



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

October 9, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

EUGENE B METZ
LEWISTON ORCHARDS IRRIGATION DIST
1520 POWERS AVE
LEWISTON ID 83501

Re: Lapsed Permit No. 85-15356

Dear Mr. Metz:

During our telephone conversation on October 5, 2007, you asked me to send you the appropriate documents for reinstatement of this permit. Therefore, I am enclosing a Proof of Beneficial Use ("proof") form, instructions for completing the form, and a filing fee schedule.

This permit lapsed on August 1, 2006. You filed a proof form on January 10, 2007. The proof you filed was appropriate and you may resubmit the original proof form with the appropriate filing fee. However, you will be required to provide the department with clear and convincing evidence that the water right was developed and beneficial use applied during the time the permit was active, according to Idaho Code Section 42-218a, 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;

I wrote to you on May 15, 2007 and explained the permit could not be reinstated until the evidence was provided. I held this matter for over 30-days waiting for your evidence, until September 12, 2007 when I returned the proof and your filing fee.

Please return an original proof form to my attention with the filing fee to establish a new priority date. Then within 30-days provide me with two documents evidencing the development and/or beneficial use as permitted. Also, provide me with a letter explaining the reason why Lewiston Orchards Irrigation District is filing proof late.

Mr. Metz
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It is important that all these documents are received and accepted before the Department will reinstate this permit. Keep in mind that until this permit is reinstated it continues to have no force nor effect. If you have any 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 Gibson
Administrative Assistant
Water Allocation Bureau

Enclosures