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DEPARTMENT OF
WATER RESOURCES

Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098

Boise, 3/01/2009

Petition to remove the condition for the installation of a measuring device from Permit 65-22938

To whom it may concern,

We applied for a permit in order to be able to dredge a preexisting pond on our property for which the previous owner had not applied for water rights. We completed the dredging in accordance with the permit except for the installation of a "measuring device". Condition 6 states that *"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 work"*. We suggest that this Condition be removed from the Permit for the following reasons:

- The amount of water entering our pond is small (0.50 CFS). Except for loss by evaporation, all water flows back into Lake Fork Creek. Between the point of diversion (see attachment) and Lake Fork Creek no other water right holders are affected.
- For topographical reasons we have no possibility to regulate the amount of water naturally coming into our property. Any water back-up would lead to flooding on our property and thus to an increased area of evaporation and more water use than in the current situation.
- To assess the evaporative water use two measuring devices, one at the inlet and one at the outlet of the pond, would be necessary. These devices would, however, not account for seepage from the irrigation ditch entering the pond and for losses due to beaver activity (across beaver dams 6 and 7, see attachment) between the point of diversion and the inlet of the pond. The technical and financial investment necessary to install a precise measuring system therefore seems to be disproportional to its benefits.

We therefore suggest that Condition 6 be removed from the Permit. Thank you for your consideration.

Sincerely,



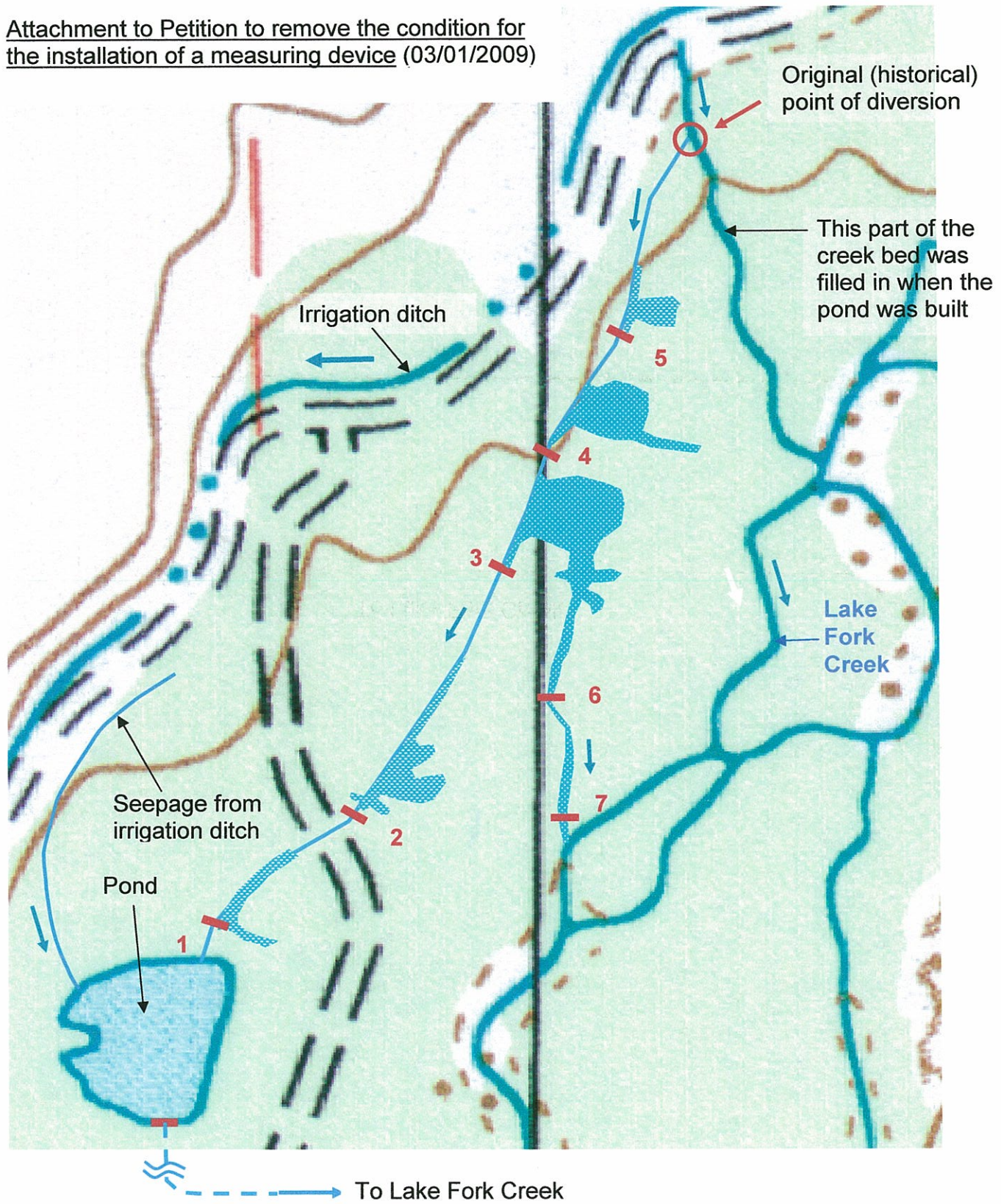
Walter Buechler

I have spoken with walter on the conditions of approval of his water right. Permit 65-22938. I feel that we can remove #6, as long as they never remove water from the pond.



Watermaster, Lake Fork Creek 65-R

Attachment to Petition to remove the condition for
the installation of a measuring device (03/01/2009)



Beaver dams

1000 feet (305 m)



Flooded areas