



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

December 13, 2004

DE VERE TOVEY  
80 N 4<sup>TH</sup> W  
PRESTON ID 83263

RE: Water Right Filings

Dear Mr. Tovey:

At the request of Raida Jensen, I am writing to summarize your water right filings and inform you of the next steps in the water appropriation process for your two permits. Using IDWR's computer database, I identified the following four water right filings in your name.

Right 29-7323 is for the diversion of 0.04 cfs from a well for domestic purposes. The appropriation process has been completed for Right 29-7323, and a water right license was issued in 1982.

Right 29-7866 is for the diversion of 0.02 cfs from springs for domestic and stockwater purposes. The appropriation process has been completed for Right 29-7866 also, and a water right license was issued in 2001.

Permit 29-13155 was issued for diversion of 1.00 cfs from springs in Harkness Canyon for the generation of power. You submitted a proof of beneficial use statement in 2003. The next step in the appropriation process is the inspection of your diversion and distribution system to verify the beneficial use of water established in connection with your permit. Someone from IDWR's Idaho Falls office will contact you when they are ready to do the inspection.

Permit 29-7703 was issued for the storage of 3.0 af of water in an unnamed tributary of the Portneuf River. You submitted proof of beneficial use for Permit 29-7703 in 1991, and IDWR conducted a field examination in 2000. IDWR is currently reviewing the field report to determine if a license can be issued. One of the conditions of approval on your permit said:

Measuring devices of a type approved by the Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.

The field examiner reported that he found no measuring devices. IDWR cannot issue a license if the permit conditions have not been met.

There are at least two options for addressing the measuring device requirement. One option is to submit documentation demonstrating that you have complied with the approval condition by

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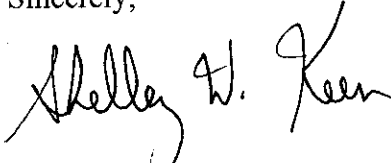
installing the measuring devices. A second option is to send IDWR a written request for removal of the measuring device requirement. If you choose this option, please attach documentation showing that you have discussed the need for measuring devices with the watermaster of Water District 29 and that he has no objection to the removal of the measuring device requirement. The watermaster in Water District 29 is:

|              |                                        |               |
|--------------|----------------------------------------|---------------|
| STEVE HEBDON | 1300 NIBAR MTN ROAD BANCROFT, ID 83217 | (208)648-0903 |
|--------------|----------------------------------------|---------------|

Within 30 days, please inform IDWR in writing which option you intend to pursue. If you need time to install measuring devices, please indicate how quickly you can complete construction. If IDWR does not receive a response from you within 30 days, the agency will assume you have no interest in your permit, and an order voiding the permit will be prepared.

If you have any questions, please call me at 208-287-4947, or email me at [shelley.keen@idwr.idaho.gov](mailto:shelley.keen@idwr.idaho.gov).

Sincerely,



Shelley W. Keen  
Water Rights Supervisor

cc: IDWR Eastern Region  
Raida Jensen