

MEMORANDUM

TO: Craig Saxton, IDWR State Office
Right 63-11116 File

FROM: Angie Grimm

DATE: January 15, 2014

RE: Proof of Beneficial Use Submission & Request to Reinstate Permit

On 1/3/2014, Mr. Terry Henrickson came into the Western Region office to inquire about the status of permit 63-11116. He indicated the permit should be valid and needs to be licensed. Upon review, I found documentation to support the following as a timeline of events regarding permit 63-11116:

1. **6/11/1990** – permit approved.
2. **1991** – proof of beneficial use requested.
3. **6/6/1991** – proof of beneficial use returned to Mr. Henrickson for errors (confused what right proof is for) with request to correct and resubmit by 7/1/1991.
4. **6/24/1991** – Mr. Henrickson visited state office and filed transfer application to change PU of other rights to cover land under permit 63-11116, making permit unnecessary.
5. **7/5/1991** – permit lapsed with instruction permit can be reinstated if submit proof within sixty (60) days.
6. **7/31/1991** – Mr. Henrickson visited with Steve Lester regarding transfer filing. See attached Steve Lester memo dated 8/8/1991 for details. Outcome, permit 63-11116 necessary and proof of beneficial use was submitted (including fee) on 7/31/1991.
7. **8/8/1991** – Steve Lester memo along with attached proof of beneficial use and withdrawn transfer forms sent to state office.

It appears the permit was never reinstated after Mr. Henrickson filed his proof of beneficial use in 1991. I have been unable to locate a copy of the original proof of beneficial use form submitted by Mr. Henrickson, but I have found receipts confirming the proof filing fees were received in 1991. I requested Mr. Henrickson complete a new proof of beneficial use form during an office visit with him on 1/7/2014. I've attached that form along with the filing fee receipts, Steve Lester memo dated 8/8/1991, and a copy of the permit approval. It appears this supplemental well permit should be reinstated without requiring Mr. Henrickson to submit a certified water right examiner's examination, because it appears Mr. Henrickson followed all the required steps for permit reinstatement within the sixty (60) day timeframe allowed.

RECEIVED

JAN 07 2014

WATER RESOURCES
WESTERN REGION

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

FOR OFFICE USE ONLY
Amt. of Fee \$: 100.00
Receipt No. C020979+W013545
Receipt By: _____
Date Received: 3-26-14

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.: 63-11116 Telephone No.: 208-466-1742
2. Name of Permit Holder(s): Terry Henrickson
3. Mailing Address: 5705 E Greenhurst City: Nampa
State: ID Zip: 83686 Email: _____
4. Source of Water: well If **GROUND WATER** (well), Date Drilled: mo. 04 / yr. 1977
Well Driller: Chuck Davis 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): 39 Other: _____
6. Total rate of diversion or storage volume for which proof is submitted: 78 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.

Completed? Yes ☐ No ☒

8. Fee Enclosed: \$ 100 See fee schedule on back of the instructions for filing proof of beneficial use.
Proofs filed without an appropriate fee, will be considered incomplete. C020979 W013545 Submitted 1991
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: Terry Henrickson Telephone Number: 208-466-1742
Mailing Address: 5705 E Greenhurst City: Nampa
State: ID Zip: 83686 Email: _____

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: Terry Henrickson Date: 1/7/14
(Include your title, if on behalf of company or organization)

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

This form To Replace original Proof Submitted 1991

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Receipt Details for C020979

Status	Adjustment Type	Version
	Water Right Receipt	3

General Information

Date Received	Date Deposited	Region	Total Amount	Payment Type
8/26/1991 8:28:27 AM	8/26/1991 12:00:00 AM	STATE	\$50.00	Check
Payer	HENRICKSON, TERRY/GREENHU			

Account Information:

Check Number:	3579
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Comment PROOF OF BENEFICIAL USE (63-11116)

Fee Details:						
Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$50.00	PROOF OF BENEFICIAL USE (63-11116)	510122	1238	00	0	6490

File ▶ Navigation ▶ Tools ▶

Receipt Details for W013545

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information

Date Received	Date Deposited	Region	Total Amount	Payment Type
7/31/1991 3:50:55 PM	7/31/1991 12:00:00 AM	WESTERN	\$50.00	Check
Payer	HENRICKSON, TERRY			

Account Information:

Check Number:	3604
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Comment PROOF OF BENEFICIAL USE 63-11116

Fee Details:						
Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$50.00	PROOF OF BENEFICIAL USE 63-11116	520122	1238	00	0	6490

MEMORANDUM

FROM: STEVE LESTER
TO: TIM LUKE AND DON SHAFF
DATE: AUGUST 8, 1991
SUBJECT: PERMIT 63-11116 AND SRBA CLAIMS A63-08430 AND A63-08430A

PERMIT 63-11116 - See receipts C020979 and W013545

The proof of beneficial use was due on 7/1/91. On 6/24/91, Terry Henrickson visited the State Office and filed a transfer application for licenses 63-08430, 63-08279, and 63-09353. He described a change in P/U for 63-08430 that occurred after 1987. He also included additional P/D for the other two licenses, and the P/D additions occurred in 1977. The purpose of the transfer application was to reflect conditions that made permit 63-11116 superfluous. The applicant decided to let the permit lapse and to proceed with the transfer. He also filed SRBA claim A63-08430 to match the license information. *

Upon reviewing the transfer, I noted that the agreement for sale of real estate (Attachment A) defined land in NESE and SESE S.6 but not in SWSE or SESW S.6 (latter two tracts for 47 of the 90 licensed acres). I discussed this with Terry by telephone and told him that proof of the owner's consent was required to change the P/U. His response indicated that the other owner would not grant this permission, which greatly complicated the transfer request.

During an office visit on 7/31/91, Terry told me that he purchased 32 acres in SESE S.6 from the previous owner. He stated that he did not own the remaining land in license 63-08430. Since the transfer route was not feasible, he decided to do two things. One, an amended claim for 32 acres in 63-08430 would be filed (A63-08430A). Two, proof of beneficial use for permit 63-11116 would be submitted because the permit was now needed for the 71 acres minus the 32 acres (SESE S.6) or for 39 acres. He choose these actions based on my recommendations.

Proof was filed for 39 acres and 39" or .78 cfs with a \$100 fee. \$50 was paid on 7/31/91, and \$50 from the now withdrawn transfer application (receipt C020979 dated 6/24/91) should be applied to the proof fee. No loss of priority should occur with the late proof filing due to Terry's attempt prior to 7/1/91 to clarify the water rights situation.

By reinstating the permit and filing amended claim A63-08430A (mailed for signature today), the 71 acres listed in 63-11116 will be covered. The proof of beneficial use and the withdrawn transfer application are attached.

SRBA CLAIM A63-08430A - See receipt C020953

This amended claim for a portion of the license was prepared on 8/7/91 and mailed to Terry on 8/8/91 for his review and signature. Based on the above discussion, he would like a refund for the \$58 paid for acres that he does not own and is not claiming in the amended claim. The request seems reasonable because he tried to take care of this confusing situation in an appropriate way. However, what about a late fee for his claim? I have not checked ML3 yet. A63-08430 was updated to show the split of the license.

* note: transfer not required to show p/d changes prior to 1987 for other two licenses.

Copy: A63-08430A

MICROFILMED

AUG 24 1992

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 63-11116

Proposed Priority: January 31, 1990 Maximum Diversion Rate: 1.42 CFS
This is to certify, that

TERRY R. HENRICKSON
KATHY F. HENRICKSON
5705 E. GREENHURST
NAMPA, ID 83651

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	1.42 CFS
<u>LOCATION OF POINT(S) OF DIVERSION:</u>		
	SESE	Sec. 6, Township 02N, Range 01W
	NWSE	Sec. 6, Township 02N, Range 01W CANYON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
02N	01W	6	SENE 8	LOT 3(NENW) 10	LOT 4(NWNW) 13	
			NESE 8	SESE 32		71
Total number of acres irrigated:						71

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before July 1, 1991.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

11th day of June, 1990.

for

R. Keith Higginson

R. Keith Higginson, Director