

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

INSTRUCTIONS FOR FILING PROOF OF BENEFICIAL USE

HOW TO MAKE PROOF:

In order for a permit holder to fulfill the conditions of the permit to obtain a water right license, the permit holder must submit the Statement of Completion for Submitting Proof of Beneficial Use form (proof) together with the license examination fee (if required) **OR** submit the proof together with a completed field examination report prepared by a certified water right examiner on or before the date set in the permit for the proof. The information submitted by the permit holder will enable the department to determine the extent of beneficial use before the license is issued. The information entered on the proof form should show the extent of actual development of the project and should correspond to that authorized by the permit. If it does not, an amendment (change) to the permit may be required.

WHAT TO DO IN CASE YOU HAVE NOT FULLY APPLIED THE WATER TO BENEFICIAL USE:

If the development authorized by the permit has not been completed in the time allowed, the permit holder may submit a request for extension of time in which to submit the proof. In order for a request for extension of time to be considered without loss of priority, it must be filed prior to the date on which proof of beneficial use is due. Each request for extension of time will be considered on its own merits.

WHAT IF YOU FAIL TO MAKE PROOF OF BENEFICIAL USE ON TIME:

If you have applied the water to beneficial use, but did not submit the proof of beneficial use on or before the date set for the proof, the permit will lapse. A lapsed permit may be reinstated **within sixty (60) days** from the date the department sends the lapse notice. In order for the department to reinstate the permit, the permit holder must show reasonable cause why the permit should be reinstated. Submission of an acceptable proof of beneficial use form within the sixty (60) day period will be considered as reasonable cause for reinstatement.

If you applied the water to beneficial use and **more than sixty (60) days** have passed since mailing of the lapse notice, proof of beneficial use must be submitted with a statement of reasonable cause for filing late proof of beneficial use, a Beneficial Use Field Report prepared by a certified water right examiner, and a reinstatement application fee of \$250 pursuant to Idaho Code § 42-218a(2).

EXAMINATION FEE:

Idaho Code §§ 42-217 and 42-221 require an examination fee as part of the proof of beneficial use submittal if a completed field examination report prepared by a certified water right examiner is not submitted as part of the proof. The fee is based upon the rate of diversion or volume of storage water claimed on the proof of beneficial use form. **The appropriate fee can be determined from the license examination fee schedule on the back of these instructions.**

ISSUANCE OF LICENSE:

The department will issue a license of water right based on the determination of the amount of water beneficially used in compliance with existing law. The license will include specific information to describe the water right developed.

NOTE - You must comply with the conditions of approval of your permit or seek to have the department waive the conditions. (See the section titled "Conditions of Approval" near the bottom of your permit).

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A license examination fee is not required in connection with permits which use a ground water (well) source **AND** have a total rate of diversion of 0.04 cfs or less or where the total volume stored is 4.0 AF per annum or less.

A license exam fee is required for ANY permit which uses surface water.

The license examination fee is based on the storage volume (acre-feet per year or AFY) or on the diversion rate (cubic feet per second or CFS). For permits proposing both a diversion rate and a storage volume, determine each fee separately and pay the greater of the two.

Checks should be made payable to the Idaho Department of Water Resources (IDWR).

LICENSE EXAMINATION FEE SCHEDULE

Per [Idaho Code § 42-221](#)

FLOW RATE (CFS)	STORAGE VOLUME(AF)	FEE
0 – 0.20	0.0 – 20.0	\$50
0.21 – 1.00	20.1 – 100.0	\$100
1.01 – 2.00	100.1 – 200.0	\$125
2.01 – 3.00	200.1 – 300.0	\$150
3.01 – 4.00	300.1 – 400.0	\$175
4.01 – 5.00	400.1 – 500.0	\$200
5.01 – 6.00	500.1 – 600.0	\$225
6.01 – 7.00	600.1 – 700.0	\$250
7.01 – 8.00	700.1 – 800.0	\$275
8.01 – 9.00	800.1 – 900.0	\$300
9.01 – 10.00	900.1 – 1,000.0	\$325
10.01 – 11.00	1,000.1 – 1,100.0	\$350
11.01 – 12.00	1,100.1 – 1,200.0	\$375
12.01 – 13.00	1,200.1 – 1,300.0	\$400
13.01 – 14.00	1,300.1 – 1,400.0	\$425
14.01 – 15.00	1,400.1 – 1,500.0	\$450
15.01 – 16.00	1,500.1 – 1,600.0	\$475
16.01 – 17.00	1,600.1 – 1,700.0	\$500
17.01 – 18.00	1,700.1 – 1,800.0	\$525
18.01 – 19.00	1,800.1 – 1,900.0	\$550
19.01 – 20.00	1,900.1 – 2,000.0	\$575
20.01 – 21.00	2,000.1 – OVER	\$600