



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
DAVID R. TUTHILL, JR., Director

February 12, 2008

DAVID F ROBIDOUX
1827 DEER CREEK RD
WEISER ID 83762

Re: Application for Permit

Dear Mr. Robidoux:

Upon review of the application for permit that you submitted on November 15, 2006, we find that we need additional information from you. I have included a copy of your application for your convenience.

In reading the field exam (conducted October 4, 2006) it appears to me that you have developed two separate systems and may need to file two separate applications for permit. It looks like the "fish" pond is in no way connected to the other 3 ponds. If this is the case, you should file one application for storing water in the "fish" pond which was found to hold 6.9 acre feet. The second application should be filed for the system that includes the three ponds identified as West 1, West 2 and West 3 by our examiner. This application should be filed for 3.1 acre feet. This amount was determined based on the measurements of West 1 (1.32 acre feet), West 2 (1.08 acre feet) and West 3 (0.65 acre feet).

If you agree that you need to file two applications for the systems that you have developed, please make these corrections &/or additions to the forms. Under item 3 you should show the township as "13N" rather than "13". Under item 4 – "Irrigation from Storage" use, the amount of water should be shown in acre feet rather than cubic feet per second. Under item 5 – total quantity to be appropriated you have indicated an amount of 0.22 cfs (cubic feet per second). The fee submitted will only allow approval of 0.20 cfs. Please use this amount rather than 0.22 cfs. Under item 7 please insert the number of years needed to complete development. We note that there is a statement that the works are complete so you may want to insert "1" year as time needed to apply the water to a beneficial use. You will also need to pay an additional \$100.00 for the second application submittal.

We also need some formal notification that you would like us to contact Alan Sands in regard to this application. His name and phone number have been added to the application

form describing him as your representative. If you will submit a letter stating that you wish Mr. Sands to represent you we will add that to our file and send all correspondence to him.

Your proposal involves a point of diversion on public land administered by the Bureau of Land Management (BLM). Do you have the necessary approval from that agency to operate on public land? Typically in the past, public land management agencies have protested new applications involving public land. The agencies have done this to ensure that their requirements under federal and/or state law have been satisfied (special use permit, right-of-way etc.). Those agencies have withdrawn protests once those requirements have been met or, in some cases, once sufficient progress in that regard has been achieved. To avoid a lengthy and sometimes costly application protest process in your case, the Idaho Department of Water Resources (IDWR) invites you to contact the BLM to obtain approval to operate on public land.

Please provide written confirmation from the BLM that you have either:

1. obtained written approval to legally enter the public land for the purposes stated in your application; or
2. made sufficient progress in obtaining that approval to allow the agency to forego protesting your application.

IDWR will process your application upon receiving the confirmation. This method should avoid the protest process, making everything easier for everyone concerned in the long run.

Please either come into our office and amend the original application, providing information that all the ponds are under one system, or complete the new application forms for two separate systems. We have enclosed two new application forms for your convenience. You may seek additional time to provide the information by making a written request to delay or interrupt processing. Your written response including the requested information, or a request for more time to seek the information, should be received within the next thirty (30) days. IDWR forms and other information are also available on the Internet at www.idwr.idaho.gov.

If you need assistance, please call 208-334-2190 and set up an appointment to meet with me. Thank you for your attention to these matters.

Sincerely,



KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

Enclosures