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December 9, 2008

Ernie Carlson
Idaho Department of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718



Re: Proof Acknowledgement Letter from IDWR for Permit No. 21-13069
dated December 4, 2008

Dear Mr. Carlson:

On December 5 I received the Proof Acknowledgement Letter for Harriman Water Right Permit No. 21-13069 (see attached). I am writing to you because I have some concerns with that letter.

In that letter it states in paragraph three that we are... "to install the measuring devices before the department conducts the field examination to avoid any problems in licensing your permit." However, I see no condition on the permit that requires a measuring device. Upon reviewing the *Statement of Completion for Submitting Proof of Beneficial Use* form that we submitted to IDWR (attached to a letter dated November 24, 2008), under No. 7 of that form, no measuring device is required. Instead, a lockable device is required on the door housing the diversion. If I have misunderstood Condition No. 6 of our water right permit, please advise me of that misunderstanding. If not, please accept the attached photo showing a lock on the spring house door that houses the diversion for 21-13069.

The photo clearly shows a lock on the new spring house door which will provide the watermaster suitable control of the diversion. Please add the enclosed photo to our file as proof that we have complied with the lockable device condition. Please contact Keith Hobbs, Manager, Harriman State Park, to schedule the field exam as noted on the beneficial use form. Keith can be reached at 208-558-7368, or by email at khobbs@idpr.idaho.gov.

If I can be of any assistance, please contact me at 208-514-2482, or by email at mlucachick@idpr.idaho.gov.

Sincerely,

Mary Lucachick
Water Recreation Analyst

Enclosures:

Photo of lockable device
Copy of Proof Acknowledgement Letter dated December 4, 2008

RECEIVED
DEC 12 2008

Department of Water Resources
Eastern Region



Dear Mary,

In response to your letter dated December 9, 2008 I have reviewed the conditions on permit 21-13069 and agree with your findings there is no requirement for a measure device. The photo you included clearly shows compliance with the requirement for a lockable diversion. Both the letter and photo will be added as scanned documents to the permit.

Thank you for alerting me of the discrepancy in the Department's Proof Acknowledge Letter and I apologize for the confusion it generated. I will be staying in the Manager Cabin at Harriman in February and will plan to meet with Keith or his representative to collect the necessary information for issuing the license.

Respectfully submitted

Ernie Carlsen

Water Resource Program Manager

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