



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
CERTIFIED MAIL Director

March 18, 2009

DAN V BROWN
PO BOX 253
MCCALL ID 83638

COPY

RE: Water Right Permit No. 65-13689

Notice of Pending Order to Void Permit

Dear Permit Holder(s):

On July 12, 1999, the Department of Water Resources (IDWR) received the Proof of Beneficial Use statement for Permit 65-13689, which authorized you to establish a right for 15.0 acre feet of wildlife storage from Wilhelm Creek in the SE¼NE¼, Section 02, Township 17 North, Range 03 East. On September 26, 2001, IDWR personnel conducted a license examination to verify your water use. The examiner reported the pond and dam had been constructed and water was being stored. However, several of the permit Conditions of Approval have not been achieved. The following needs to be completed:

- Full payment** of the \$50 Proof of Beneficial Use Fee. \$15.00 was received with your proof submittal, \$35 remains due. See Department letter 1/03/2000.
- **Conditions of Approval #9 & 10** You were to construct an emergency spillway on the right dam abutment to adequately handle a storm event--3 feet minimum freeboard and protected with rock riprap for erosion protection.
- Condition of Approval #12** The safety plan submitted May 5, 1998 outlined the construction of a safety fence and signage along the dam, see attached plan. Fence construction needs to adequately keep individuals/children from entering the pond area.

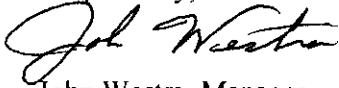
The final step in the water appropriation process is the issuance of a Water Right License. By issuing a license, IDWR recognizes that you have met the requirements for establishing a water right. A license can be issued only for development that occurred prior to the date that the Proof of Beneficial Use statement was filed. No water right has been established, and no license can be issued, if you have not diverted water and applied it to a beneficial use within the time period authorized by your permit. After a Proof of Beneficial Use statement has been submitted, a permit cannot be retained to cover future development of the resource.

Page 2.
D.Brown

Please submit documentation that you have achieved the conditions of approval and remaining fees within sixty (60) days. It has been 12 years since the permit was issued so no further time extensions will be authorized. *Please be advised that deficient construction of the spillway or fencing will result in the permit being ordered void* Once the documentation is received, our office will also make a site visit for verification. An untimely response or no response by the deadline will also result in your permit being ordered void.

If you are no longer interested in your permit, you can shorten the voiding process by signing and returning the enclosed relinquishment form. Should you have any questions, please contact me at 208-334-2190.

Respectfully,



John Westra, Manager

Enclosure

- Bcc R Collins