



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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June 30, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

GREENHURST FARMS INC
5705 E GREENHURST
NAMPID ID 83686

RE: Permit No. 77-14299; Proof of Beneficial Use Acknowledgement Letter

Dear Permit Holder,

The Department acknowledges receipt of the proof of beneficial use (proof) form submitted for the above referenced permit; however the proof is not acceptable. In review of the water right permit, the proof filed, and discussion with the Department's stream channel staff, two conditions of the permit appear to not have been complied with:

Condition No. 8 of the permit states:

"Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works."

Condition No. 12 of the permit states:

"Prior to construction of outflow structure, an approved stream channel alteration permit must be obtained from the Idaho Department of Water Resources and US Corps of Engineers."

Enclosed is a copy of the permit for your reference. Item No. 7 of the proof asks whether a measuring and lockable controlling device is required and whether these items, if required, have been installed. The proof submitted denotes "no" to each question. Also included is a copy of the proof for your reference. Has Condition No. 8 instead been complied with? If you feel the measuring and lockable controlling device requirement is unnecessary, a waiver can be requested, but approval of such waiver is not automatic. It is necessary to note that if the waiver is approved, Condition No. 8 of the permit will be replaced with the following condition:

"The right holder shall install a measuring device that can be used to determine the instantaneous rate of flow of water through the system, or the right holder shall provide to the department a flow rate measurement made by a certified water right examiner in accordance with actual system design and operation."

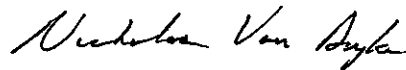
Condition No. 12 of the permit requires a stream alteration permit be obtained from the Department and the US Corps of Engineers. To date the Department does not have on file a permit or pending application for such, nor does the Department have notice from the US Corps of Engineers of a permit or pending application for stream alteration resulting from the hydro works. Please provide evidence of compliance to Condition No. 12 or explanation as to how the condition may not apply to your developed project.

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Condition No. 1 of the permit provides until **August 01, 2010**, to submit proof that complies with all of the conditions of approval of the permit. If you need additional time to submit proof, you may file a request for an extension of time to submit proof. I have enclosed this form along with instructions for your consideration. Please address the items explained in this letter within **30** days. If the Department does not receive a response within that time, the Department will move to void the permit. If you have any questions regarding these issues, please contact me at (208) 287-4949 or at nick.vandyke@idwr.idaho.gov.

Sincerely,



Nicholas Van Dyke
Sr. Water Resource Agent

Enclosure(s)

cc: Steve Lester – IDWR