



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

May 4, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

CRAIG LYON
VICKIE LYON
273 NORTH 2400 WEST
BRIGHAM CITY, UT 83402

PROOF DEFICIENCY LETTER

RE: Permit No. 29-8162

Dear Permit Holder(s):

The department has received your Statement of Completion for proof of beneficial use ("proof"), and your Request for Extension of Time filed for the above referenced water right permit. The department is unsure which form it is that you wish to file. In either case whether you choose to file your extension request or your proof statement, you need to comply with condition no. 3 of this permit since you are diverting and using the water.

Condition no.3 of this permit should have been complied with prior to diverting water under this permit. Please provide the evidence listed in condition no. 3 to the department, and to the protestant as stated on this permit.

Condition no. 3 of this permit which states:

"The permit holder or the Lava Hot Springs Foundation must establish and report to IDWR and to the protestants prior to diverting water under permit no. 29-8162 the quantity of water that must discharge from the bleeder valve to operate the Foundations system. Diversion of waste water must be limited to the established waste flow from the bleeder valve."

Enclosed is a copy of this permit and final order for your reference. I will hold this matter for **15-days** from the date of this letter allowing you time to gather the required information. If the department does not receive the required information within the 15 days allowed, the department may issue a Show Cause Order pursuant to Section 42-311 (1) (a), Idaho Code, which states in part:

"If the director of the department of water resources finds, on the basis of available information at any time after a permit is issued but prior to license, that the permittee has refused or failed to comply with any of the conditions in the permit, or has refused or failed to comply with the provisions of the law governing the permit, then the director of the department of water resources may issue (a) an order to show cause before the director of the department or the director's designee on or before a date therein set, which shall be not less than (30) days from the date of service, why the director of the department should not cancel said permit."

Craig Lyon
Vickie Lyon
May 4, 2011
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Please contact me at (208) 287-4945, if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Darla Block". The signature is written in a cursive style with a large, looped initial "D".

Darla Block
Technical Records Specialist

Enclosures