



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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April 23, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

LISA JARRO
BUREAU OF LAND MANAGEMENT
SHOSHONE FIELD OFFICE
PO BOX 2-B
SHOSHONE ID 83352

RE: LAPSED PERMIT NO. 37-20598

Dear Ms. Jarro:

This letter is follow-up to a telephone conversation we had in December of 2006 regarding reinstatement of a permit for Stockwater use from a well for 5,000 head of sheep. According to our telephone conversation you wished to have this permit reinstated.

This letter is to provide you with information regarding the Department's process for reinstatement and to request additional documents.

According to Section 42-218a(2), *Idaho Code*, which provides:

That upon receipt of proof of beneficial use after sixty (60) days after such notice of lapsing, the director shall require sufficient evidence to be submitted by the permit holder to clearly establish the extent of beneficial use made during the time authorized by the permit and any extension of time previously approved. Upon finding that beneficial use had occurred during the authorized period and upon a showing of reasonable cause for filing a late proof of beneficial use, the director may reinstate the permit with the priority date advanced to the day that proof of beneficial use was received;

On January 12, 2007, the Department received a packet of information from Roger Dalrymple containing an explanatory letter, acquisition forms, an inspection sheet, and pictures of the well drilling and delivery of a tank. However, I have not received a proof of beneficial use form and the license examination fee, which begins the Department's review for reinstatement and establishes a new priority date. Therefore, I am enclosing a Proof of Beneficial Use form, with its instructions and fee schedule, for your convenience.

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Secondly, the Department requires two pieces of evidence of development and beneficial use, and a letter explaining why proof was being filed late. The evidence must clearly provide development and beneficial use of this specific permit during the time the permit was active (January 14, 2002 to January 1, 2004). The information Mr. Dalrymple provided is unclear that the development is specifically for this well and use. Another concern I have is that the project was not completed until after the permit had lapsed. Without the beneficial use being completed on or before the proof deadline, reinstatement of this permit may be unable and filing for a new permit may be required.

Therefore, I request that you file a completed proof form with the appropriate filing fee immediately, with a letter explaining the reason for delay of filing the proof.

Please be aware that this permit is **lapsed** and is of no force nor effect unless it is reinstated. I will hold this matter for **30-days** for receipt of the proof form and your letter of explanation. If you have questions, please contact me at (208) 287-4942.

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.