



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

January 4, 2018

CORP OF PRESIDING BISHOP OF THE CHURCH
OF JESUS CHRIST OF LATTER DAY SAINTS
50 E NORTH TEMPLE ST
12TH FLOOR
SALT LAKE CITY UT 84150-0012

PROOF DEFICIENCY LETTER

RE: Lapsed Permit No. 25-14425

Dear Permit Holder:

Permit to Appropriate Water No. 25-14425 ("permit") lapsed because the Idaho Department of Water Resources (IDWR) did not receive a proof of beneficial use statement ("proof" or "proof statement") or a request for extension of time for filing proof of beneficial use on or before the due date of August 1, 2017. Regarding proof submittal, Beneficial Use Examination Rule 55.02 (IDAPA 37.03.02.055.02) states:

Submittal required is the proof and the examination fee or the proof and a completed field report.

a. Failure to submit either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner by the proof due date is cause to lapse the permit pursuant to Section 42-218a, Idaho Code, unless an extension of time pursuant to Section 42-204, Idaho Code, extending the proof of beneficial use due date has been approved.

On August 8, 2017, IDWR sent you a notice stating that the permit had lapsed ("lapse notice") pursuant to Idaho Code § 42-218a.

Idaho Code § 42-218a(1) authorizes IDWR to reinstate a lapsed permit within 60 days of the lapse notice upon a "showing of reasonable cause." On October 6, 2017, a total of 59 days after the lapse notice, IDWR received your proof of beneficial use statement for the permit and a beneficial use field report ("field report") prepared by a certified water right examiner ("CWRE"). However, on October 31, 2017, IDWR returned the proof statement and the field report to you because the field report did not meet the minimum requirements set forth in Rule 35 of the Beneficial Use Examination Rules (IDAPA 37.03.02.035). (See IDWR's October 31, 2017, letter for a detailed description of the additional information needed to complete the field report.) Because the proof statement and field report were not acceptable, the permit was not reinstated.

Idaho Code § 42-218a(2) authorizes IDWR to reinstate a permit more than 60 days after the lapse notice if the permit holder submits all of the following items:

- An acceptable proof statement.
- An acceptable field report prepared by a certified water right examiner.
- A statement of reasonable cause for filing a late proof statement.
- A reinstatement fee of \$250.

On November 17, 2017, IDWR received another proof statement for the permit and an updated field report. The field report has been reviewed, and IDWR has requested additional clarifying information from the CWRE about the measuring devices required by the permit. Meanwhile, IDWR has not received a statement of reasonable cause or the required reinstatement fee.

Until the statement of reasonable cause, the reinstatement fee, and the clarifying information are submitted, IDWR cannot evaluate the permit to determine if reinstatement is appropriate. Meanwhile, the permit remains lapsed and is of no force nor effect.

IDWR will hold your proof statement and the field report for 60 days to give you an opportunity to submit the rest of the items required by Idaho Code § 42-218a(2). If IDWR has not received the required items after 60 days, the proof statement and field report will be returned to you.

If the required items are submitted and the permit is reinstated, Idaho Code § 42-218a(2) requires its priority date to be advanced to the day that the complete proof, including all the required items, was received.

If you have any questions regarding this permit, please contact me as needed.

Sincerely,



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

cc: Scott King