



State of Idaho

DEPARTMENT OF WATER RESOURCES

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

August 24, 2020

Kyle Bybee
12096 S Snake River Road
Rexburg, ID 83440

RE: Application for Permit 22-7708

Dear Applicant:

On May 23, 1991, you filed Application 22-7708, seeking a permit to divert ground water for the irrigation of 429 acres in Sections 13 and 14, T04N, R40E. The application states that you leased the proposed place of use from Russell Grover. As I was recently reviewing pending application files, I discovered that Russell Grover no longer owns any of the land at the proposed place of use. Pursuant to Rule 40.05(e) of the Department's Water Appropriation Rules (IDAPA 37.03.08), an applicant can be required to submit copies of "deeds, leases, easements or applications for rights-of way" showing "a possessory interest in the lands necessary for all project facilities and the place of use."

An applicant has an ongoing duty to ensure that a pending application remains complete and viable. Part of that duty includes maintaining an ownership interest in the place of use described in the application.

It appears that Russell Grover has sold the property described in Application 22-7708 and that you likely have no further interest in pursuing the application. This letter is intended to be a formal request for you to provide documents showing an ongoing possessory interest in the proposed place of use. Please provide these documents, if any exist, on or before September 30, 2020. If no documents are provided, the Department will take steps to void Application 22-7708. You can also simply withdraw the application. This can be done by stating your intent to withdraw the application in a letter to the Department. Please feel free to call me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'J Cefalo', is written over a horizontal line.

James Cefalo
(208) 525-7161
james.cefalo@idwr.idaho.gov