



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 North Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 18, 2012

Bar None Ranch LLC
Blaine F Nye
1200 Bay Laurel
Menlo Park, CA 94025

RE: Application for permit 29-14042

Dear Mr. Nye;

At this time the Department is unable to complete the final processing step in the permitting process for your hydropower permit.

In 1984 the Water Resource Board adopted a resolution calling for term limits on all hydropower water rights. Since that time, it has been the policy and practice of the Department to condition each permit or license with term limits. In 2011, the validity of this process was questioned by the Supreme Court. The Departments' processing of hydropower water rights must remain consistent with the Water Resource Board. Therefore, no hydropower permits or licenses can be issued until this matter is resolved.

It is my understanding that discussions are currently being conducted to refine the term limit language, we are hopefully that this process will be complete at the end of the 2012 legislative season.

When the Department receives authorization to process hydropower permits and licenses, your application can be completed.

If you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kerrie Mathews', written over the printed name.

Kerrie Mathews