



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

August 7, 2012

EDWARD A LAWSON
LAWSON LASKI CLARK & POGUE PLLC
PO BOX 3310
KETCHUM ID 83340

Re: Water Right Permit No. 37-8205

Dear Mr. Lawson:

The Department has reviewed Brockway Engineering's July 5, 2012 letter regarding the permit referenced above. Brockway Engineering submitted the letter to provide additional information regarding your request for additional time to collect data prior to submitting a mitigation plan for the permit.

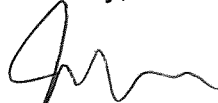
My letter of June 20, 2012 required the following information before deciding whether or not to grant your request for more time. First, the permit holder must identify a source of mitigation water that will be used to offset the evaporative losses. Based on Brockway Engineering's response, I am still concerned that the permit holder is no closer to identifying an acceptable source of mitigation water to offset the evaporative losses associated with the permit. Second, the permit holder must provide information about the weather station being used to estimate evaporation. Brockway Engineering provided some information about the weather station; however, the Department may have additional questions about the weather station or data collection once data is submitted. Third, the permit holder must provide an explanation of how data collected for one year will be used to provide a better estimate of evaporation. Based on Brockway Engineering's response and the Department's review, the value of one or two years of data is limited; however, since data collection began in August, 2011, the Department will consider an analysis submitted for a one-year comparison of the data collected to an established weather station.

Based on the above, the Department will grant an extension until October 31, 2012 to provide an acceptable mitigation plan for the permit. The extension will provide adequate time to collect and analyze the data for use in a mitigation plan. If an acceptable plan is not submitted by October 31, 2012, the Department will proceed to license the permit for only those developed uses that do not require mitigation.

Once again, I will remind the permit holder that diversion of water to the pond for heating purposes is not authorized until a mitigation plan is accepted by the Department. Failure to comply with the conditions of the permit may result in cancellation of the permit.

Please contact me at 208-287-4948 if you have questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff', with a stylized, wavy line extending from the end.

Jeff Peppersack
Chief, Water Allocation Bureau

cc: Southern Region, IDWR
Charles G. Brockway, P.E.