



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

September 24, 2009

BARBARA G PYLE
13686 FARM TO MARKET RD
MCCALL ID 83638

RE: Lapse notice for permit no. 77-14143 and acknowledgement of proof of beneficial use for permit no. 77-7382

Dear Permit Holder:

On August 13, 2009, you notified the Department on an extension of time request that the proof of beneficial use filed for permit no. 77-14143 was actually intended to be filed for 77-7382. In a phone conversation on September 1, 2009, you indicated that the development for permit no. 77-14143 was not completed. Therefore, you are hereby notified that under the provisions of Section 42-218A, Idaho Code, permit no. 77-14143 has lapsed and is of no further force nor effect. No further construction or additional development is authorized under this permit.

Idaho Code Section 42-218A(1) states that "...within sixty (60) days after such notice of lapsing the department may, upon a showing of reasonable cause, reinstate the permit..." The permit can only be reinstated if you fully completed the project before January 1, 2009 and you submit an acceptable proof of beneficial use to the department within sixty (60) days of the mailing of this lapse notice.

Since you've previously indicated that the beneficial use authorized under this permit was not developed and proof could not be submitted, you may want to file a new application for permit in order to continue developing the project.

As to permit no. 77-7382, the department acknowledges receipt of the statement of completion for submitting proof of beneficial use ("proof") form submitted for the above-referenced permit. Enclosed is an order that reinstates this permit, since notification of the error was given to the Department after the proof deadline. I have requested that the fee paid for the extension of time request be refunded to you as no extension of time was required.

The next step in the process of developing a water right is for the department to conduct the field examination to determine and confirm the use of the water, and that it meets the permitted beneficial use. If you have any questions about the field examination, please contact the **Western Regional** Office of the department in Boise at (208) 334-2190.

Sincerely,

Emalee Rushing
Office Services Supervisor

Enclosures