



State of Idaho

DEPARTMENT OF WATER RESOURCES

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June 29, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

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MARK HICKS
2402 NEW WORLD TOWER
100 N 15 BISCAZYNE BLVD
MIAMI, FL 33132-2513

Re: February 20, 2007 Order Requiring Measurement and Control of Diversions

Greetings:

This letter responds to a phone call I received from Mr. Dmochowski on April 24, 2007. Mr. Dmochowski indicated that only the Dmochowski rights are diverted from their well and that their rights are below the 0.24 cfs or 5 acre threshold listed in the February 20, 2007 order requiring controlling works and measuring devices in Water District No. 170. In that order, Appendix A had listed the Hicks/Norton water permit and the Dmochowski rights as diverting from the same well and were therefore subject to measurement and control requirements.

I visited the two properties on June 20, 2007 and verified that the two properties are irrigated from separate wells. I noted the existing site tag number and recorded the locations using a global positioning device. I have updated the IDWR database records to reflect the separate diversions.

Since each diversion is below the threshold described in the order, the diversions for water rights 72-7456, 72-11764, and 72-7550, located in the NW quarter of the SW quarter of Section 28, Township 13N, Range 19E, are exempt from the requirements of the February 20, 2007 order requiring controlling works and measuring devices in Water District No. 170.

Please feel free to contact me if you have further questions or concerns.

Sincerely,

Nick Miller
Water Distribution Section