



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

September 27, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

MICHAEL BENEDICK
CAROL BENEDICK
22262 USTICK RD
CALDWELL, ID 83607

RE: Application for Water Right Permit 63-32491 to Appropriate Water

Dear Applicants:

The Department of Water Resources acknowledges receipt of your water right application. Although your application has been accepted, there are some items that will need clarification.

Item no. 7 – Section 42-204, *Idaho Code* provides that “The department shall require that actual construction work and application of the water to full beneficial use shall be complete within a period of five (5) years from the date of such approval, but may limit the permit to a less period than is named in the application...” If a permit is issued, the department will provide no more than five years for completion. An extension can be granted if requested for good cause or for delays due to certain types of litigation.

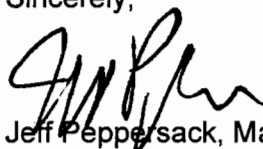
Item no. 9 – Your application indicates irrigation of <5 acres. This item needs to be clarified. The map attached to your application indicates a parcel of about 4 acres. Review of the parcel based on tax lot formation available to the department indicates a parcel of 4.3 acres. Recent aerial photography shows a house and driveway amounting to at least 0.3 acres. If a permit is approved, the department will not authorize irrigation greater than 4 acres unless you provide information indicating additional land. This item will also affect your total quantity as provided in item no. 4. Your application indicates 0.03 cfs/acre and a total of 0.15 cfs. The quantity for 4 acres would be 0.12 cfs. If a permit is issued, the department will authorize no more than 0.12 cfs unless you provide justification for additional quantity. Also under item no. 4, the department will apply the standard irrigation season for the area, March 1 to November 15.

Please provide a written response confirming the acreage in item no. 9 and the total quantity and period of use in item no. 4. The information must be submitted within 30 days of the date of this letter. Failure to submit the required information within the time period allowed may be cause for the Department to void the application. The Department may grant an extension of time to submit the information upon written request and a showing of good cause.

Your application will be forwarded to our Western Region office in Boise. As we discussed previously, your application will not be processed immediately due to the ongoing processing hold and associated backlog of applications in the Boise River basin, and the current department priority to complete the Snake River Basin Adjudication.

Please feel free to contact this office if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Peppersack', written over the printed name.

Jeff Peppersack, Manager
Water Right Permits Section

Enclosure - receipt