



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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December 9, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

ERIC HERR
8917 BUTTE RD
SWEET, ID 83670

RE: Removal of a measuring device and lockable controlling works requirement for permit 65-13599 in the name of Betty Derbonne

Dear Mr. Herr,

The Department is reviewing water right permit 65-13599 (permit) prior to issuing a license. I have enclosed a draft license that reflects the field examiner's findings at the time of the beneficial use field examination.

Through her attorney, Charles Honsinger of Ringert Clark, the permit holder has requested a waiver from the measuring device and lockable controlling works requirement pursuant to the conditions of approval on the permit. The condition states:

A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this right.

I have enclosed the request for your reference. Note that there is an agreement that the permit holder has agreed to in order to facilitate the removal of the condition described in the request letter.

If the Department doesn't receive correspondence from you in opposition to removal of the condition within 30 days, the Department will assume that you are not concerned and will issue an order modifying the condition. The new condition will not require a measuring device and lockable controlling works until specific notification is given by the Department.

If you have any questions, please contact me at (208) 287-4944.

Sincerely,

Cherie Padilla, Sr. Water Resource Agent
Water Allocation Bureau

Enclosures