



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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 11, 2017

COREY A LINQUIST
K MARCHANT
2521 CLARKSVILLE RD
RESCUE CA 95672

RE: Water Right Permit No. 96-9508

RE: Proof of Beneficial Use Due & Possible Change in Water Right Ownership

Dear Property Owner:

The Department of Water Resources (Department) has reason to believe you may be the owner of all or part of the property associated with water right permit 96-9508 (permit). The permit authorizes a total diversion rate of 0.07 cubic feet per second from surface water for irrigation use on 1 acre, and domestic use of 2 homes in Section 17, Township 056N, Range 01E, B.M., Bonner County.

According to Department records, the current permit holder is Spencer Eisenbarth and/or Ann Eisenbarth. A condition of the permit requires the permit holder to submit a proof of beneficial use statement to the Department on or before **February 1, 2018**. The Department notified the Eisenbarths by certified mail at 111 Driftwood Shore, Sagle, ID 83860. The correspondence was returned to our office marked "Not Deliverable As Addressed" by the US Postal Service.

If the required proof statement is not submitted on time, this permit will lapse, and authorization to divert water for the permitted uses will end. You are being notified in case you have an interest in this permit and want to submit the proof statement.

Water right permits are personal property. Permits are normally conveyed from one owner to another by assignment. Assignments may be on forms created specifically for that purpose, or they may be included in the conveyance documents for the land where the water is to be used. If the permit was assigned to you, please submit the documentation and the \$25.00 filing fee to IDWR.

If the permit has not been assigned to you, and you believe the permit holder no longer has an interest in the permit, you have some options for submitting the required proof statement to prevent the permit from lapsing. The **first option** is to seek an assignment of the permit from Spencer and/or Ann Eisenbarth to you. I have enclosed an *Assignment of Permit* form for your convenience. The completed form should be submitted to the Department along with the \$25.00 fee in order to update ownership of the permit in Department records.

If you cannot obtain an assignment and still believe the permit holder may not intend to submit the proof statement, the **second option** is to submit the following to IDWR:

- A completed *Notice of Change in Water Right Ownership* (ownership change notice).
- Conveyance documents for the land where the water is used.
- The appropriate filing fee, as indicated on the notice.
- Evidence you attempted to contact the permit holder of record. For example, attach a copy of the letter you wrote to the permit holder seeking an assignment of the permit.

IDWR cannot process the notice until the water use is confirmed and the permit is licensed, which makes the water right real property appurtenant to the land. Until the license is issued, IDWR will hold an acceptable ownership change notice in the water right file for reference and will identify you as a contact for the permit in the water right database.

Along with the assignment or ownership change notice, you may submit a *Statement of Completion for Submitting Proof Beneficial Use* form to meet the requirements of the permit.

For your reference I am enclosing a copy of this permit, a map representing the permit place of use, and a copy of returned correspondence sent to the current permit holder. **Proof of beneficial use is due February 1, 2018.** This permit will lapse if no further action is taken and authorization to divert water for the uses described above will end.

All forms and instructions referenced in this letter can be found on IDWR's website at <http://idwr.idaho.gov/RulesStatutesForms/WaterRights/WaterRightForms.htm>.

If you have any questions, please contact me at (208) 287-4945.

Sincerely,



Darla Block
Technical Records Specialist

Enclosure(s)

Received by _____

Receipt amt. \$_____

Receipt no. _____

Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

I, _____, hereby assign to _____
 _____ Current owner(s) _____ New owner(s)
 of, _____
 _____ New owner's address including city, state and ZIP _____ Phone _____

All my right, title, and interest in and to Permit No(s).: _____ to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to Permit Number(s):

_____, to appropriate the public waters of the State of Idaho.

Describe in detail the portion of the permit assigned, listing the number of acres in each 40 acre subdivision, point of diversion location, and amount of the water in cubic feet per second.

Does the new permit holder own the property at the:

Point of diversion? ☐ Yes ☐ No

Place of use? ☐ Yes ☐ No

If no, describe the arrangement enabling the new owner to access the point of diversion and/or the place of use:

Dated this _____ day of _____, 20_____.

Permit holder	Title (if applicable)	Permit holder	Title (if applicable)
---------------	-----------------------	---------------	-----------------------

State of Idaho)
)ss
County of _____)

On this _____ day of _____, 20____, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he/she/they executed the same.

SEAL

Notary Public

My commission expires: _____

State of Idaho
Department of Water Resources
Permit to Appropriate Water

COPY

NO. 96-09508

Priority: November 15, 2012

Maximum Diversion Rate: 0.07 CFS

This is to certify, that SPENCER EISENBARTH And/Or
ANN EISENBARTH
111 DRIFTWOOD SHORE
SAGLE ID 83860

has applied for a permit to appropriate water from:

Source: LAKE PEND OREILLE

Tributary: PEND OREILLE RIVER

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
IRRIGATION	04/01 to 10/31	0.03 CFS

LOCATION OF POINT(S) OF DIVERSION:

LAKE PEND OREILLE, L3 (NE1/4SW1/4), Sec. 17, Twp 56N, Rge 01E, B.M., BONNER County

PLACE OF USE: IRRIGATION, DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
56N 01E 17	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	1.0 L3 1.0

Total Acres: 1

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **February 01, 2018**.
2. Subject to all prior water rights.
3. Domestic use is for 2 homes. Irrigation of lawn, garden and landscaping associated with the home is authorized under the irrigation component of this right.
4. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
5. This right does not grant any right-of-way or easement across the land of another.
6. 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.

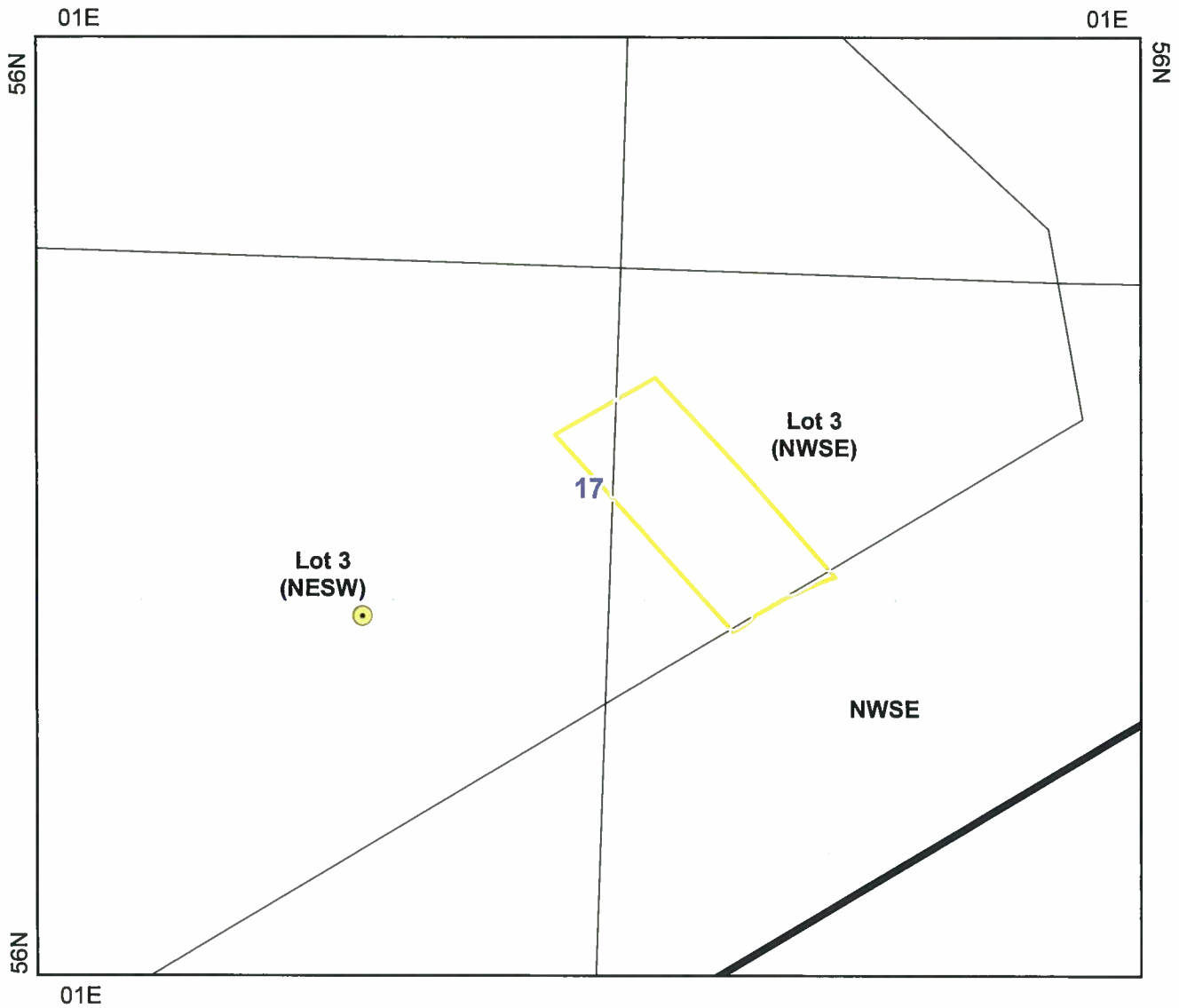
This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Coeur d'Alene, this 22 day of January, 2013.

Keith E. Franklin, For
GARY SPACKMAN, Director

SCANNED

JAN 23 2013

State of Idaho
Department of Water Resources
Permit to Appropriate Water
96-9508



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections

0 0.035 0.07 0.14 Miles





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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 30, 2017

SPENCER EISENBARTH
ANN EISENBARTH
111 DRIFTWOOD SHORE
SAGLE ID 83860

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 96-09508

IMPORTANT: A response from you is required to maintain the active status of the referenced water right permit. If no response is received from you, the permit will lapse and your authorization to develop and/or use this water right will be cancelled.

Dear Permit Holder(s):

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before **February 01, 2018**. Please complete and return the enclosed Statement of Completion for Submitting Proof of Beneficial Use (proof) if you have completed the water project authorized by your permit. The proof statement must be accompanied by either the appropriate license examination fee or a field examination report prepared by a certified water right examiner.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been delayed by a government agency or by litigation that brings title to the water in question, an extension of time may be granted if appropriate documentation is provided at the time of filing. An extension request must be accompanied by a \$50.00 filing fee and signed by the appropriate authorized permit holder(s) or authorized representative with a power of attorney.

Either an acceptable proof or an acceptable extension request must be received by this department on or before the above proof due date. If neither is received, the department will send you a lapse notice and the permit will no longer be of any force or effect.

Sincerely,

Darla Block
Technical Records Specialist

Enclosure(s)

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

INSTRUCTIONS FOR FILING PROOF OF BENEFICIAL USE

HOW TO MAKE PROOF:

In order for a permit holder to fulfill the conditions of the permit to obtain a water right license, the permit holder must submit the Statement of Completion for Submitting Proof of Beneficial Use form (proof) together with the license examination fee (if required) **OR** submit the proof together with a completed field examination report prepared by a certified water right examiner on or before the date set in the permit for the proof. The information submitted by the permit holder will enable the department to determine the extent of beneficial use before the license is issued. The information entered on the proof form should show the extent of actual development of the project and should correspond to that authorized by the permit. If it does not, an amendment (change) to the permit may be required.

WHAT TO DO IN CASE YOU HAVE NOT FULLY APPLIED THE WATER TO BENEFICIAL USE:

If the development authorized by the permit has not been completed in the time allowed, the permit holder may submit a request for extension of time in which to submit the proof. In order for a request for extension of time to be considered without loss of priority, it must be filed prior to the date on which proof of beneficial use is due. Each request for extension of time will be considered on its own merits.

WHAT IF YOU FAIL TO MAKE PROOF OF BENEFICIAL USE ON TIME:

If you have applied the water to beneficial use, but did not submit the proof of beneficial use on or before the date set for the proof, the permit will lapse. A lapsed permit may be reinstated **within sixty (60) days** from the date the department sends the lapse notice. In order for the department to reinstate the permit, the permit holder must show reasonable cause why the permit should be reinstated. Submission of an acceptable proof of beneficial use form within the sixty (60) day period will be considered as reasonable cause for reinstatement.

If you applied the water to beneficial use and **more than sixty (60) days** have passed since mailing of the lapse notice, proof of beneficial use must be submitted with a statement of reasonable cause for filing late proof of beneficial use, a Beneficial Use Field Report prepared by a certified water right examiner, and a reinstatement application fee of \$250 pursuant to Idaho Code § 42-218a(2).

EXAMINATION FEE:

Idaho Code §§ 42-217 and 42-221 require an examination fee as part of the proof of beneficial use submittal if a completed field examination report prepared by a certified water right examiner is not submitted as part of the proof. The fee is based upon the rate of diversion or volume of storage water claimed on the proof of beneficial use form. **The appropriate fee can be determined from the license examination fee schedule on the back of these instructions.**

ISSUANCE OF LICENSE:

The department will issue a license of water right based on the determination of the amount of water beneficially used in compliance with existing law. The license will include specific information to describe the water right developed.

NOTE - You must comply with the conditions of approval of your permit or seek to have the department waive the conditions. (See the section titled "Conditions of Approval" near the bottom of your permit).

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	_____
Date Received	_____

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.

1. Permit No. _____ Telephone No. _____

2. Name of Permit Holder(s) _____

3. Mailing Address _____ City _____
State _____ Zip _____ Email _____

4. Source of Water _____ If **GROUND WATER** (well), Date Drilled mo. _____ / yr. _____
Well Driller _____ Drilling Permit Number _____

5. Extent of use(s) completed **as authorized by the water right permit:**
Domestic (No. of households) _____ Stockwater (No. and type of stock) _____
Irrigation (No. of acres) _____ Other _____

6. Total rate of diversion or storage volume for which proof is submitted _____ 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 ☐	No ☐
	If yes, has the measuring device been installed?	Yes ☐	No ☐
Lockable Controlling Device	Is a lockable device required to control the diversion?	Yes ☐	No ☐
	If yes, has the lockable device been installed?	Yes ☐	No ☐
Fish Screen	Is a fish screen required?	Yes ☐	No ☐
	If yes, has the fish screen been installed?	Yes ☐	No ☐

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 _____ Telephone Number _____
Mailing Address _____ City _____
State _____ Zip _____ Email _____

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 _____ Date _____
(Include your title, if on behalf of company or organization)

Mail to: Idaho Department of Water Resources, PO Box 83720, Boise, ID 83720-0098

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

\$50 fee
 Received by _____
 Recpt No. _____
 Date _____

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. _____ Date proof is due _____

Name(s) of permit holder(s) _____

Mailing address _____ City _____ State _____ Zip _____

Telephone no. _____ Email _____

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

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

Costing \$ _____

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

Permit holder(s) request an extension for _____ year(s).

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

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____

 Jeff Peppersack, Chief
 Water Allocation Bureau