



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 6, 2006

PEART LAND & DEVELOPMENT LLC
BOX 128
RANDOLPH UT 84064

RE: Application for Permit 24-10688

Dear Applicant:

I am currently reviewing your Application for Permit 24-10688.

According to the application and attached map, the point of diversion will be located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30 of T9S, R46E, B.M., on Forest Service land.

In a letter dated December 13, 2005, Dennis Duehren of the US Forest Service informed you that you are not authorized to occupy and use Forest Service land for the purpose shown on your Application for Permit 24-10688.

IDAPA Water Application Rule 37.03.08.045.01.c requires the applicant to have legal access to the property necessary to construct and operate the proposed project, have the authority to exercise eminent domain authority to obtain such access, or in the instance of a project diverting water from or conveying water across land in state or federal ownership, have filed all applications for a right-of-way.

You have a few options to resolve this matter. If an agreement has been reached, and you will be authorized to access and use your proposed point of diversion, please submit evidence of that arrangement within 30 days. You may request a 6-month delay in processing the application under IDAPA Water Application Rule 40.01.d, allowing you time to negotiate an agreement with the Forest Service and/or amend your application, or you may withdraw the application.

If I do not hear from you within 30 days, I will assume you do not have authorization from the Forest Service to access the proposed point of diversion and will deny the application.

If you have further questions, please contact me at (208) 287-4949 or erin.retelle@idwr.idaho.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Erin Retelle', written in a cursive style.

Erin Retelle
Water Resource Agent