



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 22, 2003

PENNY J OGDEN
2330 S 350 W
PERRY UT 84302

RE: Permit No. 74-7175

Dear Permit Holder:

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:

A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

Our field examiner found no evidence of a lockable controlling works on your diversion 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. You have a couple of options that you can take to resolve this problem. You could either submit documentation that you have complied with this condition and our examiner was not informed of the compliance at the time of the exam; install the measuring device and lockable controlling works, as required on your permit; or request removal of this requirement from your 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. 74-W.

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.

Sincerely,

A handwritten signature in black ink that reads "Kay Walker".

KAY WALKER
Sr. Water Resource Agent

CC: ALAN C. STEPHENS, ATTORNEY
PO BOX 50560
IDAHO FALLS ID 83405