

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 65-23032

PRIORITY: July 14, 2009

Maximum Diversion Rate: 0.05 CFS

Maximum Diversion Volume: 10.3 AF

It is hereby certified that:

ROBERT M FLATEN PO BOX 556 CASCADE ID 83611

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 07, 2006, and has submitted Proof of Beneficial Use on July 14, 2009. An examination confirms water is diverted from:

SOURCE:
UNNAMED STREAM

TRIBUTARY:
ROUND VALLEY CREEK

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	04/15 to 10/31	0.03 CFS	3.0 AF
IRRIGATION STORAGE	01/01 to 12/31		5.0 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	0.5 AF
STOCKWATER STORAGE	01/01 to 12/31		5.3 AF
IRRIGATION FROM STORAGE	04/15 to 10/31		5.0 AF

LOCATION OF POINT(S) OF DIVERSION:

UNNAMED STREAM SE¼SW¼ Sec. 20, Twp 12N, Rge 04E, B.M. VALLEY County

PLACE OF USE: STOCKWATER, STOCKWATER STORAGE, IRRIGATION STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N	04E	20												X					

PLACE OF USE: IRRIGATION, IRRIGATION FROM STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12N	04E	20												1.0					1.0

Total Acres: 1

CONDITIONS OF APPROVAL

1. The pond established by the storage of water under this right shall not exceed a total capacity of 8.0 acre-feet or a total surface area of 1.6 acres.
2. This right authorizes a total annual storage volume of 10.3 acre-feet, 8.0 acre-feet to be used for the initial filling or carryover storage of the pond and 2.3 acre-feet for the replacement of losses caused by seepage and evaporation.
3. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.

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WATER RIGHT NO. 65-23032

4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65.
5. The right holder shall contact the watermaster by June 15 each year for authorization to continue diverting and using water. The right holder shall not divert water after June 15 each year unless the watermaster authorizes continued diversion and use of water under this water right. When the watermaster informs the right holder that water is not available to fill this right, the right holder shall cease diversion, shall rent water from the Payette River Rental Pool, or shall otherwise mitigate for the depletion of water caused by this water use. The department may amend the contact date listed in this administrative provision to more closely coincide with the date when water is not available to fill this water right.
6. Upon future notification from the Department, the right holder shall provide a means acceptable to the Department to measure the amount of water entering the reservoir and the amount of water released from the reservoir.
7. Upon future notification from the Department, a lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
8. Upon future notification from the Department, the right holder shall install and maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
9. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.
10. Water shall not be diverted under this right when flows in the North Fork of the Payette River are below established minimum flow amounts.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 21st day of March, 2017.

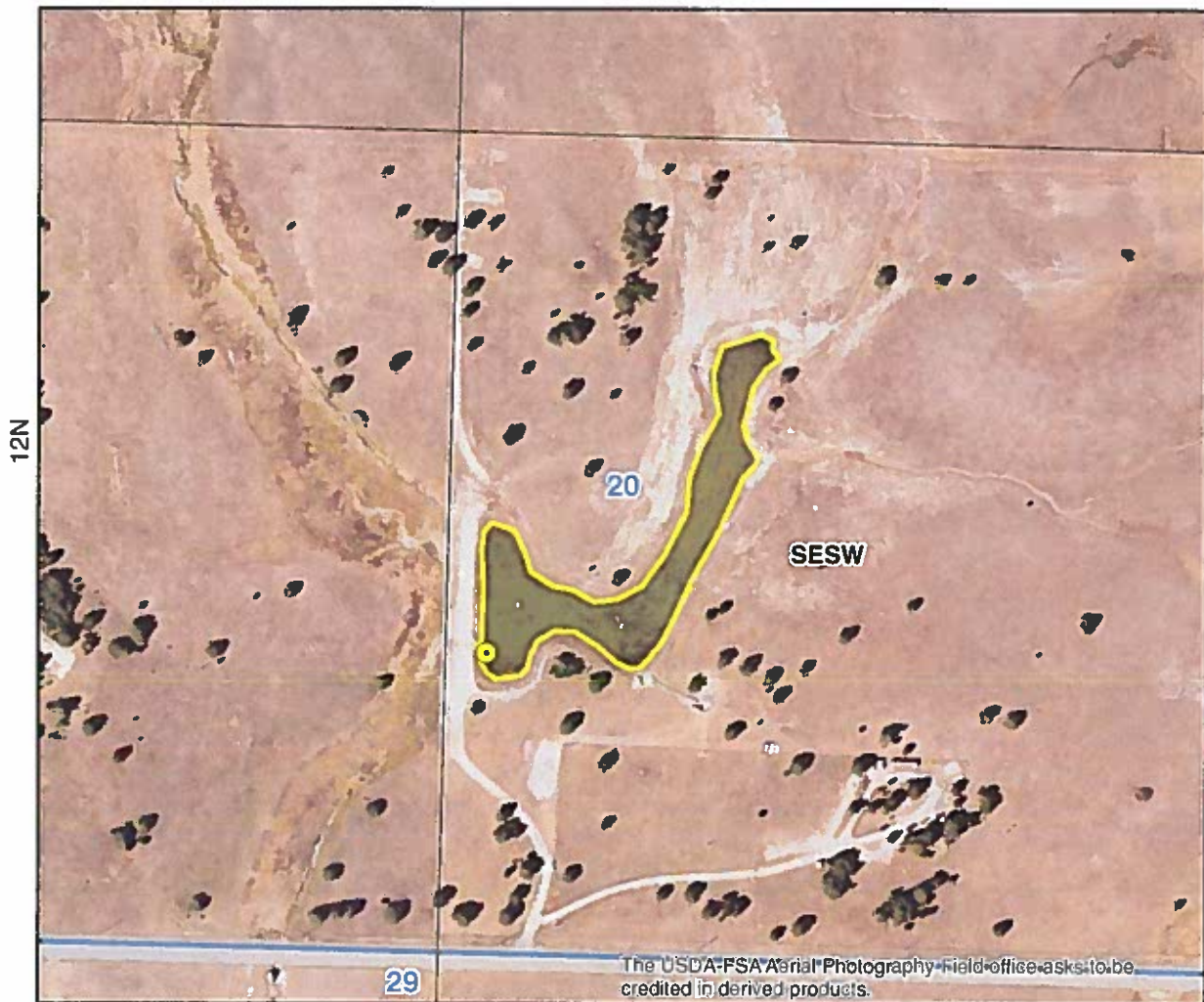


Nick Miller
Manager, IDWR Western Region

State of Idaho
Department of Water Resources
Attachment to Water Right License
65-23032

This map depicts the IRRIGATION STORAGE, STOCKWATER STORAGE and STOCKWATER place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

04E



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections

0 0.035 0.07 0.14 Miles



State of Idaho
Department of Water Resources
Attachment to Water Right License
65-23032

This map depicts the IRRIGATION and IRRIGATION FROM STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.035 0.07 0.14 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 21, 2017

ROBERT M FLATEN
PO BOX 556
CASCADE ID 83611

RE: License No. 65-23032

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208)334-2190.

Sincerely,

Nick Miller
Western Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

65-23032

**ROBERT M FLATEN
PO BOX 556
CASCADE ID 83611**

**RON SHURTLEFF
WATERMASTER OF DISTRICT 65
102 N MAIN
PAYETTE ID 83661**



**Rachel Neely
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held.
- ii. The final agency action was taken.
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO: Water Right File 65-23032
FROM: Patrick Kelly; Sr. Water Resource Agent
DATE: November 30, 2016
SUBJECT: Review of Water Right File for Licensing

A field exam was completed by Angie Grimm on June 5, 2013. I have reviewed the exam and drafted a license based on the recommendations of the report and my analysis of the pond. The report was found to be complete. A waiver was required from the watermaster to modify requiring measuring device and lockable control conditions to when notified by the department.

A pond loss calculation was not available in 2013 when the field exam was completed. Per current department standards, a pond spreadsheet was completed to estimate seepage, evaporation and total capacity of the pond associated with permit 65-23032. Based on the results of this analysis, the seepage and evaporation equals 2.3 af. The pond loss calculation changes the storage capacity from 10 to 8 af based on a reduction of the surface area from an estimated 2.0 acres to a measured 1.6 acres using ArcMap tools.

This analysis results in a maximum volume use of 10.3 af instead of the 13.5 af recommended by the field agent. Volumes on the draft license were changed to reduce the stockwater storage from 10 af to 4.8. This makes the volumes regarding irrigation and stockwater use additive.

Stockwater storage = stock use + additional capacity of pond + consumptive uses of pond
= 0.5 af + 2.5 af + 2.3 af
= 5.3 af

Irrigation use totals 5.0 af

Maximum Diversion Volume = 10.3 af

Seepage Loss Calculations

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total annual seepage losses from a pond.

FILE NUMBER	65-23032
REVIEWER	Patrick Kelly
DATE	7/28/2016

User Input
Calculated value
Formula Explanations

INPUTS

Pond Surface Area (AC.)	1.6	AC.
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Pond Surface Area (SQ. FT.)	69696	SQ. FT.
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My Soil Classification is	CH-MH	
Suggested Seepage Rate (FT./DAY)	0.0003	FT./DAY

Formula: (Surface Area X Seepage Rate) X 7.48 = Gallons Per Day Loss
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Convert to GPD	156	GPD
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Total Seepage Loss (AFA)	0.2	AFA
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Though sand and gravel seepage rates may actually be higher, the maximum allowable rate is 0.2 ft/day, pursuant to Administrative Memo "Seepage Loss Standards for Ponds and Reservoirs."

Suggested Seepage Rates for Different Soil Types:

GW, GP, GM, GC, SW, SP and SM (silty sand, sand silt mixtures and gravel mixtures) = 0.2 ft per day

OL and ML (inorganic silts - very fine sands, silty, or clayey fine sands) = 0.02 ft per day

SC (clayey sands, sand clay mixtures) = 0.007 ft per day

CL (Low to medium plasticity clays) = 0.003 ft per day

MH, OH, PT and CH (high plasticity clays) = 0.0003 ft per day

LINED PONDS (liners can be chemical, fabric, or bentonite) = 0 ft per day

Ponds Intercepting Groundwater (excavated ponds filled by ground water) = 0 ft per day

PLEASE NOTE: The initial basis for the Suggested Seepage Rates in the table above is found on Page 16 of Seepage from Fish Ponds, Bulletin 599, August 1989 Alabama Agricultural experiment Station, Auburn University, Auburn University Alabama. If you don't know the soil type, please refer to the map provided at <X:\Spatial\Soils\USCS\PondSoils.lyr>. Use "0" if the pond fill relies on the water table.

Evaporation Loss Calculations

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the annual evaporation losses from a pond.

FILE NUMBER	65-23032
REVIEWER	Patrick Kelly
DATE	7/28/2016

User Input
Calculated value
Formula Explanations

The acronyms used on the Kimberly Research Center website are defined below:

P = Precipitation
ET= Evapotranspiration
P _d = Precipitation deficit
P _d =ET-P

USING THIS SPREADSHEET

Use the link below to access the Kimberly Research Center website. This website provides the Precipitation Deficit for a station most representative of the pond under examination. The Precipitation Deficit is the total amount of free water surface evaporation minus the precipitation for a given area, which gives the total amount of evaporative losses incurred by the pond. There are several weather sites that are used throughout the state. IDWR staff can find the nearest site using Arc Map. The shape file containing the sites can be found at <X:/Spatial/Climate/ETIdahostations.shp>.

Instructions:

1. Use the link below to navigate to ET Idaho 2012.
2. Select the station which is most representative to your pond location.
3. Click Submit Query.
4. Under "Land Covers with Evapotranspiration Estimates," select "Open Water - Shallow Systems (ponds, streams)" or "Open Water - small stock ponds" depending on the pond size.
5. Click the link to "Precipitation Deficit."
6. Reference and copy (ctrl + C) the first subheading "Mean" values.
7. Click the "Paste Values from ET Idaho" button. The table will automatically enter a zero (0) for any negative precipitation deficit values.

Found at: <http://data.kimberly.uidaho.edu/ETIdaho/>

Precipitation Deficit

Station: Cascade 1 NW (NWS - 101514)

Month	mm/day ¹	Days per month	mm/Month
Jan	-1.67	31	0.00
Feb	-1.30	28	0.00
March	-0.64	31	0.00
April	0.51	30	15.30
May	1.34	31	41.54
June	2.29	30	68.70
July	3.59	31	111.29
August	3.10	31	96.10
September	1.85	30	55.50
October	0.12	31	3.72
November	-1.93	30	0.00
December	-2.54	31	0.00

PLEASE NOTE: The seasonal average for precipitation deficit should not be used for calculations because precipitation often exceeds evaporation during wetter months of the year. If the pond is kept full, excess precipitation during wetter months does not serve to refill the pond during drier months.

For example, see Sandpoint KSPT (NWS -- 108137), the annual precipitation deficit is -106 mm. However, April through September have positive precipitation deficit values. To properly estimate the annual volume of water necessary to refill a pond due to evaporation losses, the table will automatically enter a zero (0) for each month that the precipitation value is reported as a negative value.

As described above, precipitation offsets evaporation in winter months, so the net effect is that wintertime precipitation deficit is usually zero.

Total mm/year = 392.15

$$[(392.15 \text{ mm/yr}) \div (\text{convert to feet})] \times (\text{Surface area of pond, in acres}) = \text{Evaporation Loss in Acre Feet}$$

$$(392.15 \div 304.8) \times 1.60 = 2.1 \text{ AFA}$$

Total Storage Calculations

FILE NUMBER	65-23032
REVIEWER	Patrick Kelly
DATE	7/28/2016

This spreadsheet has been designed by Idaho Department of Water Resources to estimate the total seepage, evaporation and fill capacity required for a pond.

User Input
Calculated value
Formula Explanations

Surface Area (AC.)	1.6	"Surface Area" is automatically carried over from the "Seepage Loss" sheet.
Average Pond Depth (FT.)	5	"Average Pond Depth" depicts the actual depth of the pond either measured or estimated. Note: If you know the maximum depth and not the average depth, the Field Examiner's Handbook suggests multiplying the maximum depth by 0.4 to get the average depth, or you can use any method that seems reasonable to attain average depth.
Pond Capacity (AF)	8	Pond Capacity is calculated by multiplying the Pond Surface Area by the Average Pond Depth. If you know the capacity, divide the capacity by surface area and enter the average pond depth in the space above. Note: If pond capacity is determined using a method shown on the "Pond Capacity" sheet, the user may need to modify the value of "Pond Capacity" (cell B9) manually. Note that if the value is modified manually, the formula will be altered for future use.
Multiple Fill Volume Above Initial Fill to Fulfill From Storage Needs- "Multiple Fills" (AF)	0	The "Multiple Fill Volume Above Initial Fill" is the acre-feet of water required to meet a <i>from storage</i> component if the <i>from storage</i> component exceeds a one time fill. This section should not include the amount of water needed to fill the pond initially or the amount of water needed to maintain the pond level due to evaporation or seepage. For example: if a pond has a capacity of 5 acre feet and 2.5 acre feet of seepage and evaporation, but the pond is used for irrigation that requires 10 acre feet of from storage for the irrigation use, then you would insert 5 acre feet into this location (10 acre feet needed - 5 acre feet from the initial fill = 5 acre feet of additional storage needed). Note: You must have a "From Storage" component exceeding the initial fill on the permit to include a volume in this space.
Estimated Seepage Loss (AF)	0.2	The "Estimated Seepage Loss" is automatically carried over from the "Seepage Loss" sheet.
Estimated Evaporation Loss (AF)	2.1	The "Estimated Evaporation Loss" is automatically carried over from the "Evaporation Loss" sheet.
Total Volume Required (AF)	10.3	The "Total Volume Required" is calculated by adding the Pond Capacity, Multiple Fills, Seepage Loss, and Evaporation Loss amounts to determine the total amount of storage required.

Flow Rate into Pond (CFS)	0.05	The "Flow Rate into Pond" depicts the actual flow, either measured or estimated, into the pond. For offstream facilities, this will be equivalent to "diversion to storage" rate.
Highest Daily Evaporation Rate From Evaporation Tab. (mm/Day)	3.59	This number is carried over from the "Evaporation Loss" sheet. It is the highest recorded number in the "Precipitation Deficit Table".
Required Daily Maintenance Volume (AF/Day)	0.02	"Required Daily Maintenance Volume" is the maximum volume of water needed on any given day during the year to maintain pond volume. It is calculated by adding the highest daily evaporation loss to the average daily seepage loss in acre feet. The average daily seepage loss is calculated by dividing the "Estimated Seepage Loss" by 365 days. This is acceptable, since the seepage rate shouldn't vary throughout the season unless the pond completely freezes over during the winter months. The highest daily evaporation loss is calculated by dividing the Highest Daily Evaporation Rate by the 304.8 conversion factor and multiplying this number by the pond surface area to attain a combined daily acre feet requirement.
Minimum Maintenance Flow (CFS)	0.01	The "Minimum Maintenance Flow" is the minimum amount of flow required to maintain the level of the pond. This number is determined by dividing the "Maximum Required Daily Maintenance Volume" by 1.9835. This flow can be used to determine if the flow rate into the pond is adequate to maintain the pond level.
Days Required to Fill the Pond	100	The "Days Required to Fill the Pond" is calculated by dividing the "Pond Capacity" by the "Flow Rate" minus "Minimum Maintenance Flow" multiplied by 1.9835. This section will assist you in determining if the flow rate being diverted to the pond is adequate to fill the pond while maintaining the pond level. The length of time to fill the pond will help determine if the flow rate is adequate for the size of pond being proposed. If this number is approximately 6 months (180 days) or more, the reviewer should have a discussion with the applicant to make sure he/she understands that it will take a significant length of time to fill the pond.
Days Required to Fill the Pond at 13,000 Gallons per Day	389	Some water users may want to fill a pond under the 13,000 gallons per day domestic exemption. The "Days Required to Fill the Pond at 13,000 Gallons per Day" is calculated by converting the "Pond Capacity" and the "Required Daily Maintenance Volume" to gallons. The "Pond Capacity" is then divided by 13,000 gallons minus the "Required Daily Maintenance Volume" in gallons to determine the number of days to fill pond. If this number is approximately 6 months (180 days) or more, the reviewer should have a discussion with the applicant to make sure he/she understands that it will take a significant length of time to fill the pond. Negative values indicate that the supply of 13,000 gallons per day is not enough volume to overcome the required daily maintenance volume; the pond will never fill.

Payette River Water Supply Bank

State, Water District No. 65

Watermaster,
Ron Shurtleff

102 N. Main
Payette, ID 83661

Phone: 208-642-4465
Fax: 208-642-1042
E-mail: wd65@srvinet.com

November 21, 2016

Western Region
Idaho Department of Water Resources
Att. Nicolas Miller
2735 Airport Way
Boise, ID 83705-5082

RECEIVED
NOV 23 2016
WATER RESOURCES
WESTERN REGION

Re; Request to Waiver Locking and Measuring Devices, Water Right No. 65-23032

Dear Mr. Miller

Mr. Robert Flaten contacted me in September to request a waiver for the requirements to install a lockable control device and also a measuring device. Upon his request I made a visit to the diversion point. Based on what I witnessed I do not believe it is necessary to require a locking device or a measuring device, and thus it would be appropriate to waive these two requirements at this time.

It may be wise to reserve the right to reinstate these requirements in the future if circumstances caused this to be necessary in order to administer water rights on the stream.

Sincerely,



Ron Shurtleff

REQUEST TO WAIVE/MODIFY

CONDITION OF APPROVAL

RECEIVED

AUG 24 2016

WATER RESOURCES
WESTERN REGION

Permit #

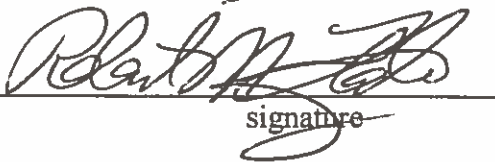
65-23032

I request the condition(s) of approval requiring (select 1 or more):

- ☒ measuring device
☒ lookable controlling works
☒ annual measuring/reporting, or power records alternative

be waived or modified because:

Spring water/run-off is gone within
a couple weeks. Only water left
is ground water. Very little
irrigation - corn & fields have burnt up
from drought.



signature

08/22/16

date

Robert M Flaten

print name

Property Location - 60 Hennick Ln.
Left message w/ Shurtieff/Grimm



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

July 28, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

ROBERT FLATEN
1111 N ADKINS AVE
MERIDIAN ID 83642

COPY

RE: Additional Information Request for Permit 65-23032

Dear Permit Owner:

On November 17, 2005, you filed an application for permit to appropriate water for a stockwater and irrigation storage use in the SESW ¼ of Section 20, Township 12 North, Range 4 East. The application was approved and water right permit 65-23032 was issued on May 10, 2006. On July 11, 2009, you filed a proof of beneficial use statement claiming that you developed the domestic use under water right permit 65-23032. A field examination of the pond was completed by IDWR staff Angie Grimm on June 5, 2013.

I am now trying to verify the water use under 65-23032 to license this water right permit. Conditions of Approval of the Permit state:

- *Prior to diversion of water under this right, the right holder shall provide a means acceptable to the department to measure the amount of water entering the reservoir and the amount of water released from the reservoir.*
- *Prior to diversion of water under this right, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.*

At the time of the field exam, it was reported that no such devices were installed on the diversion. A **waiver** from the watermaster must be received or conditions of the permit fulfilled to issue a water right associated with the pond on your property. Basin 65 watermaster is currently Ron Shurtleff at 102 N Main Payette, ID 83661 208-642-4465.

Please submit evidence that the above condition was complied with or a waiver from the watermaster for the application to be processed. The permit will be voided without a timely written reply within the next thirty (30) days.

Please contact me at 208-334-2190 for more information or questions you might have. Thank you for your attention to these matters.

Respectfully,

Patrick Kelly

Water Resource Agent, Sr.

208.287.4933 phone

patrick.kelly@idwr.idaho.gov

Enclosure(s): Waiver request form.