



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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

June 11, 2010

BLAINE PRICE
6555 N OLD HWY 191
MALAD ID 83252

RE: Lapsed Permit No. 15-7187

Dear Mr. Price:

On August 1, 2008, the Department received a Statement of Completion for filing proof of beneficial use ("proof statement") and \$25.00 of the license examination fee for the above referenced permit. According to the Department's records, this permit lapsed because the appropriate \$100.00 license examination fee was not received.

On August 25, 2008, the Department sent you a letter requesting that you submit the correct examination fee in order to obtain a license for the full amount you had developed. The matter was held for 15-days from the date of that letter for receipt of the balance of the examination fee due. According to Section 42-217, *Idaho Code* which reads:

Failure to pay the appropriate filing fee may jeopardize the permit's status. If a proof is received without a filing fee and it is found to be required, the permit holder is notified that the fee was not received and given 15-days to pay the fee without a loss of priority. If the fee is paid after the 15-days then the priority is adjusted the entire time that the fee was not paid after the proof deadline. If the permit holder does pay the fee within one-year, the permit is lapsed and only proof and the fee can be accepted to reinstate the permit.

On August 6, 2009, the Department sent you a Lapse Notice that provided 60-days for your response to the Department by filing an acceptable proof statement along with the appropriate license examination fee. Because your proof statement along with the appropriate license exam fee was received by the Department after the 60-day deadline, this letter is to provide you with information of what the Department requires for reinstatement of the permit. Also, filing proof after the 60-day deadline will result in the original priority date of the permit being lost and the Department requiring acceptable documentation evidencing the development and use of the water as permitted by this right, for reinstatement of the lapsed permit.

The information the Department requires is explained in Section 42-218a(2), *Idaho Code* which reads:

Mr. Price
June 11, 2010
Page 2

That upon receipt of proof of beneficial use after sixty (60) days after such notice of lapsing, the director shall require sufficient evidence to be submitted by the permit holder to clearly establish the extent of beneficial use made during the time authorized by the permit and any extension of time previously approved. Upon finding that beneficial use had occurred during the authorized period and upon a showing of reasonable cause for filing a late proof of beneficial use, the director may reinstate the permit with the priority date advanced to the day that proof of beneficial use was received;

Further, the Department requires two acceptable documents that provide evidence of beneficial use during the time the permit was active (August 4, 2000 to August 1, 2008), and a letter explaining the reason for delay of filing proof. Some suggestions of what the Department will accept is; "as built" engineer certified plans of the water system, DEQ documents that evidence the construction and completion stages of the development according to their public water system requirements, well construction log(s), and pumping records. Please submit the documents to my attention within **30-days** of the date of this letter.

Be aware that this permit has lapsed and is of no force nor effect unless it is reinstated. Therefore, the department will hold the proof statement you have submitted for 30-days to provide you the opportunity to submit evidence of the construction and use of the water. If you need more time, please notify me. If the evidence is not submitted within this time period, I will return the proof form and the filing fee to you and the permit will remain lapsed. If you cannot provide the Department with the documentation it requires, you may need to reapply for a new water right permit.

I am enclosing copies of both letters the Department sent you mentioned above. If you have any questions regarding this matter, please feel free to contact me at (208) 287-4945.

Sincerely



Darla Block
Technical Records Specialist
Water Allocation Bureau

Enclosures