

NOV 12 2019

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

\$50 fee

Received by

Recpt No. C107779

Date 9-30-19

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof of beneficial use for a water right permit

The Idaho Department of Water Resources will consider this form a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code, in which to complete development of a water right and file proof of beneficial use of water. There is a **FILING FEE of \$50.00** to be included with this form when filed with IDWR.

Permit no. 82-12252 Date proof is due 10-1-2019
 Name(s) of permit holder(s) Clearwater Water District
 Mailing address 120 Jacks Rd. City Clearwater State ID Zip 83552
 Telephone no. 208-926-4278 Email Clearwaterwaterdist@gmail.com

Describe what work has been completed toward the development of this water right:

If no work has been completed, show "none".

Work started late fall-winter of 2017 but well was not yet put on line. In November 2018 there was an earthquake at the headwaters of Wall Creek. Quake cause the well to lose water and become unusable.

Costing \$ 00.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Water District is working with Rural Development to obtain Emergency grant funding to repair well. To date the grant has been approved but waiting on federal money to be released so project can move forward

Permit holder(s) request an extension for the (1) 5* year(s). *AMENDED PER EMAIL 1/27/2020Signature Shelley W. Keen
(If other than permit holder, Power of Attorney must be supplied)10-27-19
Date

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Department has reviewed the explanation for delay and concludes the reason(s) for delay meets the requirements for approval of the Request for Extension of Time as provided by Section(s) 42-204 and/or 42-218, Idaho Code.

☒ **IT IS HEREBY ORDERED** that the permit is **REINSTATED** with the priority date advanced to September 18, 2019.

☒ **IT IS HEREBY ORDERED** that the above request for extension of time is **APPROVED**, and the time within which to submit proof of beneficial use is extended to October 1, 2024.

Signed this 29th day of January, 2020

Shelley W. Keen
 Shelley W. Keen, Chief
 Water Allocation Bureau

INSTRUCTIONS FOR FILING A REQUEST FOR EXTENSION OF TIME TO SUBMIT PROOF OF BENEFICIAL USE

Every permit to appropriate water is issued with a completion deadline called a proof of beneficial use due date. The permit holder may file a request for extension of time to submit this proof according to Sections 42-204 and 42-218, Idaho Code. See www.idwr.idaho.gov for more information about these statutes. If the development of the water use authorized by your permit is not complete and you need more time to finish the development prior to submitting proof of beneficial use, you may apply for more time as follows:

- Read the following instructions carefully.
- Complete the Request for Extension of Time form.
- Submit the non-refundable filing fee of \$50.00 with the Request for Extension of Time form.

The Request for Extension of Time form must state the extent of development that has occurred, the costs incurred, and the reason(s) the work has not been completed. The department may extend the proof due date of a permit when a permit holder is prevented from proceeding with his work for one of the following reasons:

Good cause: You must provide the reason for delay, along with evidence that you have proceeded with due diligence. Evidence of due diligence may include well drilled, pump installed, some acres now irrigated, fish propagation ponds constructed, sprinkler system purchased, etc. Lack of financial resources, the state of the economy or personal illness usually cannot be considered adequate reasons to approve a Request for Extension of Time.

After a permit holder has had five years to develop a permit, usually only one extension of time can be granted for good cause, for up to five more years. If your permitted diversion rate is 2.0 cfs or more or the permitted number of irrigated acres is 100 acres or more, a total of 10 years may be granted for good cause after the initial five year development period allowed.

Government agency action or litigation that qualifies for an extension: You may also receive an extension of time for a lack of required consent or final approval by a government agency (right-of-way, easement, or land classification such as Desert Land Entry or Carey Act) or for litigation related to ownership of the water if it has prevented development of the permit.

When basing your extension on delays caused by a government agency or by litigation, you must provide documentation to establish the time-period that development was delayed. The department can only extend the development period of a permit for the actual time a government agency or litigation delayed your development based on the evidence of delay submitted with the request for extension of time. If no documentation is provided, the department will review the request based on good cause.

Additional basis for granting an extension: The water project is of a large scale -- storage of more than 10,000 acre-feet, or diversion of more than 25,000 acre-feet in one irrigation season for an irrigation project of at least 5,000 acres; or when the water right permit is held by the United States of America. A written explanation for these requests must be submitted.

NOTE: In no case should a Proof of Beneficial Use form and a Request for Extension of Time form both be submitted. If your water development project is complete, the proof of beneficial use form should be completed and filed. If the project has not been initiated and does not fit into any of the exceptions listed above, then neither form should be filed with the department. The permit will lapse and shall become of no further force nor effect.

Form No. 204 (Rev. 12-2018)

SEP 30 2019

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

\$50 fee
Received by JH
Receipt No. 0107779
Date 9-30-19

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To provide additional time in which to submit proof of beneficial use for a water right permit

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Permit no. 82-12252 Date proof is due October 1, 2019
Name(s) of permit holder(s) Clearwater Water District
Mailing address 120 Jacks Rd. City Clearwater State ID Zip 83552
Telephone no. 208-926-4278 Email clearwaterwaterdist@gmail.com

Describe what work has been completed toward the development of this water right:
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Work was started late fall-winter of 2017 but well was not yet put on line. In November 2018 there was an earthquake at the headwater of Wall Creek. The quake caused the well to loose water and become unusable.

Costing \$ 00.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

The Water District is working with Rural Development of obtain Emergency grant funding to repair the well. To date, the grant has been approved but is waiting on federal money to be released so the project can move forward.

Permit holder(s) request an extension for One (1) year(s).

Clearwater Water District
Clearwater Water District - Taffee Schaack, Secretary

Signature (If other than permit holder, Power of Attorney must be supplied)

September 24, 2019

Date

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Department has reviewed the explanation for delay and concludes the reason(s) for delay meets the requirements for approval of the Request for Extension of Time as provided by Section(s) 42-204 and/or 42-218, Idaho Code.

☐ IT IS HEREBY ORDERED that the permit is **REINSTATED** with the priority date advanced to _____, 20____.

☐ IT IS HEREBY ORDERED that the above request for extension of time is **APPROVED**, and the time within which to submit proof of beneficial use is extended to _____, 20____.

Signed this _____ day of _____, 20____.

Shelley W. Keen, Chief
Water Allocation Bureau

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Good cause: You must provide the reason for delay, along with evidence that you have proceeded with due diligence. Evidence of due diligence may include well drilled, pump installed, some acres now irrigated, fish propagation ponds constructed, sprinkler system purchased, etc. Lack of financial resources, the state of the economy or personal illness usually cannot be considered adequate reasons to approve a Request for Extension of Time.

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Additional basis for granting an extension: The water project is of a large scale -- storage of more than 10,000 acre-feet, or diversion of more than 25,000 acre-feet in one irrigation season for an irrigation project of at least 5,000 acres; or when the water right permit is held by the United States of America. A written explanation for these requests must be submitted.

NOTE: In no case should a Proof of Beneficial Use form and a Request for Extension of Time form both be submitted. If your water development project is complete, the proof of beneficial use form should be completed and filed. If the project has not been initiated and does not fit into any of the exceptions listed above, then neither form should be filed with the department. The permit will lapse and shall become of no further force nor effect.



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

BRAD LITTLE
Governor

GARY SPACKMAN
Director

January 28, 2020

CLEARWATER WATER DISTRICT
120 JACKS RD
CLEARWATER ID 83552-5108

REQUEST FOR EXTENSION OF TIME LETTER

RE: Permit No. 82-12252

Dear Permit Holder(s):

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the proof due date to **October 01, 2024**.

The department granted this extension based on evidence of good cause. It is important that you work diligently toward the completion of the project during the development period allowed because the department **will not** grant an additional extension based on good cause, according to Section 42-204(6), Idaho Code.

This approved extension also reinstates the permit and advances the priority date since the request and the filing fee was submitted after the permit proof due date. The priority date of this permit is advanced to **September 18, 2014**, according to Section 42-218a(1), Idaho Code.

The extension is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01). It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please be advised that Section 42-248, Idaho Code, 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 this permit, please contact the State Office of the Department located in Boise at (208) 287-4800.

Sincerely,

Jean Hersley
Technical Records Specialist II

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on **January 30, 2020** I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (PRELIMINARY ORDER APPROVING REQUEST FOR EXTENSION OF TIME)** to the person(s) listed below:

RE: Preliminary Order in the Matter of Permit No. **82-12252**

**CLEARWATER WATER DISTRICT
120 JACKS RD
CLEARWATER ID 83552-5108**



Jean Hersley
Technical Records Specialist II

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.

Hersley, Jean

From: Clearwater Water Dist. <clearwaterwaterdist@gmail.com>
Sent: Monday, January 27, 2020 11:31 AM
To: Hersley, Jean
Cc: Lyle & Sue
Subject: Re: Request for Extension of Time for 82-12252

Jean,

I talked with Lyle Smith, President, and he feels it would definitely be in the District's best interest to file this extension under the "due diligence" statute. He would also like to request that the District be given the 5 year window under this extension.

Thank you for contacting us and we look forward to hearing from you. Should you have any questions, please do not hesitate to contact Lyle or myself. Lyle direct email is lands39@gmail.com.

Sincerely,
Taffee Schaack, Secretary

On Mon, Jan 27, 2020 at 8:36 AM Hersley, Jean <Jean.Hersley@idwr.idaho.gov> wrote:

Sorry for the delay in getting back to you on this.

The Department has reviewed the documents you provided.

There is an email dated June 9, 2019 that states a Water and Environmental Application for Clearwater Water District was submitted to RD Apply. You did not provide a copy of that application. You provided Exhibit A of the Emergency and Imminent Community Water Assistance Grants Program (ECWAG) grant application. This was signed by Lyle Smith on July 1, 2019, which is the day the Department would start the days delayed for your extension request.

According to §42-204(1), extensions based on government delay, the Department "extend the time so that the amount of time lost by such delays shall be added to the time given in the original permit..." This would be 159 days from the original proof due date, which would extend the proof due date to March or April, 2020, if you supply a copy of the Water and Environmental Application. At that time you would be able to request another extension if the project hasn't been completed yet.

Or the department can grant the extension based on due diligence, §42-204(6). You can request 5 years under this statute. Please let me know how you would like to move forward.

Jean Hersley

Idaho Dept Water Resources

Technical Records Specialist II

208-287-4942

From: Clearwater Water Dist. [mailto:clearwaterwaterdist@gmail.com]

Sent: Tuesday, December 10, 2019 8:49 PM

To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>

Subject: Re: Request for Extension of Time for 82-12252

Please see attached

On Mon, Dec 9, 2019 at 9:45 AM Hersley, Jean <Jean.Hersley@idwr.idaho.gov> wrote:

The application you submitted to Rural Development for Emergency funding and the letter of notification from Rural Development stating your funding was granted but you wouldn't receive the funding until October or November of this year. Also a copy of the letter of condition to proceed with getting bids for the project. See Lyle Smith's response below.

Jean Hersley

Idaho Dept Water Resources

Technical Records Specialist II

208-287-4942

From: Clearwater Water Dist. [mailto:clearwaterwaterdist@gmail.com]

Sent: Monday, December 09, 2019 10:41 AM

To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>

Subject: Re: Request for Extension of Time for 82-12252

Thank you for your email. I am confused, what documents are you referring to?

Thanks,

Taffee Schaack

Sec.

On Mon, Dec 9, 2019 at 8:25 AM Hersley, Jean <Jean.Hersley@idwr.idaho.gov> wrote:

Thank you for the response regarding your Extension of Time. The Department will need additional documentation to process this request. Please provide a copy of the application and a copy of the letter of notification. The information can be emailed to me. Thank you.

Jean Hersley

Idaho Dept Water Resources

Technical Records Specialist II

208-287-4942

From: Clearwater Water Dist. [mailto:clearwaterwaterdist@gmail.com]

Sent: Monday, November 25, 2019 7:30 PM

To: Hersley, Jean <Jean.Hersley@idwr.idaho.gov>

Subject: Re: Request for Extension of Time for 82-12252

The Clearwater Water District Board of Directors would like to request that your office please review the District's extension of time request under Idaho Code §42-204(1), government delay. The District was notified on December 13, 2019 that it would be eligible to apply for emergency funding for Rural Development to assist us in drilling another well after ours failed from the November 2018 earthquake. In March of 2019 we applied for Emergency Funding from Rural Development. On September 10, 2019 the District was notified that our request for funds was granted, however, there was no available at that time due to the extensive number of applicants that had filed. In that letter of notification, the District was told that we would definitely receive our funding in October or November of 2019. In November 2019 the District entered into a Letter of Condition so that we may proceed with advertising for an engineer to complete the project. The estimated time of completion for the project is October to November, 2020.

Regards

/s/ Lyle Smith, President

On Wed, Nov 13, 2019 at 1:34 PM Hersley, Jean <Jean.Hersley@idwr.idaho.gov> wrote:

The Department of Water Resources received your Request for Extension of Time for water right 82-12252.

The Department has different criteria when reviewing an extension. The criteria is based on Idaho Code §42-204. Would you like the Department to evaluate your request based on §42-204(1), government delay or §42-204(6) due diligence?

If the review is based on §42-204(1), government delay, the Department will need documentation showing when you requested help from the government and why the delay is taking place. You are also able to request additional extensions if the delay continues.

If the review is based on §42-204(6), due diligence, you will not be able to request any additional extensions.

Please let me know how you would like the Department to evaluate this permit within 14 days. If the Department does not receive a response within 14 days, the evaluation will be based on §42-204(6), due diligence.

If you have any questions, please contact me. Thank you.

Jean Hersley

Idaho Dept Water Resources

Technical Records Specialist II

208-287-4942

--

Taffee Schaack, Sec.

Clearwater Water District

120 Jacks Rd.

Clearwater, Idaho 83552

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120 Jacks Rd.

Clearwater, Idaho 83552

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Taffee Schaack, Sec.
Clearwater Water District
120 Jacks Rd.
Clearwater, Idaho 83552

----- Forwarded message -----

From: <RDApply@donotreply.gov>

Date: Sun, Jun 9, 2019 at 5:13 PM

Subject: Application Submitted

To:



[RD Apply](#)

[Notifications](#)

[RD Home](#)

[USDA.gov](#)

Recent RD Apply System Notification:

Clearwater Water District

Lyle Smith submitted a Water And Environmental Application for Clearwater Water District in Idaho, Idaho on 06/09/2019 at 07:13 PM. The Application Number is 3007475. The confirmation number is 559804485054.

*This is an automatically generated email - **please do not reply to it.** If you have any questions regarding your application, email:*

RD.HD@STL.USDA.GOV

If you would like to view your application or manage your subscriptions, please [click here to login to RD Apply](#).

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties.

Fwd: RD Apply

Inbox x

Susanne Smith <lands39@gmail.com> Dec 14, 2018, 6:48 AM

to CWWD

FYI

----- Forwarded message -----

From: **Duke, Lana - RD, Preston, ID** <Lana.Duke@id.usda.gov>

Date: Thu, Dec 13, 2018 at 5:24 PM

Subject: RD Apply

To: Susanne Smith <lands39@gmail.com>, akimmel@greatwesteng.com
<akimmel@greatwesteng.com>, khill@greatwesteng.com <khill@greatwesteng.com>

Cc: Lunderstadt, Howard - RD, Coeur d' Alene, ID <Howard.Lunderstadt@id.usda.gov>, Lynn,
John - RD, Coeur d' Alene, ID <john.lynn@id.usda.gov>, Claire Miller <cmiller@rcac.org>,
Fisher, Christine - RD, Coeur d' Alene, ID <Christine.Fisher@id.usda.gov>, Lish, Dale - RD,
Blackfoot, ID <Dale.Lish@id.usda.gov>, Flesher, David - RD, Boise, ID
<David.Flesher@id.usda.gov>

Lyle

I have started your application in RD Apply and have added Andrew Kimmel and Keri Hills as users. The application number is 3007475.

Someone will need to go into the application interview questions to verify I answered them correctly for you. Make whatever changes you feel need to be made for your proposed project. A couple of things that need to be verified:

1. The TIN we have on file (820198723) is different than the one you provided (371557238). If your organization has changed, we may need to review your new organizational documents.
2. You will need to obtain a SAM/CAGE code.

Claire Miller from RCAC can assist you through the application process including obtaining the SAM/CAGE code. Please work with the Northern Idaho RD staff (Howard or John) to see what else is needed to complete your application.

Let me know if you have further questions.

Lana Duke | Area Specialist

Rural Development

U.S. Department of Agriculture

98 East 800 North, Ste 1 | Preston, ID 83263

Phone: 208-244-3937 | Cell: 208-251-0100 | Fax: 855-505-1568

www.rd.usda.gov/ID | “Committed to the Future of Rural Communities”

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**EMERGENCY AND IMMINENT COMMUNITY WATER ASSISTANCE GRANTS PROGRAM
Simplified Engineering Report/Certification**

Overview

The USDA Rural Development (RD) provides financial assistance through the Emergency and Imminent Community Water Assistance Grants Program (ECWAG) to eligible applicants who meet requirements outlined in 7 CFR 1778 and parts of 7 CFR 1780. To meet these requirements, an engineering report is required that offers justification, defines scope of proposed work and provides a detailed cost estimate. Normally, a report that is several pages in length will be sufficient. This simplified engineering report/certification should be used for projects determined to be eligible for simplified application processing.

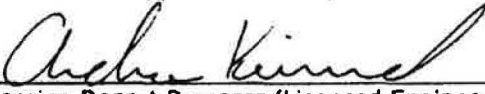
Requested Information for Engineering Report

Include the information in the Attachment to this certification.

- A. Project Justification:** Briefly describe how the applicant has experienced a significant decline in quantity or quality of water, or in which such a decline is considered imminent, to obtain or maintain adequate quantities of water that meets the standards set by the Safe Drinking Water Act (42 U.S.C. 300f et seq.) (SDWA).
- B. Scope of Work:** Describe work to be performed including type, amount and a brief description of engineering design parameters used.
- C. Cost Estimate:** Provide an itemized estimate of the total project cost based on the stated period of construction. Include development and construction, land and rights, legal, engineering, interest, equipment, contingencies, refinancing, and other costs associated with the proposed project.

Certification


Applicant and Engineer - I hereby certify that if the requested grant is awarded: design policies of 7 CFR 1780.57 will be met in the design and specifications; procurement will comply with 7 CFR 1780.70; and contract documents will include applicable requirements of 7 CFR 1780.75 and will be in compliance with applicable bidding laws and federal regulations.



Engineering Report Preparer (Licensed Engineer) Signature

3-6-2019

Date

 *President*

Applicant Signature

7-1-19

Date

Rural Development Concurrence in Eligibility of Proposal

Date

EMERGENCY AND IMMINENT COMMUNITY WATER ASSISTANCE GRANTS PROGRAM Environmental Report

Overview

The USDA Rural Development (RD) is required to assess the impacts of proposed federal actions, such as the provision of financial assistance through the Emergency and Imminent Community Water Assistance Grants Program (ECWAG), to the human environment in accordance with the National Environmental Policy Act (NEPA), Section 106 of the National Historic Preservation Act (NHPA), the Endangered Species Act (ESA), and other federal, state, and local environmental laws. ECWAG applicants must complete an Environmental Report (ER) to submit with their applications. The ER provides information to RD so that it can either complete the environmental review process or determine the appropriate level of additional impact analyses needed, in accordance with the Rural Utilities Service (RUS) Environmental Policies and Procedures, 7 CFR Part 1794 (<http://www.usda.gov/rus/water/ees/pdf/1794.pdf>). RD will notify applicants if additional information or analyses are necessary beyond what was submitted in the ER.

No construction activities may begin until RD concludes and approves the environmental review process. In accordance with 7 CFR § 1794.15, applicants are prohibited from taking actions that may have an adverse environmental impact or limit the choice of practicable alternatives that may be considered until RD has concluded the environmental review process. If the proposed project involves construction activities or property acquisition, the applicant is generally prohibited from acquiring, rehabilitating, converting, leasing, repairing or constructing property or facilities, or committing or expending Agency or non-Agency funds until after RD has concluded its environmental review requirements.

Applicants shall not reference items provided in other parts of the application package in the ER; all materials relevant to the ER must be integrated herein to facilitate timely review.

In accordance with 7 CFR §1794.21, *Categorically excluded proposals with an ER*, if no construction is proposed in the application or the proposed action involves replacement-in-kind facilities then no additional environmental documentation is required. The applicant shall, however, provide an appropriate project description and, if necessary, location information in Section A. described below, sign and date in the space provided as the ER preparer.

If the proposed action proposes construction in areas not previously evaluated in an earlier approved ER, then the applicant must respond and provide documentation to the following questions. Responses in all sections are required.

Requested Information

- A. Project Description and Location:** Describe all project-related construction activities, including, but not limited to, the extension of water or sewer lines, additions to existing facilities or new facilities. Describe the amount of property to be cleared, excavated, fenced, or otherwise disturbed by the proposed action. Complete descriptions, locations and mapping must be provided for each site affected by project-related construction activities (recommend U.S. Geological Survey 7.5-minute quadrangle or similar maps at a map scale of 1:24,000). USGS maps may be obtained and purchased at the following website: <http://www.usgs.gov/pubprod/maps.html>. All project elements, if known at the time of the application, must be clearly depicted on any map provided. If appropriate, photographs or aerial photographs of site-specific proposals may be provided.

Wetlands: Describe and indicate whether wetlands are present on or near the project site(s) affected by proposed construction (maps of wetlands may be obtained from the U.S. Fish and Wildlife Service's National Wetland Inventory website (<http://www.fws.gov/wetlands/>), or from soil maps obtained from the USDA, Natural Resource Conservation Service's website (<http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>). If wetlands are identified within the project area, please document where the project components will be located in relation to the identified wetland areas.

B. Threatened and Endangered Species: Describe and indicate whether any proposed project site(s) will directly or indirectly affect any threatened, endangered or candidate species, or is/are within or near critical habitats. Applicants must provide species lists and appropriate species accounts (i.e. requisite habitat or other life history information useful in determining potential effects) for each county affected by construction. This information can be obtained from the U.S. Fish and Wildlife Service's (USFWS) website (http://ecos.fws.gov/tess_public/). Information about potential critical habitat areas can also be found on the U.S. Fish and Wildlife Service's website (<http://criticalhabitat.fws.gov/crithab/>). Depending on information provided RD may need to consult directly with the USFWS prior to concluding the Section 7 review process.

C. Floodplains: Describe and indicate whether or not any facility(ies) or site(s) are located within an 100-year floodplain. If any project-related construction activities are within floodplains, a copy of a Flood Insurance Rate Map (FIRM) that depicts construction activities must be included. Information related to floodplains and National Flood Insurance Maps may be obtained from the Federal Emergency Management Agency's (FEMA) website (<http://msc.fema.gov/webapp/wcs/stores/servlet/FemaWelcomeView?storeId=10001&catalogId=10001&langId=-1>).

D. Coastal Areas: Determine whether or not the project is within the boundaries of a coastal zone management area (CZMA). For boundary and contact information related to CZMA, see National Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management's website (<http://coastalmanagement.noaa.gov/consistency/welcome.html>).

E. Section 106 Review

RD will conduct Section 106 review for any extension of water/sewer lines, additions to existing facilities or new facilities. The required information to be gathered by the applicant as described below must be included in the ER. Databases and maps to assist in identifying known archeological sites and National Register of Historic Places (NRHP) listed or eligible resources can be obtain from the State Historic Preservation Office (SHPO) in your respective State. The National Conference of State Historic Preservation Officers website (<http://www.ncshpo.org/find/index.htm>) provides a directory of SHPOs.

For all components of a proposed action the following requirements apply:

1. **Water or Sewer Lines** – For water or sewer line extensions, applicants must identify and describe, including type and status for listing on the NRHP known archeological sites located within 500 feet of either side of the water or sewer line route and prior archeological surveys that have been conducted in this study area. Include this information in the ER along with mapping that shows the relationship between these known sites and the study area as well as areas of planned disturbance.

2. Renovation/Rehabilitation of an Existing Building or Construction of a New Facility - If the building to be renovated is more than 45 years old, the applicant will determine if the structure is listed on or eligible for listing on the NRHP, or located within or adjacent to a historic district that is listed on or eligible for listing on the NRHP. The results of this study must be presented in the ER.

Additional Assistance/Contact Information

In addition to the resource specific references provided above, general NEPA related information and guidance can be found on the CEQ website (<http://ceq.hss.doe.gov/index.html>) or on the environmental section of the RUS website at <http://www.rurdev.usda.gov/UWP-environmental.htm>.

For information related to Section 106 of NHPA, see the Advisory Council on Historic Preservation website - <http://www.achp.gov/docs/CitizenGuide.pdf>.



Environmental Report Preparer Signature

3/6/2019

Date

Rural Development State Environmental Coordinator Concurrence

Date

ECWAG Grant

Inbox x

Lynn, John - RD, Coeur d' Alene, ID <john.lynn@usda.gov> Tue, Sep 10, 11:14 AM
to me, Claire, Andrew

Taffy/Lyle the USDA-RD National Office has approved the District's request for emergency ECWAG Grant funding for the District's water project. Unfortunately they had more requests than money at the end of the fiscal year. Clearwater Water District will be funded as soon as funds are available. I anticipate that would be middle to end of October. John

John Lynn

Area Specialist

USDA Rural Development

7830 N Meadowlark Way Suite C3

Coeur d' Alene, ID 83815

208-209-4363 | john.lynn@usda.gov

www.rd.usda.gov/id

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Andrew Kimmel akimmel@greatwesteng.com
via greatwestengineering156.onmicrosoft.com

Wed, Sep 11,
9:25 AM

to Lyle, John, me, Claire

John,

Thank you for the update. We have the contract signed by everyone except RD. Do you want a copy of that to review now so that when the funds are available, we can get started with a notice to proceed?

I know the contract was sent to RD at one, point for review and comments, but the final was never signed.

Thank you,

Andrew Kimmel | Idaho Municipal Lead



United States Department of Agriculture

December 6, 2019

Clearwater Water District
120 Jacks Rd
Clearwater, Idaho 83552

Dear Board Members:

Attached please find form 1940-1, "Request for Obligation of Funds." This will serve as notice that a request for assistance from USDA, Rural Development has been approved. A grant in the amount of \$605,000 has been approved.

If you have any questions, please contact the Rural Development Area Office located in Coeur d'Alene, Idaho.

Sincerely,

NOEL LAROQUE

Director, Community Programs

Enclosures

cc: RD Area Office, Coeur d'Alene, Idaho
RD Area Office, Blackfoot, Idaho

Rural Development • Idaho State Office
9173 West Barnes Drive • Suite A1 • Boise, ID 83709
Voice (208) 378-5600 • Fax (855) 505-1564

USDA is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form (PDF), found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

REQUEST FOR OBLIGATION OF FUNDS

INSTRUCTIONS-TYPE IN CAPITALIZED ELITE TYPE IN SPACES MARKED () Complete Items 1 through 29 and applicable Items 30 through 34. See FMI.			
1. CASE NUMBER ST CO BORROWER ID 12-025-302322373		LOAN NUMBER	FISCAL YEAR
2. BORROWER NAME Clearwater Water District		3. NUMBER NAME FIELDS (1, 2, or 3 from Item 2)	
		4. STATE NAME Idaho	
		5. COUNTY NAME Idaho	
GENERAL BORROWER/LOAN INFORMATION			
6. RACE/ETHNIC CLASSIFICATION 1 - WHITE 2 - BLACK 3 - AIAN 4 - HISPANIC 5 - API	7. TYPE OF APPLICANT 1 - INDIVIDUAL 2 - PARTNERSHIP 3 - CORPORATION 4 - PUBLIC BODY 5 - ASSOC. OF FARMERS 6 - ORG. OF FARMERS 7 - NONPROFIT-SECULAR 8 - NONPROFIT-FAITH BASED 9 - INDIAN TRIBE 10 - PUBLIC COLLEGE/UNIVERSITY 11 - OTHER	8. COLLATERAL CODE 1 - REAL ESTATE SECURED 2 - REAL ESTATE AND CHATTEL 3 - NOTE ONLY OR CHATTEL ONLY 4 - MACHINERY ONLY 5 - LIVESTOCK ONLY 6 - CROPS ONLY 7 - SECURED BY BONDS 8 - RLF ACCT	9. EMPLOYEE RELATIONSHIP CODE 1 - EMPLOYEE 2 - MEMBER OF FAMILY 3 - CLOSE RELATIVE 4 - ASSOC
10. SEX CODE 1 - MALE 2 - FEMALE 3 - FAMILY UNIT 4 - ORGAN MALE OWNED 5 - ORGAN FEMALE OWNED 6 - PUBLIC BODY	11. MARITAL STATUS 1 - MARRIED 2 - SEPARATED 3 - UNMARRIED (INCLUDES WIDOWED/DIVORCED)	12. VETERAN CODE 1 - YES 2 - NO	13. CREDIT REPORT 1 - YES 2 - NO
14. DIRECT PAYMENT (See FMI)	15. TYPE OF PAYMENT 1 - MONTHLY 2 - ANNUALLY 3 - SEMI-ANNUALLY 4 - QUARTERLY	16. FEE INSPECTION 1 - YES 2 - NO	
17. COMMUNITY SIZE 1 - 10 000 OR LESS (FOR SFH AND HPG ONLY) 2 - OVER 10,000		18. USE OF FUNDS CODE (See FMI)	
COMPLETE FOR OBLIGATION OF FUNDS			
19. TYPE OF ASSISTANCE 706 (See FMI)	20. PURPOSE CODE	21. SOURCE OF FUNDS	22. TYPE OF ACTION 1 - OBLIGATION ONLY 2 - OBLIGATION/CHECK REQUEST 3 - CORRECTION OF OBLIGATION
23. TYPE OF SUBMISSION 1 - INITIAL 2 - SUBSEQUENT	24. AMOUNT OF LOAN	25. AMOUNT OF GRANT 605,000	
26. AMOUNT OF IMMEDIATE ADVANCE	27. DATE OF APPROVAL MO DAY YR	28. INTEREST RATE 0 %	29. REPAYMENT TERMS
COMPLETE FOR COMMUNITY PROGRAM AND CERTAIN MULTIPLE-FAMILY HOUSING LOANS			
30. PROFIT TYPE 1 - FULL PROFIT 2 - LIMITED PROFIT 3 - NONPROFIT			
COMPLETE FOR EM LOANS ONLY		COMPLETE FOR CREDIT SALE-ASSUMPTION	
31. DISASTER DESIGNATION NUMBER (See FMI)		32. TYPE OF SALE 1 - CREDIT SALE ONLY 2 - ASSUMPTION ONLY 3 - CREDIT SALE WITH SUBSEQUENT LOAN 4 - ASSUMPTION WITH SUBSEQUENT LOAN	
FINANCE OFFICE USE ONLY		COMPLETE FOR FP LOANS ONLY	
33. OBLIGATION DATE MO DA YR		34. BEGINNING FARMER/RANCHER (See FMI)	

If the decision contained above in this form results in denial, reduction or cancellation of USDA assistance, you may appeal this decision and have a hearing or you may request a review in lieu of a hearing. Please use the form we have included for this purpose.

Position 2

ORIGINAL - Borrower's Case Folder COPY 1 - Finance Office COPY 2 - Applicant/Lender COPY 3 - State Office

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0570-0062. The time required to complete this information collection is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

CERTIFICATION APPROVAL

For All Farmers Programs

EM, OL, FO, and SW Loans

This loan is approved subject to the availability of funds. If this loan does not close for any reason within 90 days from the date of approval on this document, the approval official will request updated eligibility information. The undersigned loan applicant agrees that the approval official will have 14 working days to review any updated information prior to submitting this document for obligation of funds. If there have been significant changes that may affect eligibility, a decision as to eligibility and feasibility will be made within 30 days from the time the applicant provides the necessary information.

If this is a loan approval for which a lien and/or title search is necessary, the undersigned applicant agrees that the 15-working-day loan closing requirement may be exceeded for the purposes of the applicant's legal representative completing title work and completing loan closing.

35. **COMMENTS AND REQUIREMENTS OF CERTIFYING OFFICIAL**

This Grant is approved subject to the following:

1. Letter of Grant Approval Conditions dated November 20, 2019.
2. RUS Instruction 1778.
3. Grant Closing Conditions to be issued by the USDA Rural Development State Office.

36. I HEREBY CERTIFY that I am unable to obtain sufficient credit elsewhere to finance my actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in or near my community for loans for similar purposes and periods of time. I agree to use the sum specified herein, subject to and in accordance with regulations applicable to the type of assistance indicated above, and request payment of such sum. I agree to report to USDA any material adverse changes, financial or otherwise, that occur prior to loan closing. I certify that no part of the sum specified herein has been received. I have reviewed the loan approval requirements and comments associated with this loan request and agree to comply with these provisions.

(For FP loans at eligible terms only) If this loan is approved, I elect the interest rate to be charged on my loan to be the lower of the interest rate in effect at the time of loan approval or loan closing. If I check "NO", the interest rate charged on my loan will be the rate specified in Item 28 of this form. YES NO

WARNING: Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined under this title or imprisoned not more than five years, or both."

Date 11-20, 2019

Lyle Smith,
Lyle Smith,

(Signature of Applicant)

Date _____, 20____

(Signature of Co-Applicant)

37. I HEREBY CERTIFY that all of the committee and administrative determinations and certifications required by regulations prerequisite to providing assistance of the type indicated above have been made and that evidence thereof is in the docket, and that all requirements of pertinent regulations have been complied with. I hereby approve the above-described assistance in the amount set forth above, and by this document, subject to the availability of funds, the Government agrees to advance such amount to the applicant for the purpose of and subject to the availability prescribed by regulations applicable to this type of assistance.

Noel J. LaRoque

Digitally signed by Noel J. LaRoque
Date: 2019.11.21 13:56:21 -07'00'

(Signature of Approving Official)

Typed or Printed Name: Noel J. LaRoque

Date Approved: 11-21-19

Title: Community Programs Director

38. TO THE APPLICANT: As of this date _____, this is notice that your application for financial assistance from the USDA has been approved, as indicated above, subject to the availability of funds and other conditions required by the USDA. If you have any questions contact the appropriate USDA Servicing Office.

*CLEARWATER WATER DISTRICT
120 JACKS RD.
CLEARWATER, IDAHO 83552*

RECEIVED
NOV 12 2019
**DEPARTMENT OF
WATER RESOURCES**

November 2, 2019

State of Idaho
Department of Water Resources
322 East Front Street
P.O. Box 8370
Boise, Idaho 83720-0098

RE: Request for Extension – Permit No. 82-12252

Dear Ms. Grimm:

Please see the enclosed Request for Extension that has been updated per your letter dated October 24, 2019

I apologize for the inconvenience that the Clearwater Water District has created. I had to be out of town on medical leave and I asked the District Secretary, Taffee Schaack, to please fill out of Request for Extension of Time and sign it in my absence.

I felt it would be acceptable for her to sign this form and send it to your office since the Water District was just asking for an Extension.

Again, I apologize for the misunderstanding.

Sincerely,



Lyle Smith, President

