



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

7/16/2015

KATHTY SUE AND JAMES A SMITH
12 ETHELS WAY
PO BOX 33
CARMEN ID 83462

RE: Water Right Permit No. 75-14490

Dear Mr. and Ms. Smith:

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The certified examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report supplied by you from Rocky Mountain Environmental Associates Inc. it was determined that the person who originally filed the permit, Mr. Spath, described the point of diversion for this permit as the point where water is diverted from Bills Ditch in the SWSW quarter of Section 2, Township 22 North, Range 22 East. The field examiner correctly identified the actual point of diversion as being the point where Bills Ditch diverts water from Freeman Creek in the NWSW quarter of Section 36, Township 23 North, Range 22 East. Unfortunately, we cannot move forward with licensing until this issue has been resolved.

The enclosed Application for Amendment form depicts the elements of the water rights as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$100.00 filing fee within 14 days.

If you have any questions, please contact me.

Sincerely,

Daniel A. Nelson
Staff Hydrologist
Planning Bureau
Idaho Department of Water Resources
Telephone # (208) 287-4856
Email – dan.nelson@idwr.idaho.gov

Enclosure(s)