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March 25, 2013

Of Counsel:
THOMAS J. McCABE

VIA HAND DELIVERY

Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705

Re: Permit No. 65-23245
James W. Smith and/or Mary B. Smith
Proof of Beneficial Use/Request for Extension of Time

Dear Sir or Madam:

On behalf of my clients, James W. Smith and Mary B. Smith, I am submitting both a Statement of Completion of Beneficial Use and a Request for Extension of Time on the above water right. My firm checks in the amount of \$100.00 for the Proof of Beneficial Use and \$50.00 for the Request for Extension of Time are also enclosed.

The permit holders have only been able to complete the works necessary to irrigate 29 of the 46 acres they propose to irrigate under the permit. The Request for Extension of Time asks the Department to approve a five-year extension in order to complete the works and to put into production the additional 17 acres of land. If the Department were to deny the Request, then the permit holders must submit Proof of Beneficial Use on at least that portion of the property where the works have been completed and the water has been applied to beneficial use. That is the reason for submitting a Proof of Beneficial Use for the 29 acres. It is only being submitted if the Department denies the Request for the Extension of Time. If the Department grants the Request for the Extension of Time, then the Department need not consider the Proof of Beneficial Use.

Very truly yours,

WESTBERG, McCABE & COLLINS, CTD.



William D. Collins

WDC/ml

cc James W. Smith

RECEIVED

MAR 25 2013

WATER RESOURCES
WESTERN REGION