



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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November 21, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

KAY AND FORREST WILLIAMS
PO BOX 266
NEW MEADOWS ID 83654

RE: Permit No. 78-7346

Dear Permit Holders:

I am writing this letter to summarize for you the status of Permit 78-7346 and to inform you of the next steps in the water rights process.

Permit 78-7346 was issued to Kay Williams and/or Forrest Williams for the diversion of 0.5 cfs of water from a geothermal well located in SWSW section 25 Township 20N, Range 01E for fish propagation and heating uses. Kay Williams submitted proof of beneficial use for Permit 78-7346 in 1994, and IDWR personnel conducted a field examination in 1996. I have been asked to review the file and the field examiner's report for 78-7346 and to determine if a license can be issued.

One of the conditions of approval on the permit said:

"Measuring devices of a type approved by the Department shall be permanently installed and maintained as part of the diversion works and at the point of effluent discharge."

The field examiner reported that she found no measuring devices.

Idaho Administrative Code IDAPA 37.03.02 Beneficial Use Examination Rules 035.02.d states, "Field reports which indicate that a measuring device, required as a condition of approval of the permit, has not been installed, are not acceptable and will be returned to the examiner unless the measuring device requirement has been formally waived by the director."

I have reviewed the file contents of Permit 78-7346 and found no request for a waiver of the measuring device requirement. The IDWR cannot issue a license if the permit conditions have not been met.

There are at least two options for addressing the measuring device requirement. One option is to submit documentation demonstrating that you have complied with the approval condition by installing the measuring devices after the field examination was conducted. A second option is to send IDWR a written request for removal of the measuring device requirement.

Within 30 days of the date of this letter, please provide the IDWR:

- 1) Documentation which demonstrates that you have complied with the approval condition by installing the measuring devices

Or

- 2) A written request for removal of the measuring device requirement.

If IDWR does not receive a response from you within 30 days, the agency will assume you have no interest in this permit, and an order voiding the permit will be prepared.

If you have any questions, please call me at 208-287-4946, or email me at michele.edl@idwr.idaho.gov.

Respectfully,

A handwritten signature in black ink, appearing to read "Michele Edl". The signature is fluid and cursive, with a large initial "M" and "E".

Michele Edl
Associate Engineer