



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 • Web Site: www.idwr.idaho.gov

May 24, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

JAY HART
13 HART LN
GIBBONSVILLE ID 83463

RE: Permit No. 75-7601 Conditions of Approval

Dear Mr. Hart:

We spoke at some length Monday morning, May 23, 2011, about your water rights. This letter is the follow up I promised to provide.

I understand that you are preparing to file a Proof of Beneficial Use statement for Permit 75-7601 and did not have a copy of the permit readily available during our phone conversation. I was able to locate and view a copy of your water right permit which enabled a discussion of some of the conditions of approval. I understand from our conversation that the Idaho Department of Fish and Game have provided you assistance with the design of your diversion but that you do not have controlling works, a measuring device or a datalogger in place. That means that you are diverting and using water in violation of the conditions of your permit.

For your reference, I have enclosed a copy of your permit with the pertinent conditions highlighted.

The conditions which the Department applies to water rights in Basin 75 have evolved in the years since 2006 when your permit was approved. If your permit were to be issued today, it would likely have the following four conditions:

- Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
- The right holder shall install or construct a straight length of conduit or ditch suitable for installation of a device for measuring the entire flow of water being diverted in connection with this right. If the right holder uses conduit, the straight length of conduit shall be at least fifteen times the diameter of the conduit and shall be above ground or otherwise easily accessible.

- Upon specific notification by the Department, the right holder shall install and maintain acceptable measuring device(s), including data logger(s), at the authorized point(s) of diversion, in accordance with Department specifications.
- When notified by the Department or by a watermaster with regulatory authority over this right, the right holder shall report the amount of water diverted in connection with this right. The report shall be submitted in the manner and frequency specified by the Department or the watermaster.

After comparing the conditions on your permit with the conditions above, you may decide that you would prefer to manage the diversion and use authorized under Permit 75-7601 to these more recent conditions. If that is your choice, you must petition the Department to have the conditions on your permit amended. The Department is prohibited from updating conditions or making any changes to your permit without a written authorization from you. Your petition may take the form of a letter requesting the change(s), directed to the Department at the address shown in the letterhead of this document.

Although your water rights are not currently under the oversight of a watermaster, the Department expects Basin 75 will be incorporated into Water District 170 by the end of 2011. Nick Miller is the Water District 170 watermaster. If you have questions about what constitutes acceptable measuring devices and/or controlling works, I recommend that you consult Mr. Miller. I believe that gave you his name and phone number during our phone conversation.

If you have any other questions about your permit, don't hesitate to contact me at 208-287-4946.

Sincerely,

A handwritten signature in black ink, appearing to read "Michele Edl", written in a cursive style.

Michele Edl
Associate Engineer

Enclosure(s)