



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 23, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

A ELLEN CAMP
BONNEVILLE POWER ADMINISTRATION
PO BOX 61409
VANCOUVER WA 98666-1409

RE: Lapsed Water Right Permit Nos. 81-7181, 85-7664 and 86-7371
Your Re: TRT-TPP-4

Dear Ms. Camp:

On June 17, 2005, the department received three Proof of Beneficial Use ("proof") forms and license examination fees for the above referenced permits. According to the Department's records, these permits are lapsed because the appropriate proof or request for extension of time was not received on or before the April 1, 2005 deadline.

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 permits if it receives two acceptable forms of evidence of beneficial use during the time the permits were active (March 27, 2000 to April 1, 2005), and a letter explaining the reason for delay of filing the proofs.

The following are suggestions that you may have available to provide the Department for consideration:

1. As built plans of the diversion structures, the fish facilities, or other construction necessary for the operation of fish propagation;
2. Documentation by DEQ that substantiate that the fish facility was completed and operational before April 1, 2005; and
3. Any additional information that you believe will provide us the proof we require for reinstatement.

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Please be aware that these permits have **lapsed** and are of no force nor effect unless they are reinstated. Therefore, the department will hold the proofs for **30-days** to provide you the opportunity to submit additional evidence.

If you have questions regarding this matter, please feel free to 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