

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF PERMIT NO. 63-35212)
IN THE NAME OF TREY URIZAR)
_____)

**PRELIMINARY ORDER
REINSTATING PERMIT**

This matter having come before the Idaho Department of Water Resources (“Department”), the Department finds, concludes and orders as follows:

FINDINGS OF FACT

1. On May 25, 2022, the Department issued Permit No. 63-35212 (“Permit”) in the name of Trey Urizar (“Permit Holder”) authorizing the diversion of 0.14 cubic feet per second from ground water for irrigation use in the NE¼NE¼ of Section 3 of Township 05 North, Range 03 West, Canyon County. A condition of permit approval required submittal of the proof of beneficial use of water to the Department on or before June 1, 2023.
2. On March 31, 2023, the Department notified the Permit Holder by certified mail that proof of beneficial use was due and instructed the Permit Holder of the steps to be taken to submit a *Statement of Completion for Submitting Proof of Beneficial Use* (“Proof”) or a *Request for Extension of Time* (“Extension Request”).
3. On June 1, 2023, the Permit lapsed because the Department had not received an acceptable Proof or Extension Request.
4. On June 7, 2023, the Department notified the Permit Holder the Permit lapsed.
5. On June 13, 2023, the Permit Holder filed an acceptable Proof.

CONCLUSIONS OF LAW

Idaho Code § 42-218a(1) states, in pertinent part:

A permit upon which the proof of beneficial use... has not been submitted, or a request for extension of time has not been received on or before the date set for such proof... shall lapse and be of no further force nor effect... Notice of said lapsing shall be sent by the department to the permit holder at the address of record by regular mail.

Idaho Code § 42-218a(2) states, in pertinent part:

Within sixty (60) days after such notice of lapsing, the department may, upon a showing of reasonable cause, reinstate the permit with the priority date advanced a time equal to the number of days that said showing is subsequent to the date set for proof.

SCANNED

JUL 06 2023

The Permit Holder filed an acceptable Proof providing a reasonable showing the Permit should be reinstated. The Permit should be reinstated based upon the January 18, 2023 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 63-35212 is **REINSTATED** and the Permit's priority date is advanced to April 17, 2022.

DATED this 5th day of July, 2023.

Shelley W. Keen

Shelley Keen, Chief
Water Allocations Bureau

CERTIFICATE OF SERVICE

I hereby certify that on **July 06, 2023** I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (**PRELIMINARY ORDER REINSTATING PERMIT**) to the person(s) listed below:

RE: Preliminary Order in the Matter of Permit No. **63-35212**

TREY URIZAR 14157 OASIS RD CALDWELL ID 83607



Amanda Veibell
Technical Records Specialist

SCANNED

JUL 06 2023

FOR OFFICE USE ONLY

Amt. of Fee \$ 50.00
 Receipt No. C116480
 Received By ICU
 Date Received 6.13.23

RECEIVED

JUN 13 2023

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES
STATEMENT OF COMPLETION
 FOR SUBMITTING PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources (Department) considers this form a statement that the permit holder(s) applied water to beneficial use and completed development of a water right to the extent described below. **This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner (CWRE).** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, complete a Notice of Change in Water Right Ownership form. If you wish to relinquish your permit because you have not established the authorized water use and are not applying for an extension, please notify the Department in writing.

1. Permit No. 03-35212 Name of Permit Holder(s) Trey Urizar
 Telephone No. 208-695-4508 Email TreyUrizar@gmail.com
 Mailing Address 14157 Oasis rd City Caldwell State ID Zip 83607

2. Source of Water ground (well) If Ground Water (well), Date Drilled mo. 05 / yr. 2021
 Drilling Permit/Tag No. _____ Drilling Company's Name McClaren Drilling

3. Extent of use(s) completed as authorized by the water right permit:

Domestic (No. households) _____ Irrigation (No. acres) 6.9 Stockwater (No. and stock type) _____
 Other _____

4. Total diversion rate or volume (storage only) for which proof is submitted 0.14 cfs OR _____ af
If the total developed water use is 5 acres of irrigation or less, is stockwater storage of 14.6 acre-feet or less, or has a diversion rate of less than 0.24 cfs, attach a map of the place of use and point of diversion and photographs showing beneficial use.

5. Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)

5 HP pump

6. Permit condition compliance. Refer to the permit approval conditions and check all the items required, then check "Yes" or "No" to indicate whether the required items were established, submitted, and/or installed:

Required? Yes No (If "Yes", attach required data, evidence of compliance, or evidence of installation)

- | | | | |
|--------------------------|--------------------------|--------------------------|---|
| ☐ | ☐ | ☐ | Ground water level data, pumping information, or other diversion data |
| ☐ | ☐ | ☐ | Mitigation plan |
| ☐ | ☐ | ☐ | Lockable controlling works |
| ☐ | ☐ | ☐ | Measuring device |
| ☐ | ☐ | ☐ | Fish screen |
| ☐ | ☐ | ☐ | Other requirements of the water right permit _____ |
| ☐ | ☐ | ☐ | Reasonably Anticipated Future Needs ("RAFN") Municipal use |

If RAFN Municipal use, additional increment of beneficial use developed? ☐ Yes (attach CWRE report) ☐ No

7. Fee Enclosed \$ 50.00 or ☐ CWRE field report attached or ☐ No fee required

See fee schedule on page 3 of the instructions. Proof statements filed without an appropriate fee are incomplete.

8. Person to contact to accompany a Department representative during the field examination of the water system:

Name: Shondell Urizar Telephone No. 208-695-4508 Email _____
 Mailing Address 14157 Oasis rd City Caldwell State ID Zip 83607

The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

Trey B. Urizar
 SIGNATURE OF PERMIT HOLDER*

Trey Urizar
 PRINTED NAME AND TITLE

04.05.23
 DATE

*Attach power of attorney if completing on behalf of permit holder.



322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

July 6, 2023

TREY URIZAR
14157 OASIS RD
CALDWELL, ID 83607

RE: Preliminary Order in the Matter of Water Appropriation Permit 63-35212

Dear Permit Holder(s):

I have enclosed an order correcting the priority date for Permit 63-35212. The order is a "preliminary order" issued by the department pursuant to Idaho Code §67-5243. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days as described in the enclosed information sheet.

If you have any questions regarding this matter, please call me at 208-287-4945.

Sincerely,

Amanda Veibell
Technical Records Specialist

Enclosures

SCANNED
JUL 06 2023

Reinstate Evaluation

Permit Number: 63-35212 Reviewer: AVeibell Review Date: 6/15/2023

Analysis

- 1) Proof/extension request received date: 6/13/2023
- 2) Number of days proof/extension request received late: 12
- 3) Was a lapsed notice sent? Yes
- 4) Date lapsed notice sent: 6/7/2023
- 5) Number of days between proof/extension request received date and date lapsed notice was sent: 6
- 6) Was the proof or extension request received more than 60 days after the lapsed notice was sent? No
- 7) Priority date: 4/5/2022
- 8) New priority date: 4/17/2022
- 9) New status: Active

Comments

SCANNED

JUL 06 2023



Governor Brad Little

Director Gary Spackman

June 07, 2023

TREY URIZAR
14157 OASIS RD
CALDWELL ID 83607

LAPSE NOTICE

RE: PERMIT NO. 63-35212

IMPORTANT: This permit has lapsed because no written response was received from you by the IDWR. Development and/or use must cease.

Dear Permit Holder(s):

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, the above referenced permit has lapsed and is of no further force nor effect. The department provided the proper forms to you in the proof due notice dated March 31, 2023. No further construction or additional development is authorized under this permit.

If water was put to beneficial use prior to the date proof of beneficial use was due, you may file the Statement of Completion (proof) now, or if you or a previous owner of this permit have not received a prior extension of time, you may file the Request for Extension of Time (extension request) if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. You may also request an extension of time if you have been delayed by a government agency, or by litigation that brings title to the water in question.

Either an acceptable proof or an acceptable extension request must be received by this Department within sixty (60) days of the mailing of this lapse notice in order to reinstate this permit.

Please contact Phill Hummer at 208-287-4925, if you need additional assistance.

Sincerely,

Angela M. Hansen
Angela Hansen, Manager
Water Rights Section

CERTIFICATION OF MAILING

I hereby certify that on 6-7-23
a copy/an original of this document was
deposited in the United States mail, postage
prepaid addressed to the individual(s)
named above.

gmh

SCANNED

JUN 07 2023



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little
March 31, 2023

Director Gary Spackman

TREY URIZAR
14157 OASIS RD
CALDWELL ID 83607

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 63-35212

IMPORTANT: A response from you is required to maintain the active status of the referenced water right permit. If no response is received from you, the permit will lapse and your authorization to develop and/or use this water right will be cancelled.

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before **June 01, 2023**. Please complete and return the enclosed Statement of Completion for Submitting Proof of Beneficial Use (proof) if you have completed the water project authorized by your permit. The proof statement must be accompanied by either the appropriate license examination fee or a field examination report prepared by a certified water right examiner.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Idaho Code § 42-204. If you have been delayed by a government agency or by litigation that brings title to the water in question, an extension of time may be granted if appropriate documentation is provided at the time of filing. An extension request must be accompanied by a \$50.00 filing fee and signed by the appropriate authorized permit holder(s) or authorized representative with a power of attorney.

Either an acceptable proof or an acceptable extension request must be received by this Department on or before the above proof due date. If neither is received, the Department will send you a lapse notice and the permit will no longer be of any force or effect.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures



SCANNED
MAR 31 2023