RECEIVED

JUL 07 Zon

DEPARTMENT OF

JAMES R. BENNETTS, PLLC

Attorney at Law P.O. Box 36 Challis, Idaho 83226-0036

Phone: (208) 879-4488 Fax: (208) 879-4248

July 5, 2011

NICK MILLER, P.E. IDWR, STAFF ENGINEER WATER DISTRIBUTION 322 E FRONT STREET BOISE ID 83720-0098

RE: Herd Creek Headgate

Dear Nick:

I wanted to make sure we had a notation in the file to the effect that readings taken on flow rate on the above headgate are not reliable over the last 2 years.

Beaver have maintained two dams immediately below the headgate backing water to the extent that the measuring device is flooded. We have tried to remove the problem beaver, but the supply of beaver keeps building. When we remove the dams, they are repaired within hours.

At the present time, we have the entire device under water and I flood water around the dams. I maintain a marker below the fish screen to gauge the flow as best we can. Also Nick, I will make the point that we have been careful to make certain that none of the water escapes into the field above the fish screen.

This is not good, but it seems to be the best we can do given the circumstances.

Call if you have questions.

Very truly yours,

James R. Bennetts

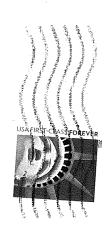
JRB:mlb

Cc: Adrianne Maydole

JAMES R. BENNETTS, PLLC Attorney at Law P.O. Box 36 Challis, Idaho 83326-0036

TOCATELO TO SOR

CAN THE PROPERTY OF THE PARTY O



NICK MILLER, P.E.
IDWR, STAFF ENGINEER
WATER DISTRIBUTION
322 E FRONT STREET
BOISE ID 83720-0098

Manage of the control of the control