



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

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JUN 22 2020

DEPARTMENT OF  
WATER RESOURCES

BRAD LITTLE  
Governor

GARY SPACKMAN  
Director

June 11, 2020

TN2020-29D-03

LITTLE RED HEN INC  
C/O THOMAS J MCDEVITT  
PO BOX 4260  
POCATELLO ID 83205

**Re: Conditional Approval of Extension Request to Install a Measuring Device and Commitment of Applicant Not to Divert**

Dear Mr. McDevitt,

On May 14, 2020, the Idaho Department of Water Resources (Department) received your request for an Extension of Time to install a measuring device and controlling works in accordance to the June 2018 "Preliminary Order Requiring Controlling Works and Measuring Devices" (Order) in Water District 29-D. Below is the list of water rights included in your request:

Water Right: 29-2070 / Authorized irrigable acres: 6.0  
Water Right: 29-2110 / Authorized irrigable acres: 4.0  
Water Right: 29-2129 / Authorized irrigable acres: 8.0  
Water Right: 29-2142 / Authorized irrigable acres: 7.0  
Water Right: 29-4244 / Authorized irrigable acres: 50.0

The Order excludes diversions for irrigation uses less than or equal to 5 acres. Water right 29-2110 is authorized to irrigate 4 acres. As our records indicate no other water rights share the authorized point of diversion of 29-2110, a measuring device is not required at this diversion. Therefore, water right 29-2110 is not included in the following acknowledgement and commitment not to divert.

### Acknowledgment of Applicant:

The undersigned agrees to suspend and prevent any diversion of water for irrigation use from the Unnamed Stream under water right 29-2070, the Unnamed Stream under 29-2129, the Unnamed Stream under 29-2142, and the Unnamed Stream or Jonny Creek under 29-4244 unless controlling works and a measuring device are installed or the Department approves a Variance Request. This acknowledgment by the owner or operator supplements the Extension of Time Request to defer installation of a measuring device as required by the Order. The undersigned understands that diversion for irrigation under water rights 29-2070, 29-2129, 29-2142, or 29-4244 shall constitute a violation of Idaho Code §42-701, unless the following requirements are met **prior to diversion**:

1. Install controlling works and a measuring device from the Department's *Minimum Acceptable Standards and Requirements for Open Channel and Closed Conduit Measuring Devices* (unless a Variance Request is approved); and
2. Provide a minimum 10-day notice to the watermaster of Water District 29D to allow the watermaster or Departmental staff an opportunity to inspect and confirm the installation meets the Department's Minimum Standards.

I James McDuff (print name), understand that if water is diverted for irrigation use under 29-2070, 29-2129, 29-2142, or 29-4244 without meeting the requirements above, I may be subject to formal enforcement action by the Department as per Idaho Code §42-1071B which may include curtailment and the assessment of a civil penalty.

Dated this 19 day of June 2020

X [Signature] (signature)  
Owner or Operator (please circle appropriate title)

Please return the signed commitment letter to my attention to the address listed above. If you have any question, please feel free to call me at 208-287-4933.

Sincerely,

[Signature] P. U. [Signature]

Steven Visosky

Cc: WD29D Watermaster Hal Armstrong

Steve,  
Please update the  
mailing address to  
Little Red Hen Inc  
c/o James McDuff  
P.O. Box 4260  
Pocatello, ID 83205.  
\* Thomas J. McDuff passed  
away in 2018.