



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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April 20, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

MARVIN MOIST
JEANETTE MOIST
21997 MIDDLETON RD
CALDWELL ID 83605

RE: PERMIT NO. 63-12159

Dear Permit Holder:

The Idaho Department of Water Resources is in the process of reviewing permit 63-12159 for licensing. During my review of the file, I have run into two issues that could prevent the Department from issuing a license to the fully developed beneficial use.

Item 1:

Condition #4 on the permit requires:

A lockable device, subject to the approval of the Department shall be installed on the diverting works in a manner that will provide the watermaster suitable control of the diversion prior to diversion of water under this right.

On December 12, 1995, a field examination was conducted and the field examiner reported that a lockable device had not been installed. Pursuant to Section 42-219(6), Idaho Code, if the conditions of approval on a permit are not complied with, IDWR may issue an order voiding the permit. Please submit documentation that you have complied with this condition and our examiner was not informed of the compliance at the time of the exam; install the lockable device as required on your permit; or 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. 63. Watermaster contact information can be found at:

<http://www.idwr.idaho.gov/ExternalReports/wdcontactsrpt.pdf>

Item 2:

Permit 63-12159 authorizes diversion of 1 cubic foot per second (cfs) of ground water and 60 acre-feet for Recreation, Recreation Storage, Aesthetic, Aesthetic Storage and Diversion to Storage. The proof of beneficial use statement submitted identifies the purpose of use as Domestic use for 1 home. Because of this, no field examination fee was submitted with the proof of beneficial use statement. Because no fee was submitted, the maximum diversion rate and volume that could be authorized at licensing is 0.04 cfs and 4 acre-feet. The field examiner

recommended a diversion rate of 0.20 cfs and 57.3 acre-feet. The license examination fee for this diversion amount is \$100.00. Enclosed is a copy of the permit and the license examination fee schedule for your reference. In order for IDWR to be able to license more than 0.04 cfs and 4.0 acre feet, a filing fee of \$100.00 is required.

Finally, it appears that the property in which permit 63-12159 is applicable, is now under new ownership. If you no longer have interest in permit 63-12159, the permit can be assigned to the new owner of the property. For your convenience, I have enclosed an assignment of permit form.

I will hold this matter for your response for fifteen (15) days from the date of this letter.

If you have any questions, please contact me at (208) 287-4916.

Respectfully,



Craig L. Saxton
Water Rights Supervisor
craig.saxton@idwr.idaho.gov

Enclosure(s)

cc: PREMIER INDUSTRIAL LLC
11299 BASS LN
CALDWELL ID 83605