

MEMORANDUM

Date: September 2, 2009

To: File No. 77-7382 and 77-14143

From: Emalee Rushing

Re: Proof of beneficial use

On December 11, 2006, the department received a request for extension of time for submitting proof of beneficial use for permit no. 77-14143. The extension was granted with a new due date of January 1, 2009. Both the acknowledgement letter and the database indicated that the proof due date was February 1, 2009. The proof due notice sent out on November 30, 2008 indicated that proof was due by February 1, 2009.

On February 2, 2009, the department received a statement of completion for submitting proof of beneficial use for permit no. 77-14143. The source as indicated on the statement was So. Fork Salmon and the diversion rate written as .20. I mistakenly processed the notice as having been received in a timely manner. I did note on the acknowledgement letter that they were limited to a diversion rate of 0.04 cfs.

On August 13, 2009, the department received a request for extension of time for permit no. 77-7382. The wording on the request indicated that the system was complete and that the proof of beneficial use submitted for 77-14143 was intended for permit no 77-7382.

On September 1, 2009, I spoke with Barbara Pyle to get clarification as to which permit was developed. She stated that the permit with the diversion listed as the So. Fork Salmon was completed (77-7382) and that the permit with the diversion noted as springs (77-14143) was not completed.

Based on the point of diversion as listed on the statement of completion submitted on February 2, 2009 for permit no 77-14143 and on the statement noted on the request for extension of time received on August 13, 2009 for permit no 77-7382, I am moving the proof of beneficial use from 77-14143 to 77-7382.

The proof due date for permit no 77-7382 was July 1, 2009 and notice of the same was mailed out on April 30, 2009. No response was received until August 13, 2009. The permit lapsed as of July 1, 2009. Since notice of the error on the proof of beneficial use was not received until August 13, 2009, permit no. 77-7382 will be reinstated and the priority date will be advanced 43 days.

As to permit no. 77-14143, the permit will lapse as of the January 1, 2009 date as listed on the order and a lapse notice will be mailed out. Per Ms. Pyle, the permit was not developed as of January 1, 2009.