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RECEIVED
OCT 29 2010
DEPT. OF WATER RESOURCES
SOUTHERN REGION

OCT.25, 2010

DEAR MS EDL:

RECEIVED NOTIFICATION ON SEPT. 14, 2010 OF LICENSE #37-7861 HAVING BEEN ISSUED SEVERAL MONTHS EARLIER. WE DID NOT RECEIVE A COPY OF THE LICENSE OR I WOULD HAVE IMMEDIATELY APPLIED FOR A CHANGE OF PROVISION.

THE PROBLEMATIC CLAUSE APPEARS UNDER QUANTITY: "RIGHTS 37-1244, 37-4389, AND 37-7861 WHEN COMBINED SHALL NOT EXCEED A TOTAL DIVERSION RATE OF .714 CFS"

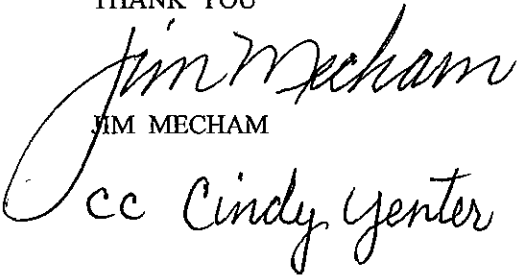
THE RATE OF .714 IS A PROVISION OF RIGHTS 37-1244 AND OF 37-4389 BOTH FOR IRRIGATION FROM TWO SPRINGS (STODDARD AND WADDINGTON RESPECTIVELY) THOSE RIGHTS HAVE BEEN ADJUDICATED, I UNDERSTAND, THOUGH WE'VE RECEIVED NO LICENSES FOR THEM TO DATE. SO WE ALREADY HAVE .714 CFS FOR IRRIGATION, BUT THAT SAME WATER CANNOT BE USED FOR POWER GENERATION.

RIGHT 37-7861 AND 37-7756 (THE DOMESTISTIC PART OF THE LATTER) ARE FOR ADDITIONAL USES FROM WATER DECREED TO US (.714 CFS) IN 1979 FROM STODDARD CREEK SPRING. DO YOU SEE MY PROBLEM? IF THE AFORESAID CLAUSE LIMITING TOTAL DIVERSION, WERE STRICKEN FROM THE LICENSE IT WOULD BE FINE. OR IF IT SAID THAT ALL RIGHTS FROM STODDARD CREEK SPRING (RIGHTS 37-1244, 37-7756, AND 37-7861) WHEN COMBINED SHALL NOT EXCEED .714 CFS, THAT WOULD BE FINE.

NOTE: THE FULL .714 CFS IS NOT NEEDED FOR POWER. OUR TURBINE JUST REQUIRES .539 CFS TO HOLD A HEAD. THE REMAINING .179 CFS GOES TO OTHER USES. BUT IT'S ALRIGHT IF YOU WANT TO LEAVE IT AT .714. WHATEVER IS EASIEST FOR YOU.

WE HAVE CAREFULLY COMPLIED WITH ALL REQUIREMENTS AND WATER DEPARTMENT DEMANDS IN THE DEVELOPMENT OF 'OUR' WATER FROM THIS SOURCE (WE'VE TAKEN NO ONE ELSE'S WATER) IF YOU WOULD PLEASE HELP US HERE, THAT WOULD BE MOST APPRECIATED. IF IT WILL HELP TO COME TO BOISE TO BEG I CAN DO THAT. ONE HALF A CFS; TO ANYONE ELSE IT WOULD SEEM A LITTLE THING. TO US IT IS EVERYTHING. ALL OF OUR ENGINEERING FROM DIVERSION TO EXPULSION, DESIGNING AND BUILDING OF THE POWER UNIT, TRENCHING AND LAYING 3000 FEET OF PIPE, ALL BY HAND OVER HILL OVER DALE THROUGH SWAMP AND ROCK. YEARS OF LABOR AND INVESTMENT ALL DEPEND ON THAT .539 CFS FROM STODDARD CREEK SPRING THAT WAS ALREADY DECREED TO US ANYWAY. IF YOU FOLKS TAKE THE WATER AWAY FROM US, TO WHOM ARE YOU GOING TO GIVE IT?? IS THERE SOMEONE MORE DESERVING OF IT THAN WE ARE???

THANK YOU


JIM MECHAM

cc Cindy Genter