

**State of Idaho****DEPARTMENT OF WATER RESOURCES**

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

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September 5, 2007

Richard Porter, Robert Horowitz
6225 North Meeker Place, Suite 200
Boise, ID

RE: Permit No. 63-12550

Dear Mr. Porter and Mr. Horowitz,

We are reviewing the above referenced permit so we can issue a license for the uses developed. In a review of our file we notice that you have not complied with a condition of approval of the permit. The condition we are referring to is on your permit as follows:

The right holder shall also install/maintain a permanent measuring device at the point of discharge back into the river.

Our field examiner found no measuring device at the point of discharge and we must resolve this issue before a license can be issued. Pursuant to Section 42-219(6), Idaho Code, if the conditions of approval on a permit are not complied with, we may issue an order voiding the permit or issue a license for only a portion of the uses developed under the permit. The following options are available that can be taken to resolve this problem: Either submit documentation that this condition has been complied with and our examiner was not informed of the compliance at the time of the exam; install the measuring device, as required on your permit; or request removal of this requirement from the permit. If you request removal of the requirement you should also submit documentation that this request would be acceptable to the watermaster of Water District No. 63.

We will withhold further action on this permit for 30 days from the date of this letter in order to allow you time to respond. If we do not receive a response from you within this time period we will assume you are not interested in pursuing a water right license and will take action as suggested above.

If you have any questions in regard to this matter, please do not hesitate to contact me at: 287-4955 or by email jeff.harris@idwr.idaho.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Harris', is written over a horizontal line.

Jeff Harris
Water Resource Agent

CC: Scott King, SPF Water Engineering