



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-7866

November 16, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

VIOLET RICH
ROLAND C RICH
JAN R DENLINGER
1213 W 600 S
PINGREE ID 83262

RE: Water Appropriation Permits 27-07013 & 27-07020

Dear Ms. Rich, Mr. Rich, and Mr. Denlinger:

In September Norman Young, Water Management Division Administrator, sent you forms for amending Permits 27-07013 and 27-07020 to correspond with the findings of the Department's field examiner. As stated in Mr. Young's letter, the point of diversion and place of use descriptions authorized on the permits were slightly different than what was actually established. IDWR is recommending that Permits 27-07013 and 27-07020 be amended to describe the points of diversion and places of use as they were actually developed. Without the amendments, the licenses cannot include all of the developed points of diversion and places of use, resulting in water rights that are less than they could have been.

As also stated in Mr. Young's letter, IDWR is required by statute (§42-221, *Idaho Code*) to collect a fee of \$50.00 for each amendment filed. However, it still appears that you can take advantage of the plan suggested by Mr. Young for covering your amendments with fees already paid in connection with an Application for Extension of Time to Avoid Forfeiture of a Water Right you filed in March. The plan consists of withdrawing your extension requests for 27-07013 and 27-07020, applying \$100.00 of your filing fees to the amendments for 27-07013 and 27-07020, and accepting a refund from IDWR of \$100.00. IDWR will review your Application for Extension of Time to Avoid Forfeiture of a Water Right for A27-04001A since it is not a permit.

Mr. Young also offered you the opportunity to submit documentation showing that your historical diversion rate exceeded 81.39 cfs. IDWR has not yet received any documentation from you. If you have information indicating an historical diversion and use of more than 81.39 cfs, please send me a copy so I can determine if the amendment requests should be modified.

My current plan is to prepare Water Right Licenses 27-07013 and 27-07020 for issuance on December 6, 1999. If you believe IDWR should reconsider the recommended diversion rates, I will need to receive your diversion rate documentation before that date. If you want IDWR to

Rich, Rich & Denlinger

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proceed with licensing the rights as described in the amendment forms, I will need the signed amendment forms by that date. As stated above, without the amendments the Water Right Licenses will be issued for less than could have been allowed. For your convenience, additional copies of the necessary forms are enclosed.

If you have any questions, please call me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley Walter Keen". The signature is written in dark ink and is positioned above the printed name.

Shelley Walter Keen
Water Rights Supervisor

Enclosures

Cc: Keith Wilson, IDWR Eastern Region