



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

August 22, 2013

JOSEPH TONSMEIRE
FRANCES TONSMEIRE
BOX 871
SALMON ID 83467

Notice of Intent to Void Permit

RE: Water Appropriation Permit 74-7242

Dear Permit Holders:

In March 1989 IDWR issued permit 74-7243 authorizing the diversion of 2 cfs from Dry Gulch for, the irrigation of 103 acres. Under the terms of the permit, the development was to have been completed by March 22, 1994. You submitted proof of beneficial use in April 1990. In September 1995, an examiner reported that he did not see direct evidence that Dry Gulch water had been diverted and used for irrigation purposes. I visited the place of use listed on the permit on June 26, 2013 and found no evidence of irrigation. Based upon the 2013 field exam I can recommend a license for stockwater and recreation storage if you amend your permit to show those uses. I have enclosed an amendment form for you to sign and return if you wish to pursue a license for stockwater and irrigation. Please review the amendment. If you wish to amend the beneficial use sign the form and return it with the \$100 filing fee.

If you believe a water right license for irrigation, irrigation storage and irrigation from storage should be issued to you, please supply information to demonstrate that you established those beneficial uses of water by ~~August 15, 2013~~.

Sept. 23, 2013

A condition of your permit required a measuring device and lockable controlling works be installed and maintained as part of the diversion works. During the 1995 exam, the field examiner could not confirm the existence of a measuring device. When I visited the on June 26, 2013, I was unable to locate a measuring device.

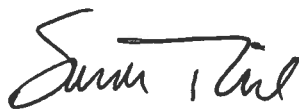
You must resolve this issue before a license can be issued. Pursuant to Idaho Code § 42-219(8), if the conditions of approval on a permit are not complied with, IDWR may issue an order voiding the permit. You have some options to resolve this problem:

- You can submit documentation that you have complied with this condition and I was not informed of the compliance at the time of the exam
- You can install the required measuring device and submit documentation of the installation
- You can request a variance from the Department to employ an alternative method to determine and record the amount of water diverted.

If you request a variance of the requirement, IDWR will consider your request and notify you of the decision in writing

If you have any questions, please contact me at 208-287-4879.

Respectfully,

A handwritten signature in black ink, appearing to read "Sandra Thiel". The signature is fluid and cursive, with the first name "Sandra" and last name "Thiel" clearly distinguishable.

Sandra Thiel
Water Resource Planner

Enclosure