



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

September 28, 2005

DANA L HOFSTETTER
HOFSTETTER LAW OFFICE LLC
608 WEST FRANKLIN STREET
BOISE ID 83702

RE: Disposition of Petition for Reconsideration of Permit 63-32067

Dear Dana:

IDWR has received your petition for reconsideration of Permit 63-32067, which was issued to Ann and/or Greg Obendorf. In your petition, you ask that approval condition no. 4 be changed to include "associated wildlife habitat areas" along with the 8 ponds described in the condition.

As written, the permit authorizes the diversion of 90 cfs of water into and through the ponds via excavated channels or conduits. It also authorizes the retention of 200 af of water in the ponds. Your client's application stated that surface water would run across the land for habitat improvement, but IDWR interpreted this statement to be a description of the conveyance of water into the ponds. If your client intends to accomplish more than just conveying the water from the source into and through the ponds, then IDWR will require a detailed description of that water use and the wildlife habitat benefits that will result.

If your client intends to apply water to the land, what is the proposed benefit? If it is to make vegetation grow, then it should be described as irrigation, probably on another application. If it is for some other benefit, please describe the benefit in detail. Also, please describe the measures that your client will use to prevent soil erosion and the transport of sediment into Sand Run Gulch Creek.

IDWR will hold the petition for reconsideration for up to 30 days to allow you time to provide the requested information. IDWR will use the information you provide to determine whether to grant or deny the petition for reconsideration.

If you have any questions, please call me at 208-287-4947, or email me at shelley.keen@idwr.idaho.gov.

Sincerely,

Shelley W. Keen
Water Rights Supervisor