



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

February 3, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

REX HIBBERT
HIBBERT FARMS INC
3150 S STATELINE RD
DRIGGS ID 83422

RE: Water Right Permit No. 22-7349

Measuring Device Requirement

Dear Mr. Hibbert:

On November 17, 1981, the Idaho Department of Water Resources (Department) issued water appropriation permit 22-7349 (permit) authorizing the development of a water right for irrigation of 919 acres with water from the Teton River in the amount of 5.00 cubic feet per second (cfs). A condition of permit approval requires, "A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works." Proof of beneficial use was received on May 16, 1985, indicating you had completed your development and put the water to beneficial use. On August 20, 1999, Department staff conducted an examination to verify your water use developed under the permit. As described in the Beneficial Use Field Report, the examiner found that no measuring device was installed as part of the diverting works.

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, 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 may issue a water right license if you install a measuring device in accordance with the permit and provide evidence of the installation. An alternative is to request removal of the measuring device requirement from the permit. However, if you request removal of the measuring device requirement, you should also submit documentation that the request is acceptable to the watermaster of State Water District No. 01. The Department will withhold further action on this permit and await your response. If you do not respond within thirty (30) days, the Department will act on the permit in accordance with Idaho Code § 42-219(8).

Also, the address on file with the Department for Hibbert Farms Inc. is listed as 1108 N 700 W, Driggs, ID 83422. If this is no longer the current mailing address for Hibbert Farms Inc., please complete the enclosed Change in Address form and return it to my attention so I may update the Department's records.

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

Sincerely,



Aaron Marshall
Sr. Water Resource Agent

Enclosure(s)

C: Lyle Swank – Watermaster, State Water District No. 01
Hibbert Farms – 1108 N 700 W, Driggs, ID 83422