



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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 5, 2015

KIMBERLY NEAL AND/OR JOE JENKINS
9105 ROCKSTONE CT
KUNA ID 83634

RE: Proof of Beneficial Use Form Submittal

Dear Mr. and Ms. Jenkins:

On February 13, 2015, the Idaho Department of Water Resources (Department) received a "Statement of Completion for Submitting Beneficial Use" from you for water right 63-33206. I have been asked to review this statement to determine if the beneficial use has been completed and if we can move forward with licensing of this permit. If we have adequate data, we can perform a licensing exam in the office using aerial photos to determine the acres irrigated and the amount of land that can be licensed.

In the application for permit for 63-33206 you stated in section 10 that you already had a domestic water right for in-house use and up to ½ acres of irrigation. A review of the recorded water rights in this area reveals that you do not have a recorded water right for this property other than water right 63-33206. Idaho Code 42-111 does exempt the use of ground water for in-house use and up to ½ acre without a recorded water right. I am assuming that this exempt water use is the water use that you mentioned in section 10 of the application for permit for water right 63-33206.

I have reviewed the aerial photos and satellite photos for your property from 2009 to 2014 and I could not find any irrigation other than 0.3 acres of yard irrigation associated with the home (please see the attached aerial and satellite photos). If I understand your filing correctly, it doesn't appear that you have completed the work you intended to complete under water right 63-33206. If I license the permit right now, I can give you no more than the 0.3 acres of yard irrigation, unless you can provide me with some documentation showing that you have actively irrigated an additional 3 acres, then I would have to limit the license to just the 0.3 acres of yard irrigation.

There are a couple of options available to you, and I would like to give you the information to make the proper decisions for your needs. I have listed out the options that I have found that may be of interest to you below:

1. You could send us a request to withdraw the proof of beneficial use that you submitted on February 13, 2015 and submit a request for an extension of time to submit proof of beneficial use. I have attached a copy of the extension of time to submit beneficial use form with this letter.

2. You could request that I move forward with licensing of this permit. I will limit the permit to the 0.3 acres found to have been irrigated, unless you can provide documentation that shows additional acres have been irrigated during the development period from May 2009 to February 1, 2015.
3. The final option is that you could withdraw your proof of beneficial use statement, request a refund of your fee, and relinquish the permit. This option allows you to continue to use your well for in-house use and up to ½ acre of yard irrigation until you are ready to further develop your property. When you are ready to further develop your property you can file a new water right application for the use.

The above options are the options that I am aware of that may be helpful to you. I would be more than happy to speak with you directly to go over these options and speak with you personally. Please don't hesitate to contact me directly at the number listed below if you have any questions. I have attached an extension of beneficial use form, relinquishment of permit form, and aerial photos showing what I found to be irrigated during the development period.

Please let me know as soon as possible what you would like to do with this permit. Please let me know which direction you would like to take by April 6, 2015. If I do not hear back from you by April 6, 2015, the only option that I can do is Option 2, license your water right for 0.3 acres.

If you have any questions, please don't hesitate to contact me. I will also send this letter to your email addresses if possible.

Respectfully,



Daniel Nelson

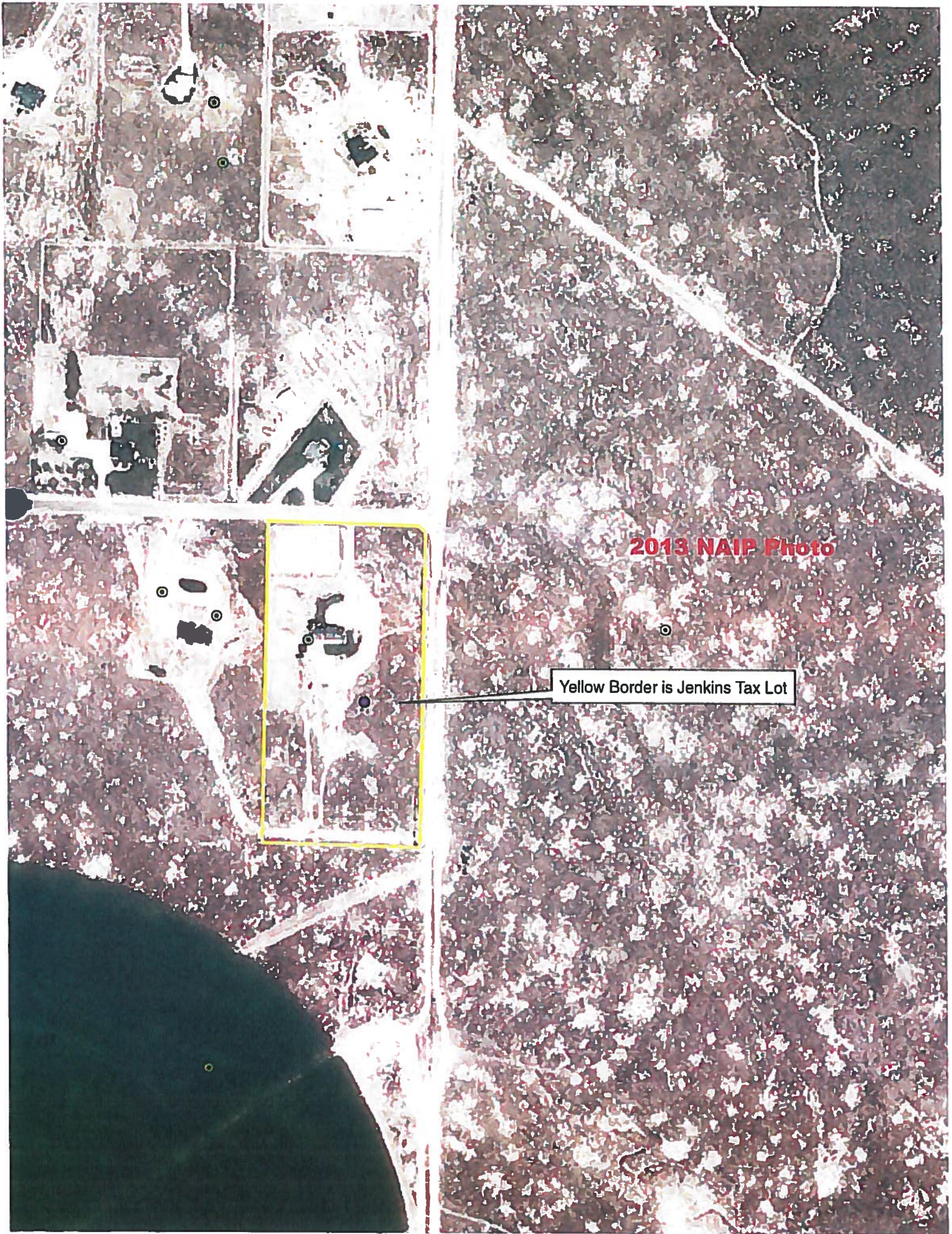
Staff Hydrologist

Idaho Department of Water Resources

Telephone (208) 287-4856

Fax (208) 287-6700 (attn: Dan Nelson)

Enclosures





2011 ESRI Photo
Max Acres Irrigated
0.3 acres

Green Border Acres Found Irrigated

Yellow Border is Jenkins Tax Lot

