

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF PERMIT NO. 95-17301)	PRELIMINARY ORDER
IN THE NAME OF KARL GEORGE)	REINSTATING A PERMIT
_____)	

This matter having come before the Idaho Department of Water Resources ("Department"), the Department finds, concludes and orders as follows:

FINDINGS OF FACT

1. On June 5, 2017, the Department issued Permit No. 95-17301 ("Permit") in the name of Karl George ("Permit Holder") authorizing the diversion of 0.06 cubic feet per second of ground water for domestic, stockwater, and irrigation uses in the Government Lot 6 (SW¼SE¼) of Section 17 of Township 48 North, Range 03 West, B.M., Kootenai County. A condition of permit approval required the Permit Holder to submit proof of beneficial use of water to the Department on or before June 1, 2020.
2. On March 31, 2020, the Department notified the Permit Holder by certified mail that proof of beneficial use was due and instructed the Permit Holder of the steps to be taken to submit a *Statement of Completion for Submitting Proof of Beneficial Use* ("Proof") or a *Request for Extension of Time* ("Extension Request").
3. On May 29, 2020, the Department received an incomplete Proof from the Permit Holder. The Proof was incomplete because the required fee was not included.
4. On June 1, 2020, the Permit lapsed because the Department had not received an acceptable Proof or Extension Request.
5. On June 2, 2020, the Department notified the Permit Holder that the Proof was not acceptable without the correct fee and that the Permit had lapsed.
6. On June 10, 2020, the Department received the correct fee from the Permit Holder.

CONCLUSIONS OF LAW

Idaho Code § 42-218a states, in pertinent part:

A permit upon which the proof of beneficial use has not been submitted, or a request for extension of time has not been received on or before the date set for such proof, shall lapse and be of no further force nor effect. Notice of said lapsing shall be sent by the department to the permit holder at the address of record by regular mail

Idaho Code § 42-218a (1) states, in pertinent part:

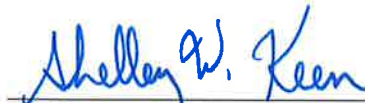
Within sixty (60) days after such notice of lapsing the department may, upon a showing of reasonable cause, reinstate the permit with the priority date advanced a time equal to the number of days that said showing is subsequent to the date set for proof

By submitting an acceptable Proof, the Permit Holder has shown reasonable cause why this Permit should be reinstated. The Permit should be reinstated based upon the June 10, 2020, filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 95-17301 is **REINSTATED** and the Permit's priority date is advanced to April 28, 2017.

DATED this 27th day of June, 2020.



Shelley W. Keen, Chief
Water Allocation Bureau

CERTIFICATE OF SERVICE

I hereby certify that on **July 6, 2020** I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (**PRELIMINARY ORDER REINSTATING A PERMIT**) to the person listed below:

RE: Preliminary Order in the Matter of Permit No. **95-17301**

**KARL GEORGE
PO BOX 163
HARRISON ID 83833**



**Debbi Judd
Technical Records Specialist**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



BRAD LITTLE
Governor

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 • Website: www.idwr.idaho.gov

GARY SPACKMAN
Director

July 6, 2020

KARL GEORGE
PO BOX 163
HARRISON ID 83833

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 95-17301

Dear Permit Holder:

The Department acknowledges receipt of the Proof of Beneficial Use form ("proof") and license examination fee for the above-referenced water right permit. Enclosed is an order that reinstates this permit since proof and the license examination fee were submitted after the proof deadline. Please note that the priority date for this permit has been advanced to **April 28, 2017**, as provided in Idaho Code § 42-218a(2).

The next step in the process of developing a water right is for the Department to conduct a field examination to determine and confirm the use being made of the water according to the conditions of the permit.

Please be advised that Idaho Code § 42-248, requires you or the owner of this water right to maintain current ownership and address records on file with the Department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any Department office or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning the field examination, please contact the Northern Region Office of the Department located in Coeur d'Alene at (208) 762-2800.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures

RECEIVED

MAY 29 2020

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATEMENT OF COMPLETION
FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY	
Amt. of Fee \$	
Receipt No.	
Received By	KM
Date Received	5-21-2020

The Idaho Department of Water Resources considers this form a statement by the permit holder(s) that development of a water right has been **completed** and that water has been applied to beneficial use to the extent described below. **This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner.** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, contact any Department office or visit the Department's website at idwr.idaho.gov for an *Assignment of Permit* form. If you wish to relinquish your permit because you have not established the authorized use of the water and are not applying for an extension, please notify the Department in writing.

- Permit No. 95-17301 Telephone No. 309-290-0602
- Name of Permit Holder(s) Karl George
- Mailing Address PO Box 163 City Harrison ID
State ID Zip 83833 Email SKIPPET78+GK@GMAIL.COM
- Source of Water Ground If **GROUND WATER** (well), Date Drilled mo. 6 / yr. 2009
Well Driller United Drilling Drilling Permit Number DD0516468
- Extent of use(s) completed **as authorized by the water right permit:**
Domestic (No. of households) 1 Stockwater (No. and type of stock) 5 goats 25 chickens
Irrigation (No. of acres) 1 acres Other 300 Blueberry Plants and drip irrigation
- Total rate of diversion or storage volume for which proof is submitted .04 cfs OR _____ acre-feet.

7. Compliance with a measuring device requirement, lockable controlling device requirement, and/or other conditions of permit:
Refer to the approval conditions on your permit and respond accordingly.

The Department will not issue a license if permit conditions are not met.

Measuring Device	Is a measuring device required?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	If yes, has the measuring device been installed?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Lockable Controlling Device	Is a lockable device required to control the diversion?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	If yes, has the lockable device been installed?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Fish Screen	Is a fish screen required?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	If yes, has the fish screen been installed?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Other Conditions of Permit

Do the approval conditions on your permit require you to submit additional information in connection with your proof of beneficial use? If yes, list the conditions below and attach documents with the required information.

Completed? Yes ☐ No ☐

8. Fee Enclosed \$ _____ or not applicable ☐. See fee schedule on page 2 of the instructions.
Proof statements filed without an appropriate fee, will be considered incomplete.

9. Person to contact to accompany the Department representative during field examination of the water system.

Name Karl George Telephone Number 309-290-0602
Mailing Address PO Box 163 City Harrison
State ID Zip 83833 Email SKIPPET78+GK@GMAIL.COM

The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted and applied to a beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

Signature of Permit Holder Karl George Date 5-26-2020
(include your title, if on behalf of company or organization)



NO. 95-17301

Maximum Diversion Rate: 0.06 CFS

PO BOX 163

HARRISON ID 83833

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
DOMESTIC	01/01 to 12/31	0.04 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS
IRRIGATION	03/15 to 11/15	0.06 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L6, (SW1/4, SE1/4), Sec. 17, Twp 48N, Rge 03W, B.M., KOOTENAI County

PLACE OF USE: DOMESTIC and STOCKWATER

[illegible]

PLACE OF USE: IRRIGATION

Twp Rge Sec			ACRES																
			NE				NW				SW				SE				
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
48N	03W	17																	2.0
Total Acres: 2																			2.0

Total Acres: 2

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2020**.
2. Subject to all prior water rights.
3. This right does not grant any right-of-way or easement across the land of another.
4. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
5. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
6. Domestic use is for 1 home. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
7. Stockwater use is for 25 head Mixed Stock.
8. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the place of use.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Signed this 24 day of June 2013

Signed, this 5th day of June, 2017

Morgan Case
MORGAN CASE, Northern Regional Manager

IDAHO DEPARTMENT
OF
WATER RESOURCES

00056468

DRAINING PERMIT I.D. 100
DO NOT REMOVE

IDAHO DEPARTMENT OF WATER RESOURCES WELL DRILLER'S REPORT

Location Corrected by IDWR To:
T48N R03W Sec. 20 NWSENE
By: mciscell 2013-10-04

1. WELL TAG NO. D0056468

DRILLING PERMIT N

Other IDWR No

2. OWNER:

Name Westslope properties

Address 687 W Canfield Av Suite 101

City Coeur d'Alene

State ID

Zip 83815

3. LOCATION OF WELL by legal description:

N		Twp	48N	North	<input checked="" type="checkbox"/> or	South	<input type="checkbox"/>
W		Rge	03W	East	<input type="checkbox"/> or	West	<input checked="" type="checkbox"/>
E		Sec	17	1/4 SW	1/4 SE	1/4	
S				10 Ac	40 Ac	160 Ac	
		Gov't Lot	c	County	Kootenai		
		Lat	47:29:56	Long	116:44:38		

Address of Well Site: (see next line)

City Harrison

Asbury rd

Lot c

Blk

Sub. Name (see next line)

4. USE:

- ☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other

5. TYPE OF WORK check all that apply (Replacement etc.)

- ☒ New Well ☐ Modify ☐ Abandonment ☐ Other

6. DRILL METHOD

- ☒ Air Rotary ☐ Cable ☐ Mud Rotary ☐ Other

7. SEALING PROCEDURES

SEAL/FILTER PACK			Amount	Method
Material	From	To	Sacks/Lbs	
BENTONITE	0	20	12 SACKS	DRY POOR

Drive Shoe Used? ☒ Y ☐ N Shoe Depth(s) 239

Drive Shoe Seal Tested? ☐ Y ☒ N How?

8. CASING/LINER

Diam	From	To	Gauge	Material	Casng	Liner	Weld	Thrded
6	+2	239	0.250	STEEL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	-200	760	0.200	PVC	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Length Headpipe N/A Length Tailpipe N/A

9. PERFORATIONS/SCREENS

☒ Perforations? Method DRILL

☐ Screens? Screen Type

From	To	Slot	Nmbr	Diam	Material	Casng	Liner
700	740	1/8	500	1/8	PVC	<input type="checkbox"/>	<input checked="" type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

10. STATIC WATER LEVEL or ARTESIAN PRESSURE

290 ft. below ground. Artesian pressure 0 lb.

Depth flow encountered 290 ft. Describe access port or

control devices: CAP WELDED

11. WELL TESTS:

- ☐ Pump ☐ Bailor ☒ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pump Level	Time
7 GPM EST	N/A	760	2HRS

Water Temp. COLD Bottom hole temp. COLD

Water Quality test or comments: (below) Depth first Water Encountered 290
CLEAR

12. LITHOLOGIC LOG (Describe repairs or abandonment)

Bore Diam	From	To	Remarks: Lithology, Water Quality and Temperature	Water	
				Y	N
8	0	75	CLAY BROWN	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8	75	125	SOFT SHALE	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8	125	210	CLAY SHALE GRAVEL MIX	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8	210	239	MED GRAY SHALE	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6	239	425	MED HARD BROKEN SHALE 2 GPM 290	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	425	760	FRACURED SHALE 5 GPM 738 TO 742	<input checked="" type="checkbox"/>	<input type="checkbox"/>

RECEIVED

JUN 2 2 2009

IDWR/North

SCANNED

MAY 1 2 2010

Completed Dept 760 (Measurable)

Date: Started 6/10/2009 Completed 6/15/2009

13. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm United Drilling Inc.

Firm No 414

Firm Official and

Timothy R. Volking pvt.

Date 6/15/2009

Supervisor or Operator Timothy R. Volking

Date 6/15/2009





