

Block, Darla

To: Imarchant@holdenlegal.com
Subject: Lapsed Permit #25-14071 in the name of Timberview Properties, LLC

March 30, 2010

Dear Mr. Marchant,

As I understand per our phone conversation today, your last contact with Timberview Properties LLC was around the end of year 2009. You informed your client of the lapsed water permit, and the need for them to get with you to fill out proof of beneficial use and change in address forms to be submitted to the Department of Water Resources. You stated that your client did not contact you after the conversation you had with them in 2009. It is also my understanding that you were sure your client had put the water to beneficial use, but just needed to file proof of that with the Department.

The Proof Due Notice was sent out on 08/31/2007, and the Lapse Notice was sent out on 11/08/2007. Both notices were returned to IDWR as, "not deliverable as addressed". The address of record with the Department for Timberview Properties LLC is currently:
165 N Woodruff Ave
Idaho Falls Idaho 83401.

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

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 (November 21, 2005 to November 1, 2007), 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.

I would like to draw your attention to Condition # 13D of this permit, which must be complied with before proof of beneficial use would be acceptable. Please submit the documents to my attention within **30-days** of the date of this email letter.

Sincerely,

Darla Block
Technical Records Specialist
Water Allocation Bureau