

JUN 23 2015

STATEMENT OF COMPLETION

FOR OFFICE USE ONLY
Amt. of Fee \$: 250.00
Receipt No. E041166
Receipt By: SC
Date Received: 6-19-73

FOR OFFICE USE ONLY
 Amt. of Fee \$: 250.00
 Receipt No. E041166
 Receipt By: SC
 Date Received: 6-19-73

Date Received: 6-19-79

DEPARTMENT OF
WATER RESOURCES

For a Permit Lapsed more than Sixty Days

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, please contact any Department office or visit the Department's website at: www.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.: 75-14490 Telephone No.: 208-303-7518 / 756-4590
2. Name of Permit Holder(s): James A &/or Kathy Sue Smith
3. Mailing Address: P.O. Box 33 City: Carmen
State: ID Zip: 83462 Email: countrysyes@yahoo.com
4. Source of Water: Freeman Creek If **GROUND WATER** (well), Date Drilled: mo. _____ / yr. _____
Well Driller: _____ Drilling Permit Number: _____
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): 1.0 Other: _____
6. Total rate of diversion or storage volume for which proof is submitted: 0.03 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 ☐ No ☒
If yes, has the measuring device been installed? Yes ☐ No ☒
- Lockable Controlling Device:** Is a lockable device required to control the diversion? Yes ☒ No ☐
If yes, has the lockable device been installed? Yes ☒ No ☐
- 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.
Fish screening &/or passage requirements of F&G See Photos Completed? Yes ☒ No ☐
8. Fee Enclosed: \$ See * See fee schedule on back of the instructions for filing proof of beneficial use.
Proofs filed without an appropriate fee, will be considered incomplete.

Measuring Device: Is a measuring device required? Yes ☐ No ☒
If yes, has the measuring device been installed? Yes ☐ No ☒

Lockable Controlling Device: Is a lockable device required to control the diversion?
If yes, has the lockable device been installed?

Yes ☒	No ☐
Yes ☒	No ☐

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.

Fish screening &/or passage requirements of F&G See Photos Completed? Yes ☒ No ☐

8. Fee Enclosed: \$ See * See fee schedule on back of the instructions for filing proof of beneficial use. Proofs 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: Permit Holder's Telephone Number: Same as Above

Mailing Address: Same City: Same

State: ID Zip: 83462 Email: Same

* See Attached Beneficial Use Field Report

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: *James A. Jones*
(Include your title, if on behalf of company or organization)

Date: 6-10-2013

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

RECEIVED
JUN 19 2015
Department of Water Resources
Eastern Region

RECEIVED
JUN 23 2015
DEPARTMENT OF
WATER RESOURCES
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Fee \$250.00
Receipt no. E041146
Received by SC
Date 6/19/15

Request to Reinstate a Permit Lapsed more than Sixty Days

Statements of Completion for Submitting Proof of Beneficial Use submitted more than sixty (60) days after mailing of a lapsed permit notice must be accompanied by a Beneficial Use Field Report prepared by a certified water right examiner as the result of an examination to clearly confirm and establish the extent of the beneficial use of water established in connection with the permit during the time authorized by the permit and any extensions of time previously approved, a statement of reasonable cause for filing late proof of beneficial use, and a reinstatement application fee of \$250 per § 42-218a(2), Idaho Code.

Statement of reasonable cause for filing a late proof of beneficial use:

May 2014: Begin negotiations on land purchase-time lapses due to problems with corresponding with power of attorney holder. Began irrigating cultivated land.
July 2014: Jim & Sue Smith purchased land and water right from Geary Spath (Deceased) & Billie Spath (Incapacitated) via their daughter Deanie Spath (Power of Attorney)
August 2, 2014: Mailed "Notice of Change in Water Right" to IDWR, with fee and a copy of the warranty deed (As instructed by our real estate agent, and as with past practice.)
Sept. 15, 2014: IDWR receipt form & deposit fee.
Mid-Sept.: Verbal correspondence with IDWR (not anticipating any problem. I don't remember if I called or they did). Told IDWR can't use the Warranty Deed as Proof of Purchase - must have a copy of the power of attorney & can't use the "Notice of Change of Water Right" but must use "Assignment". Plus they will apply our \$25.00 to the new fee.
Took this information to our real estate agent (Paige Oeding of Salmon, ID) who was "in disbelief" but would seek a copy of the power of attorney. Checked back with Paige Oeding & she gave me the following date in her attempts to secure power of attorney: 10-06-2014; 10-22-2014; 11-07-2014; & on 11-4-18-2014 the power of attorney was "Ready to Put in the Mail."
Late December 2014 or early January 2015 mailed notarized power of attorney & assignment of water right.
Feb. 2, 2015: Call from IDWR "Urgent" please call. When I called was told to file the Proof of Beneficial Use ASAP with \$50.00 fee.
Feb. 4, 2015: Sent Beneficial Use form and fee.
Feb. 9, 2015: Records show IDWR receives form and fee.
Mar. 9, 2015: Called IDWR Re: Status. Told "I am working on that as we speak." Then I received 2 letters stating permit was lapsed.
Mar. 10th or 11th, 2014: I called IDWR about the lapse notices and asked how to proceed. I was told that a letter stating the upcoming lapse was mailed Dec. 8, 2014, to the listed owner Mr. Geary Spath (deceased). We have attempted to conform to IDWR procedures, hopefully this will suffice.

Required items:

- ☒ Statement of Completion for Submitting Proof of Beneficial Use
- ☒ Beneficial Use Field Report
- ☒ Reinstatement application fee of \$250

The information contained in this statement is true to the best of my knowledge. I understand that should the department reinstate my permit that the priority date will be advanced to the day that proof of beneficial use was received.

James A. Smith
Signature of Permit Holder or Authorized Representative

James A. Smith
Print Name and Title if applicable

6-10-2015
Date

Kathy Sue Smith
Signature of Permit Holder or Authorized Representative

Kathy Sue Smith
Print Name and Title if applicable

6-10-2015
Date