



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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May 15, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

LEWISTON ORCHARDS IRRIGATION DISTRICT
ATTN EUGENE B METZ
1520 POWERS AVE
LEWISTON ID 83501

RE: Lapsed Water Right Permit No. 85-15356

Dear Mr. Metz:

On January 10, 2007, the department received a Proof of Beneficial Use ("proof") form and license examination fee for the above referenced permit. According to the Department's records, this permit lapsed because the appropriate proof or request for extension of time was not received on or before the April 1, 2005 deadline. Therefore, the permit cannot be reinstated until additional information is submitted to the Department in accordance with state law.

According to Section 42-218a(2), *Idaho Code*, which provides:

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;

The Department may reinstate the permit if it receives two acceptable forms of evidence of beneficial use during the time the permit was active (July 25, 2002 to August 1, 2006), and a letter explaining the reason for delay of filing the proof.

Please be aware that this permit has **lapsed** and is of no force nor effect unless it is reinstated. Therefore, the department will hold the proof for **30-days** to provide you the opportunity to submit additional evidence.

Mr. Metz
May 15, 2007
Page 2

If you have questions regarding this matter, please feel free to contact me at (208) 287-4942.

Sincerely,

A handwritten signature in cursive script that reads "Deborah J. Gibson". The signature is written in black ink and is positioned above the printed name and title.

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosures