



State of Idaho

DEPARTMENT OF WATER RESOURCES

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

October 4, 2019

ALVIN V SHOEMAKER
DBA SHOEMAKER PROPERTIES
C/O BOB MARCROFT
PO BOX 1092
HAILEY, ID 83333

Notice of Intent to Void Permit

RE: Water Appropriation Permit No. 37-8739

Dear Mr. Shoemaker:

The Department of Water Resources (Department) is reviewing the above referenced permit, so we can issue a license for the uses developed. On September 30, 2019, the Department received a field report for permit 37-8739 from you conducted by certified water right examiner Zach Latham of Brockway Engineering. During this review, we noticed that you have not complied with the following condition of approval of the permit:

Permanent measuring devices must be installed in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.

Idaho Code §42-219(8) states the following:

In the event that the department shall find that the applicant has not fully complied with the law and the conditions of permit, it may issue a license for that portion of the use which is in accordance with the permit, or may refuse issuance of a license and void the permit. Notice of such action shall be forwarded to the permit holder by certified mail. The applicant may contest such action by the department pursuant to section 42-1701A(3), Idaho Code.

According to our records, you have not submitted a formal request to waive the measurement device. Therefore, the field report submitted by the certified water right examiner was not acceptable and has been returned to Brockway Engineering. Additionally, pursuant to Idaho Code § 42-219(8), if the conditions of approval on a permit are not complied with, the Department may issue an order voiding the permit or issue a license for only that portion of the authorized use developed in accordance with the permit.

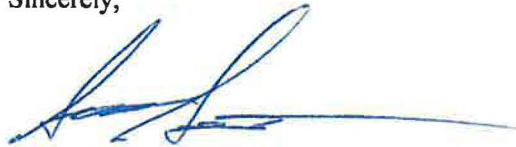
In order to resolve this issue and move forward with licensing, you must either install proper measuring devices as outlined in the condition of the permit, or pursue and obtain an official waiver or modification from the Director. If you wish to pursue a waiver or modification, it would behoove you to seek

comment and input from the watermaster of water district 37 prior to composing a written request to the Director. Once you have resolved the issues with the measurement conditions, you can resubmit an updated field report from your certified water right examiner showing that all of the conditions of the water right have been met.

Whichever option you choose to pursue, the Department will allow you a reasonable amount of time to complete the requirement. Please respond within 30 days of the date of this letter that you have complied with the conditions of the permit. If you need additional time to complete this task, the Department will consider approving a reasonable amount of additional time to resolve these issues. If we do not receive a response within thirty (30) days, the Department will take action to void your permit under the provision of Section 42-219(8) of the Idaho Code.

If you have any further questions, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Scott Storms', with a long horizontal flourish extending to the right.

Scott Storms
Water Resource Agent, Senior
Idaho Department of Water Resources
(208) 287-4915
Scott.storms@idwr.idaho.gov

CC – Zach Latham Brockway Engineering