



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

April 4, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

ROGER ERNEST CALZA
824 S LOGAN ST
MOSCOW ID 83843

RE: LAPSED PERMIT NO. 87-10019

Dear Mr. Calza:

This letter is in response to my telephone conversation with your wife, Stella, today. According to the Department's records, the above referenced permit lapsed because of no response from you regarding proof of beneficial use. I understand that you have completed the construction of the pond and that it does store water for wildlife use and that you would want this permit to be reinstated. According to Idaho Code Section 42-218a(2):

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;

Therefore, I am enclosing a proof form with its instructions and fee schedule, and ask that you complete the form and file it with the Department. Along with the complete proof form and filing fee, I will require two forms of documented evidence and a letter explain your delay for filing proof before I can make a determination if the permit can be reinstated.

If you can not provide the information the Department requires or the Department determines that it cannot reinstate your permit, you will be informed that you will need to file a new application with the Department for this water right.

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According to Stella and your application for a water right, this project was constructed in cooperation with NRCS. I suggest that you contact NRCS and request copies of documents from your file that would verify construction of the pond and storage of water during the time the water right permit was active, **July 25, 2002 to August 1, 2004**. It is important that the documents reflect that the construction and use of the pond was during the time the water right permit was active.

Upon receipt of the proof form, the evidence, and your letter the department will evaluate the information you provide and contact you with its decision. The permit cannot be reinstated unless sufficient evidence of beneficial use is submitted. 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 unless it is reinstated.

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

Sincerely,

A handwritten signature in black ink that reads "Deborah J. Gibson". The signature is written in a cursive style with a large, stylized 'D' and 'G'.

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosures