



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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February 10, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

ROBERT HEINTZ
PRESIDENT
NEBELS ADDITION WATER & SEWER ASSN
PO BOX 304
WORLEY ID 83876

RE: LAPSED PERMIT NO. 95-8976

Dear Mr. Heintz:

This letter is in response to my telephone conversation with your wife, Enid, on February 9, 2009. According to the Department's records, the above referenced permit lapsed because the Department did not receive proof of beneficial use by the August 1, 2003 deadline. I understand that you have completed the construction of the water system and stubbed the water lines to the lots, and 9 homes have been built. You have requested that the permit be reinstated. The Department can reinstate the permit, according to Idaho Code Section 42-218a(2), which states:

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;

Based upon Sec. 42-218a(2), Idaho Code, this letter is hoping to provide you with additional information about the Department's requirements. Enclosed is a Statement of Completion for filing proof of beneficial use ("proof statement") form, and the forms' instructions and fee schedule. Please complete the form and file it with the Department along with the appropriate filing fee, based on the maximum rate of diversion that was developed during the active state of the permit (August 21, 1998 through August 1, 2003). In addition to the proof statement, the Department requires two documents that provide evidence of the extent

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of the water system as it was installed. It is important that you provide documentation for the period of time the permit was active, August 21, 1998 through August 1, 2003. The final piece of evidence for reinstatement is a letter from you explaining the reason for delay of filing the proof. This letter is important, if you believe the Department did not give you proper notice of the deadline.

Upon receipt of the proof form, the two documents for evidence of the construction and use of the system, and your letter of explanation for delay; the Department will evaluate the information you provide and contact you with its decision. The permit cannot be reinstated until sufficient evidence of beneficial use is submitted and accepted. In addition, no further development can be authorized under the permit. Please be aware that this permit is **lapsed** and is of no force nor effect until it can be reinstated.

If you have questions, please contact me at (208) 287-4942.

Sincerely,

A handwritten signature in cursive script that reads "Deborah J. Gibson".

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosures