

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

RECEIVED

JUN 17 2004

DEPARTMENT OF
WATER RESOURCES

PRESORTED
FIRST CLASS



*- see note on
previous
page - kw
6/17*

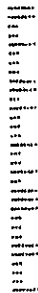
NIXIE

2007 1

05 06/15/04

RETURN TO SENDER
UNDELIVERABLE
NOT DELIVERABLE TO FORWARD
RETURN TO SENDER

044GTHS 43706



*Permit 23-7068
mail resent to handwritten
address on letter copy (6.10.04)
Kari Lynn
6.17.04*



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

June 10, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

US DEPT OF AGRICULTURE
FOREST SERVICE
380 E PARKCENTER BLVD
SUITE 330
BOISE ID 83709

*6-17-04
for Steve
Spencer send
to :
USDA Forest Service
Boise Adjudication Team
161 East Mallard, Suite A
Boise 83706*

RE: Permit No. 23-07068

Dear Permit Holders:

We are reviewing the above referenced permit so we can issue a license for the use developed. In a review of our files, we noticed that you have not complied with a condition of approval of the permit. The condition we are referring to is on the permit as follows:

A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

Our field examiner found no measuring device on your system and we must resolve this issue before the license can be issued. Pursuant to Idaho Code § 42-219(6), "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 use developed under the permit".

There are a couple of options that you can take to resolve this problem. The options are: submit documentation that you have complied with the condition and our examiner overlooked it at the time of the exam; install the measuring device as required on the permit; or submit a written request for removal of the condition. This permit is also conditioned to be under the control of the watermaster of Water District No. 01. We will need some documentation that you have discussed the removal of the condition with the watermaster and that he has no objection to the removal if you choose that option.

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 at 327-7944.

Sincerely,

Kay Walker

KAY WALKER
Sr. Water Resource Agent

Cc: Don Shaff, IDWR

*6/22/04
Steve Spencer called -
just got our letter
today and would like
until 7/22/04 to
respond. Told him
that would be OK.
KW*