u> </u>	Overnight Mail
<u> </u>	Telecopy (FAX)

MILTON ARTHUR SLAVIN
Attorney at Law
1016 Main
P.O. Box 1103
Salmon, Idaho 83467


C. TOM ARKOOSH

^{4/} In his testimony at hearing, protestant Brown advised that if the development of the springs was permanently limited to present levels, and if the appropriation was permanently limited to the 30 gallons per minute which could be devoted to beneficial use, he would not object to the granting of the permit limited to those conditions.



MAY 21 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR)
PERMIT NO.'S 75-7589 & 75-7590 IN)
THE NAME OF WILLIAMS LAKE WATER &)
SEWER DIST)

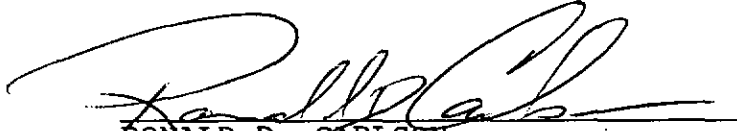
NOTICE OF
HEARING

On June 29, 1992, Williams Lake Water & Sewer District filed with the Department of Water Resources two applications to allocate the public waters of the State of Idaho. On August 17, 1992, the Department received a protest against approval of said applications from Martin R. Capps. On August 19, 1992, the Department received a protest from Leslie May Shumate. On August 20, 1992, a protest was received from A. W. and Diane E. Brown. On August 24, 1992, a protest was received from Eva Miles.

The Department has set the matter of protest for hearing to be conducted at 9:00 a.m. on Thursday, October 22, 1992, in the Courtroom of the Lemhi County Courthouse, Salmon, Idaho.

The hearing will be held in accordance with the provisions of the adopted Rules of Practice and Procedure of the Department of Water Resources.

Dated this 28th day of September, 1992.


RONALD D. CARLSON
Eastern Regional Manager

RECEIVED

MAY 21 1993

RECEIVED

SEP 22 1992

9/19/92

Department of Water Resources
Eastern District Office

Mr. Harold W. Jones
Water Right Supervisor
Dept. of Water Resources
150 Shoup Ave. Suite 15
Idaho Falls, ID 83402

Dear Sir:

Re: App for permit 75-07589
75-07590

Received your letter and returned letter rec. by you Sept. 3. This letter was in response to your letter of Aug 24. Our work of Outfitting keeps us in the field earlier and later than your office hours. Also some days out.

That particular letter was just a follow up as we had a protest in mailed Aug. 12. That surely should be in time and valid.

There are also many valid reasons, more than you listed that the permit should not be issued.

A quick check by staff will see some these reasons. The main one that there is a drain pipe installed at the lake to drain off water when the level gets up. This disrupts many things. SHOULD NOT BE ALLOWED IN ANY MANNER.

Sincerely,

Martin Capps
Martin Capps

MICROFILMED

MAY 21 1993

10-Sep-1992

MARTIN CAPPS
HC 61 BOX 14
SALMON ID 83467

RE: App for Permit No. 75-07589 & 75-07590

Dear Mr. Capps:

On September 3, 1992, the Department of Water Resources received your letter in reference to the above mentioned application. It is necessary to return your letter, as it arrived in this office after the last date of protest and, therefore, cannot be considered as a timely protest.

Since there are other protests on these applications you may wish to petition to intervene under Rule 6 of Practice & Procedures. I have enclosed a copy of Rule 6 for your information. If you have any questions, please give me a call.

Sincerely,


HAROLD W. JONES
Water Right Supervisor

HWJ/rb

enc.

RECEIVED

MAY 21 1993

WILLIAMS LAKE WATER AND SEWER DISTRICT
P. O. BOX 518
SALMON, IDAHO 83467

September 3, 1992

RECEIVED

SEP 08 1992

Department of Water Resources
Eastern District Office

State of Idaho
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402

ATTENTION: Harold W. Jones
Water Rights Supervisor

RE: Application for Permits, No. 75-07589 & No. 75-07590

SUBJECT: Protests

Dear Mr. Jones:

In Idaho, all waters in their natural state are declared to be property of the State of Idaho. No individual owns water by virtue of a claim, or whether the water is on their properties.

The State of Idaho has jurisdiction over all waters within its boundaries. Acknowledging that water is a precious commodity and in short supply, especially during drought years, the state has appointed the Department of Water Resources to manage and control this precious resource.

In order to properly serve the claimants for the use of this water, the State and the DEPARTMENT have established a priority system for the nature of use of this water. This priority system recognizes the necessity for domestic, or drinking and sanitation and said uses must necessarily be the number one priority.

All protests, with the exception of the "six or seven" residences, concern themselves with how stock water and irrigation levels will be reduced.

If the State considers the priority system, they will acknowledge that this drainage system has more than the necessary supply for the domestic water needs of the present and existing water rights. Keep in mind that Williams Lake Water District is a seasonal community and the District only operates six (6) months of each year.

MICROFILMED

MAY 21 1993

September 3, 1992

Harold W. Jones

Page Two

One protest claims that all of the water in the lower Lake Creek is filed on and used. It is apparent that the total volume (cfs) of water claimed and approved by the Department of Water Resources far exceeds the Lake Creek drainage potential.

There is no mention of how much water is diverted from this stream for the development of hydropower. There should be no doubt that if excessive irrigation and hydropower generation is controlled to a realistic volume, that there is plenty of water for the intended purpose(s).

The instruction on your cover letter puts the claimant in a position where he is to contact the protestants directly to try and resolve these protests.

If the Department of Water Resources were to review the volume authorized and the intended use of the existing claimants, and apply the priority system, there should be no problem in approving our permit numbers 75-07589 and 75-07590.

The decision to be made by the State/Department involves recognizing the demands of fifty-eight (58) taxpaying homeowners, asking the State for their fair share of essential life support waters for a domestic non-profit use, as opposed to existing claims who have vested interests.

Face to face confrontation with the protestants would not be fruitful because we have little to offer in compromise.

Your Department provides the most knowledge in matters such as this and we would rely completely on your judgment, and the statutes of the State of Idaho to make the proper decision.

Yours truly,



COL. MAURICE RONDEAU

Chairman, Williams Lake Water and Sewer District

MICROFILMED
MAY 21 1993

NAME AND ADDRESS OF SENDER

Indicate type of mail
☐ Registered ☐ Return Receipt
☐ Insured ☐ Forwarding
☐ COD ☐ Express
☒ Certified ☐ Extra

**Return Receipt
For Merchandise**

Check appropriate block for
Registered Mail:
☐ With Postal Insurance
☐ Without Postal Insurance

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender If C.O.D.	R. R. S. D. Fee	S. H. Fee	Rest. Del. Fee	Remarks
1	1059	Eva M. F. House Dr 506 County Route Dr Salinas 94567	24	1.00								15-1589
2	1060	Albert Brown 1201 Dempsey Ln Newport Beach CA 92660										15-2590
3	1061	Leslie May Shumate PO Box 1352 Salinas										
4	1062	Martin Capps MC Salinas Box 14 Salinas										
5	1063	William Lake Water, Sewer PO Box 518 Salinas										
6												
7												
8												
9												
10												
11												
12												
13												
14												
15												

MAY 21 1993

POSTMASTER, PER (Name of receiving employee)

Total Number of Pieces Received at Post Office

Total number of Pieces Listed by Sender

Five

Five

11.95

15-1589

15-2590

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

U.S. GOVERNMENT PRINTING OFFICE: 1980-254-300

26-Aug-1992

WILLIAMS LAKE WATER & SEWER DIST
PO BOX 518
SALMON ID 83467

RE: Application for Permit No. 75-07589 & 75-07590

Dear Mr. Rondeau:

Enclosed is a copy of protests filed against the issuance of a permit. The Department suggests you contact the protestants directly in an effort to determine the nature of the protests and to attempt to resolve the protests.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protests. At a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for transfer (Sec. 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

RECEIVED

MAY 21 1993

Maurice A. Rondeau
26-Aug-1992
Page 2

The applicant must be prepared to present evidence and/or testimony addressing each of the six items. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If this office can be of further assistance, please contact us.

Sincerely,


HAROLD W. JONES *rb*
Water Rights Supervisor

HWJ:rb

pc: IDWR - State Office
Enc.

MICROFILMED
MAY 21 1993

75-7589

SENDER:

Complete items 1 and/or 2 for additional services.

Complete items 3, and 4a & b.

Print your name and address on the reverse of this form so that we can return this card to you.

- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

ALBERT WILLIAM BROWN
 DIANE E BROWN
 1207 PEMBROKE LN
 NEWPORT BEACH CA 92660

4a. Article Number

1060

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

Diane E. Brown
 5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

UNITED STATES POSTAL SERVICE

Official Business

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OCT 18 1992

Department of Water Resources
Eastern District Office



PENALTY FOR PRIVATE
USE, \$300

MAY 21 1993

RECEIVED

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE. #15
IDAHO FALLS, IDAHO 83402



SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
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I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

EVA MILES
506 COURTHOUSE DR
SALMON ID 83467

4a. Article Number

1059

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

MAY 21 1993

5. Signature (Addressee)

STEFAN WERNER

6. Signature (Agent)**8. Addressee's Address (Only if requested and fee is paid)**

UNITED STATES POSTAL SERVICE

Official Business

MAY 21 1993

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OCT 01 1992

Department of Water Resources

Eastern District Office

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

150 SHOUP AVE. #15

IDAHO FALLS, IDAHO 83402



PENALTY FOR PRIVATE
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I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

LESLIE MAY SHUMATE
PO BOX 352
SALMON ID 83467

4a. Article Number

1061

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

SEP 3 1994

5. Signature (Addressee)

Leslie May Shumate

8. Addressee's Address (Only if requested and fee is paid)**6. Signature (Agent)**

UNITED STATES POSTAL SERVICE

Official Business

MAY 21 1993

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OCT 01 1992

Department of Water Resources

Eastern District Office

Print your name, address and ZIP Code here



PENALTY FOR PRIVATE
USE, \$300

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE. #15
IDAHO FALLS, IDAHO 83402

SENDER:

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I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

MARTIN CAPPS
HC 61 BOX 14
SALMON ID 83467

4a. Article Number

1062

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

10-1-92

5. Signature (Addressee)

M. Capps

Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

UNITED STATES POSTAL SERVICE

Official Business

MAY 21 1993

RECEIVED

OCT 02 1992

Department of Water Resources

Eastern District Office

Print your name, address and ZIP Code here



PENALTY FOR PRIVATE
USE, \$300

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

150 SHOUP AVE. #15

IDAHO FALLS, IDAHO 83402

INSTRUCTIONS:

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I also wish to receive the following services (for an extra fee):

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2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

WILLIAMS LAKE WATER & SEWER
PO BOX 518
SALMON ID 83467

4a. Article Number

1063

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

5. Signature (Addressee)

Richard M. Young

8. Addressee's Address (Only if requested and fee is paid)

Signature (Agent)

9-30-92 *[Signature]*

UNITED STATES POSTAL SERVICE

Official Business

MAY 21 1993

RECEIVED

OCT 02 1992

Department of Water Resources
Eastern District Office



PENALTY FOR PRIVATE
USE, \$300

Print your name, address and ZIP Code here

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE. #15
IDAHO FALLS, IDAHO 83402

26-Aug-1992

EVA MILES
506 COURTHOUSE DR
SALMON ID 83467

RE: Applications for Permit No.'s 75-07589 & 75-07590
WILLIAMS LAKE WATER & SEWER DIST

Dear Ms. Miles:

Your protest against approval of the above referenced applications have been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code): the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

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4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

MICROFILMED

MAY 21 1993

Eva Miles
26-Aug-1992
Page 2

The protestant must be prepared to present proof of allegations involving one or more of the six items.

If this office can be of further assistance, please contact us.

Sincerely,


HAROLD W. JONES *rh*
Water Rights Supervisor

HWJ:rb
pc: IDWR - State Office

RECEIVED

MAY 21 1993

24-Aug-1992

WILLIAMS LAKE WATER & SEWER DIST
PO BOX 518
SALMON ID 83467

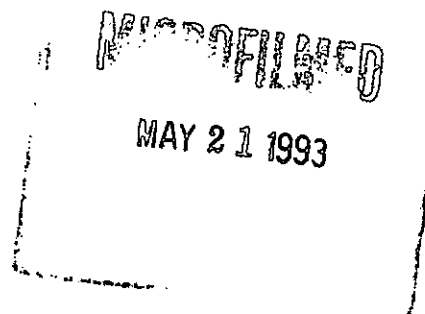
RE: Application for Permit No. 75-07589 & 75-07590

Dear Mr. Rondeau:

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Maurice A. Rondeau
24-Aug-1992
Page 2

The applicant must be prepared to present evidence and/or testimony addressing each of the six items. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If this office can be of further assistance, please contact us.

Sincerely,


HAROLD W. JONES
Water Rights Supervisor

HWJ:rb

pc: IDWR - State Office
Enc.

MICROFILMED
MAY 21 1993

24-Aug-1992

ALBERT WILLIAM BROWN
DIANE E BROWN
1207 PEMBROKE LN
NEWPORT BEACH CA 92660

RE: Applications for Permit No.'s 75-07589 & 75-07590
WILLIAMS LAKE WATER & SEWER DIST

Dear Mr. & Mrs. Brown:

Your protest against approval of the above referenced applications have been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code): the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

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5. Will the proposed use under this permit conflict with the local public interest?
6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

RECEIVED

MAY 21 1993

Albert William & Diane E. Brown
24-Aug-1992
Page 2

The protestant must be prepared to present proof of allegations involving one or more of the six items.

If this office can be of further assistance, please contact us.

Sincerely,


HAROLD W. JONES
Water Rights Supervisor

HWJ:rb
pc: IDWR - State Office

MISSOURI

MAY 21 1993

24-Aug-1992

MARTIN R CAPPS
HC 61 BOX 14
SALMON ID 83467

RE: Applications for Permit No.'s 75-07589 & 75-07590
WILLIAMS LAKE WATER & SEWER DIST

Dear Mr. Capps:

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6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

RECEIVED

MAY 21 1993

Martin R. Capps
24-Aug-1992
Page 2

The protestant must be prepared to present proof of allegations involving one or more of the six items.

If this office can be of further assistance, please contact us.

Sincerely,



HAROLD W. JONES
Water Rights Supervisor

HWJ:rb
pc: IDWR - State Office

FILED
MAY 21 1993

24-Aug-1992

LESLIE MAY SHUMATE
PO BOX 352
SALMON ID 83467

RE: Applications for Permit No.'s 75-07589 & 75-07590
WILLIAMS LAKE WATER & SEWER DIST

Dear Ms. Shumate:

Your protest against approval of the above referenced applications have been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protest. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code): the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

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6. Is the proposed use contrary to conservation of water resources within the State of Idaho?

MAILED
MAY 21 1993

Leslie May Shumate
24-Aug-1992
Page 2

The protestant must be prepared to present proof of allegations involving one or more of the six items.

If this office can be of further assistance, please contact us.

Sincerely,


HAROLD W. JONES
Water Rights Supervisor

HWJ:rb
pc: IDWR - State Office

RECEIVED
MAY 21 1993

August 22, 1992

Eva Miles
506 Courthouse Dr.
Salmon, Idaho 83402

RECEIVED

AUG 24 1992

Department of Water Resources
Eastern District Office

Director, Department of Water Resources
Eastern Region
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402

To whom it may concern:

This letter is in protest against water right application No. 75-o7589 and 75-o7590 filed by Williams Lake Water and Sewer District by Eva Miles for the following reasons;

1. My residence receives water from a spring adjacent to Lake Creek downstream from the applicants points of diversion as do six other domestic residences. The source of the water for the spring is ground water seepage from Lake Creek. Any reduction in flow in Lake Creek affects the rate of flow from the spring which is marginal now to supply the seven residences it serves. At peak use the spring will not meet the current demands for domestic water and diminished flow from the spring can not be tolerated.
2. During off peak hours of domestic usage what little surplus spring water exists is piped to a reservoir where it is used for pasture irrigation under permit No. 75-o7524 which is deficient now to meet the needs.
3. Water is taken now directly from Lake Creek to irrigate pasture under split water right No. 75-0093. This water supply will be directly endangered by upstream diversion.

Sincerely yours,

Eva Miles

RECEIVED

MAY 21 1993

August 18, 1992

Keith Higginson, Director
Department of Water Resources
150 Shoup Ave. Suite 15
Idaho Falls, Idaho 83402

RECEIVED

AUG 19 1992

Department of Water Resources
Eastern District Office

Dear Mr. Higginson,

As a property owner in the Lake Creek Subdivision dependent on a spring located below the one the Williams Lake Water district is proposing to use for supplying their entire water needs, I have some concerns regarding possible effects to my water source.

I am told the springs are separate and one doesn't effect the other. Have any studies been done to prove that theory?

Lake Creek is currently supplying irrigation to two different parties and after 7 years of drought how much more can the drainage supply without effecting spring flows? There are 7 homes connected to the 30 year old system, 5 of which are currently occupied. During peak use the overflow ceases to run indicating total capacity of the spring that used to irrigate a golf course plus the then six occupied homes, pro-shop and coffee shop with plenty to spare.

It will take years of normal rainfall to recharge the water table. Without further study I don't feel comfortable with the prospect of this evidently overtaxed drainage trying to supply 60 additional homes without effecting a pre-existing system.

Thank you.

Best regards,

Leslie May Shumate

Leslie May Shumate
P.O. Box 352
Salmon, Idaho 83467

Consider this a
protest.
HWT

MICROFILMED

MAY 21 1993

RECEIVED

AUG 20 1992

August 16, 1992

Department of Water Resources
Eastern District Office

Albert William Brown
Diane E. Brown
1207 Pembroke Lane
Newport Beach, CA 92660

Director, Department of Water Resources
Eastern Region
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402

To whom it may concern:

This letter is in protest against water right application No. 75-07589 and 75-07590 filed by Williams Lake Water and Sewer District by Albert William and Diane E. Brown for the following reasons;

1. Our residence receives water from a spring adjacent to Lake Creek downstream from the applicants points of diversion as do six other domestic residences. The identification number of our claim to a water right is A75-10435. The source of the water for the spring is ground water seepage from Lake Creek. Any reduction in flow in Lake Creek affects the rate of flow from the spring which is marginal now to supply the seven residences it serves. At peak use the spring will not meet the current demands for domestic water and diminished flow from the spring can not be tolerated.
2. During off peak hours of domestic usage what little surplus spring water exists is piped to a reservoir where it is used for pasture irrigation under permit No. 75-07524 which is deficient now to meet the needs.
3. Water is taken now directly from Lake Creek to irrigate pasture under split water right No. 75-0093. This water supply will be directly endangered by upstream diversion.

Sincerely yours,

A.W. Brown

Diane E. Brown

RECORDED

MAY 21 1993

8 / 12 / 92

Mr. R. Keith Higginson, Director
Dept. of Water Resources, Eastern Region
150 Shoup Ave. Suite 15
Idaho Falls ID 83402

Protest the filing of Williams Lake & Sewer District
nos. 75-07589 & 75-07590 for (.500 CFS) dated 6/29/92
(.500 CFS)

We have been using this water for many years for irrigation,
culinary and domestic use.

Civil Case no. 39576 ID no. A75-02149

Notice of Claim to Water right acquired under State Law

Martin R. Capps
Star Rt. Box 14 (new address H C 61 Box 14)
Salmon ID 83467

Date of Priority Nov. 14, 1964

Our actual use of water went back to 1948 when we had the Lake
Creek ranch leased.

Reason for Protest.

ALL WATER IN LOWER LAKE CREEK IS FILED ON AND USED.

WOULD DO AWAY WITH OUR WATER SUPPLY.

WATER LEVELS HAVE GONE DOWN TO WHAT WAS AVAILABLE IN FORMER YEARS
WOULD DO AWAY WITH OUR STOCK WATER AND DOMESTIC USE.

WOULD SET A PRECEDENT THAT WOULD BE DEVASTATING ACROSS THE STATE
OF IDAHO.

WILLIAMS LAKE WATER AND SEWER DISTRICT HAS OTHER SOURCES OF WATER
that can be used.

Sincerely,

Martin R. Capps
Martin R. Capps

RECEIVED
MAY 21 1993

Send Copies

OK to advertise
See second applic.

Dist. for staffing: 10-Jul-1992
Submitted for advertising: 7-15-92

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATIONS FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY HKT DATE 7-10-92 APPLICATION NO. 75-7589
APPLICANT NAME: WILLIAMS LAKE WATER & SEWER DIST

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
- ☒ County
- ☒ Quantity (flow and/or volume)
- ☒ Period of Use
- ☒ Nature of proposed use (Include description of use.)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map
- ☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- Overlapping place of use (Describe source & relationship to present application on the back.)
- Overlapping point of diversion
- Yes ☒ No ☐ Field check required
- Yes ☒ No ☐ Field check by _____
- Yes ☒ No ☐ Field report attached
- Yes ☒ No ☐ Critical groundwater area
- Yes ☒ No ☐ Groundwater management area
- Yes ☒ No ☐ Send dam safety information
- Yes ☒ No ☐ Send power requirement letter
- Yes ☒ No ☐ Send fish farm requirement letter
- Yes ☒ No ☐ Power residency affidavit
- Yes ☒ No ☐ Power efficiency form
- Yes ☒ No ☐ Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
- Yes ☒ No ☐ Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)

See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT
In Salmon River Mountains area
Date Requested _____

LOCAL PUBLIC INTEREST

Comments received from

_____ City	_____ Idaho Fish & Game	_____ Irrigation District
_____ County	_____ Idaho Health & Welfare	_____ Canal Company
_____ Reservations	_____ Division of Environment	_____ Other _____

Project impacts/implications report

COMMENTS

29-Jul-1992

SALMON NATIONAL FOREST
FOREST SERVICE BUILDING
PO BOX 729
SALMON ID 83467

RE: Application NO. 75-07589, 75-07590, & 75-07591

Dear Sir:

We are enclosing a copy of the application(s) that may be of interest to your department. Please review the application(s) and submit any comments you may have to our Department as soon as possible. The last date of protest is 8-24-1992, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Respectfully submitted,


HAROLD W. JONES *rb*
Water Rights Supervisor

HWJ/rb
enc.

MICROFILMED

MAY 21 1993

29-Jul-1992

DAN KOTANSKY
BUREAU OF LAND MANAGEMENT
440 E LINCOLN RD
IDAHO FALLS ID 83401

RE: Application NO. 75-07589 & 75-07590

Dear Sir:

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HAROLD W. JONES *rb*
Water Rights Supervisor

HWJ/rb
enc.

MICROFILMED

MAY 21 1993

29-Jul-1992

SHAUN ROBERTSON
FISH & WILDLIFE BIOLOGIST
SHOSHONE BANNOCK TRIBES
PO BOX 306
FT HALL ID 83203

RE: Application NO. 75-07589, 75-07590, & 75-07591

Dear Sir:

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Water Rights Supervisor

HWJ/rb
enc.

MICROFILMED
MAY 21 1993

29-Jul-1992

GARY GOODMAN
200 MAIN ST
SALMON ID 83467

RE: Application NO. 75-07589, 75-07590, & 75-07591

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Respectfully submitted,


HAROLD W. JONES *rb*
Water Rights Supervisor

HWJ/rb
enc.

RECEIVED

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28-Jul-1992

WILLIAMS LAKE WATER & SEWER DIST
PO BOX 518
SALMON ID 83467

RE: Application No. 75-07589 & 75-07590

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Recorder-Herald on 8-6 & 13-92. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,


HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

MAILED

MAY 21 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

JULY 22, 1992

RECORDER-HERALD
P.O. BOX 310
SALMON, ID 83467

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before AUGUST 24, 1992.

Yours truly,

Rita Bodell
Secretary

Encl.

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NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

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75-07589

WILLIAMS LAKE WATER & SEWER DIST
PO BOX 518
SALMON, ID 83467

Source: LAKE CREEK

Tributary: SALMON RIVER

Diversion Pt: NESWSE Sec 34 T 20N R 21E in LEMHI County.

Use: DOMESTIC (.500 CFS)
Total Diversion: (.500 CFS)

Date Filed: 6/29/1992

In: LEMHI County
T19N R21E S03 SWNE SENE
T20N R21E S34 SENW

MAY 21 1993

Williams Lake Water & Sewer Dist.

75-7589 & 75-7590

Lake Creek

75-7589 - 0.50 cfs -

75-7590 - 0.50 cfs domestic

M. H. Slavin

Representing district

here Eva Miles

here Albert Brown -

here Leslie May Shumatz

here Martin Capps

~~Williams~~

Tom Alkoe

Chairman of Dist

Ron - Dean

Two -

Mandate to imp

These are springs - not surface water -

uses this water

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Steve Adams - Lives in Salmon -

Environmental health services specialist

6 years with Williams Lake District

Safe Drinking Act - 1987 or 1988

State of Idaho only required chlorination
will require chlorination & filtration

Current facilities are not adequate -

Groundwater -

Purpose of act was to prompt users of
surface water to move to groundwater -

Daily monitoring and control for
surface -

Groundwater monitoring is lax
Has observed springs they are attempting
to appropriate

Can qualify as a groundwater supply
What about surface water influence supplies

This supply will be classified as groundwater
Is there a connection between this water
& Williams Lake - He doesn't know

Public water supply is 10 or more connections

Lake Creek subdivision is only

No connection between proposed springs
and springs supplying Lake Creek subdivision

Does not know whether diversion from proposed
springs -

52,000 gallons per day

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Resort (Williams Lake) - from a spring -

Resort gets water from

State must come up with regulations to
We don't know whether the springs will

100 gallons/min.

35 cfs from one 70 from another

35 gal/min is what they need

0.40 cfs may be speculative -

No sewage moratorium -

System (current) sewage can't meet
current regulations - Some development
is possible - some systems do not comply
with regulations.

Everyone has own on site system -

Not much development - ~~Sewage~~

two homes burned & haven't been rebuilt.

Redirect -

Wells? dry wells except one - same
level as the lake - only know of
one producing well

springs tested for coliform & inorganics -
tests are within current regulations

Re cross - Quantitative

Water could be from the lake but?

Ask for
a copy
of Clean
Water Act
& regulations

development surface influenced groundwater

MSR FILMED

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Do not know whether correlation between
Lake level & water flow.

Springs well below current contaminant
levels.

40 CFR 141.2 - definitional
Safe Drinking Water

Maurice Rondau - Colonel

Lived there 23 years retired in 1970.

How long on Board - maintains the water system
paid \$1,000/year -

Record a daily reading - how much water
chlorination - injection system repairs leaks
if he can. also contacts contractor

Water taken out of lake -
connected to a dock

52,000 gal storage capacity

260 feet above the lake - gravity system

58 customers plus the Williams Lake Lodge

2 flow meters one on each pump -

Average flow 12,000 to 50,000

Average is 30 gpm w/ 43,000 gpd

Filtration system by June, 1993, if some
alternative not found.

What does treatment cost -

filtrate system \$100,000 to be operational

Daily costs doesn't know \$15,000 - 20,000

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per year -

Would filter 108,000 gal/day

He signed applications - Diversion is
proposed from springs

62 water samples - user must pay

Chance of well is suspect -

75-7589 - Spring # 1

map marked #1 - south of the old road
located on 1st federal savings land

75-7590 #2 below road - on BLM property

Initial flow of spring no. 1 -

4 inch pipe - 20 gallons/minute

increased flow to 35 gpm minimal
development

rate of flow of No. 2 -

5 gal measured - 27 gal per min.

Intercepted the vent

then encountered

100 gpm

Past 6-7 days

stabilized -

75 gal/min

Will it supply needs of the district yls

How do you lift water -

Two cisterns to another system -

7.5 hp. Gould pump pump up

storage tanks.

@ 30 gal/min
MED

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Reduce water rights

August 24, 1992 letter

Met with Capp

Would you divert the entire 75 cfs
plus 35 cfs

Cost of the new system \$25,000
much cheaper - paid with present
resources - they have \$20,000 now
will have \$30,000 by January
will complete project in 2-3 weeks
from beginning

3 pumps - cost of pumps

There is a source of power - follows
Talked about GEM for easement -
Local public interest

Williams Lake Lodge wants it
Unanimous vote for development
This system is affordable

3. New system can supply year around
Lake cannot produce year around

58 homes + ~~water~~ lodge presently
served.

What are the projections
Total development is minus 2
There is a possibility of growth
Many complaints about the system

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This development would solve the problem -
X Exam by AtKeech

What is Sewer & Water District

Who votes - qualified electors - not a problem

Only qualified electors - 44

Unless residents - can't vote -

Undeveloped lots

I.C. § 42-3202B

3202A defines recreational district

42-3202 is AtKeech's
more than 50% subdivided
subdivision plats -

How many reside in Idaho -

44 people owning developed or undeveloped
property have voted.

Spend more than \$5,000 let out bids
& have general election

Everyone votes - what majority does -
they attempt to do -

Only qualified electors vote for the Board
of Directors

Board of Directors vote -

Springs contribute to lake creek drainage

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He says no appreciable effect on water flows.
Don't know of any future development -
Merely speculating about future development
No developed sewers -

Waterfront lots - new development is
prohibited unless more setback is required

If full appropriation is allowed - it
will exceed the developed water from the
springs - ^{is within the boundaries of}
Report ~~not in~~ the water district
and sewer

Won't reduce application -
No 3 phase power - don't have it -

X Exam by Capps
X Exam by Shumate

Redirect - USGS - sampling for water quality
2nd or 3rd week of June
He has 3 lots for one home
Best guess is 100 homes - best can do is
anticipate.

Re X by A Koosh

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Harold G Sisco - Lives in Boise - owns
property at Williams Lake - on Board for 1 1/2 years -
Retired from USGS - Hydrologic Technician -
On job - training & seminars - 37 years

Looked at the springs

Surfaces - 20 feet up from bottom of
Creek - down below it disappears - in
the Creek bed -

measured fluctuations of groundwater - in
charge of GW database & obs well database
chief of groundwater section

flow reaches the creek bed - had not
been developed (digging or collection
of it) - sometime in September - kept a
data sheet -

He measured flows -

Box was quite wide - didn't measure all -
he assumes some water was exiting
Geologic formation -

Followed water down through the
old points of diversion -

~~Then~~ Could not tell whether flow
increased or decreased flow -

Increase of water coming through
pipe -

But may be increase that is gathered

X-Exam - by Arkosh

Arkosh Brown #5 & #7

Martin Capps

Water Right -

2 rights 70 miners inches -
1.4 cfs irrigation & domestic
used on Section 36

stream diminished a lot during the drought
flowed continually down the canyon
stream disappears in places

June 18	3.46 cfs
July 10	2.91 cfs
Aug 18	2.66 cfs

less water than historically

Relationship between lake & stream

~~Do you~~

Thinks spring develop will affect
him -

X-Exam - by Staver

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One right below Lake 70 miners inches -
He applied for the right 1964

Irrigates 70 acres

Has a summer camp - not a home

uses it for a couple months

sufficient water to satisfy right -

~~Two~~ Two users below him -

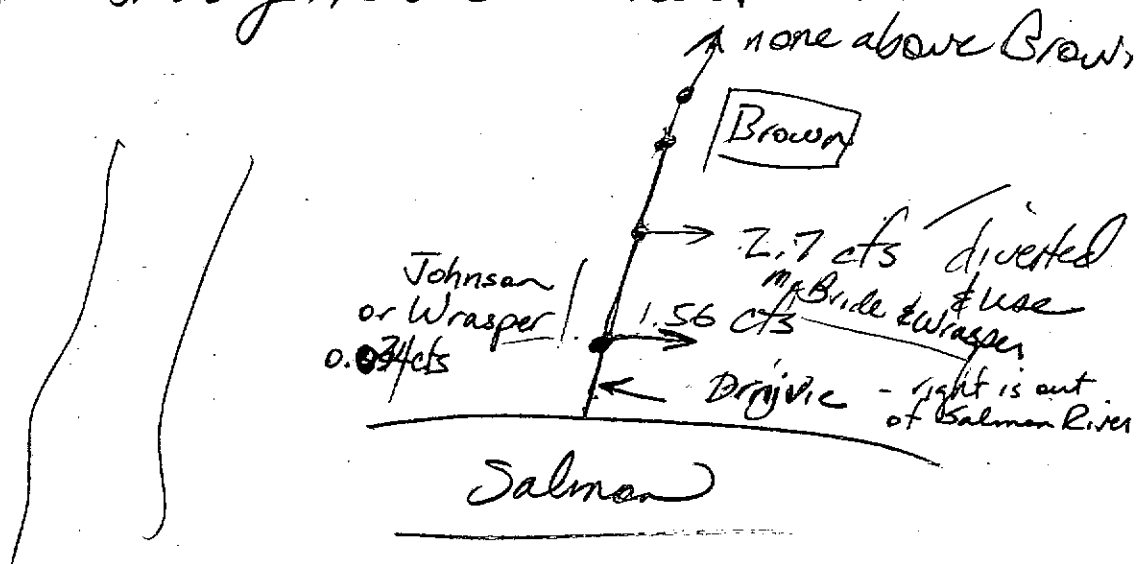
?

Willoughby - Diversion just above
Salmon River -

Diversion is one mile from the springs

Flows of creek varies -

Steady flow at the point above the
river - steady flow is continuous -



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Albert Brown Newport Beach, Ca.

His water rights

Domestic right @ 0.04 cfs for domestic use

His source is same source as ^{eight} others
Spring is 40 feet from Lake Creek -

Eight users from the spring 0.16 cfs
allotted usage -

Total water coming from spring is
0.11 cfs - water into collection is
oversubscribed - don't want it to diminish
further -

Water for spring is ground water from
Lake Creek -

Could effect springs = -
Divert surplus to reservoir - irrigate with
sprinklers - can't put water on -

75-07524 permit submitted proof of
beneficial - 0.12 cfs from a spring
Shumate are on this water system

1984 -

Has 50 or 60 acres

189 bldg sites

Attempt small hydro pond blocks flow of Lake
Creek

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Water system

Diverts into ~~20~~ 15 inch pipeline - to
Salmon - generates electricity
0.44 cts for irrigation
Measurement of Lake Creek 12 inches
Measured the lake

Directly proportional to levels of
the lake -

As lake rises - seepage is more
rapid -

Thinks 30 gpm is a wash - no
difference - quite diverting out of the
lake - divert out of springs

Oversubscribed for irrigation & domestic

Loss of 0.5 cts results in ~~the~~ revenue
loss of \$1,000 to \$2500 -

Have you
measured
water
also using
the
McBride
water

Talk about
schematic

Lake is directly related to the
stream - (wouldn't agree with
water treatment)

Excavated into the wall
Earth was very unstable -

my
comment

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X Exam by Savin

.04 for domestic purposes

.12 for irrigation use

Dam & intake for hydro 2300 feet up
from the Salmon River

Water rights to the Bank

First Federal owns only 5 of the
lots in the first edition - other people
own platted lots - adjacent to the Salmon
River

Rights he applied for -

~~read~~ does he use McBride Decree -
When 1st Federal gold property - could
he destroy ditch -

^{owns}
50-60 acres of land
25-30 cfs is irrigable

1984 calibrations - measured at
regular intervals - wet year measurement -

75-7419 is only for 0.44 cfs
Intend to claim - 0.

13 acres

13.7 acres claims 0.27 cfs -
may be more

0.44

.27

71
1980

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First Federal - took water to Golf course -
continued to run water over there -

Irrigated -

13 acres + 15 acres irrigated
2 acres - d

30 + 2 acres -

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75-07589 & 75-07590 -- WILLIAMS LAKE WATER & SEWER DIST
 THURSDAY, OCTOBER 22, 1992
 9:00 a.m.
 LEMHI COUNTY COURTHOUSE
 Salmon, ID

Officer: Gary Spackman

Name	Representing	Address
MILTON A. SLAVIN	Wms Lake Water Dist	P.O. Box 1103 Salmon
MAURICE RONDEAU	" " " " CHAIRMAN	P.O. Box 1165 "
Bar Zulkery	" " " " Member	RT 1 Box 114 Salmon
Harold A. Lisco	Wms Lake Water Dist	Boise, ID Salmon, ID
Mary Jane Rondeau	" "	P.O. Box 1168 Salmon, ID
Laura Maroda	" "	P.O. Box 3 Salmon
Steve Adams	Dist. 7 Health	117 Lillian Salmon
Emm. Miles	Lake Creek Subd	506 Courthouse St. Salmon
Bill Lolo	Lake Creek Subdivision	LAKE CR Subd
Leslie May Shumate	Lake Creek Subdivision	P.O. Box 352 Salmon
Doris S. Capps	Capps Family	RT 1 Box 246 SALMON
Martin D. Capps	Capps Family	HC 61 Box 14 Salmon, ID 83467
Alvin Capps	Capps Family	HC 61 Box 14 Salmon, ID 83467
A.W. Brown	Brown family	1207 Pembroke Newport Bch, Ca 92660
C. Tom Arkost	AW Brown	PO Box 210 BOISE, ID 83701

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Exhibits

Applicants ~~1-6 photos~~
(admitted) — ~~7-14 photos~~
~~15 - Chart - Spring~~
~~evaporation~~

(admitted) — 16 - Discharge Measurement
admitted 17 - letter from Williams
Lake owner

Protestants

accepted - Brown # 1 - Map
accepted Brown # 2-4 - Photos
admitted Brown 5 - list of WR
~~6 - Pump data~~
admitted — 7 - WR list

admitted
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8. Subdivision Plat
9. Subdivision Plat
No. 3
10. Subdivision Plat
No. 2 & 4
11. Subdivision Plat
SWSR Lot 3 & 4
12. William Lake sub
#2 Certificate

Hearing tape Notes

5-2

75-07589 + 75-07590

	<u>Start no.</u>	<u>End no.</u>
Shumatz - cross	6048	6198
Slavin - redirect	6200	6452
Arkoosh - re-cross	6456	6548

Testimony

Harold Sisco	6580	end of tape #1
	Tape #2 - 0012	636
Arkoosh - cross	640 -	704

Testimony

Martin Capps	790 -	971
Slavin - cross	985 -	1170
Arkoosh - Redirect	1176 -	1192
Gary - Questions	1200 -	1506

Testimony

Down, & Albert	1530 -	2700
Slavin - cross	2723 -	3092

Gary - Questions	3100 -	3775
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Arkoosh - Redirect	3780
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Capps

MAY 21 1993

Shumatz

3885

Testina

Ps

Brown, Albert

Tape # and

Arkoosh -

4004

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Exhibit

Capps

#1 - Letter to H. Jones

8-30-92

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APPLICANT'S EXHIBITS

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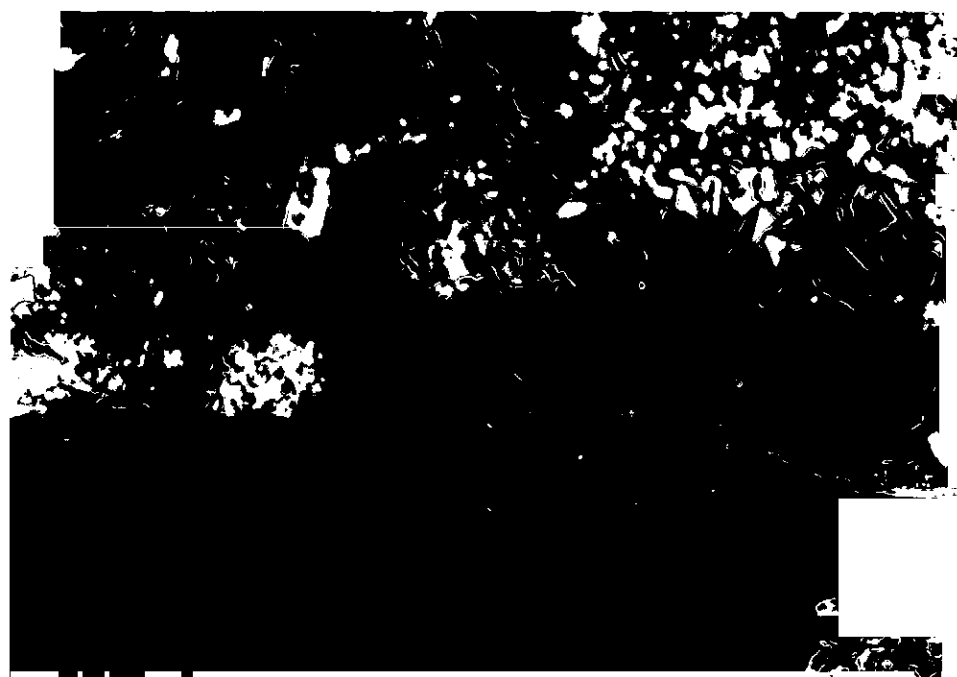
MAY 21 1993

WILLIAMS LAKE RESORT

P.O. BOX 1150
TELEPHONE (208) 756-2007
SALMON, IDAHO 83467

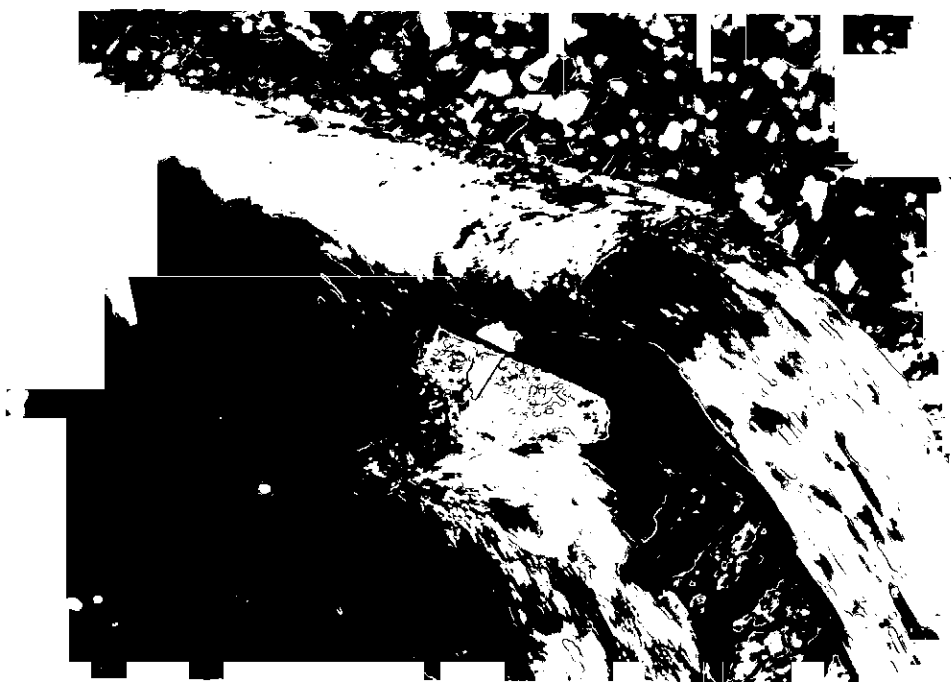
*Applicant's
Exhibit
7-14*

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MAY 21 1993



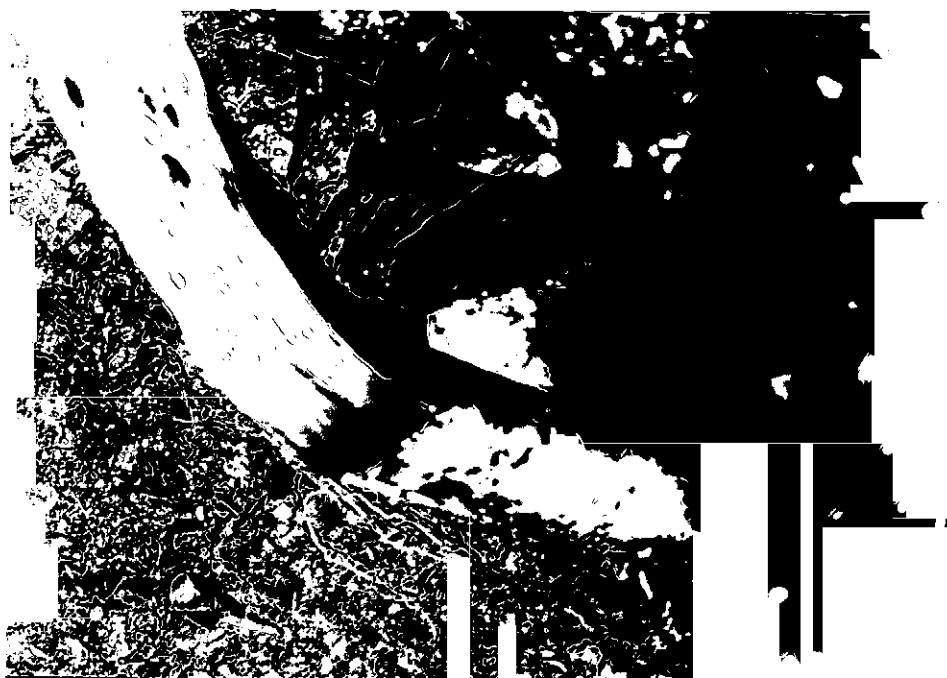
⑤ 14 April

10/9/92 Spring Excavation Lake Oak
collecting pool

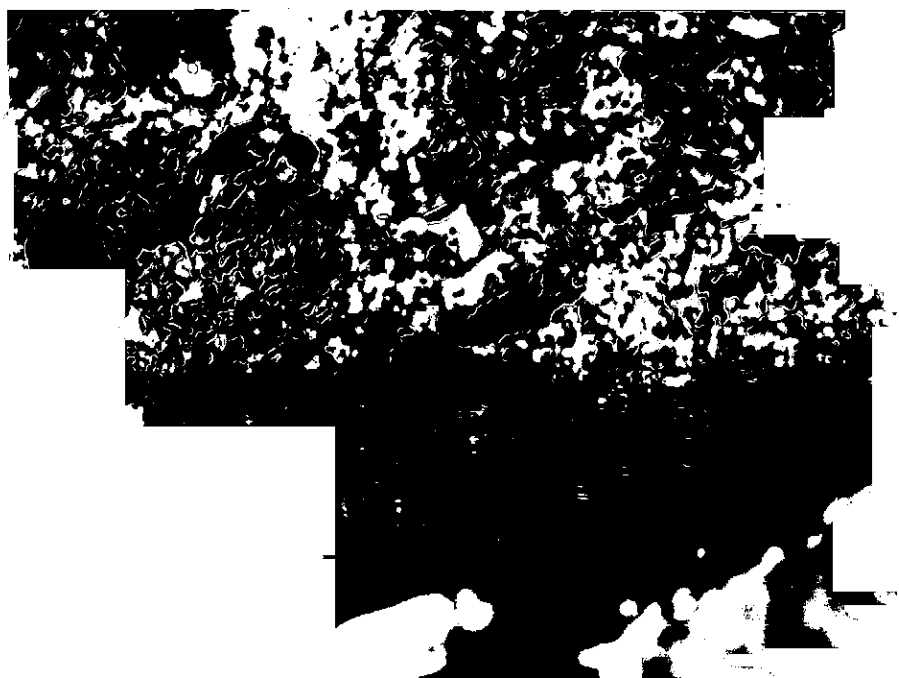


(7) 1) App:
10/2/92 Spring Excavation Lake Creek
water Discharge through 4-in
pipe. Shows leakage around pipe.

100



⑥ 12 April
10/9/92 Spring Excavation took out
water discharge through
4-in pipe



⑤11

Appl.

10/9/92 Spring Excavation Lake Clark
Collecting pool of spring

/

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|



④ 10 April

10/9/92 Spring Excavation Lake Erie
collecting pool

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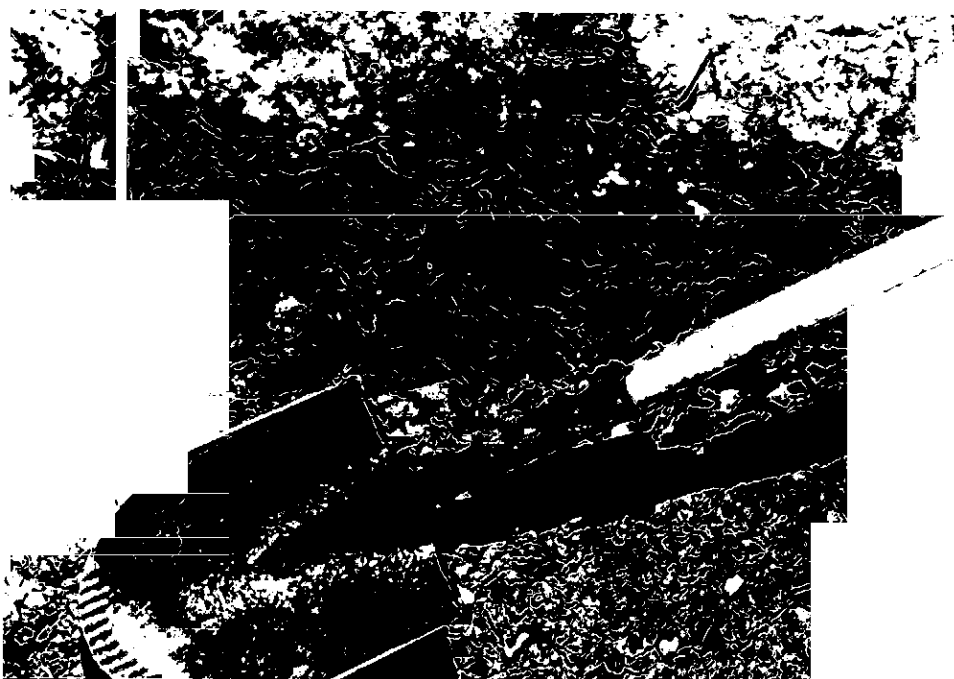
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③ 9 April
10/9/92 Spring Excavation
Lake Crr

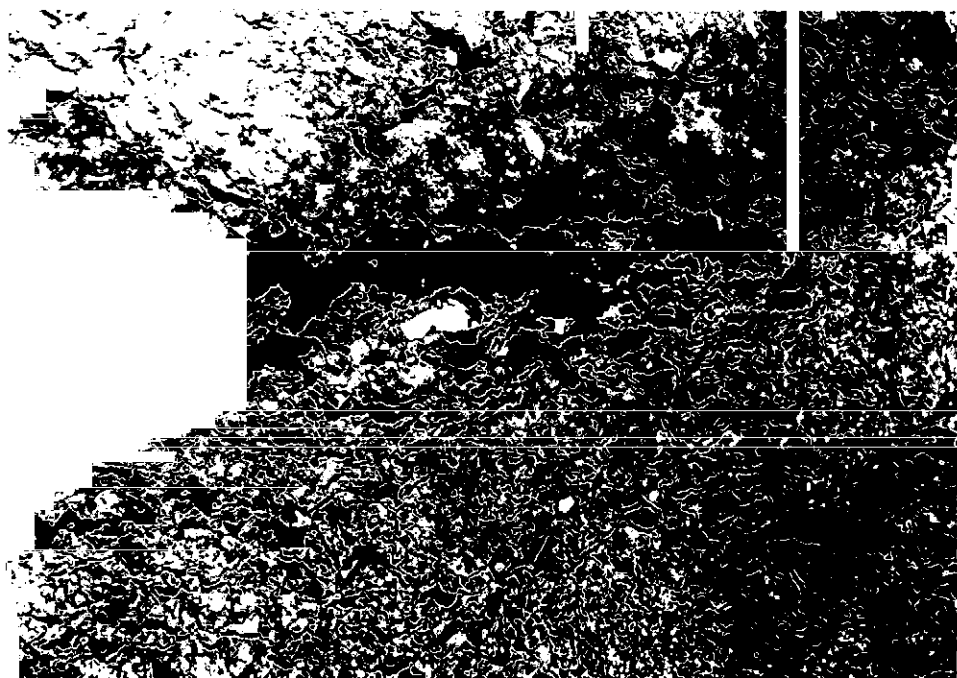
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⑧ 8 Appl.

10/9/92 Spring Excavation Lake
Ck Clog Lens above water
bearing zone



Aplic #16

Williams Lake Water District

Discharge measurements Spring No. 2

Location: TP R sec N/4 — VA — 1/4

Date meas	Time meas	Quantity	Time sec	Discharge GPM	Meas By	Remarks
10/9/92	1:00p	5 gal	12.0	27	Adams Rondeau	Ave time of 7 meas, Before Excavation of Soil at vent at spn
10/9/92	2:50P	5 gal	2.5	120	do	Ave time of 8 meas, Excavation of spn vent Est leakage of 10.9 gpm around pipe Ave of 5 meas
10/9/92	3:05P	5 gal	3.0	100	do	Ave of 7 meas
10/10/92	9:36A	5 gal	4.0	75	Kingsley	Est 10.9 gpm leakage Ave of 4 meas
10/10/92	5:26P	5 gal	4.0	75	Kingsley Sisco	Est leakage of 12.9 gpm around pipe Ave of 3 meas
10/11/92	11:30A	5 gal	4.0	75	Sisco Rondeau	Est leakage of 12.9 gpm Ave of 3 meas
10/12/92	3:00p	5 gal	4.0	75	Kingsley	Est leakage at 10.9 gpm Ave of 3 meas
10/12/92	7:00P	5 gal	4.0	75	Kingsley	Est leakage 10.9 gpm Temp 56°F
10/13/92						
10/14/92	5:05P	5 gal	4.0	75	Sisco Rondeau	Ave 3 meas Est leakage 10.9 gpm Ave of 3 meas
10/15/92	2:12P	5 gal	4.0	75	Sisco	Est leakage @ 10.9 gpm Ave of 3 meas
10/17/92	1:28P	5 gal	4.0	75	Sisco Rondeau	Est leakage @ 10.9 gpm Ave of 5 meas
10/21/92	2:20P	5 gal	4.0	75	Sisco	Est leakage @ 10.9 gpm

APPROVED
MAY 21 1993

WILLIAMS LAKE RESORT

BOX 1150

TELEPHONE (208) 756-2007

SALMON, IDAHO 83467

Applic. # 17

October 20, 1992

State of Idaho
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402

RE: Application for Permits, No. 75-07589 & No. 75-07590

SUBJECT: Protests - Will the proposed use conflict with
the local public interest?

Gentlemen:

I am writing to affirm my wholehearted support of the WILLIAMS LAKE WATER DISTRICT'S claim for domestic water rights on the Lake Creek Spring. I am firmly convinced after viewing the spring and the data relating to its output, that there would be no adverse effect on the Lake Creek drainage or the Lake Creek Subdivision, if the Water District is granted use of that spring.

As the owner of the only commercial property at Williams Lake, I am dependent on the WILLIAMS LAKE WATER DISTRICT to supply to water needed to run my resort. The quantity of water used by the resort is substantial, but the quality of that water is of prime concern to my customers and me. As of last spring, my customers represented not only Lemhi County and the State of Idaho, but also 47 other states and 7 foreign countries. As you can see, the quality of the water delivered to the resort has far-reaching effects.

Currently, the resort's operating season is Memorial Day through Labor Day, due to the "summer only" nature of the current water system at Williams Lake. The new supply line the District will be installing with the spring water will make it possible for me to have a year round water supply and therefore keep the resort open. This would create a considerable impact on Lemhi County and Idaho itself for the following reasons:

1) I average 10 to 12 employees per season - all but one are from Salmon. If the resort could extend its season, I could offer these employees year round work rather than seasonal.

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MAY 21 1993

State of Idaho
DEPARTMENT OF WATER RESOURCES
October 20, 1992
Page - 2

2) The resort tax base for the State of Idaho would be increased significantly if I were open 12 months instead of 4 months. This is in terms of sales tax, motel tax, withholding tax, Department of Employment tax, liquor tax and license fees.

3) The City of Salmon and the County of Lemhi depend on the tourism industry for a good part of their livelihood. Since I have a wide ranging group of customers from which to draw, their year round visits to Salmon would bolster the local economy.

4) The resort offers lodging (motels, cabins and RV park), a restaurant, a saloon, boat rentals, a grocery and tackle shop, Fish and Game vendorship, Parks and Recreation Vendorship, etc. 95% of all the supplies needed for this operation are purchased in Salmon with another 3% purchased in other areas of Idaho. A year round operation would from this standpoint also have a tremendous local impact.

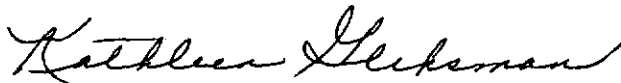
5) Williams Lake is the largest recreational lake in Lemhi County. For the local residents as well as tourists to be able to use the lake in comfort year round would be a great asset.

If the WILLIAMS LAKE WATER DISTRICT can't develop the spring and provide a sufficient quality and quantity of water, it could cause the resort to close altogether, or until another source of water can be found.

The above arguments should certainly convince you that the WILLIAMS LAKE WATER DISTRICT'S use of the spring would not conflict with the local public interest. Their use of the spring would not only coincide with local public interest but also increase and enhance it.

I urge you to grant the WILLIAMS LAKE WATER DISTRICT the rights to the spring.

Sincerely,



KATHLEEN GLISKMAN, Owner
Williams Lake Resort

APPROVED
MAY 21 1993

CAPP'S EXHIBITS

RECEIVED
MAY 21 1993

Capps #1

8/30/92

Mr. Harold W. Jones
Water Rights Supervisor
Department of Water Resources
150 Shoup Ave. Suite 15
Idaho Falls, ID 83402

RE: Applications 75-07589 & 75-07590
Williams Lake Sewer Dist.

Dear Sir:

1. The application would greatly reduce the stream flow for existing water rights.

Flow measurements where the streams come together below the points of diversion

June 18 92	3.46 Cfs
July 10	2.91 "
Aug 18	2.76

Existing water rights are filed for more water than is measured.

6. There has been no regard for the water levels in the lake or in the streams in the past by the promoter and developer at the lake.

A drain was installed that drains water out of the lake when it gets to a certain level. This water is dumped over the side of the mountain, filling our ditches with silt that is washed out and eroded from the side of the mountain. This depletes the natural storage in the lake and changes the characteristic ecology of the lake water.

Why this was allowed is still amystery.

This great fluctuation tears up ditches and head gates on diversions on lower Lake creek.

Depletion of water in the lake has a great effect on the stream flow for several years.

Sincerely

Martin Capps
Martin Capps
H C 61 Box 14
Salmon ID 83467

RECEIVED
MAY 21 1993

BROWN EXHIBITS

RECEIVED
MAY 21 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

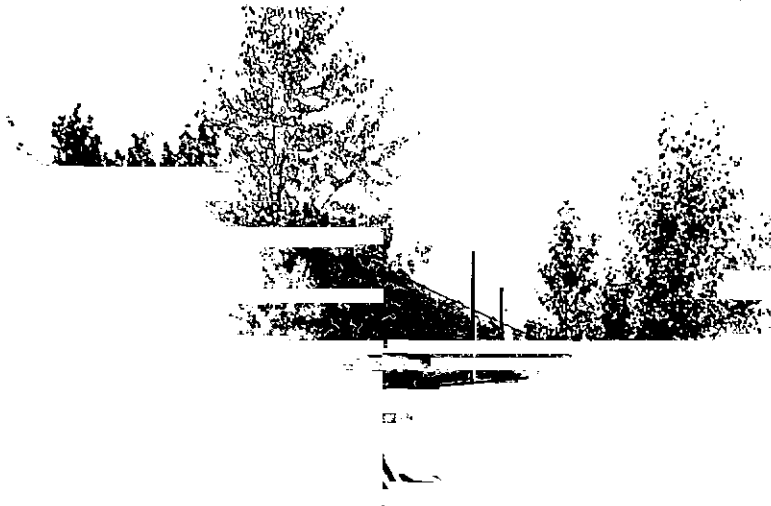
1 North Orchard Street
Boise, Idaho 83706-2237

Brown
Exhibits
2-4

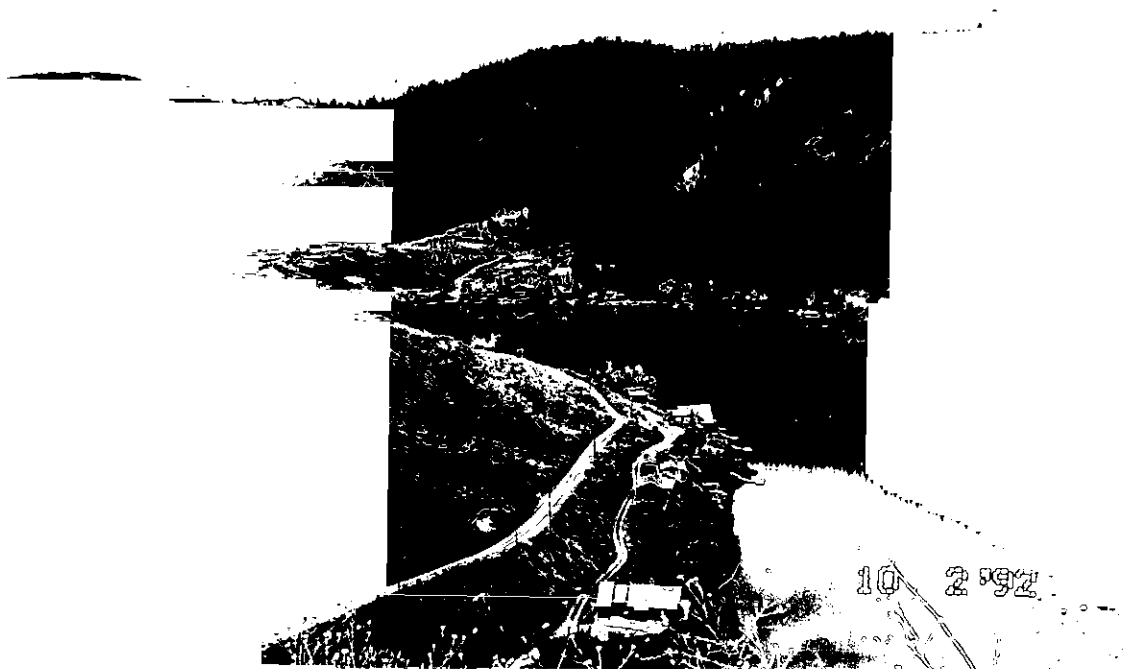
RECEIVED
MAY 21 1993



Brown 4



Brain 2



Brown 3

Water right data base

SD-34

Source: LAKE CREEK

Basin: 75

STATE

Water Right No.	Current Owner Last, First	S T G	Priority Date	Tributary	# Records Total Diversions	Use Code Desc
75-07589	WILLIAMS LAKE WATER	A	06/29/1992	SALMON RIVE	0.500	43 DOMEST
✓ 75-00093A	MC BRIDE, KENNETH E	D	06/01/1898	SALMON RIVE	2.666	01 IRR
						43 DOMEST
✓ 75-00093B	WRASPIR, W. J.	D	06/01/1898	SALMON RIVE	0.034	01 IRR
	WRASPIR, FRANCES H.					
✓ 75-02149	CAPPS, MARTIN R.	L	11/14/1961	SALMON RIVE	1.560	01 IRR
						04 STOCK
✓ 75-04010	NELSON, HERMAN V.	S	09/28/1922	SALMON RIVE	1.020	01 IRR
	NELSON, JENNIE					43 DOMEST
75-04290	CAPPS, MARTIN	S	04/01/1911	WILLIAM LAK	2.000	01 IRR
✓ 75-04467	FIRST FEDERAL SAVIN	S	11/23/1922	SALMON RIVE	1.160	01 IRR
75-07419	A.W. BROWN CO. INC.	P	02/04/1985	SALMON RIVE	6.440	01 IRR
						28 POWER
75-07427	A.W. BROWN CO. INC.	P	07/16/1985	SALMON RIVE	6.000	28 POWER
✓ 75-07590	WILLIAMS LAKE WATER	A	06/29/1992	SALMON RIVE	0.500	43 DOMEST

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

Brown #5

RECEIVED
MAY 21 1993

SD-34

Source: WILLIAMS LAKE

Basin: 75

STATE

Water Right No.	Current Owner Last, First	S T G	Priority Date	Tributary	# Records Total Diversion	Use Code Desc
75-07052	WILLIAMS LAKE WATER P		03/23/1990		0.500	43 DOMEST

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

MICROFILMED

MAY 21 1993

Adjudication data base

SD#34

Source: LAKE CREEK

Basin: 75

STATE

S

Records 4

Water
Right No.

Current Owner
Last, First

T Priority
G Date

Tributary

Total
Diversion

Use
Code Desc

A75-04010

NELSON, HERMAN V.
NELSON, JENNIE

S 09/28/1922

SALMON RIVE

1.020

01 IRR
43 DOMEST

✓A75-10054

PARRISH, GRANT

D 06/01/1898

SALMON RIVE

0.020

43 DOMEST

A75-02149

CAPPS, MARTIN R.

L 11/14/1961

SALMON RIVE

1.560

01 IRR
04 STOCK

✓A75-00093A

SPLIT RIGHT,
(See Attached ps)

06/01/1898

SALMON RIVE

2.666

01 IRR
43 DOMEST

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

MICROFILMED

MAY 21 1993

SD:62
INQUIRY

Idaho Department of Water Resources
Adjudication Remarks Screen

Date: 10/05/92
Time: 08:39:23

Water Right Number: A75-00093A

FIRST PAGE

13. Remarks: AC. IRR. = 159.71

TRANS. 1776.

*** THIS RIGHT HAS BEEN SPLIT AND CLAIMED AS FOLLOWS:

75-00093C - 1.16 CFS FOR FIRST FEDERAL SAVINGS & LOAN, ESV 5/9

(GOLD4=Prev Screen) (GOLD6=End of Data)
(GOLD5=Next Screen)

(Enter=Exit)
(GOLD8=Cancel)

UNRECORDED

MAY 21 1993

STATE

(Menu)

MAY 21 1993

Brown # 2

Number	Priority Date	Name	Amount	Use
A75-10054	1898	Parish	.02	D
75-0093A	1898	Mc Bride	2.666	I
75-0073B	1898	Wrasper	.034	I
75-04467	1922	First Federal	1.160	I
A75-04010	1922	Nelson	1.02	I & D
75-2149	1961	Capps	1.46	I
75-07419	1985	Brown	.44	I
75-07419	1985	Brown	6.00	H

RECEIVED

MAY 21 1993

COUNTY COMMISSIONER'S ACCEPTANCE

The foregoing plat was duly adopted by the Board of County Commissioners on this 9th day of Sept. 1934

Edmund A. Allen
ATTORNEY AT LAW

Charles R. Hume
COUNTY CLERK

MAY 21 1933

RECORDED

CENTERLINE CURVE DATA

STATION	CHORD	TANGENT	LENGTH
1	2747.14	17.00	261.37
2	2747.14	17.00	34.48
3	2747.14	17.00	73.02
4	2747.14	17.00	145.72
5	2747.14	17.00	141.47
6	2747.14	17.00	98.34
7	2747.14	17.00	75.00
8	2747.14	17.00	91.75
9	2747.14	17.00	45.13
10	2747.14	17.00	47.91
11	2747.14	17.00	43.15
12	2747.14	17.00	229.92
13	2747.14	17.00	186.69
14	2747.14	17.00	186.69
15	2747.14	17.00	52.85
16	2747.14	17.00	54.32
17	2747.14	17.00	69.11
18	2747.14	17.00	126.25
19	2747.14	17.00	181.97
20	2747.14	17.00	69.43
21	2747.14	17.00	74.95
22	2747.14	17.00	144.63
23	2747.14	17.00	56.02

CURVE DATA

STATION	CHORD	TANGENT	LENGTH
1	2747.14	17.00	31.45
2	2747.14	17.00	41.18
3	2747.14	17.00	51.25
4	2747.14	17.00	62.70
5	2747.14	17.00	75.00
6	2747.14	17.00	88.34
7	2747.14	17.00	102.75
8	2747.14	17.00	118.12
9	2747.14	17.00	134.48
10	2747.14	17.00	151.75
11	2747.14	17.00	169.92
12	2747.14	17.00	188.69
13	2747.14	17.00	208.00
14	2747.14	17.00	227.85
15	2747.14	17.00	248.15
16	2747.14	17.00	268.92
17	2747.14	17.00	290.11
18	2747.14	17.00	311.75
19	2747.14	17.00	333.84
20	2747.14	17.00	356.37
21	2747.14	17.00	379.43
22	2747.14	17.00	402.95
23	2747.14	17.00	426.92
24	2747.14	17.00	451.32
25	2747.14	17.00	476.11
26	2747.14	17.00	501.25
27	2747.14	17.00	526.75
28	2747.14	17.00	552.62
29	2747.14	17.00	578.84
30	2747.14	17.00	605.43
31	2747.14	17.00	632.37
32	2747.14	17.00	659.62
33	2747.14	17.00	687.15
34	2747.14	17.00	714.95
35	2747.14	17.00	743.00
36	2747.14	17.00	771.25
37	2747.14	17.00	800.69
38	2747.14	17.00	830.32
39	2747.14	17.00	860.11
40	2747.14	17.00	890.15
41	2747.14	17.00	920.43
42	2747.14	17.00	950.92
43	2747.14	17.00	981.62
44	2747.14	17.00	1012.52
45	2747.14	17.00	1043.62
46	2747.14	17.00	1074.92
47	2747.14	17.00	1106.43
48	2747.14	17.00	1138.15
49	2747.14	17.00	1169.95
50	2747.14	17.00	1201.92
51	2747.14	17.00	1234.00
52	2747.14	17.00	1266.15
53	2747.14	17.00	1298.43
54	2747.14	17.00	1330.82
55	2747.14	17.00	1363.32
56	2747.14	17.00	1395.92
57	2747.14	17.00	1428.62
58	2747.14	17.00	1461.43
59	2747.14	17.00	1494.32
60	2747.14	17.00	1527.32
61	2747.14	17.00	1560.43
62	2747.14	17.00	1593.62
63	2747.14	17.00	1626.92
64	2747.14	17.00	1660.32
65	2747.14	17.00	1693.82
66	2747.14	17.00	1727.43
67	2747.14	17.00	1761.15
68	2747.14	17.00	1794.95
69	2747.14	17.00	1828.82
70	2747.14	17.00	1862.82
71	2747.14	17.00	1896.92
72	2747.14	17.00	1931.15
73	2747.14	17.00	1965.43
74	2747.14	17.00	1999.82
75	2747.14	17.00	2034.32
76	2747.14	17.00	2068.92
77	2747.14	17.00	2103.62
78	2747.14	17.00	2138.43
79	2747.14	17.00	2173.32
80	2747.14	17.00	2208.32
81	2747.14	17.00	2243.43
82	2747.14	17.00	2278.62
83	2747.14	17.00	2313.92
84	2747.14	17.00	2349.32
85	2747.14	17.00	2384.82
86	2747.14	17.00	2420.43
87	2747.14	17.00	2456.15
88	2747.14	17.00	2491.95
89	2747.14	17.00	2527.82
90	2747.14	17.00	2563.82
91	2747.14	17.00	2600.00
92	2747.14	17.00	2636.32
93	2747.14	17.00	2672.82
94	2747.14	17.00	2709.43
95	2747.14	17.00	2746.15
96	2747.14	17.00	2782.95
97	2747.14	17.00	2819.82
98	2747.14	17.00	2856.82
99	2747.14	17.00	2893.92
100	2747.14	17.00	2931.15

WILLIAMS

LAKE

COUNTY RECORDER'S CERTIFICATE

STATE OF IDAHO }
COUNTY OF LENNI }
This is to certify that the foregoing plat was filed in the Office of the Recorder of Lenni County, Idaho on this 11th day of Dec. 1934 at 11:00 A.M. and duly recorded in Plat Book 2 at Page 34.

Edmund A. Allen
EX-11105 RECORDER

WILLIAMS LAKE SUBDIVISION No. 2 AND 4

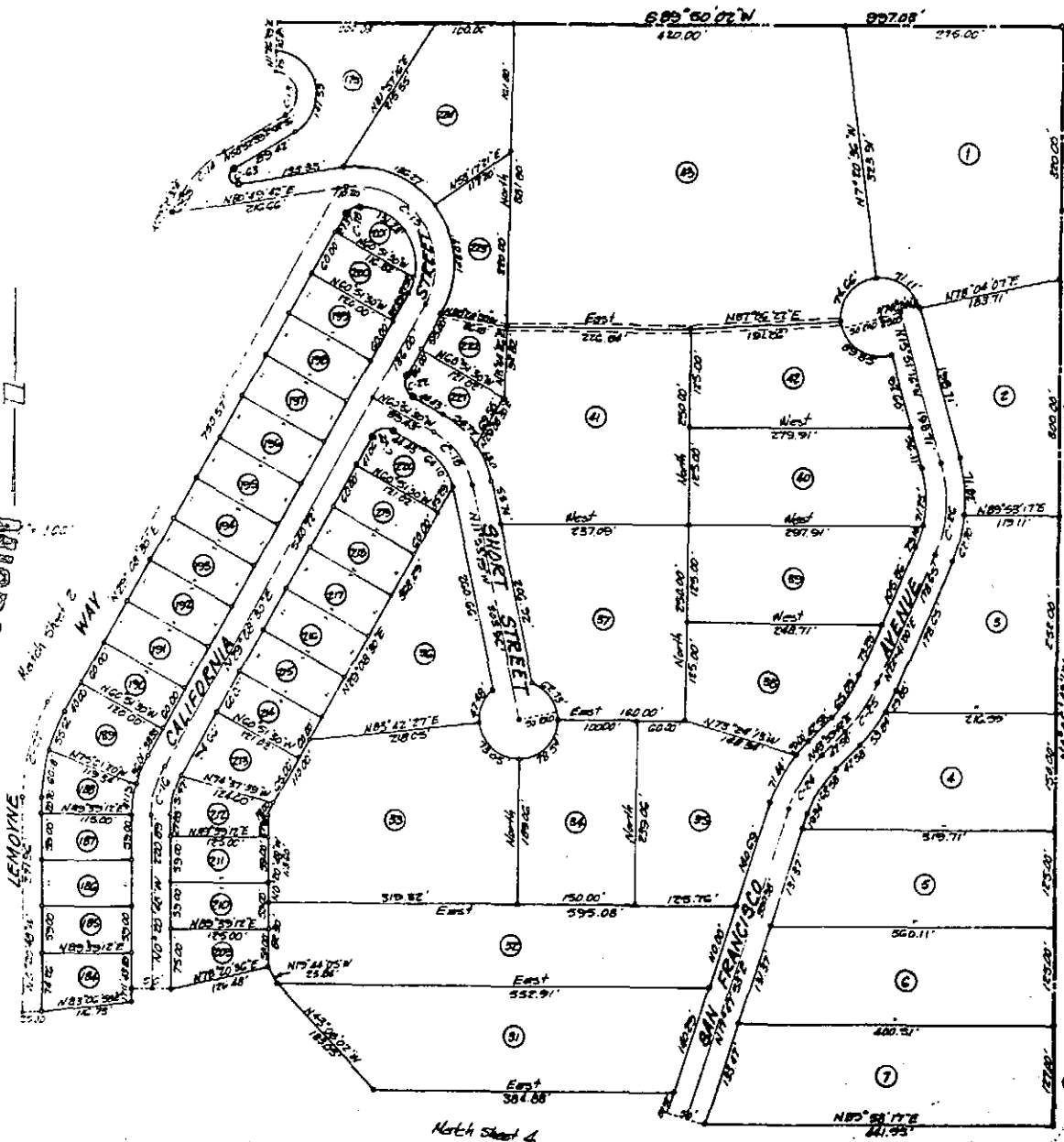
LEGEND

- 3" x 30" Steel Bar set on Boundary and Block Corners
- 1/2" x 24" Steel Bar set on Lot Corners
- Boundary Line
- Lot Line
- Utility Easement - 5' wide
- - - - - Match Line
- Ⓢ Lot Number

Brown

MAY 21 1993

RECORDED



COUNTY COMMISSIONERS

The following was presented to the Board of County Commissioners on the 9th day of Sept. 1974.

Edna Adams Charles H. Han

COUNTY RECORDER'S CERTIFICATE

STATE OF IDAHO } ss.
COUNTY OF LEMHI }

This is to certify that the foregoing plat was filed in the Office of the Recorder of Lemhi County, Idaho on the 11th day of Sept. 1974 at 4:00 PM and duly recorded in Plat Book 4, page 22.

DEPUTY

EX-OFFICIO RECORDER

CENTERLINE CURVE DATA

CURVE	RADIUS	Δ	TANGENT	LENGTH
C-13	30.00'	147° 55' 00"	107.75'	77.25'
C-14	150.00'	28° 44' 00"	39.85'	77.25'
C-15	100.00'	128° 18' 48"	206.46'	335.95'
C-16	125.00'	29° 29' 18"	96.90'	64.93'
C-18	100.00'	48° 58' 11"	45.54'	65.47'
C-24	175.00'	25° 11' 45"	49.72'	80.01'
C-25	200.00'	31° 18' 45"	97.63'	73.85'
C-26	175.00'	58° 55' 16"	61.18'	117.71'
C-27	250.00'	29° 29' 18"	65.79'	128.27'

CURVE DATA

CURVE	RADIUS	Δ	TANGENT	LENGTH
C-22	30.00'	90° 00' 00"	20.00'	31.42'
C-23	15.00'	158° 02' 57"	61.50'	27.68'
C-18	22.00'	62° 57' 52"	12.25'	21.98'

LEGEND

- 1/4" x 30" Steel Bar set on Boundary and Block Corners
- 1/4" x 24" Steel Bar set on Lot Corners
- Boundary Line
- Lot Line
- Utility Easement - 5' wide
- Match Line
- Ⓢ Lot Number



WILLIAMS LAKE SUBDIVISION No. 2 AND 4
SHEET 3 OF 4

COUNTY COMMISSIONER'S ACCEPTANCE

As proposed and approved by the Board of County Commissioners of the County of Leake, Mississippi, on this 22nd day of Sept., 1974.

Edward Adams
ATTORNEY

Charles H. Hume
CHAIRMAN

COUNTY RECORDER'S CERTIFICATE

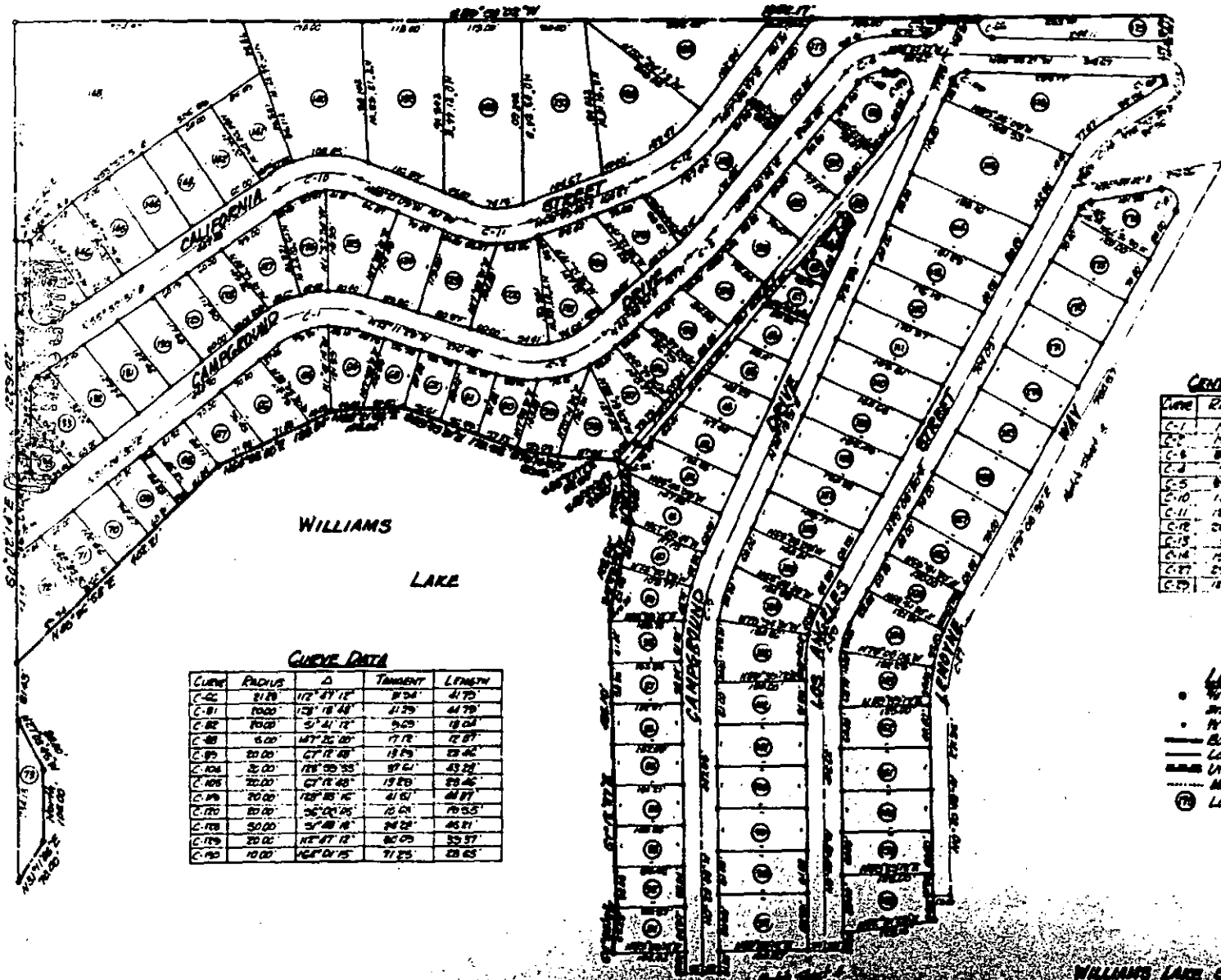
State of Mississippi
County of Leake } SS

This is to certify that the foregoing plat was filed in the Office of the Recorder of Leake County, Mississippi, on this 22nd day of Sept., 1974 at 2:24 p.m. and was recorded in Plat Book 44 of Page 22.

DEPUTY

Edward Adams
ATTORNEY

MAY 21 1993



CURVE DATA

CURVE	RADIUS	Δ	TANGENT	LENGTH
C-1	21.75	112° 47' 12"	87.04	41.75
C-2	10.00	153° 18' 44"	41.75	41.75
C-3	10.00	52° 41' 12"	5.00	19.04
C-4	6.00	147° 25' 00"	7.76	12.87
C-5	20.00	67° 18' 48"	18.75	29.42
C-6	20.00	128° 22' 36"	37.51	43.22
C-7	20.00	67° 18' 48"	18.75	29.42
C-8	20.00	128° 22' 36"	37.51	43.22
C-9	20.00	67° 18' 48"	18.75	29.42
C-10	20.00	128° 22' 36"	37.51	43.22
C-11	20.00	67° 18' 48"	18.75	29.42
C-12	20.00	128° 22' 36"	37.51	43.22
C-13	20.00	67° 18' 48"	18.75	29.42
C-14	20.00	128° 22' 36"	37.51	43.22
C-15	20.00	67° 18' 48"	18.75	29.42
C-16	20.00	128° 22' 36"	37.51	43.22
C-17	20.00	67° 18' 48"	18.75	29.42
C-18	20.00	128° 22' 36"	37.51	43.22
C-19	20.00	67° 18' 48"	18.75	29.42
C-20	20.00	128° 22' 36"	37.51	43.22

CENTERLINE CURVE DATA

CURVE	RADIUS	Δ	TANGENT	LENGTH
C-1	100.00	30° 28' 27"	80.43	147.22
C-2	100.00	30° 28' 27"	80.43	147.22
C-3	825.00	8° 20' 58"	75.58	57.25
C-4	75.00	5° 28' 18"	36.21	27.78
C-5	850.00	8° 20' 58"	75.58	57.25
C-6	125.00	33° 44' 10"	32.00	70.44
C-7	125.00	47° 29' 18"	48.99	90.29
C-8	250.00	8° 20' 58"	75.58	57.25
C-9	50.00	18° 25' 00"	48.70	77.21
C-10	100.00	29° 48' 18"	89.87	117.85
C-11	250.00	29° 48' 18"	89.87	117.85
C-12	125.00	29° 48' 18"	89.87	117.85

LEGEND

- 1/4" 100' Steel Bar set on Boundary and Block Corners
- 1/4" 25' Steel Bar set on Lot Corners
- Boundary Line
- Lot Line
- Utility Easement - 5' wide
- Match Line
- ⊙ Lot Number



WILLIAMS LAKE SUBDIVISION NO. 2 AND 4
SHEET 2 OF 4

MAY 21 1993

DEDICATION CERTIFICATE.

Be it known, that we, M. M. Melton and Leona M. Melton, of Salmon, Idaho, and the LeMayne Development, Inc., an Idaho corporation, Harry F. LeMayne, President, the owners and proprietors of the tract of land designated on this Plat, have caused the same to be surveyed and plotted, to be known as the WILLIAMS LAKE SUBDIVISION No. 3, in Lots 3 and 4, Section 3, T. 19 N., R. 21 E., S. 2. And all Streets and Allens, as shown, are hereby donated and dedicated to, and reserved for, the use of the property owners, only, and it is further stipulated that all homes and residences shall be constructed in a manner that will conform with Idaho State health require-ments.

M. M. Melton
Leona M. Melton
Harry F. LeMayne, Inc.
Harry F. LeMayne, Inc.

On this 6th day of Sept., 1967, before me at Salmon, Idaho, a Notary Public in and for the State of Idaho, personally appeared Harry F. LeMayne, known to me to be the President of the LeMayne Development, Inc., and M. M. Melton and Leona M. Melton, whose signatures appear above, and acknowledged to me that they executed the same.

[Signature]
 Notary Public

SURVEYOR'S CERTIFICATE.

I, Hugh M. Corner, Registered Land Surveyor in the State of Idaho, hereby certify that the survey of the WILLIAMS LAKE SUBDIVISION No. 3, as delineated on this Plat, was made by me and under my supervision, that the survey was correctly made and is accurately represented on this map, and that all corners are properly monumented.



APPROVED BY: The Lemhi County Board of Commissioners at regular meeting, at Salmon, Idaho, this 11 day of September, 1967.

Attest: *[Signature]*
 Clerk

Filed for Record, at the request of Hugh M. Corner, this 11th day of September, 1967, at 10 minutes past 10 o'clock A.M., in Book 2 of Plats, at page 18.
 Records of Lemhi County, at Salmon, Idaho.

[Signature]
 Lemhi County Recorder
[Signature]
 by W. H. Hollington, Deputy

Brown ~~#3~~
 #9

LAKE SUBDIVISION No. 3

in

3 and 4, Sec. 3, T. 19N, R. 21E.B.M.

Lemhi Co., Idaho

Section 34 T 19 N, R 21 E, B.M.
Section 3 T 19 N, R 21 E, B.M.

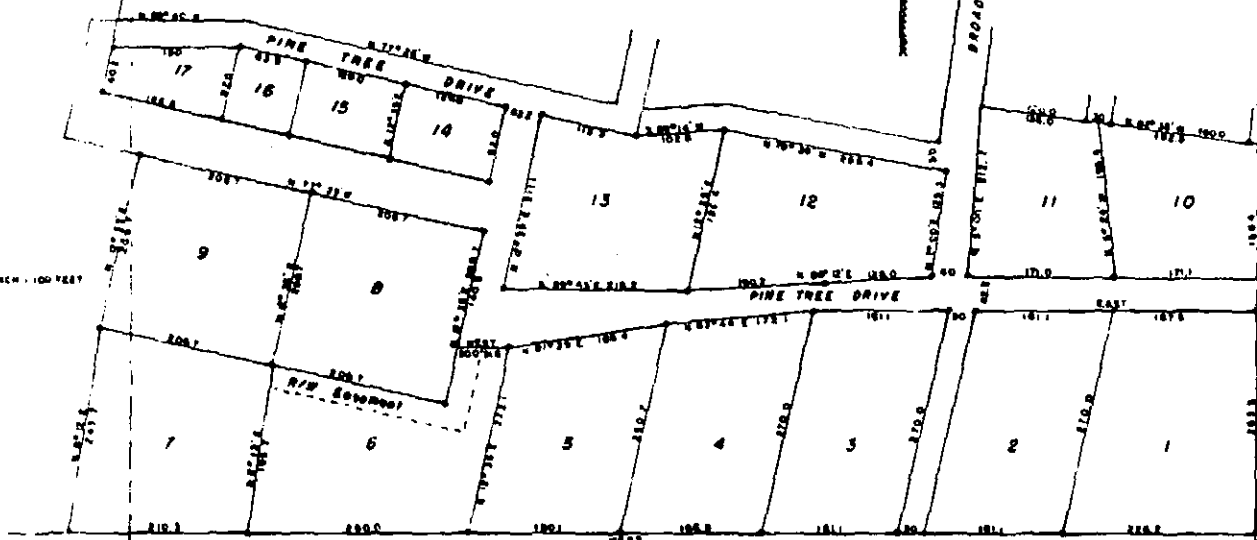
Lot 3

WILLIAMS LAKE SUBDIVISION No. 3



BROADWAY

SCALE 1 INCH = 100 FEET



WILLIAMS LAKE SUBDIVISION No. 3

in

Lots 3 and 4, Sec. 3, T 19 N, R 21 E, B.M.
Lemhi Co., Idaho

MAY 21 1993

RECORDED

DEDICATION CERTIFICATE

Be it known, that we, M. M. Melton and Leno M. Melton, Idaho, and the LeMayne Development, Inc., Harry F. LeMayne, President, the owners and joint owners of the land designated on this map, have caused the same to be surveyed and plotted, to be known as the WILLIAMS LAKE SUBDIVISION No. 3, in Lots 3 and 4, Section 34, T 19 N, R 21 E, B.M. And all streets and alleys, and other roads and donated to, and reserved for, the use of the owners, only, and it is further stipulated that all residences shall be constructed in a manner that will conform to Idaho State health requirements.

M. M. Melton
Leno M. Melton
LeMayne Development, Inc.
Harry F. LeMayne, Inc.

On this 16th day of Sept., 1967, before me, W. HERNIMAN, a Notary Public in and for the State of Idaho, personally appeared Harry F. LeMayne, known to me to be the President of the LeMayne Development, Inc., and M. M. Melton and Leno M. Melton, whose signatures appear above, and acknowledged to me that they executed the same.

W. HERNIMAN
Notary Public

SURVEYORS CERTIFICATE

I, Hugh M. Colner, Registered Land Surveyor in the State of Idaho, hereby certify that the survey of the WILLIAMS LAKE SUBDIVISION No. 3, as delineated on this map, was made by me and under my supervision, that the survey was correctly made and is accurately represented on this map, and that all corners are properly monumented.



APPROVED BY The Lemhi County Board of Commissioners in regular meeting, at Salmon, Idaho, this 1st day of 1967.

Attest: _____
Clerk

Filed for Record, at the request of _____
this 16th day of September, 1967, at _____ minutes past _____ o'clock A.M., in Book 2 of Plats, of page _____
Records of Lemhi County, at Salmon, Idaho.

W. HERNIMAN
Lemhi County Recorder
by _____

CERTIFICATE OF OWNERS

This is to certify that the individuals named below are the owners in fee simple of the following described property: Lot 72, Lot 73, Lot 77, Lot 78, Lot 79, and Lot 80 WILLIAMS LAKE SUBDIVISION NO 2 AND 4, as shown on the official plat thereof now on file in the office of the Lemhi County Recorder and duly filed in Plat Book 4 of pages 33, 34, 35 and 36.

That the area contained in this platted land as described is 128 acres, that said land is hereby included in this plat known as the AMENDED PLAT OF LOTS 72, 73, 77, 78, 79, AND 80 WILLIAMS LAKE SUBDIVISION NO 2 AND 4, that easements indicated on this plat are not dedicated to the public but the rights to use said easements are hereby perpetually reserved for public utilities and no structures other than for such utility purposes are to be erected within the lines of said easements.

HELENE FISCHER	GREGORY JOSEPH BURDEN
GENE V. MELTON	MARY LOU MELTON
LENARD J. MOVIOUS	LUCILE MOVIOUS
LEMOYNE DEVELOPMENT CO.	

CERTIFICATE OF ENGINEER

This is to certify that I, Thomas K. Scholer, a Registered Professional Engineer in the State of Idaho made the survey of the land as described in the Certificate of Owner, and designated herein as AMENDED PLAT OF LOTS 72, 73, 77, 78, 79, AND 80 WILLIAMS LAKE SUBDIVISION NO 2 AND 4 and that this plat is a true and correct representation of said survey as made and stated by me on said land.

ACKNOWLEDGEMENT

STATE OF IDAHO } ss
COUNTY OF LEMHI }
On this 9th day of September 1975, before me a Notary Public in and for said state personally appeared Thomas K. Scholer, known to me to be the person whose name is subscribed to the foregoing Certificate of Engineer, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

NOTARY PUBLIC for the STATE of IDAHO

CERTIFICATE OF WAIVER

I, Eleanor Aldous, duly acting and qualified recorder of the County of Lemhi, State of Idaho, do hereby certify that I executed the within plat by reason of the failure of the owners or proprietors named to so execute the plat.

Eleanor Aldous
LEMHI COUNTY RECORDER

ACKNOWLEDGEMENT

STATE OF IDAHO } ss
COUNTY OF LEMHI }
On this 9th day of Sept. 1975, before me, a Notary Public in and for said state personally appeared Eleanor Aldous known to me to be the person whose name is subscribed to the foregoing Certificate of Waiver and acknowledged to me that she executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Laura E. Kane
NOTARY PUBLIC for the STATE OF IDAHO

COUNTY COMMISSIONER'S ACCEPTANCE

The foregoing plat was duly accepted and approved by the Board of County Commissioners of the County of Lemhi, Idaho on this 8th day of Sept. 1975.

ATTEST: CLERK

CHAIRMAN

130873

COUNTY RECORDER'S CERTIFICATE

STATE OF IDAHO } ss
COUNTY OF LEMHI }
This is to certify that the foregoing plat was filed in the office of the Recorder of Lemhi County, Idaho on this 9th day of Sept. 1975 at 9:30 a.m. and duly recorded in Plat Book 4 of page 47.

DEPUTY

EX-OFFICIO RECORDER

SANITARY RESTRICTIONS

Each lot in this subdivision shall be connected to a central water and central sewer system when it becomes available.

IDAHO DEPARTMENT OF HEALTH

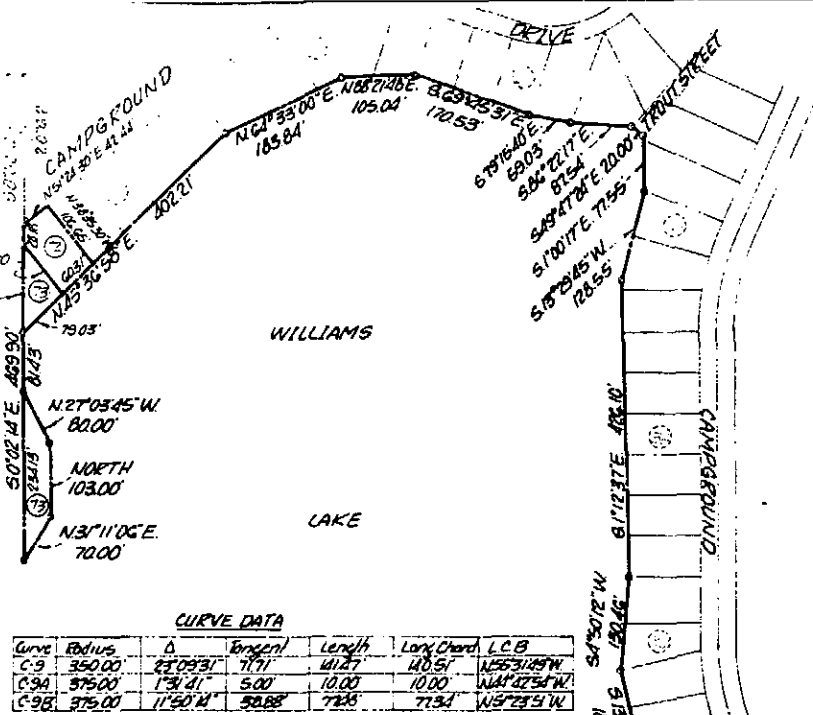
Approved by _____ ENVIRONMENTALIST DATE _____

Brown # 10

MAY 21 1993

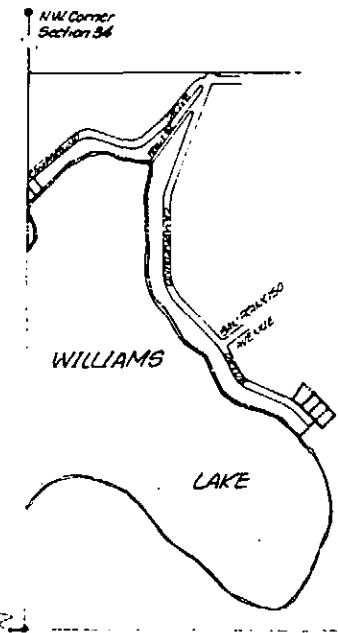
RECORDED

AMENDED PLAT OF LOTS 72, 73, 77, 76, 75
WILLIAMS LAKE SUBDIVISION NO. 2 AND 4
 LOCATED IN
 LOTS 12, 3 AND THE SE¹/₄ NW¹/₄ SECTION 34, T20N, R22E
 LEMHI COUNTY, IDAHO



CURVE DATA

Curve	Radius	Δ	Tangent	Length	Lark Chord	L.C.B.
C-9	350.00	23°03'31"	71.71	41.27	140.57	N55°31'29"W
C-9A	375.00	1°31'41"	5.00	10.00	10.00	N41°27'54"W
C-9B	375.00	11°50'14"	50.88	72.65	71.34	N57°23'51"W



VICINITY MAP

- LEGEND**
- Boundary and Lot Line
 - 1/8" Round Bol As Boundary Corners
 - 1/8" Round Bol As Lot Corners
 - ⑦ Lot Number

LAKE

MAY 21 1993

MAY 21 1993

RECORDED

State of Idaho)
County of Latah) S.S. SURVEYORS CERTIFICATE
I, Hugh M. Colner, Registered Land Surveyor in and for the State of
Idaho, do hereby certify that the survey of the WILLIAMS LAKE
SUBDIVISION, as shown on this Plat and described in the dedication
certificate was made by me and under my supervision, that the
survey was correctly made and is accurately represented on this
Plat and that all corners are marked on the ground, as required.

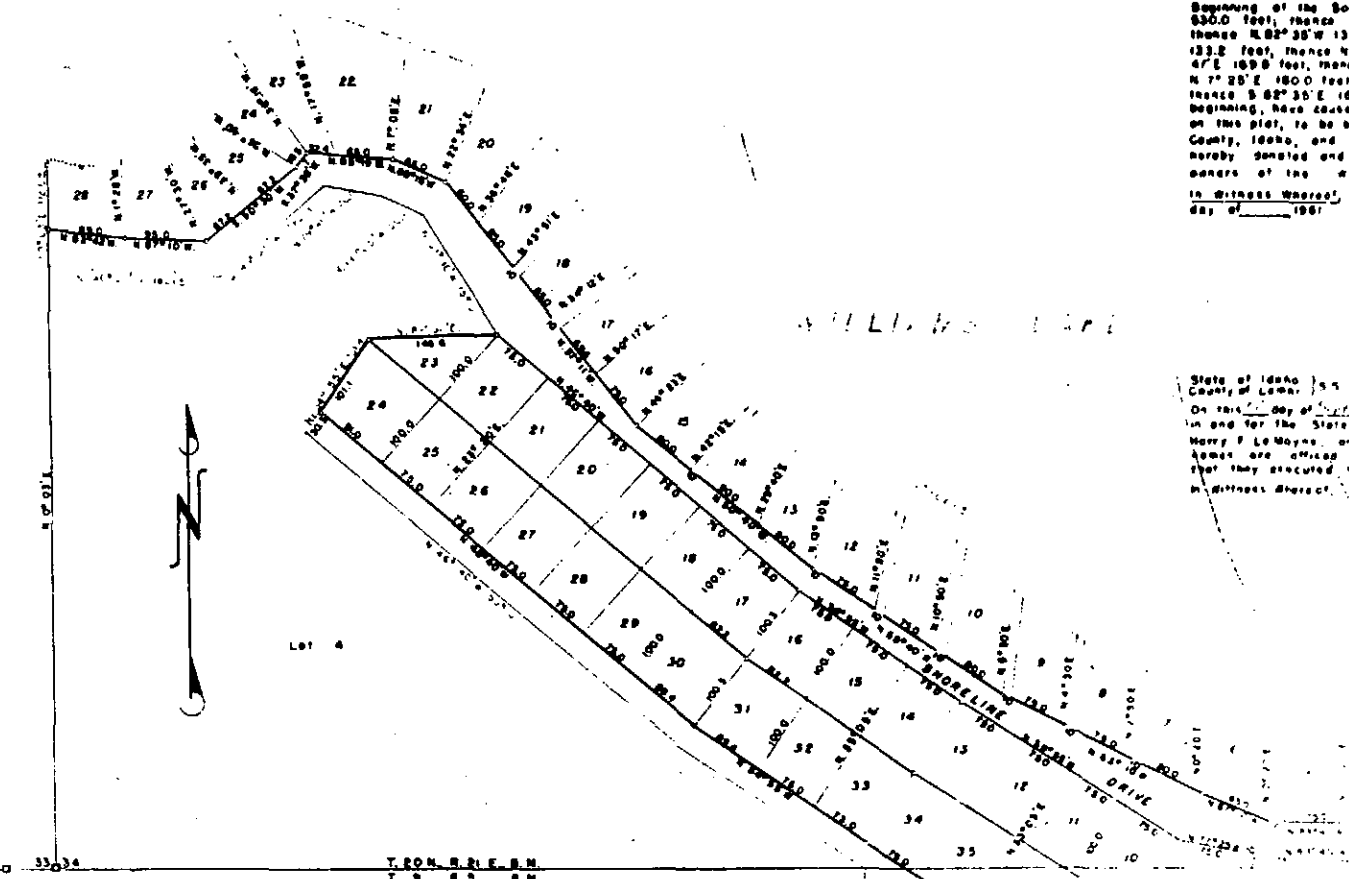


State of Idaho)
County of Latah) S.S. APPROVAL CERTIFICATE
BE IT KNOWN, that at a meeting of the Board of
County Commissioners of Latah County, held on the
day of May, 1961, the matter of the approval
of the Plat of the WILLIAMS LAKE SUBDIVISION
was brought up for consideration, and after considering
the same the said Board duly approved and
accepted by the said Board of County Commissioners

Charles E. Vance
Chairman
Albert Paul Adams
Latah County Clerk & Recorder

State of Idaho)
County of Latah) S.S. DEDICATION CERTIFICATE
KNOW ALL MEN BY THESE PRESENTS that we, Harry F. LeMayne and John A. LeMayne,
owners and proprietors of the two tracts of land, to-wit:
T. 20 N., R. 21 E., Bate Meridian, and Section 34, and
represented on this Plat and described as follows: Section 34,
South 1/4 corner of said Section 34, run thence N. 89° 15' 00" E.
on the Southerly shore of Williams Lake, and the point
S 0° 20' 00" E. 127.7 feet, thence S 77° 25' 00" E. 100.0 feet, thence
thence N 77° 25' 00" W. 480.0 feet, thence N 89° 15' 00" E. 230.0 feet,
thence N 77° 25' 00" W. 126.6 feet, thence S 89° 15' 00" E. 555.0 feet,
thence N 34° 55' 00" E. 131.4 feet, thence
thence N 37° 10' 00" W. 155.0 feet, thence N 66° 05' 00" W. 70.0 feet,
thence S 49° 30' 00" W. 182.0 feet, thence N 66° 05' 00" W. to a point on the
West Boundary of said Section 34, or
more or less, to a point on the Southerly shore of Williams Lake,
measuring the Southerly shore of Williams Lake, 2106.0 feet, more or less,
to the point of beginning.
Also:
Beginning at the South 1/4 corner of said Section 34, run
thence N 82° 35' 00" W. 350.0 feet, thence
thence N 82° 35' 00" W. 135.0 feet, thence N 77° 25' 00" E. 123.2 feet,
thence N 30° 45' 00" E. 107.4 feet, thence S 47° 15' 00" E. 169.8 feet,
thence N 77° 25' 00" E. 163.1 feet, thence N 77° 25' 00" E. 180.0 feet,
thence S 82° 35' 00" E. 160.0 feet, thence S 82° 35' 00" E. to the point of
beginning, have caused the same to be surveyed, and the same
on this plat, to be known as the WILLIAMS LAKE SUBDIVISION,
County, Idaho, and all Streets, Avenues and Drives,
hereby donated and dedicated to and reserved for the
owners of the WILLIAMS LAKE SUBDIVISION.
In Witness Whereof, we have hereunto set our hands and
day of May, 1961.

Brown # 11



State of Idaho)
County of Latah)
On this May day of 1961, before me,
in and for the State of Idaho, Harry F. LeMayne and John A. LeMayne,
known to me to be the persons whose names are affixed to the foregoing
that they procured this Plat.

MAY 21 1993

RECORDED



Attest *Paula J. ...*
Lemhi County Clerk & Recorder

Location

7300 feet, thence N 77° 25' W 126.6 feet, thence S 82° 35' E 135.0 feet, thence N 46° 40' W 355.0 feet, thence N 34° 55' E 131.4 feet, thence N 46° 40' W 355.0 feet, thence N 31° 10' W 155.0 feet, thence N 66° 05' W 500.0 feet, thence N 10.0 feet, thence S 40° 30' W 162.0 feet, thence N 86° 25' W 140.0 feet, to a point on the West boundary of said Section 34, thence S 82° 35' E 135.0 feet, more or less, to a point on the Southern shore of Williams Lake, thence S 82° 35' E 135.0 feet, more or less, to the point of beginning.

Beginning at the South 1/4 corner of said Section 34, thence N 82° 35' E 135.0 feet, thence N 82° 35' E 135.0 feet, thence N 7° 25' E 900.0 feet, thence N 133.2 feet, thence N 30° 45' E 92.4 feet, thence N 29° 26' E 104.2 feet, thence N 47° E 105.8 feet, thence N 7° 25' E 143.1 feet, thence N 82° 35' W 140.0 feet, thence N 7° 25' E 180.0 feet, thence S 82° 35' E 280.0 feet, thence S 82° 35' E 160.0 feet, thence S 7° 25' W 925.0 feet to the point of beginning, have caused the same to be surveyed and plotted, and the same to be shown as the WILLIAMS LAKE SUBDIVISION, in Lemhi County, Idaho, and all Streets, Avenues and Alleys, as shown on this plat, hereby donated and dedicated to and reserved for the use of the property owners of the WILLIAMS LAKE SUBDIVISION only.

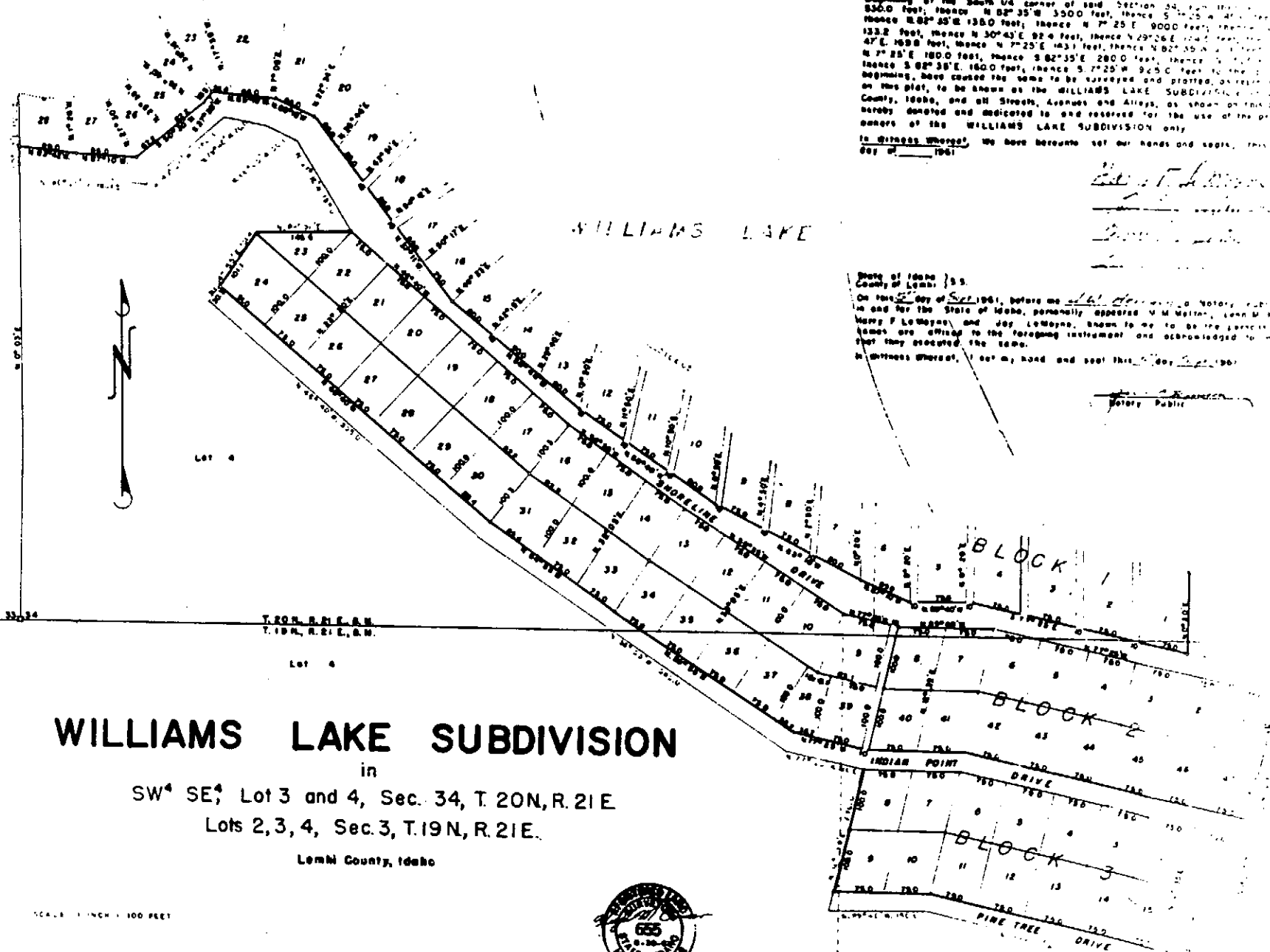
In Witness Whereof, We have hereunto set our hands and seals, this 20th day of May, 1961.

Paula J. ...
Lemhi County Clerk & Recorder

State of Idaho
County of Lemhi } ss.
On this day of May, 1961, before me, *Paula J. ...*, a Notary Public in and for the State of Idaho, personally appeared M. M. Melton, Lemhi, M. M. Harry F. Lemayne, and Jay Lemayne, known to me to be the parties whose names are affixed to the foregoing instrument and acknowledged to me that they executed the same.

In Witness Whereof, I set my hand and seal this 20th day of May, 1961.

Paula J. ...
Notary Public



WILLIAMS LAKE SUBDIVISION

in
SW¹/₄ SE¹/₄, Lot 3 and 4, Sec. 34, T. 20N, R. 21E
Lots 2, 3, 4, Sec. 3, T. 19N, R. 21E.

Lemhi County, Idaho

SCALE: 1 INCH = 100 FEET



beginning at the southerly shore of Williams Lake, thence
 2106.0 feet, more or less, to the point of beginning.
 Also:

Beginning at the South 1/4 corner of said Section 34, run thence S. 7° 25' E.
 330.0 feet, thence N. 62° 35' E. 300.0 feet, thence S. 7° 25' E. 40.0 feet, thence
 thence N. 62° 35' E. 135.0 feet, thence N. 7° 25' E. 900.0 feet, thence S. 7° 25' E.
 133.2 feet, thence N. 30° 43' E. 92.4 feet, thence N. 29° 26' E. 174.0 feet, thence S. 7° 25' E.
 47.1 feet, thence N. 7° 25' E. 163.1 feet, thence N. 62° 35' E. 90.0 feet, thence
 N. 7° 25' E. 180.0 feet, thence S. 62° 35' E. 280.0 feet, thence N. 7° 25' E. 43.0 feet,
 thence S. 62° 35' E. 160.0 feet, thence S. 7° 25' E. 925.0 feet to the point of
 beginning. Said course is to be surveyed and plotted, as represented on
 on this plat, to be known as the WILLIAMS LAKE SUBDIVISION in Lehi
 County, Idaho, and all Streets, Avenues and Alleys, as shown on this plat, are
 hereby donated and dedicated to and reserved for the use of the property
 owners of the WILLIAMS LAKE SUBDIVISION only.

In Witness Whereof, We have hereunto set our hands and seals, this
 day of Sept 1961.

Harry F. LeMayne
Joy LeMayne
Notary Public

State of Idaho, ss.
 County of Lehi:

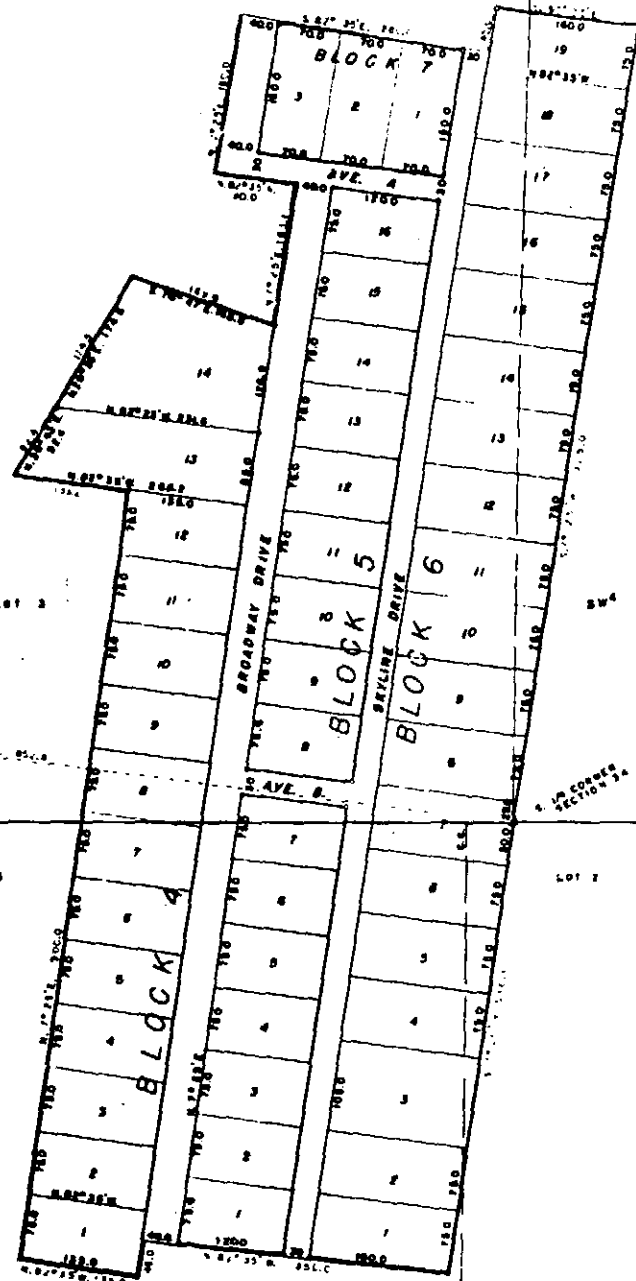
On this 21 day of Sept, 1961, before me, J. W. Herndon, a Notary Public
 in and for the State of Idaho, personally appeared M. M. Bolton, Lane M. Bolton,
Harry F. LeMayne, and Joy LeMayne, known to me to be the persons whose
 names are affixed to the foregoing instrument and acknowledged to me
 that they executed the same.

In Witness Whereof, I set my hand and seal this 21 day of Sept, 1961.

J. W. Herndon
 Notary Public

MAY 21 1963

DIVISION



MAY 21 1993

LOCATED IN LOTS 1, 2, 3, AND THE SE¹NW⁴
SECTION 34, T.20N, R.21E, B.M., LEMMI COUNTY, IDAHO

CERTIFICATE OF ENGINEER

This is to certify that I, James S Johnston, a Registered Professional Engineer in the State of Idaho made the survey of the land as described in the Certificate of Owner, and designated herein as WILLIAMS LANE SUBDIVISION No 2 and 4 and that this is a correct and true copy of the survey as made and stated by me on said land.

ACKNOWLEDGEMENT

STATE OF IDAHO }
COUNTY OF LEWIS } 56

COUNTY OF CLATSOP
 On this 10th day of October, 1950, before me, a Notary Public in and for
 said County, personally appeared John E. Johnson, known to me to be
 the person whose name is subscribed to the foregoing Certificate,
 and acknowledged to me that he executed the same
 IN WITNESS WHEREOF, I have hereunto set my hand and official
 seal, this day and year in this certificate first above written.
John E. Johnson
 Notary Public in and for said County

**COUNTY COMMISSIONER'S
ACCEPTANCE**

The foregoing plan was duly accepted and approved by the Board of County Commissioners of the County of Lema, Idaho on this 22 day of Sept, 1926.

Thomas A. Anderson Charles B. Jones
 Clerk of the Board of County Commissioners

COUNTY RECORDER'S CERTIFICATE

STATE OF IDAHO } SS
COUNTY OF LATAH }

This is to certify that the foregoing deed was filed in the Office of the Recorder of Lewis County, Idaho on this 10th day of Oct. 1924 at 9:04 a.m.
and duly recorded in Dist Book # of Page 33

WYOMING

SANITARY RESTRICTIONS

Each lot in this subdivision shall be connected to a central water and central sewer system when it becomes available
10800 DEPARTMENT OF HEALTH

Approved by E. Dennis Chaffin 9/14/75
ENVIRONMENTALIST DATE

ACKNOWLEDGEMENT

STATE OF IOWA } SS
COUNTY OF LEE }

On this _____ day of _____, 1938, before me, a Notary Public in and for said state, personally appeared all of Nelson, Lewis H Nelson, Harry P. LeMayne, and J. E. LeMayne and acknowledged to me that they executed the same.

In witness whereof I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

ACTIVITY ONE: THE STATE OF TEXAS

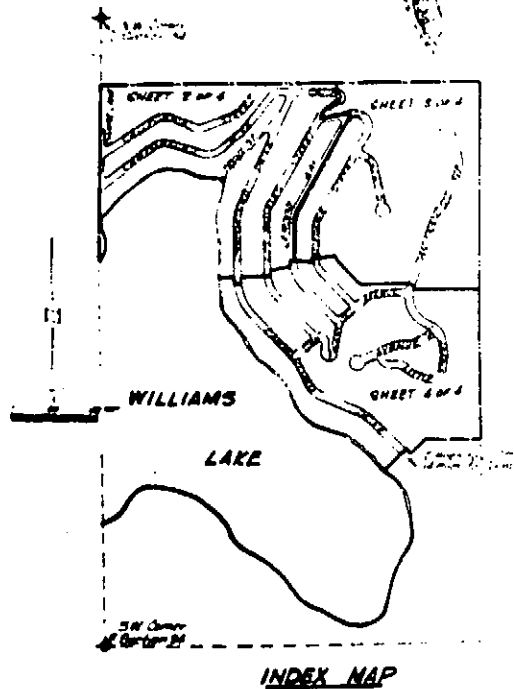
CERTIFICATE OF MAILING

RECEIVED
JAN 10 1964
U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250

ACKNOWLEDGEMENT

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

1. The first of these is the fact that the
 2. Government has been unable to secure the
 3. necessary funds to carry out its policy.
 4. The second is the fact that the Government
 5. has been unable to secure the necessary
 6. funds to carry out its policy.
 7. The third is the fact that the Government
 8. has been unable to secure the necessary
 9. funds to carry out its policy.
 10. The fourth is the fact that the Government
 11. has been unable to secure the necessary
 12. funds to carry out its policy.



Sept 17.

MAY 21 1993

LOCATED IN LOTS 1, 2, 3, AND THE SE¹NW⁴ SECTION 34, T.20N, R.21E, E.M., LEMMI COUNTY, IDAHO

CERTIFICATE OF ENGINEER

This is to certify that I, James S. Johnston, a Registered Professional Engineer in the State of Idaho made the survey of the land as described in the Certificate of Corner, and designated herein as WILLIAMS LAGO SUBDIVISION No. 2 and 4 and that this said comprised of four sheets is a true and correct representation of said survey as made and stated by me on said land.



ACKNOWLEDGEMENT

STATE OF IOWA } ss
COUNTY OF LEMMON }

On the 22 day of October 1974, before me, a Notary Public in and for said State, duly appeared James S. Johnston, known to me to be the person whose name is subscribed to the foregoing Certificate of Engineer, and acknowledged to me that he executed the same in WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this Certificate first above written.

(James S. Johnston)
 Notary Public in and for the State of Texas



**COUNTY COMMISSIONER'S
ACCEPTANCE**

The foregoing part also duly accepted and approved by the Board of County Commissioners of the County of Lemhi, Idaho on this 22 day of Sept 1976.

Thomas Anderson Charles A. Kane
Attest: Clerk

COUNTY RECORDER'S CERTIFICATE

STATE OF IDAHO } 65
COUNTY OF LEMHI }

This is to certify that the foregoing plat was filed in the Office of the Recorder of Lewis County, Idaho on this 18th day of Oct., 1926 at 9:10 a.m. and duly recorded in Plat Book 4 at Page 23

4427

SANITARY RESTRICTIONS

Each lot in this subdivision shall be connected to a central water and sewer system when it becomes available.

Approved by E. B. Smith 2/10/74
ENVIRONMENTALIST Date

ACKNOWLEDGEMENT

STATE OF IOWA }
COUNTY OF LARAMIE } SS

On this _____ day of _____, 1974, before me, a Notary Public in and for said state, personally appeared M. M. Melton, Lona M. Melton, Harry F. LeMayne, and Jay E. LeMayne and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal this day and year in this certificate first above written.

NOTIFY PUBLIC OF THE STATE OF IDAHO

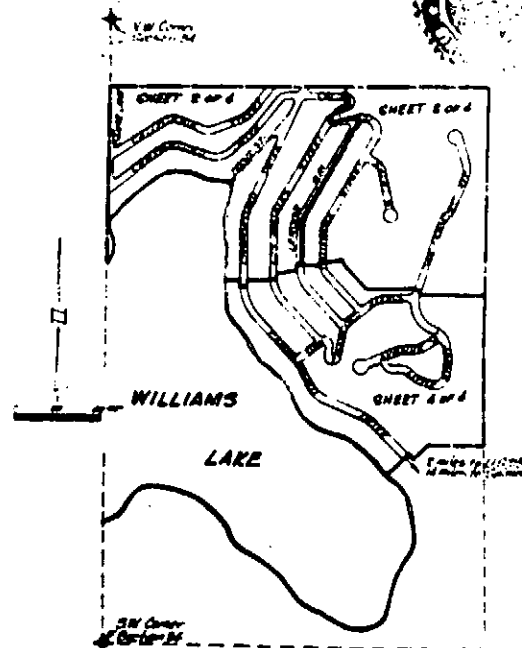
CERTIFICATE OF WAIVER

BY ORDER OF THE BOARD OF DIRECTORS
SECRETARY

ACKNOWLEDGEMENT

STATE OF TEXAS)
COUNTY OF DALLAS) ss. I, _____, Clerk of said County, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears from the records of said County.

On this 12 day of Sept. 1974, I, James E. Kane,
being of and from the State of Nevada, do hereby certify that the
above named to be an old person and have been
submitted to the foregoing procedure in accordance with
instructions to me and the medical personnel.
In witness whereof, I have hereunto set my
hand and my official seal, on this 12 day of Sept. 1974.
This certificate first made at Las Vegas,
Nevada, this 12 day of Sept. 1974.



INDEX_NAP