



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 18, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

J. TODD BURKHART
858 MOUNTAIN VIEW DR
TWIN FALLS, ID 83301

RE: Permit No. 37-7826

Dear Mr. Burkhart:

Thank you for returning my phone call, for providing me your current contact information and for confirming your continued interest in Permit 37-7826. It was a pleasure to speak with you this afternoon. As I promised in our phone conversation, I am writing this letter to summarize for you the status Permit 37-7826 and to inform you of the next steps in the process.

On October 19, 1981, the Department issued Permit 37-7826 (permit) authorizing Gary L. Kissler to develop a right to divert 10.0 cfs from the Little Wood River in NWSE Section 5, Township 5 South, Range 19 East B.M., Lincoln County, for hydro power use.

On 6/23/1989, IDWR personnel conducted a field examination. The field examiner found beneficial use had been developed in accordance with the permit.

On August 22, 2001, the permit was assigned to: Brock Weaver, David W. Lunte, Julie Ann Lunte and Todd J. Burkhart at 1411 East 4400 North, Buhl, Idaho 83316.

As I explained in our phone conversation, I have been asked to review the field examiner's report and other documents related to Permit 37-7826 and to determine whether a license can be issued. Although I do not have sufficient information to make that goal easy to meet, I believe that the examiner found beneficial use and that I can recommend a license be issued for hydro power use. You said you would be interested in seeing a copy of the field examiner's report and I have enclosed a copy of the report for your reference. The entire contents of the file can be viewed over the internet from our web site <http://www.idwr.idaho.gov/>. If you are not acquainted with the site, I would be happy to guide through your initial query.

I understand from you, that at least one of the individuals listed on the Assignment of Permit is no longer involved. If a license for 37-7826 were issued today, it would be issued to the four names listed above and would be sent to the one address given for those four individuals. If that owner list is no longer correct, it may be in the best interest of the remaining individuals to complete a new assignment of permit. I have enclosed a blank Assignment of Permit form for your use. A type-enabled version is also available on our website <http://www.idwr.idaho.gov/>.

I cannot offer you either engineering or legal advice in response to the questions you posed about pursuing additional hydropower use at this project's location. If you have not contacted Idaho Power's Twin Falls area community representative, I recommend that you do so as a first step. Consultation with power company personnel specializing in small hydro electric generation facilities should help you determine the feasibility of adding generation capacity to this site.

Don't hesitate to call me with your water rights questions at 208-287-4946, or email me at michele.edl@idwr.idaho.gov.

Respectfully,



Michele Edl
Associate Engineer
Water Rights Section
322 E Front St
Boise, ID 83720

Enclosures