



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

August 1, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ROD GONSALES
ED SMITH
RT 1 BOX 2070
CORRAL, ID 83322

RE: Water Right Permit No. 37-07638

Dear Mr. Gonsales and Mr. Smith:

I have received your request via Mr. Brockway to delay the licensing of Permit No. 37-07638. We typically do not postpone the licensing process as the Department has a statutory obligation to carry a permit to a final disposition in accordance with Section 42-219, Idaho Code. Because a license depicts the beneficial use established during the authorized development period and not development that has occurred since that time, it is best to confirm the beneficial use with as little delay as possible, so the original elements developed are not confused with those put into place later. Also, the Snake River Basin Adjudication is proceeding and the hope is that it will be wrapping up this year. Department adjudication staff plans to begin reviewing claims in your area and preparing a Director's Report in about a month's time. Because of this, Permit 37-07638 will need to have a final disposition by September in order to not impede the adjudication staff's process.

I am aware, however, of the complications associated with this permit and am willing to grant you some extra time to get things in order. Still, your request to delay the licensing process until January of 2006 will be impossible for the reasons presented above.

Before a license can be issued, your permit must be amended to describe your water use as it was actually developed. I previously forwarded you an Application for Amendment for this purpose. The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued.

If I do not receive the signed amendment and required \$50.00 filing fee within 30 days, I will assume you no longer have any interest in the permit and cancellation proceedings will begin.

If you have any questions, please call me at (208) 287-4949 or send e-mail to erin.retelle@idwr.idaho.gov.

Sincerely,

A handwritten signature in black ink, reading "Erin A. Retelle". The signature is fluid and cursive, with the first name "Erin" written in a larger, more prominent script than the last name "Retelle".

Erin Retelle
Water Resource Agent

Enclosure: 1

cc: Jo Beeman, Beeman & Associates, P.C.
Charles G. Brockway, Brockway Engineering, P.L.L.C.