

RECEIVED

FEB 24 2020

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATEMENT OF COMPLETION
FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY	
Amt. of Fee \$	50.00
Receipt No.	6108352
Received By	KW
Date Received	2-24-2020

The Idaho Department of Water Resources considers this form a statement by the permit holder(s) that development of a water right has been **completed** and that water has been applied to beneficial use to the extent described below. **This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner.** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, contact any Department office or visit the Department's website at idwr.idaho.gov for an *Assignment of Permit* form. If you wish to relinquish your permit because you have not established the authorized use of the water and are not applying for an extension, please notify the Department in writing.

- Permit No. 97-07531 Telephone No. 208-920-0209 and/or 208-664-3711
- Name of Permit Holder(s) Dan Terry
- Mailing Address 4827 Gleason McAbee Falls Road City Priest River
State ID Zip 83856 Email dan.terry1@gmail.com and/or jwing@LCLattorneys.com
- Source of Water Spring If **GROUND WATER** (well), Date Drilled mo. ____ / yr. ____
Well Driller _____ Drilling Permit Number _____
- Extent of use(s) completed **as authorized by the water right permit:**
Domestic (No. of households) _____ Stockwater (No. and type of stock) _____
Irrigation (No. of acres) _____ Other Power _____
- Total rate of diversion or storage volume for which proof is submitted .12 cfs **OR** _____ acre-feet.

- Compliance with a measuring device requirement, lockable controlling device requirement, and/or other conditions of permit: Refer to the approval conditions on your permit and respond accordingly.

The Department will not issue a license if permit conditions are not met.

Measuring Device	Is a measuring device required?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	If yes, has the measuring device been installed?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Lockable Controlling Device	Is a lockable device required to control the diversion?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
	If yes, has the lockable device been installed?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Fish Screen	Is a fish screen required?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
	If yes, has the fish screen been installed?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Other Conditions of Permit

Do the approval conditions on your permit require you to submit additional information in connection with your proof of beneficial use? If yes, list the conditions below and attach documents with the required information.

See attached request for waiver _____ Completed? Yes ☐ No ☒

- Fee Enclosed \$ 50 or not applicable ☐. See fee schedule on page 2 of the instructions.
Proof statements filed without an appropriate fee, will be considered incomplete.
- Person to contact to accompany the Department representative during field examination of the water system.
Name Dan Terry Telephone Number 208-920-0209
Mailing Address 4827 Gleason McAbee Falls Road City Priest River
State ID Zip 83856 Email dan.terry1@gmail.com

The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to a beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

Signature of Permit Holder *Jason S. Wing* Date 2/14/2020
(Include your title, if on behalf of company or organization)

Mail to: Idaho Department of Water Resources, PO Box 83720, Boise, ID 83720-0098



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

March 9, 2020

DAN TERRY
4827 GLEASON MC ABEE FALLS RD
PRIEST RIVER ID 83856

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 97-7531

Dear Permit Holder:

The Department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the Department to conduct a field examination to determine and confirm the use being made of the water.

Please be advised that Idaho Code § 42-248, requires you or the owner of this water right to maintain current ownership and address records on file with the Department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any Department office or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning the field examination, please contact the Northern Region Office of the Department located in Coeur d'Alene at (208) 762-2800.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures

c: JASON S WING – *via email*



LAKE CITY LAW

RECEIVED

FEB 24 2020

DEPARTMENT OF
WATER RESOURCES

435 W. HANLEY AVE. #101 | COEUR D'ALENE, ID 83815
TEL: 208.664.8115 | FAX: 208.664.6338

Jason S. Wing
Attorney at Law
jwing@lclattorneys.com

February 14, 2020

Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Permit No. 97-07531 – Request for Waiver of Permit Condition of Approval

To Whom It May Concern,

Pursuant to the direction of Senior Water Resource Agent Adam Frederick, this letter shall serve as permit applicant Dan Terry's formal request for a waiver of Permit No. 97-07531 Condition of Approval No. 7. Permit No. 97-07531 Condition of Approval No. 7 requires that the "right holder shall install a measuring device that can be used to determine the instantaneous rate of flow of water through the system..." Because of the extremely small size of the system, such a measuring device is not feasible and/or not economically practical. A waiver is hereby requested respecting Condition of Approval No. 7.

Permit No. 97-07531 Condition of Approval No. 7 alternatively provides that "the right shoulder shall provide to the department a flow rate measurement or computation made by a certified water right examiner..." Because the source of water is a spring, and said spring is currently dry, it is not possible to provide a flow rate measurement. A waiver is hereby requested respecting Condition of Approval No. 7.

Very best regards,

LAKE CITY LAW GROUP, PLLC



Jason S. Wing

LAKE CITY LAW GROUP PLLC | LCLATTORNEYS.COM
OFFICES IN COEUR D'ALENE, PRIEST RIVER & ST. MARIES