



State of Idaho

## DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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December 30, 2011

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

CITY OF LAVA HOT SPRINGS  
PO BOX 187  
LAVA HOT SPRINGS ID 83246

RE: Water Right Permit No. 29-7936

### Notice of Pending Order to Void Permit

Dear Permit Holder(s):

On January 11, 1991, the Department of Water Resources (IDWR) issued permit 29-7936 authorizing you to divert 0.08 cfs of water from a geothermal spring (locally called Chicken Soup spring) for heating purposes. Under the terms of the permit, the development was to have been completed by September 1, 1997.

On September 10, 1997, IDWR received the Proof of Beneficial Use statement you submitted for Permit 29-7936, indicating that you had completed your development and put the water to beneficial use. However, on June 29, 2001, an IDWR field examiner reported that the collection boxes had been filled in with gravel and that the spring water was flowing into the Portneuf River, unused. Therefore, it is not clear that any beneficial use of the water was developed in accordance with your permit.

The final step in the water appropriation process is the issuance of a Water Right License. By issuing a license, IDWR recognizes that you have met the requirements for establishing a water right. A license can be issued only for development that occurred prior to the date that the Proof of Beneficial Use statement was filed. No water right has been established, and no license can be issued, if you have not diverted water and applied it to a beneficial use 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.

If you believe a water right was developed in accordance with the permit, please contact me to make arrangements to confirm the beneficial use. If I do not hear from you within thirty days, I will assume you no longer have any interest in establishing a water right, and I will take action to void the permit.

If you are no longer interested in your permit, you can shorten the voiding process by signing and returning the enclosed relinquishment form.

If you have any questions, please contact me by telephone at 208-287-4946 or by email at [Michele.Edl@idwr.idaho.gov](mailto:Michele.Edl@idwr.idaho.gov) or by traditional mail at the address on the letterhead.

Respectfully,

Michele Edl  
Associate Engineer

Enclosure