



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 13, 2004

PENNY J OGDEN-EDWARDS
2330 S 350 W
PERRY UT 84302

RE: Permit No. 74-7175

Dear Ms. Ogden-Edwards:

Thank you for responding to Kay Walker's letter of December 22, 2003. As Kay indicated in her letter, the Department of Water Resources (IDWR) is reviewing your water right file to determine if a water right license can be issued in connection with your permit. By issuing a license, IDWR recognizes that you have diverted water and applied it to the beneficial use described in your permit during the authorized development period. Your authorized development period ended on June 1, 1988, when you submitted your proof of beneficial use statement. A license can be issued only for development that occurred prior to the date that the proof of beneficial use statement was filed and only for development that is not covered by an existing water right. No water right has been established, and no license can be issued, if you did not divert and use water within the time period authorized by your permit. After a proof of beneficial use statement has been submitted a permit cannot be retained to cover future development of the resource.

In your response to Kay you state, "It is noted here that no water has been diverted for usage purposes since issuance of the permit." Records of Water District 74W from 1983 to 1988, which corresponds to the authorized development period for your permit, indicate that you have never been delivered any water from Big Timber Creek. On September 5, 1995, IDWR personnel conducted an examination to verify your water use, and the examiner reported that you were irrigating 38.5 acres. However, it appears from his report that the source of irrigation water was your well under Right 74-7047 and that the examiner did not actually observe any irrigation with water from Big Timber Creek.

If you believe you developed a beneficial use of water from Big Timber Creek under Permit 74-7175, please send me supporting documentation or evidence within thirty days. If IDWR does not receive your response within thirty days, IDWR will take action to void your permit. If you are no longer interested in your permit, you can shorten the voiding process by signing and returning the enclosed relinquishment form.

Penny J. Ogden-Edwards
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If you have any questions, please contact me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the printed name and title.

Shelley W. Keen
Water Rights Supervisor

CC: ALAN C. STEPHENS, ATTORNEY
2635 CHANNING WAY
IDAHO FALLS ID 83404-7518

ROXANNE BROWN, SRBA, IDWR