



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

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June 26, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Gary Savage
Lindsey Lane Water Users Assn
PO Box 618
Athol, ID 83801

Re: Potential Violations to Water Permit #95-9526

Dear Mr. Savage:

This is in response to your inquiry as to potential violations to the permit issued to Lindsey Lane Water User Association. The permit was issued for domestic use to serve 9 homes and to irrigate 4.5 acres. The 9 home limit is set forth in condition 132 as shown on the attached water permit report. If elements or conditions of the permit are violated, there are provisions within the law for enforcement actions either towards the permit holder or an individual user within the association.

Idaho Code 42-1701B states in part; (1.). The director of the department of water resources is authorized and may commence and pursue enforcement actions to remedy the designated violations set out in title 42, Idaho Code.

(2.) When the director commences an administrative enforcement action the notice of violation shall be served upon the alleged violator in person or by certified mail. The notice of violation shall identify the alleged violation and shall specify each provision of the designated chapter, rule, permit, condition of approval or order which has been violated. The notice of violation shall state the remedy, including any demand to cease and desist, restoration and mitigation measures, and the amount of any civil penalty the director seeks for redress of the violations. Factors the director may consider in seeking the appropriate remedy include the impact of the violation and whether the violation was willful, a repeat violation for which the violator had been given a prior written warning, or the violator has otherwise refused to comply with the department's lawful directives. The notice of violation shall inform the person to whom it is directed of an opportunity to confer with the director or the director's designee in compliance conference concerning the alleged violation.

If you have additional questions, feel free to contact me at this office.

Sincerely,

Keith E. Franklin
Senior Water Resources Agent