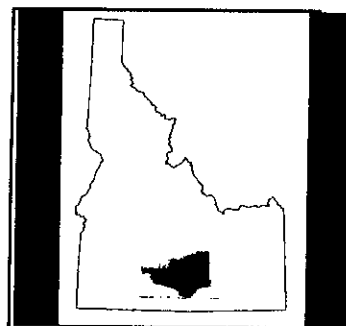




STATE OF IDAHO
WATER DISTRICT 130
C/O IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
TELEPHONE NUMBER (208) 736-3033

IDWR DIRECTOR
KARL J. DREHER

July 28, 2003

TONY DEWITT
DEWITT DAIRY
2011 BOB BARTON RD
WENDELL ID 83355

CERTIFIED MAIL

RE: NOTICE OF FLOW METER REPLACEMENT REQUIREMENT

Dear Tony:

Since 1995 DeWitt Dairy has been required to maintain flow meters on two wells at the DeWitt Dairy (main dairy). Our records indicate that two Grainland/Aquamaster meters were installed and reporting began in January 1996. Since about 1997, a series of flow meter breakdowns has interrupted the collection of data and blocked the West Measurement District's attempts to certify the meters. Each meter was repaired on several occasions but usually failed again within a year.

Although DeWitt Dairy has acted in good faith to install and maintain flow meters, the existing meters have not performed satisfactorily. This has resulted in inconsistent and incomplete reporting of annual water withdrawals in violation of Idaho Code § 42-701, which requires adequate measurement and reporting of diversions of public water. A lack of reliable data from the dairy is also preventing the timely licensing of water right no. 36-8491, as there are no historical data upon which to base a recommendation.

New measuring devices which meet IDWR criteria must be installed at the DeWitt Dairy within thirty (30) days of the date of this letter. Because this diversion of water is within Water District 130, the measuring device requirement will be enforced by the Watermaster of the Water District. If satisfactory measuring devices are not installed within the time specified above, you may receive a Notice of Curtailment of Use from the Watermaster, and/or a Notice of Violation from IDWR. Civil penalties of up to \$10,000 may be assessed for measurement violations. Also, the status of your water right permit no. 36-8491 may be placed in jeopardy, as the permit will not be recommended for licensing unless the measurement device conditions contained in the permit are met.

A single flow meter may be installed on this system if the supply lines are plumbed together. The device(s) may be either a mechanical type or a magnetic type flow meter, however, I would strongly encourage you to consider the magnetic type meter. The purchase price is higher, but the mag meter has demonstrated superior performance in both accuracy and durability in commercial installations. You may contact me, Corbin Knowles or Chuck Brockway for more information on approved flow meters.

Please contact me as soon as possible to advise me of your plans. I may be reached at 208-736-3033 or 208-731-0901.

Regards,

A handwritten signature in black ink that reads "Cindy Yenter". The signature is fluid and cursive, with the first name "Cindy" and last name "Yenter" clearly distinguishable.

Cindy Yenter
Watermaster
Water District 130

cc: Corbin Knowles, West Measurement District
Chuck Brockway
Rob Williams