



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

GARY SPACKMAN
Director

January 23, 2020

CITY OF SHELLEY
101 S EMERSON AVE
SHELLEY ID 83274

RE: Permit No. 27-12155

Dear Permit Holder:

The Department acknowledges receipt of your Statement of Completion for filing proof of beneficial use (proof) and Beneficial Use Field Report (field report) for the permit referenced above. In a letter dated December 17, 2019, the Department rejected and returned the field report as deficient outlining measures to correct the deficiencies within 30 days. As of the date of this letter, those deficiencies have not been submitted and the permit has lapsed.

LAPSE NOTICE

You are hereby notified that under the provision of Idaho Code § 42-218a, the above referenced **permit has lapsed and is of no further force nor effect**. The permit may be reinstated according to Idaho Code § 42-218a (1) if you submit an acceptable proof of beneficial use (proof statement) to the department within sixty days of the mailing of this lapse notice. An acceptable proof statement submittal must include the examination fee or a completed field examination report prepared by a certified water right examiner. **A proof statement may be submitted for all or any portion of the permitted use which has been established during the development period from February 25, 2010 to November 1, 2018.**

After 60 days of this lapse notice the permit may only be reinstated according to Idaho Code § 42-218a (2) including a reasonable cause for the delay, a reinstatement fee of \$250.00 and a report prepared by a certified water right examiner clearly confirming the extent of beneficial use of water during the development period of the permit. The permit priority date will be advanced to the date an acceptable proof statement is received.

Sincerely,

Angela M. Grimm, Manager
Water Rights Section

Enclosures

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- | | | |
|--|----|--|
| <input type="checkbox"/> Return Receipt (hardcopy) | \$ | |
| <input type="checkbox"/> Return Receipt (electronic) | \$ | |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$ | |
| <input type="checkbox"/> Adult Signature Required | \$ | |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ | |

Postmark
Here

Postage

\$

Total Post

\$

Sent To

Street and

City, State

CITY OF SHELLEY
101 S EMERSON AVE
SHELLEY ID 83274

1/23/2020

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7016 0750 0000 5029 0145

RECEIVED

NOV 27 2019

DEPARTMENT OF
WATER RESOURCES

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

FOR OFFICE USE ONLY	
Amt. of Fee \$	_____
Receipt No.	_____
Received By	_____
Date Received	_____

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.

1. Permit No. 27-12155 Telephone No. (208) 357-3390

2. Name of Permit Holder(s) City of Shelley Idaho

3. Mailing Address 101 S Emerson Ave City Shelley

State ID Zip _____ Email cityshop@cablone.net

4. Source of Water Groundwater If **GROUND WATER** (well), Date Drilled mo. January / yr. 2013

Well Driller Andrew Well Drilling Drilling Permit Number D006270

5. 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 Use within the service area of the City of Shelley municipal water supply system.

6. Total rate of diversion or storage volume for which proof is submitted 3.34 cfs OR _____ acre-feet.

7. 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 checked="" type="checkbox"/>	No <input type="checkbox"/>
Lockable Controlling Device	Is a lockable device required to control the diversion?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	If yes, has the lockable device been installed?	Yes <input checked="" 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.

No _____ Completed? Yes ☐ No ☐

8. Fee Enclosed \$ _____ or not applicable ☒. See fee schedule on page 2 of the instructions.
Proof statements filed without an appropriate fee, will be considered incomplete.

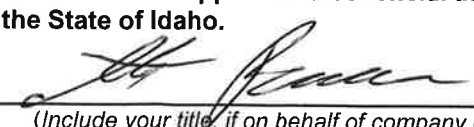
9. Person to contact to accompany the Department representative during field examination of the water system.

Name Justin Johnson Telephone Number (208) 681- 3392

Mailing Address 101 S Emerson Ave City Shelley

State ID Zip 83274 Email cityshop@cablone.net

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  Date 11-21-19
(Include your title, if on behalf of company or organization)

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

Nelson, Dan

From: Nelson, Dan
Sent: Friday, January 17, 2020 7:43 AM
To: 'Randall Johnson'
Subject: RE: Field Report for City of Shelley
Attachments: Idaho Code 42-218a.docx

Mr. Johnson,

I am bound by Idaho Code §42-218a as to how I can move forward with this permit. The City of Shelley has to supply an **acceptable field examination report** or **the beneficial use fee** by end of business today (5:00 pm Mountain Time – Friday 17, 2020). If they don't submit one of those two items, then we will begin preparing the lapsed permit notice when we arrive back at work next week. After the lapsed notice is sent, they will have 60 days to supply an acceptable field report or the proof of beneficial use fee. If they do not supply an acceptable field report or the beneficial use fee within 60 days, they will need to follow Idaho Code §42-218a part 2 if they wish to move forward with the permit.

At this point the permit is already considered lapsed, so the priority date of this permit is already being advanced 1 day for each day that goes by until we receive an acceptable field report or the proof of beneficial use fee. This will continue to occur until we send the lapsed notice. Once the lapsed notice is sent, they will have an additional 60 days to supply an acceptable field report or pay the beneficial sue fee. If they do not respond within the 60 days after the lapsed notice is sent, they can still revive this permit, but the priority date will be advanced to the date that our office receives the items detailed in Idaho Code §42-218a part 2.

We can only reinstate this permit if the City of Shelley complies with Idaho Code §4-218a. Before we can consider reinstating this permit, we will need proof they have complied with the conditions of the permit and put the water to beneficial use over and above their existing water rights. If they have not complied with those conditions, we will not be able to reinstate the permit.

I am sorry, but we must comply with Idaho Code on this issue. I have attached a copy of Idaho Code §42-218a for your reference. If you have any questions, please don't hesitate to contact me.

Respectfully;

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

From: Randall Johnson [mailto:rjohnson@forsgren.com]
Sent: Thursday, January 16, 2020 5:12 PM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Subject: RE: Field Report for City of Shelley

Mr. Nelson,

With regard to the City of Shelley water right, I wanted to let you know the status. The City has not elected to submit the relinquishment form as yet but we have a meeting with them next Tuesday to see if they want to submit the form.

As the deadline for action is tomorrow, I recognize that this may not change anything. I just wanted you to know that we haven't ignored this issue. We are still trying to see if they will consider submitting the form.

Randy

Randall Johnson, P.E.
Project Manager
[350 North 2nd East](#)
[Rexburg, ID 83440](#)
208.356.9201 / 208.351.2607 Cell
208.356.0206 Fax



From: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Sent: Thursday, December 19, 2019 12:00 PM
To: Randall Johnson <rjohnson@forsgren.com>
Subject: RE: Field Report for City of Shelley

Dear Mr. Randall,

Yes, it is 30 days from December 17, 2019 or by January 17, 2019.

Respectfully,

Daniel Nelson
Water Right Analyst 3
Idaho Department of Water Resources
Telephone (208) 287-4856
Fax (208) 287-6700 (attn: Dan Nelson)

From: Randall Johnson [<mailto:rjohnson@forsgren.com>]
Sent: Thursday, December 19, 2019 11:57 AM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Subject: RE: Field Report for City of Shelley

Mr. Nelson,

One quick question so I can schedule my response. In the letter you indicate that we have 30 days to provide a revised field report. Did you mean 30 days from the date on your letter (Dec 17, 2019)?

-Randy

Randall Johnson, P.E.
Project Manager
[350 North 2nd East](#)
[Rexburg, ID 83440](#)

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From: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Sent: Wednesday, December 18, 2019 7:12 AM
To: Randall Johnson <rjohnson@forsgren.com>
Subject: RE: Field Report for City of Shelley

Mr. Johnson,

I apologize for forgetting to attach the letter. Here it is.

Dan Nelson

From: Randall Johnson [<mailto:rjohnson@forsgren.com>]
Sent: Tuesday, December 17, 2019 5:16 PM
To: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Subject: RE: Field Report for City of Shelley

Mr. Nelson,

Thank you for providing this information. I did not find a letter attached to the email. Would you be willing to resend the document?

My apologies, I checked my spam filter but could not find a copy of your letter.

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From: Nelson, Dan <Dan.Nelson@idwr.idaho.gov>
Sent: Tuesday, December 17, 2019 9:56 AM
To: Randall Johnson <rjohnson@forsgren.com>
Subject: Field Report for City of Shelley

Dear Mr. Johnson;

I have been asked to review the field report you submitted for the City of Shelley for permit 27-12155. I have determined that the field report is incomplete. I have returned the field report to you with a letter describing the areas that need to be addressed. A copy of this letter is also being sent the City of Shelley, since the unacceptable field report affects the proof of beneficial use they filed.

I have tried to explain all of the deficiencies, and I have also provided the portions of Idaho Administrative Code (IDAPA Rules) for Beneficial Use exam Rules that addresses each portion of the field exam that was deficient. As a courtesy, I am sending you copy of this letter by email to allow you additional time to review the information.

If you have any questions or concerns, please don't hesitate to contact me.

Respectfully,

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FORSGREN
Associates Inc.

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