



File Code: 2540-1

Date: March 26, 2008

Mr. Nick Miller
Watermaster
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

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DEPARTMENT OF
WATER RESOURCES

Dear Mr. Miller:

Thank you for meeting with Bob Kenworthy, Jamie Gough, Darren Knuteson, and Steve Spencer of my staff on March 13, 2008, to discuss certain concerns regarding implementation of the Wild and Scenic Rivers Act Stipulation ("Stipulation"). We appreciate the opportunity to discuss these matters with IDWR.

First, we want to commend your efforts in implementing the Stipulation. We are very pleased by the dedicated effort and professionalism that IDWR is bringing to the process. We hope that we can continue to work closely with you as the Stipulation is implemented and monitored over time.

During the meeting, you discussed language in the Stipulation which provides that each new water right permit or license for a non-de minimis water use will be conditioned in accordance with the Stipulation (Stipulation (2)(c)). As we understand the Department's position, you would like to administer this provision utilizing the Department's determination of de minimis as it is applied to an irrigation use pursuant to State law. This appears to be consistent with the intent of the Stipulation.

There was also discussion regarding the provision in the Stipulation requiring that each new water right diversion be equipped with lockable controlling works, a measuring device, and a data logger or other suitable device that regularly monitors and records the rate of diversion (Stipulation (2)(c)). The language in the Stipulation provides some discretion with regard to the method of monitoring and recording data associated with a diversion. For example, where there are small and/or remote water diversions the oversight provided by the watermaster on diversions with existing headgates and measuring devices may be sufficient.

Each situation will have unique circumstances that will need to be considered on a case-by-case basis to determine what type of measuring protocol will meet the intent of the Stipulation. We are happy to work with IDWR regarding monitoring and recording methods in such cases.

As we move forward with implementation of the Stipulation we look forward to building a process with IDWR that meets the express requirements, as well as the spirit and intent of the Stipulation. Please feel free to contact Jamie Gough (801-625-5809) or Bob Kenworthy (208-342-9049) with any questions.

Sincerely,

/s/ Jeanne A. Evenden
JEANNE A. EVENDEN
Director, Lands

