



**MORROW & FISCHER**  
ATTORNEYS AT LAW

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April 4, 2019

RECEIVED  
APR 08 2019  
WATER RESOURCES  
WESTERN REGION

RECEIVED  
APR 10 2019  
DEPARTMENT OF  
WATER RESOURCES

*Via Email (angie.grimm@idwr.idaho.gov)*

Angela M. Grimm, P.G.  
Idaho Department of Water Resources  
Western Region  
2735 Airport Way  
Boise, Idaho 83705

Re: Permit No. 63-12510

Dear Ms. Grimm:

Thank you for your March 6, 2019 letter regarding an extension of time to submit proof of beneficial use for Permit No. 63-12510.

As explained in my clients' November 30, 2018 letter to the Department (a copy is enclosed for reference) a portion of the water right has been developed. However, rather than submit proof of beneficial use for that amount, the VanderWoude requested an extension in hopes of developing the full amount permitted.

In response to your inquiry about the delay in developing the right (originally), our records are unfortunately scant. My clients worked with another consultant on expanding their CAFO permit, and significant work went into the analysis and plans to expand the dairy operation, including developing new nutrient management plans, and designing new free stalls and ponds to accommodate more animals.

At this point, however, the VanderWoude would like to request the Department license that portion of the permit that was, in fact, developed and as described in my November 30, 2018 letter. The VanderWoude were optimistic a second extension would be allowed, but in hindsight perhaps should also have submitted proof of the existing uses. Since they did timely inform the Department a portion of the right had been developed, we are hopeful that can still be done.

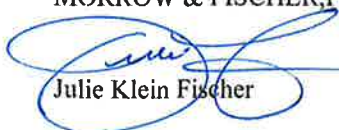
Please advise if proceeding in this manner is acceptable, and if so we will provide the information related to the work done, and amount of water being used under the permit.

Last, I will be out of the office from April 5 to 22. In my absence you can communicate with paralegal Kathleen Lee in my office and/or directly with Bridget VanderWoude.

Thank you for your assistance with this matter. We look forward to working with you to complete the process and so the VanderWoude will have the benefit of the water right they did develop.

Sincerely,

MORROW & FISCHER, PLLC



Julie Klein Fischer

Attachment

C: Bridget VanderWoude



# MORROW & FISCHER

ATTORNEYS AT LAW

November 30, 2018

332 N. Broadmore Way, Ste. 102

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*Via Hand Delivery*

Idaho Department of Water Resources  
Western Region  
2735 Airport Way  
Boise, Idaho 83705

Re: *Addendum to Vanderwoude Request for Extension of Time*  
*Permit no. 63-12510*

To: Water Allocation Bureau:

We are counsel for Bridget and George Vanderwoude and provide this letter as an addendum to their Request for Extension of Time to submit proof of beneficial use for permit 63-12510. Specifically we are providing comments in response to the following inquiry included in the Request form.

**The permit holder(s) has been unable to complete the remainder of the work for the following reasons:**

Applicants received an extension in December 2013 delaying the proof due to December 1, 2018. The initial request for an extension was related to applicant's efforts to expand their CAFO with Canyon County. That process, and determining whether additional permitting was necessary, delayed their ability to develop the water right. The original extension appears to have been granted pursuant to Idaho Code 42-204(6).

As stated in the main Request for Extension of Time, and following the first extension, the applicants have undertaken significant efforts and expended significant funds to enlarge their dairy operation. Although applicant has proceeded with diligence, the process of expanding a dairy is gradual, and while a portion of the water permitted under 63-12510 has been used, the enlargement is not yet complete. Because applicants intend to complete the expansion so that *all* of the water permitted under 63-12510 will be used, they believe filing an extension, rather than proof of beneficial use (for only a portion of the water) is most appropriate. This extension appears to be authorized pursuant to Idaho Code 42-204 in that extensions for good cause may be granted in addition to those given under 42-204(6).

If there are any questions regarding the applicants' efforts to complete development of the water right, or this request for extension, they may be directed to either Bridget Vanderwoude, or me.

Thank you for your consideration.

Sincerely,

MORROW & FISCHER, PLLC



Julie Klein Fischer

Approved:



Bridget Vanderwoude, Applicant