



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

September 10, 2009

LORI GRAVES
SPF WATER ENGINEERING LLC
300 E MALLARD DR STE 350
BOISE ID 83706

RE: Lapsed Permit No. 78-12159

Dear Lori:

The Department of Water Resources is in receipt of your petition for reinstatement of the above listed lapsed permit. As stated in your petition, it appears that the permit holder made an error when writing the date requested on their request for extension of time. On May 10, 2007, the department sent a copy of the approved extension of time which extended the due date to October 1, 2007 to King's Pines Estates, Inc. The permit holder indicated that the project was 95% completed at the time of the request for extension.

According to the Department's records, the permit lapsed because the appropriate proof statement or request for extension of time for filing proof was not received on or before the October 1, 2007 proof deadline. On October 9, 2007, the Department sent a Lapse Notice to the permit holder that provided 60-days for their response to the Department by filing a proof statement or extension request for filing proof. Your petition is the first written response received since the permit lapsed.

The information the Department requires to reinstate a permit for which beneficial use is submitted 60 days after the notice of lapsing is explained in 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;

In order to consider reinstating the lapsed permit, the department will need:

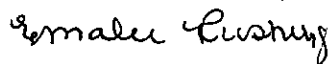
- Two documents which provide evidence of beneficial use during the time the permit was active (February 8, 2002 to October 1, 2007).
- The statement of completion for submitting proof of beneficial use.
- The appropriate field exam fee or an acceptable beneficial use field report.

As you are aware, this permit has lapsed and is of no force nor effect unless it is reinstated. If you cannot provide the Department with the documentation it requires, the permit holder may need to reapply for a new water right permit.

You also request that the priority date not be advanced as a result of the reinstatement. Priority date advance waiver can only be based on error of the department per Idaho Code 42-218A(3).

If you have any questions regarding this matter, please feel free to contact me at (208) 287-4952.

Sincerely,

A handwritten signature in cursive script that reads "Emalee Rushing".

Emalee Rushing
Office Services Supervisor