



EASTERN REGION

State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 1, 2004

Hansen Guest Ranch
C/o Mr. Tom Walsh
P.O. Box 112
Swan Valley, ID 83449

Re: Lapsed Permit No. 23-2080.

Dear Mr. Walsh,

Thank-you for contacting me in regards to the above referenced permit. As of this letter, I am aware of the following:

1. Hansen Guest Ranch was recently purchased (a few years past) by Mr. Walsh. Prior to that time, the property had changed hands a couple of times.
2. The original owner who filed the application for permit was Archie McKay. Mr. McKay received an approved permit on February 23, 1967. In the approval, a date to prove beneficial use was set at February 23, 1972.
3. On May 17, 1977, the department received proof of beneficial use from Mr. McKay.
4. On June 3, 1977, the department responded to Mr. McKay that the proof of beneficial use deadline had long since passed and the permit had therefore lapsed.
5. Adjudication agent, Allen Ruberry, found the lapsed well in his review of water rights for basin 23 and photographed the well on September 29, 2003.

According to our telephone conversation, this well has been used for some time as a supplemental water right and you wish to establish and preserve this water right. In order to do so, it is required to follow the rules that have been established by the Idaho Legislature, particularly statutes 42-218a and 42-219.

Idaho Statute 42-218a (2) indicates that, "...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..." Later in the statute, it explains that "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 priority date advanced to the day that proof of beneficial use was received." For your convenience, I have included a copy of this statute and 42-219. I am also including copies of the pertinent information that has been gathered from our files.

The burden of providing sufficient information (evidence) that provides the department proof of use according to these two statutes is upon you and may take some time. In the

mean time, the Snake River Basin Adjudication (SRBA) is currently underway and it appears that this well was NOT CLAIMED in the SRBA. In order to preserve the opportunity to establish a water right for this well, you should file a claim for it in the SRBA. The claim will likely be disallowed based upon an invalid water right but it may provide you with an opportunity to claim it later if/when the water right is validated.

If you have any questions, please feel free to contact me at (208) 525 7161.

Sincerely,

W. Roger Warner
Water Rights Supervisor – Eastern Region

Cc: Jeff Peppersack, Water Right Permits Section Manager
Allen Ruberry, Senior Water Right Agent (adjudication) - Eastern Region

Enclosures:

- Application for Permit (poor copy)
- Notice of Existing Water Permit
- McKay proof of Beneficial use.
- IDWR letter responding to McKay beneficial use.
- Photograph and well data report for adjudication.
- Adjudication layout of the property.
- Copy of Idaho Statute 42-218a.
- Copy of Idaho Statute 42-219.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 23-2080

WATER RIGHT NUMBER: 23-2080

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ARCHIE MC KAY 1715 PARLEY IDAHO FALLS, ID 83201 (208)523-7148

Priority Date:

Basis:

Status: Lapsed

<u>Source</u>	<u>Tributary</u>
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<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
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Total Diversion:Location of Point(s) of Diversion

GPS TAG # AO 12435

Place of UseMobn:Conditions of Approval:

25HP

Remarks:

SN: NOECI 151034 ?

Comments:

Pump: BJ

Dates and Other Information:

671 0327

10" TO 12" upon DISCH.



Visited well 9/29/2003.

Well GPS Tag# AO012435

WELL DATA:

Motor: GE 25 Hp SN: NOECJ151034_?

Pump: BJ # 671 0327

Open discharge; 10" increased to 12"

Thomas W Walsh
PO Box 112
Swan Valley ID
83449
483-2305

Well is from a
LAPSD Permit
Dating to 1967 -
No BCI possible

**Bonneville County Assessor
Ownership Theme**

Rainey Creek
Diversion

Creek

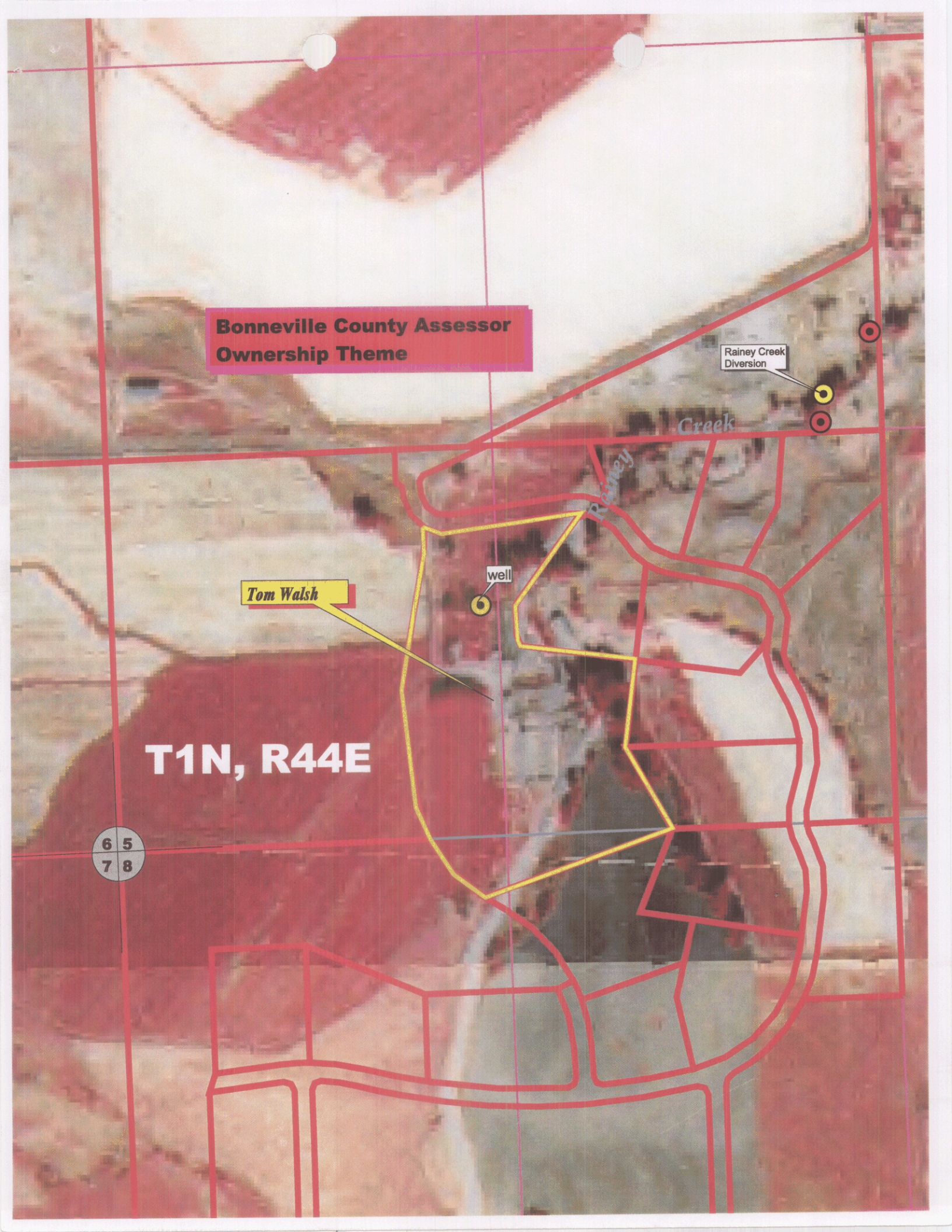
Rainey

well

Tom Walsh

T1N, R44E

6 5
7 8



Ed Biddulph

POND

POND

32 33
5 4

T2N, R44E
T1N, R44E

Creek

Rainey

