

RECEIVED

MAY 23 2022

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Fee \$250.00

Receipt no E048129

Received by CH

Date 5/11/22

Request to Reinstate a Permit Lapsed more than Sixty Days

Statements of Completion for Submitting Proof of Beneficial Use submitted more than sixty (60) days after mailing of a lapsed permit notice must be accompanied by a Beneficial Use Field Report prepared by a certified water right examiner as the result of an examination to clearly confirm and establish the extent of the beneficial use of water established in connection with the permit during the time authorized by the permit and any extensions of time previously approved, a statement of reasonable cause for filing late proof of beneficial use, and a reinstatement application fee of \$250 per§ 42-218a(2), Idaho Code.

Statement of reasonable cause for filing a late proof of beneficial use:

See attached narrative.

Required items:

- ☒ Statement of Completion for Submitting Proof of Beneficial Use
- ☒ Beneficial Use Field Report
- ☒ Reinstatement application fee of \$250

The information contained in this statement is true to the best of my knowledge. I understand that should the department reinstate my permit that the priority date will be advanced to the day that proof of beneficial use was received.

Merlin J. Kulicke
Signature of Permit Holder or Authorized Representative

Merlin J. Kulicke, President
Print Name and Title if applicable

5-18-2022
Date

Signature of Permit Holder or Authorized Representative

Print Name and Title if applicable

Date

Statement Supporting Reinstatement of Lapsed Permit

Permit No. 29-7917

Tirrell Water Users, Inc.

Since the original application was submitted to IDWR to develop permit 29-7917, the address used for all correspondence was 1809 Government Rd, which was the residence of Mr. Gerald Uehling at the time of the development period. Mr. Uehling submitted the application for permit and thereafter received all correspondence in regards to the water right and managed the water system. According to current residents of the subdivision, Mr. Uehling was experiencing major life changes at about the same time period that the Statement of Completion was due in August 1992. Since no other residents received a copy of the correspondence, and Mr. Uehling was essentially "not available," the notice sent by IDWR to submit the Statement of Completion was overlooked or otherwise unknown to the water users. Mr. Uehling then sold his house to Bryan and Maylynn Flake in 1993 and left without informing anyone of the situation with the Permit. In 1997, Merlin Kulicke purchased the house at 1809 Government Rd. and later received the letter from IDWR regarding Unauthorized Water Use E2021-2768 on December 8, 2021. Until the date of this letter, the residents, having no understanding of water right processes, believed the water right to be secured.

Although the Statement of Completion was not submitted in a timely manner, the water right had been developed and has been consistently used since the development period. The 5 domestic connections were connected and actively using water by the end of 1992. The irrigated acres have varied over the years due to differing owners and needs on the properties. No photography was found for 1990 or 1991 with which to verify irrigation. The 1992 Orthoquad is not as clear as the 1993 Google Earth image, which shows about 5.4 acres being irrigated. Acres were measured in several more years using NAIPS and a table of the mapped acres are included in Table 1 below to show the continued use of the water right. Although the maximum acreage measured occurred in 1993, there are enough years of photography absent to leave doubt as to any permanent reduction in irrigated acres. It appears that the acres irrigated have shifted across the lots depending on the needs of the property owners. See Figures 4-8 in the Beneficial Use Field Report for a map of each year from Table 1 with measured acres.

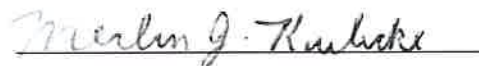
Table 1. Irrigated Acres

Year	Acres
1993	5.4
2004	3.7
2011	5.2
2019	5.2
2021	4.3

Water has been used annually to support small numbers of stock, including, horses, cows, and goats.



Kristin Moore
Senior Water Rights Analyst



Merlin Kulicke
President, Tirrell Water Users Assn., Inc.