



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 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

May 30, 2013

Karl Tyler Chevrolet Inc
PO Box 16025
Missoula, MT 59808

RE: Permit No. 74-7304

Dear Water Right Holder(s):

The Idaho Department of Water Resources is currently reviewing permit 74-7304 for final Licensure. On April 29, 1996, a Department Examiner conducted a field examination in connection with permit 73-7403. The Examiner reported that the following condition of approval had not been met:

A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this permit.

The Examiner found no measuring device or lockable controlling works on your diversion. 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 or issue a license for only that portion of the authorized use developed in accordance with the permit.

You have some options to resolve this issue. You can submit documentation that you have complied with this condition and our examiner was not informed of the compliance at the time of the exam, you can install the required lockable device and submit documentation of the installation, or you can request removal of this requirement from your permit. If you request removal of the requirement, you should also submit documentation that this request would be acceptable to the Watermaster of Water District No. 74W. Dan P. Smith is the Water Master for Water District No. 74W. You can contact him at PO Box 22, Leadore, ID, 83464 or (208) 940-2521. If you request a waiver of the requirement, IDWR will consider your request and notify you of the decision in writing.

In Addition, the field 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. The Examiner reported the development in the following 40 acres tracts that were not originally authorized on permit 74-7304:

Place of Use:

TR	Section	QQ	Acre Found Upon Review
17N27E	32	SENE	9.1
17N27E	33	NWNW	27
17N27E	33	SWNW	2.7

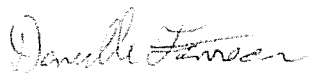
The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued if you provide evidence of compliance or wavier of the condition listed above and you concur with the changes. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$100.00 filing fee.

The field examiner also noted several ponds. The ponds were not authorized under this permit. You will need to apply for another water right for the water that flows through the ponds. I have enclosed an application.

IDWR will withhold further action on your permit for 60 days from the date of this letter in order to allow you time to respond. If IDWR does not receive a response from you within this time period, it will be assumed that you are not interested in pursuing a water right license, and action will be taken to void the permit. If you need additional time to respond, please contact me to discuss your options.

If you have any questions in regard to this matter, please do not hesitate to contact me.

Sincerely,



Danielle Favreau

GIS Analyst

Enclosures

CC: Leadore Land Partners Limited