



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

DAVID R. TUTHILL, JR.
Director

March 12, 2008

JAMES SCHWARTZ
PO BOX 149
ELK RIVER, ID 83827

RE: Water Right No. 83-11933

Notice of Pending Order to Void Permit

Dear Mr. Schwartz:

On June 16, 2004, the Department of Water Resources (IDWR) received the Proof of Beneficial Use statement submitted by you for Permit 83-11933, which authorized you a right to divert 1.00 CFS of groundwater for water bottling purposes in Section 27, Township 40 North, Range 02 East, B.M., in Clearwater County. On July 14, 2004, IDWR personnel conducted an examination to verify your water use. The examiner reported that you were not diverting or using more water than was recognized under water right 83-07124, which allowed for 0.06 CFS and 3.0 AF per year for the purpose of bottling water.

The final step in the water appropriation process is the issuance of a Water Right License. By issuing a license, IDWR recognizes that all the requirements for establishing a water right were met. A license can be issued only for development that occurred prior to the date that the Proof of Beneficial Use statement was filed and only for development that is not covered by an existing water right. No water right has been established, and no license can be issued, if you did not divert and use more water than authorized under right 83-07124 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.

If you believe you developed a beneficial use of water under Permit 83-11933 in addition to the use authorized under right 83-07124, please send me supporting documentation within thirty days. If I do not hear from you within thirty days, I will take action to void your permit. If you are no longer interested in your permit, you can shorten the voiding process by signing and returning the enclosed relinquishment form. Please contact me by telephone at (208) 287- 4914 or by mail at mathew.weaver@idwr.idaho.gov with any questions.

Respectfully,

Mat Weaver, PE
Staff Engineer

Enclosure(s)