



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 9, 2015

KATHY SUE SMITH
JAMES A SMITH
12 ETHELS WAY
PO BOX 33
CARMEN ID 83462

PROOF DEFICIENCY LETTER

RE: Lapsed Permit No. 75-14490

Dear Permit Holders:

On February 9, 2015, the Department received a Statement of Completion for filing proof of beneficial use and \$50.00 for the license examination fee for the above referenced permit. According to the Department's records, this permit lapsed because the appropriate proof statement or request for extension of time for filing proof was not received on or before the December 1, 2014 proof of beneficial use due date.

On December 8, 2014, the Department sent a Lapse Notice for the permit noted above to the permit holder of record with the Department that provided 60-days for response to the Department by filing a proof statement or extension request for filing proof. Because your proof statement was received by the Department after the 60-day deadline, I am returning your proof statement as it is unacceptable. The fee you paid at the time of filing proof will be refunded to you. You should receive a State of Idaho check in the amount of \$50.00 in about 10 business days under separate cover.

This letter is to provide you with information of what the Department requires for reinstatement of the permit. Also, filing proof after the 60-day deadline will result in the original priority date of the permit being lost. The information the Department requires is explained in to Section 42-218a (2), *Idaho Code*, which reads:

In connection with a proof of beneficial use statement submitted more than sixty (60) days after such notice of lapsing, the director shall require all of the following items to be submitted to the Department: **(a)** A 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. The report shall be on the form or forms specified by the director and shall provide the information specified in section 42-217, Idaho Code, for confirming beneficial use and such other information as may be required by the director. **(b)** A statement of reasonable cause for filing a late proof of beneficial use. **(c)** A reinstatement fee of two hundred fifty dollars (\$250). Upon finding that beneficial use had occurred during the authorized period and upon a showing of reasonable cause for filing a late proof of beneficial use, the director may reinstate the permit with the priority date

advanced to the day that proof of beneficial use was received;

The Department requires a beneficial use field report prepared by a certified water right examiner as a result of an examination to clearly confirm and establish the extent of the beneficial use of water during the time the permit was active (November 27, 2009 to December 1, 2014), a statement of reasonable cause for filing late proof of beneficial use, and a reinstatement application fee of \$250.00.

Be aware that this permit has lapsed and is of no force nor effect unless reinstated. If you cannot provide the Department with the documents it requires, you may need to reapply for a new water right permit.

If you have any questions regarding this matter, please feel free to contact me at (208) 287-4945.

Sincerely,

A handwritten signature in black ink that reads "Darla Block". The signature is fluid and cursive, with the first name "Darla" and last name "Block" clearly distinguishable.

Darla Block
Technical Records Specialist

Enclosures

RECEIVED

FEB 09 2015

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

FOR OFFICE USE ONLY

Amt. of Fee \$: 50.00
Receipt No. 1099903
Receipt By: J. Strange
Date Received: 2-9-2015

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.

- Permit No.: 75-14490 Telephone No.: 208-756-4590
- Name of Permit Holder(s): James A. or Kathy Sue Smith
- Mailing Address: PO Box 33 City: Carmen
State: ID Zip: 83462 Email: countrypsych@yahoo.com
- Source of Water: Freeman Creek If **GROUND WATER** (well), Date Drilled: mo. _____ / yr. _____
Well Driller: _____ Drilling Permit Number: _____
- Extent of use(s) completed (as authorized by the water right permit):
Domestic (No. of households): 1 Stockwater (No. and type of stock): _____
Irrigation (No. of acres): 2 Other: _____
- Total rate of diversion or storage volume for which proof is submitted: 0.04 cfs OR _____ acre-feet.
- 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.

Completed?

Yes ☐ No ☐

- Fee Enclosed: \$ 50.00 See fee schedule on back of the instructions for filing proof of beneficial use. Proofs filed without an appropriate fee, will be considered incomplete.

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

Name: Jim Smith Telephone Number: 208-303-7518
Mailing Address: PO Box 33 City: Carmen
State: ID Zip: 83462 Email: countrypsych@yahoo.com

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. (Jim) Smith
(Include your title, if on behalf of company or organization)

Date: 2-4-2015

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