



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

December 29, 2009

GORDON BRONSON
KOOTENAI MEDICAL CENTER
2003 LINCOLN WAY
COEUR D ALENE ID 83814

RE: Lapsed Permit No. 95-9395

Dear Permit Holder:

On December 29, 2009, the department received a Statement of Completion for filing proof of beneficial use ("proof statement") and \$100.00 for the license examination fee for the above referenced permit. According to the Department's records, this permit lapsed because the appropriate proof statement or request for extension of time for filing proof ("extension request") was not received on or before the October 1, 2009, proof deadline.

On October 8, 2009, the Department sent you a Lapse Notice providing 60 days for you to file a proof statement or an extension request. Because your proof statement was received by the Department after the 60 day deadline, you must submit additional information 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.

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;

To comply with the statute, the Department requires two acceptable documents that provide evidence of beneficial use **during the time the permit was active** (October 19, 2007 to October 1, 2009), and a letter explaining the reason for delay in filing proof.

Condition number 12 on your permit requires that you also submit a report showing the total annual volume of water delivered from your municipal water provider during the development period, October 19, 2007 to October 1, 2009.

Please submit all of the documents required to provide evidence of beneficial use within **30 days** of the date of this letter. Meanwhile, your permit has lapsed and is of no force nor effect unless it is reinstated. If you need more than 30 days, please contact me. If the evidence is not submitted within 30 days, 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 required documentation, you may need to apply for a new water right permit.

If you have any questions regarding this matter, please contact me at (208) 287-4952, or contact IDWR's Northern Region office in Coeur d'Alene at (208) 762-2880.

Sincerely,

Emalee Rushing

Emalee Rushing
Office Services Supervisor