



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.

November 22, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Scott & Ardath Kimmich
P.O. Box 346
Hailey, ID 83333

Re: Water Right #37-8858; Petition for reconsideration of Order Requiring Measuring Devices ... in Water District 37, Croy Creek and Tributaries, dated November 16, 2004.

Dear Mr. and Mrs. Kimmich,

Idaho Department of Water Resources (IDWR) received your petition referenced above by fax on November 18, 2004. Your petition states the Water Permit 37-8858 for 0.13 cubic feet per second is for non-consumptive use (power production), and all water is returned to the creek immediately after passing through 240' of 6" PVC pipe and the micro-hydroelectric generator.

I determined from USGS quad maps and IDWR's water rights database that your point of diversion is located in a remote canyon, and surrounded by BLM property. This remote location would appear to limit the possibility that your diversion piping would interfere with other water users on the creek.

The Water Permit report for 37-8858 shows this condition of approval:

"The right holder shall either install a measuring device or a flow measurement port or provide a certified measurement or computation of flow based upon system design to be prepared by a professional engineer."

No other conditions of approval are listed related to the content of the November 16, 2004 Order.

Based on the small flow, non-consumptive nature, and the remoteness of the point of diversion for this water permit, IDWR is **granting** your requested exception from the November 16, 2004 Order pertaining to Croy Creek in Water District 37. This letter should be considered as official notice of the exception. Please note the condition of approval on this permit requiring a measuring device, measuring port, or certified flow calculations is still in effect.

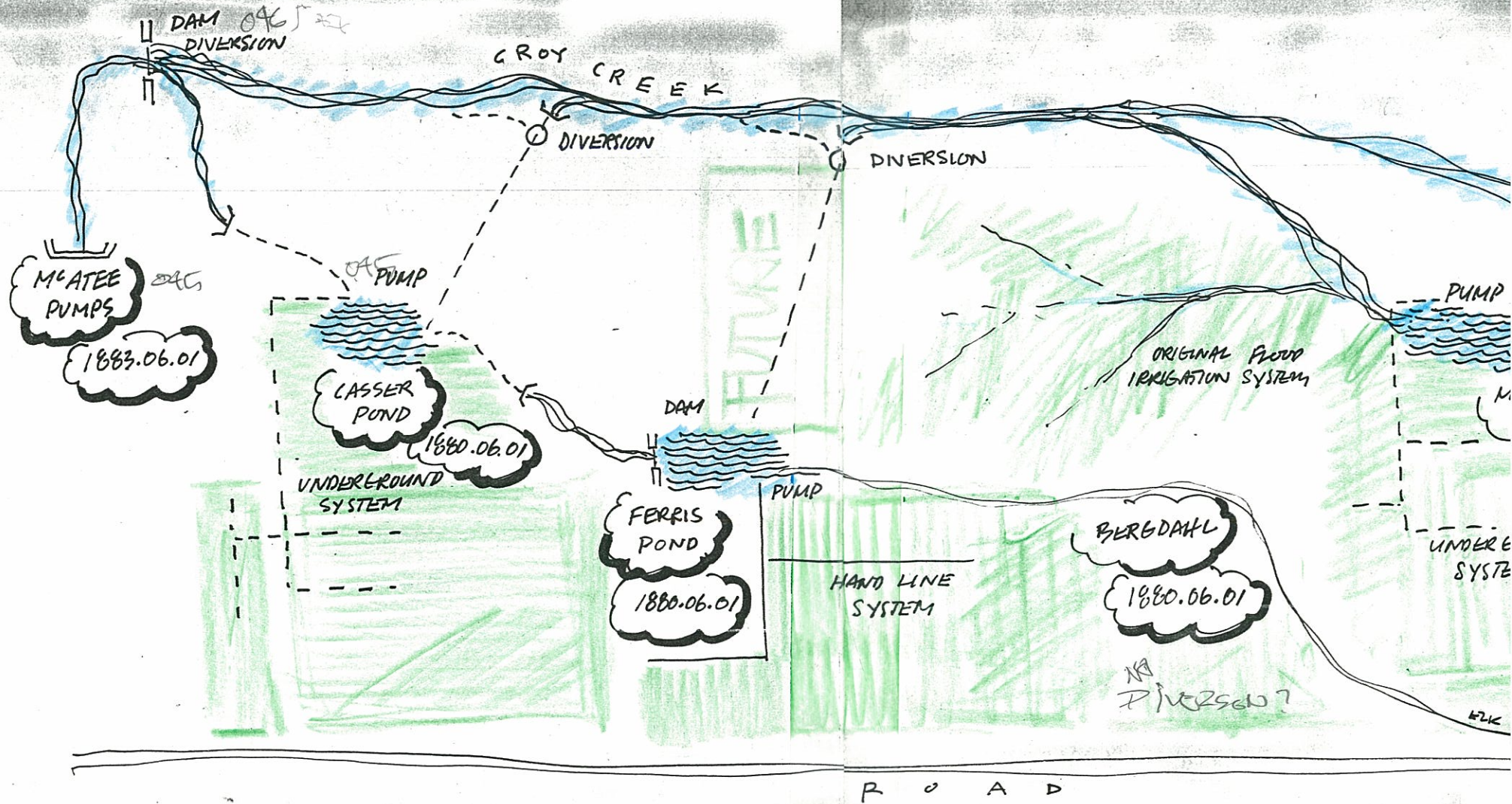
Call me at the above number if you have any questions.

Sincerely,

Steve Burrell
Water Distribution Section Engineer

c: IDWR Southern Region Office
Kevin Lakey, Water District 37 watermaster
Water Permit File 37-8858
Water District File

COPY



ELK CREEK FILLED IN

