



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

October 21, 2010

JUG MOUNTAIN RANCH LLC
C/O MILLEMANN PITTENGER
MC MAHAN & PEMBERTON
PO BOX 1066
MC CALL, ID 83638

RE: Proof of Beneficial Use, and Field Examination No. 65-22912 Measuring Device

Dear Jug Mountain Ranch LLC Owners:

We have reviewed the above referenced Proof of Beneficial Use; and Field Examination report. After reviewing the file, it would appear that you are not in compliance with a condition of approval of the permit. The condition we are referring to is on your permit as follows:

Prior to diversion of water under this right, the right holder shall provide a means acceptable to the department to measure the amount of water entering the reservoir and the amount of water released from the reservoir.

We must resolve this issue before a license can be issued. Beneficial Use Examination Rule *IDAPA 035.02.d* (Field Report Acceptability) provides:

Field reports which indicate that a measuring device, required as a condition of approval of the permit, has not been installed, are not acceptable and will be returned to the examiner unless the measuring device requirement has been formally waived by the director.

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

You have a couple of options that you can take to resolve this problem. **You could either, 1) submit documentation that you have complied with this condition and your examiner was not informed of the compliance at the time of the exam; or, 2) install the measuring device, as required on your permit.** You may also file for an extension of time for installing the measuring devices, if additional time is required.

We will withhold further action for 30 days from the date of this letter in order to allow you time to respond. If we do not receive a response from you within this time period we will assume you are not interested in pursuing a water right license and will take action as suggested above.

If you have any questions in regard to this matter, please do not hesitate to contact me.

Sincerely, 
Sandy Hemenway
Sr. Water Resource Agent

Cc: Roxanne Browne/SPF Water Engineering