

Chronology of Permit 37-7842 (focus on proof of beneficial use)

Note that this Permit and Permit No. 01-7054 share similar histories. A similar memorandum has been prepared for 1-7054.

Permit 37-7842 is for groundwater (gw) recharge purposes currently held by the Idaho Water Resource Board (Board). Source is the Little Wood and Big Wood rivers delivered by usage of the Dietrich and Richfield Canals.

June 30, 1980: Application filed with the Department by Earl Hardy, Thorleif Rangen, John R. LeMoyne, and John W. Jones Jr. Application sought 800 cfs for gw recharge purposes. Application was advertised, no protests were received.

November 6, 1980: Memo in file from Loren Holmes indicating Department received petition to create the Lower Snake Aquifer Recharge District (LSARD) on November 6, 1980.

January 18, 1982 or April 19, 1982: Department receives assignment of application from applicant to LSARD (correspondence in file indicates January 18, but no copy of assignment in file; see copy in file 01-7054 indicating April 19).

May 20, 1982: Department corresponds with LSARD asking for written acceptance of assignment of application.

May 26, 1982: Department receives correspondence from LSARD indicating recharge district accepted assignment of application.

June 2, 1982: Department approves permit with conditions. Proof of beneficial use (proof) due date is June 1, 1987.

March 31, 1987: Department sends proof due notice to permit holder.

April 7, 1987: Department corresponds with Permit holder acknowledging recharge efforts in 1986, expressing concerns about water quality for large recharge amounts, and imposing additional monitoring requirements for large recharge amounts.

June 1, 1987: Department receives request for extension of time to submit proof from Gerald Martens, engineer for permit holder. Proof statement indicates "Construction of diversion and recharge facility with capacity of 600 cfs. Facility completed and operational for approximately 24 months. Continued negotiation for land rights necessary for additional sites."

July 16, 1987: Department corresponds with permit holder requesting information and questioning authority of Gerald Martens to sign request for extension of time.

July 27, 1987: Department receives letter from permit holder enclosing alternate requests for extension of time (requests not found in water right file).

October 4, 1989: Department approves request for extension of time to submit proof and sets proof due date to June 1, 1992.

March 31, 1992: Department sends proof due notice for permit to permit holder.

June 5, 1992: Department sends lapse notice to permit holder.

June 15, 1992: Department receives proof form for permit from Gerald Martens and check for \$15.

June 15, 1992: Department corresponds with Gerald Martens, returning proof form and fee due to insufficient fee.

July 9, 1992: Department receives beneficial use field report (exam) for permit from Gerald Martens (certified water right examiner). Exam indicates source of water is Snake River.

July 9, 1992: Department corresponds with Gerald Martens acknowledging receipt of exam, but noting failure to return completed proof statement.

July 27, 1992: Department receives proof statement from Gerald Martens. Proof statement indicates source of water is Snake River.

July 29, 1992: Department issues order reinstating permit based on proof submitted on July 27, 1992. Priority date was advanced to August 25, 1980.

October 21, 1993: Department corresponds with Gerald Martens, returning amended exam for permits 1-7054 and 37-7842 due to deficiencies.

November 29, 1993: Department receives exam for permits 1-7054 and 37-7842 from Gerald Martens.

December 1, 1993: Department issues order reinstating permit. Findings of Fact indicate that permit holder advised Department on August 12, 1993 that proof filed on July 27, 1992 was intended for permits 1-7054 and 37-7842. Findings also indicate that Department's review shows that the permit holder diverted water from both Snake River and Big/Little Wood Rivers even though proof was identified as being only for permit 37-7842. Order reinstates both permits with advance in priority date to August 25, 1980.

January 7, 1999: Department receives copy of letter from LSARD to IWRB requesting IWRB accept assignment of permits 1-7054 and 37-7842.

January 14, 1999: Memo in water right file from Glen Saxton reviewing request of LSARD. Memo concludes that proof has been filed for both permits and a license cannot be issued for additional water unless permit holder can show proof was understated. Memo also indicated if permit holder can justify extension due to delays, then permit holder could withdraw proof and seek additional time to develop permits.

March 19, 1999: Idaho Water Resource Board (IWRB) passes resolution agreeing to accept assignment of permit from LSARD contingent upon execution of a written agreement governing rights and responsibilities of each party.

June 3, 1999: Department receives written agreement between IWRB and LSARD dated May 13, 1999. Agreement includes assignment of permit to IWRB, and acceptance of assignment with conditions.

October 7, 1999: Memo from Sharla Curtis for review of beneficial use associated with permit. Memo concludes no beneficial use to date from the Big/Little Wood Rivers under the permit.

March 21, 2000: IWRB passes resolution requesting Department to extend time for proof based on undeveloped portions of permits 1-7054 and 37-7842.

April 3, 2000: Department issues order extending proof due date to June 1, 2004. Extension is based on Section 42-204, Idaho Code part 4.

March 31, 2004: Department sends proof due notice to permit holder.

April 26, 2004: Department receives request for extension of time to submit proof.

August 25, 2004: Department approves request for extension of time to submit proof and sets proof due date to June 1, 2009.

March 31, 2009: Department sends proof due notice to permit holder.