

MEMORANDUM

Date: June 16, 2010
To: 47-7700 and 47-7702
From: Michele Edl
Re: status

Mr. Harmsen, (the permit holder for 47-7700 and 47-7702) left me a voice mail message today (6/16/2010) asking if he could talk to me about the two permits. He has not submitted any of the information that I had detailed as desirable in my letter dated 2/4/2010. When I successfully connected with him by phone this evening, he asked me what I needed from him.

I gave him a very brief status report on 47-7700, explaining that I have a draft of the license prepared and that my supervisor and I were working through the conditions of approval.

He told me that he did not believe that the project had ever beneficially used 50 cfs unless it had been a flood. I told him that I had found a month in 1983 when maximum beneficial use appears to have occurred. Mr. Harmsen did not have an interest in these permits until several years after 1983 and as a consequence may not have any knowledge of its operational high point.

I told him that the biggest hurdle to issuing a license for 47-7700 at this time is that the permit had a requirement for a measuring device and that the device was not in place. I explained that the field examiner had managed to complete his exam report without it by back calculating the amount of water beneficially used from available generation data and that I had used the same approach to drafting a license.

I told him that he was out of compliance with the conditions of his permit and he needed to address the measuring device condition. Mr. Harmsen told me that an orifice designed to meet Idaho F&G specs had been installed. I assured him that I was aware of it and that I knew it been fit into the headgate in response to the FERC requirement for minimum streamflow sometime after Jan 1988. I believe Mr. Harmsen has confused the measuring device requirement with the minimum streamflow requirement.

I reiterated that he was out of compliance with a condition of both permits 47-7700 and 47-7702, but because Department had found beneficial use without a measuring device, he had the option of petitioning to have the measuring device requirement removed from the permits.

He asked if an electronic petition would be acceptable. I personally welcomed that but I stated that the files typically need more formal documents. He said he would get a petition out to me as soon as possible.