

THOMSEN STEPHENS
LAW OFFICES

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MAR 22 2004

Department of Water Resources

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March 19, 2004

KAY WALKER
SENIOR WATER RESOURCE AGENT
DEPARTMENT OF WATER RESOURCES
STATE OF IDAHO
PO BOX 83720
BOISE ID 83720-0098

RE: Permit no. 74-7175

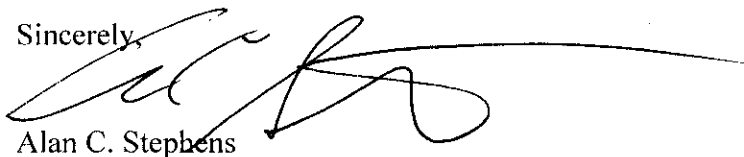
Dear Ms. Walker:

As you know, I represent Penny Ogden Edwards. After reviewing your February 26, 2004 letter to her, I contacted Dan Smith, the water master of Water District No. 74-W. He sent me the letter that is enclosed with my letter to you. As you can see, he is unable because of the water district's bylaws, to agree to the request made by my client to remove the measuring device and lockable controlling works requirement for the permit.

My client does want to have the permit issued, and would continue to request that those requirements be removed, but if they are not removed then we would ask that she be given time into the summer months to install a head gate and a measuring device. Of course right now you can't really get in there as it is winter and shortly it will be too messy to try to get in there. In the summer it should be able to be accomplished. Would you let me know if there is any problem with that. Of course, if the requirement is dropped then that will not be necessary either. It makes sense to drop the requirement since she is the last one on the creek and there isn't anybody further downstream from her, so the requirement to have the measuring device and a head gate seems a little silly since the only time she would be getting water is in high water.

Please let me know.

Sincerely,



Alan C. Stephens

ACS:lk 0319\Walker ltr

Enclosure

cc: Penny Ogden Edwards

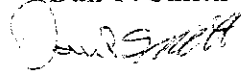
4-9-84

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Mr. Allen Stephens.

In response to Penny Ogden Edwards' water right: The concern I have is that the Big Timber Creek by-laws require all water users to have headgates and measuring devices. We need to be able to measure water so 74-W can bill for amount used.

Dan P. Smith



P.S. If you have any further questions, we will be happy too help you as much as we can.