



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

January 7, 2008

RONALD SMITH
DEBORAH SMITH
PO BOX 53
HAMMETT ID 83627

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 61-11952

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. This proof is acceptable; however, you may wish to clarify some items as noted below (I am enclosing a copy of your proof and the permit for your reference).

According to your permit, you are authorized to develop an irrigation system from wastewater with a maximum rate of diversion of 0.04 cfs for irrigation of two (2) acres. According to the proof you filed, you have indicated a diversion rate of 15 to 18 cfs. The department will interpret this to be 15 to 18 gallons per minute (equivalent to 0.03 to 0.04 cfs) which would be within the limits of the permit. Please clarify in writing if you believe this interpretation is in error.

You have also indicated three acres of irrigation on the proof form. Note that the permit does not authorize more than two acres for irrigation use.

Because the proof was received one day after the proof deadline you will lose one day of priority to your July 13, 2001 priority date that was established when you filed the application.

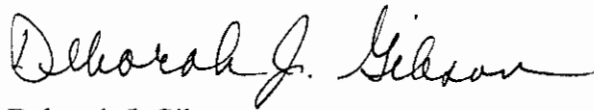
Finally, you did not pay a license examination fee which is necessary according to the instructions for filing proof and the license examination fee schedule. Note that Section 42-221K, Idaho Code provides that the fee for filing proof of beneficial use is only accepted for domestic use for which a permit is not required (a permit is not required for some domestic/stock uses from a ground water source). Your reference to the Beneficial Use Examination Rules is noted, unfortunately the rule as written is not consistent with the statute and needs to be updated.

Mr. and Mrs. Smith
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In this case, the department will accept your proof without a fee based on the rule, but please note that application of the rule will also limit your diversion to no more than 4 acre-feet per year (the standard for your area would normally provide for 8 acre-feet per year for two acres of irrigation). If you desire consideration for more volume, you may still pay the \$50 exam fee.

If you have any questions, please contact me at (208) 287-4942 or Jeff Peppersack at (208)287-4948.

Sincerely,

A handwritten signature in black ink that reads "Deborah J. Gibson". The signature is fluid and cursive, with the first name being the most prominent.

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Encl.