



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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July 23, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

DORIS I AND RICHARD L SCHNEIDER
PO BOX 103
STANLEY, ID 83278

Re: Order Requiring Controlling Works and Measuring Devices in Water District No. 170

Dear Mr. and Mrs. Schneider:

This letter is a follow-up to our phone conversations this spring and to a conversation between Mr. Schneider and me on July 10, 2007. As you recall, on February 20, 2007, the Director of the Idaho Department of Water Resources issued an order requiring controlling works and measuring devices in Water District No. 170 (hereafter referred to as the Order). The Order was mailed to you on February 20, 2007 and an amendment was mailed to you on March 12, 2007.

The Order and amendment list three points of diversion associated with your water rights from Goat Creek that must be brought into compliance. However, a review of your water rights indicated that the majority of your diversion rate is for a hydropower component that is currently not being diverted. Given that fact, and that the water rights (other than the hydropower component) diverted from the three points of diversion is below the threshold stated in the Order (0.24 cubic feet per second, or irrigation of five acres), no further action is required on your part to comply with the Order until such time as you resume diversion of water to your hydropower plant. However, if you resume diversion of water for your hydropower diversion, a controlling works and measuring device may be required at one or more of your diversions.

If you have any questions or if I can be of further assistance, please feel free to contact me at (208)-287-4956.

Sincerely,

Nick Miller, P.E.
Water Distribution Section