



IDAHO DEPARTMENT OF
WATER RESOURCES

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Governor Brad Little

Director Gary Spackman

April 27, 2023

GUY PETERSON
MULDOON VIA PO BOX 66
CAREY, ID 83320

Certified Mail

RE: Watermaster Instructions to Refuse Delivery of Water – Requirement to Install and Maintain a Lockable Headgate, and Measuring Device (Case No. E2021-1708)

Dear Mr. Peterson,

On October 10, 2003, the Idaho Department of Water Resources (Department) issued an order, *In the Matter of Requiring Measuring Devices and Controlling Works on Muldoon Creek and Tributaries, Water District 370* (Order). The Order required installation and maintenance of acceptable measuring devices and lockable controlling works on all diversions within Water District 370 (WD370) by June 1, 2004. The Order was issued in accordance with Idaho Code § 42-701(1).

In a letter from the Department dated September 13, 2022 (enclosed), you were notified that your diversion is not compliant with the Order. The letter included a March 31, 2023, deadline to remedy the noted deficiencies or the watermaster would be instructed to close the diversion. This letter serves to; 1) ensure you are aware of the requirements and consequences related to non-compliance, and 2) notify you that the deadline to remedy the identified defects is extended to July 1, 2023, at the request of the Watermaster of WD370.

You are hereby notified that on or before July 1, 2023, an acceptable measuring device and lockable headgate shall be installed and maintained at the point of diversion associated with water rights 37-1143 and 37-22107. The Department will inspect the diversion to verify the required work has been adequately completed.

If the work is not completed as required, the Watermaster of Water District 370 is hereby instructed to shut off and refuse to deliver water at the point of diversion associated with the water rights noted above until the required work is completed.

SCANNED

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Please contact me (208-287-4924), or Corey King (208-293-9919) with any questions you have concerning the requirements of this letter and to discuss your plans to install and maintain an acceptable measuring device and lockable headgate.

Regards,



Rob Whitney
Water Distribution Section Manager

cc: Cherie Palmer - IDWR Enforcement Coordinator, Corey King - IDWR Southern Region,
WD370 Watermaster

SCANNED
APR 27 2023