



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

December 6, 2011

LARRY WHEATON
4101 GEKELER
PO BOX 5346
BOISE ID 83705

RE: Additional information request Permit No. 63-12064

Dear Mr. Wheaton:

On October 8, 1996, the Department of Water Resources (IDWR) received the Proof of Beneficial Use statement you submitted for Permit 63-12064. That permit authorized you to establish a right to divert 0.6 cfs water from a well located in Township 2N, Range 2E, section 34 (NE1/4NW1/4) for heating use within the season of 11/16 - 3/14.

On November, 25, 1997, IDWR personnel conducted an examination to verify the water use developed under Permit 63-12064. The field examiner found that the system was shut down.

I am reviewing the file documents associated with Permit 63-12064. This review is required to determine whether there was sufficient evidence of beneficial use established by the field exam and if so, to quantify the use. I have evaluated the file contents, the field examiners report and his recommendation. And although the examiner found and photographed a pump and greenhouses, he was not able to measure the use of water or otherwise demonstrate water use for heating purposes, in accordance with the permit.

Therefore, I am not able to recommend that any beneficial use has been established through Permit 63-12064.

The final step in the water appropriation process is the issuance of a Water Right License. By issuing a license, IDWR recognizes that you have met the requirements for establishing a water right. A license can be issued only for development that occurred prior to the date that the Proof of Beneficial Use statement was filed. No water right has been established, and no license can be issued, if you have not diverted water and applied it to a beneficial use within the time period authorized by your permit. After a Proof of Beneficial Use statement has been submitted, a permit cannot be retained to cover future development of the resource.

A license can not be issued without additional evidence showing beneficial use of water occurred during the development period of this permit, which ended October 8, 1996.

If you believe that you have developed beneficial use of water in connection with Permit 63-12064, please send me supporting documentation within thirty (30) days. If I don't hear from you within 30 days, I will assume you no longer have any interest in establishing a water right, and I will take action to void your permit.

Feel free to contact me with questions at the phone number, the email or physical address listed below.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michele Edl".

Michele Edl
Associate Engineer
Water Rights Section
Idaho Department of Water Resources
322 East Front Street
Boise, ID 83720-0098
Phone: 208-287-4946
FAX: 208-287-6700
Email: Michele.Edl@idwr.idaho.gov

CC: LARRY WHEATON
8571 BENNETT RD
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