



State of Idaho

DEPARTMENT OF WATER RESOURCES

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October 30, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

KENNETH DUHON
MONA DUHON
134 LITTLE SMITH CREEK RD
KOOSKIA ID 83539

RE: Water Right Permit No. 81-11978

Measuring Device and Data Logger Requirement

Dear Mr. and Mrs. Duhon:

On August 23, 2005, the Idaho Department of Water Resources (Department) issued water appropriation permit 81-11978 (permit) authorizing the development of a water right for aesthetic use from Big Smith Creek, tributary to Middle Fork Clearwater River, in the amount of 0.20 cfs. A condition of approval required, "Prior to the diversion and use of water under this right, the right holder shall install and maintain a measuring device, including data logger, at the authorized point of diversion, in accordance with Department specifications." Proof of beneficial use was received on October 3, 2006, indicating you had completed your development and put the water to beneficial use. On July 29, 2008, I conducted an examination to verify your water use authorized by the permit. As described in the Beneficial Use Field Report, I found that no measuring device or data logger was installed.

You have made documented efforts to obtain Department specifications in an attempt to comply with the measuring device and data logger requirement. However, the Department has not provided you with the requested information. Enclosed are Department specifications for measuring device and data logger standards.

The final step in the water appropriation process is the issuance of a Water Right License. By issuing a license, the Department recognizes that you have met the requirements for establishing a water right. If you have not developed a beneficial use of water within the development period authorized by your permit and complied with the conditions of approval, however, no water right has been established, and no license can be issued. Once the development period authorized by your permit expires, your permit cannot be retained to cover future development of the resource.

The Department can issue a water right license if you install a measuring device and data logger in accordance with Department specifications and provide evidence of the installation. An alternative is to request modification or removal of the measuring device and data logger requirement. Since there is currently no water district established in your area, and no watermaster responsible for regulating diversions, a request may be granted to modify the condition of approval to require a measuring device and data logger "upon specific notification by the Department".

If you have any questions, please contact me at (208) 287-4943.

Sincerely,

Aaron Marshall
Sr. Water Resource Agent

Enclosure(s)