

MEMORANDUM

DATE: January 14, 2008

TO: Water Right File 98-7818

FROM: Shelley W. Keen 

RE: Withdrawing proof of beneficial use and obtaining an extension

On January 11, 2008, Owen Beachy of Threemile Water District called to discuss obtaining a drilling permit to drill a well for diverting water in connection with Permit 98-7818. Mr. Beachy explained that Threemile Water District had drilled a well in connection with the permit, but the well was not productive. The district then applied to amend the permit so they could put the well in a different location. IDWR approved the amendment in April of 2007. Threemile attempted to drill a new well in accordance with the amendment, but it could not get approval from other agencies. In December of 2007 Threemile submitted proof of beneficial use in connection with the permit, even though they had not drilled a well and diverted more water than is diverted under their existing water rights.

When issuing a water right license, IDWR can give credit for only the water use established before proof of beneficial use was submitted. As things currently stand, IDWR would likely find that there was not beneficial use established in connection with the permit, and IDWR would void the permit. To establish a water right in connection with the permit, Threemile should withdraw the proof of beneficial use and apply for an extension of time to submit proof. The extension request must be submitted before the 60-day late proof window expires at the end of January.

If the extension is granted, Threemile can obtain a drilling permit, develop a new water use, and submit proof of beneficial use later.

I explained the situation to Al Beardslee and Keith Franklin in Northern Region. They offered to call Owen Beachy and explain the situation to him.