



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREIER
DIRECTOR

May 19, 1997

William N. Carter
SMR Development LLC
7878 Ustick
Boise, ID 83704

Dear Mr. Carter:

Last fall, you filed an application for permit, 37-08859, to divert water from the West Fork of Threemile Creek for storage in two small reservoirs. This particular permit was protested as indicated in a January 6th, 1997 letter to you from the Department. Our office recently received a telephone call from Jerry Mobley informing the Department that the reservoirs had been constructed.

On May 14th, I visited the property along the West Fork of Threemile Creek and observed that the reservoirs had indeed been constructed. I also observed that the reservoirs were storing water and judging by the high water marks, had stored additional water earlier this year. It did not appear that water had been diverted into the reservoirs directly from the West Fork of Threemile Creek.

However, if any surface water is stored for purposes other than flood control or certain irrigation purposes, a valid water right is required. Please note that the diversion of water without a valid water right is illegal pursuant to §42-351, IDAHO CODE, and subject to civil penalties of up to \$100.00 per day.

I encourage you to obtain a valid water right enabling you to store water in your two reservoirs. This may possibly be accomplished by resolving the protests under application 37-08859. You may want to contact Allen Merritt of this office to try to schedule a conference concerning your protested application.

If you have any questions, feel free to contact our office at your convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Corey Skinner'.

Corey Skinner, EIT
Dam Safety Section

cc: Jerry Mobley