

**Edl, Michele**

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**From:** T. J. Budge [tjb@racinelaw.net]  
**Sent:** Monday, January 30, 2012 10:54 AM  
**To:** Edl, Michele  
**Subject:** RE: Licensing of water right 29-7936 (City of Lava Hot Springs)

Thanks, Michele

T.J. BUDGE  
RACINE OLSON NYE BUDGE  
& BAILEY, CHARTERED  
201 East Center Street  
Post Office Box 1391  
Pocatello, Idaho 83204  
(208) 232-6101 – phone  
(208) 232-6109 – fax  
www.racinelaw.net  
tjb@racinelaw.net

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**From:** Edl, Michele [mailto:Michele.Edl@idwr.idaho.gov]  
**Sent:** Monday, January 30, 2012 10:03 AM  
**To:** T. J. Budge  
**Subject:** RE: Licensing of water right 29-7936 (City of Lava Hot Springs)

Mr. Budge,  
February 10, 2012, is acceptable and I have moved the flag on my calendar. I do appreciate your efforts to minimize the timeline.  
Sincerely,  
Michele Edl

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**From:** T. J. Budge [mailto:tjb@racinelaw.net]  
**Sent:** Monday, January 30, 2012 9:16 AM  
**To:** Edl, Michele  
**Subject:** RE: Licensing of water right 29-7936 (City of Lava Hot Springs)

Michele,

Thanks for your email. I will review the beneficial use exam and then provide a letter explaining why we believe the permit should be licensed. Can you give me an extra week (until February 10) to have that letter to you? I expect to have it to you sooner, but things sometimes move a little slower with municipal clients.

Thanks,

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**From:** Edl, Michele [<mailto:Michele.Edl@idwr.idaho.gov>]  
**Sent:** Friday, January 27, 2012 11:34 AM  
**To:** T. J. Budge  
**Subject:** RE: Licensing of water right 29-7936 (City of Lava Hot Springs)

Mr. Budge,

Thank you for letting me know that you already have a copy of my letter to the City Lava Hot Springs. That will minimize the information you need to be current with this file.

You may wish to review the Beneficial Use Field Report for this permit. The exam was conducted on June 29, 2001. It should be available for you to view from our web page today. <http://www.idwr.idaho.gov/>

In the narrative portion of his report, the examiner reported that the hotel manager was not using the water at the time but planned to use it in the future. The examiner doesn't provide alternative evidence that the water had been used at any time in the development period. The development period of this permit was January 11, 1991 to September 8, 1997 and as you know, any development after that period can not be covered by this permit.

In my letter, I put a 30-day deadline for a response from the City of Lava Hot Springs. My calendar shows February 3, 2012 as the delivery end date. If you believe that you will require more time to provide proof of beneficial use, please respond with an estimate of the additional time needed.

Sincerely,  
Michele Edl

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**From:** T. J. Budge [<mailto:tjb@racinelaw.net>]  
**Sent:** Thursday, January 26, 2012 5:06 PM  
**To:** Edl, Michele  
**Cc:** [lavacity@qwestoffice.net](mailto:lavacity@qwestoffice.net)  
**Subject:** Licensing of water right 29-7936 (City of Lava Hot Springs)

Dear Ms. Edl,

The City of Lava Hot Springs has asked me to assist with the licensing of its water right permit number 29-7936. Attached is a letter you sent the City recently indicating that the IDWR intends to void the permit for lack of beneficial use. This water right was in fact been used since the time it was developed through 2007. The City is at this time preparing to again start using this water right. Please give me a call at your convenience to discuss what additional information you need to license this water right.

Thanks,

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