



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

January 25, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

ROBERT BEVAN
IRENE HULTGREN
PO BOX 326
GARDEN VALLEY ID 83622

RE: Permit Nos. 65-22903 and 65-22904

Dear Mr. Bevan and Mrs. Hultgren:

On 10/31/2006, a field examiner of Idaho Department of Water Resources (IDWR) conducted field examinations for the permits listed above. The next step in the appropriation process is to issue a water right license based on the field examiners findings. By issuing a license, IDWR confirms the extent of development that has been established in compliance with the terms of the permit. A condition that is present on both of the above referenced permits states that:

"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."

During the field examination no measuring devices or lockable devices at the points of diversion as required in the conditions of approval were found. However, it appears that the watermaster may have granted you a temporary waiver of the device requirement based on a telephone conversation between the field examiner and the watermaster.

On January 7, 2011, the Department sent a letter to the watermaster to determine the current device requirements. On January 17, 2011, the watermaster responded to the Department by saying that he was opposed to removing the device requirements, please find the letter enclosed for you reference.

In order to issue a license, you must either submit documentation that the field examiner was not informed of the measuring devices at the time of the field exam and that this condition has been complied with or install the measuring devices as required on your permit as soon as possible.

Pursuant to Section 42-219(6), Idaho Code, if the conditions of approval on a permit are not complied with, we may issue an order voiding the permit.

IDWR will hold further action on these permits for 60 days from the date of this letter in order to allow you time to respond. If a response is not received in the allowed time, we will assume that you are not interested in pursuing water right licenses and will take action to void the permits.

If you have any questions regarding this matter you may contact me at 208/287-4944.
Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Cherie Padilla".

Cherie Padilla, Sr. Water Resource Agent
Water Allocation Bureau

Enclosures(2)