

RECEIVED

JUN 21 2016

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

\$50 fee

Received by AORecpt No. C102191Date 6-21-16

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. 96-9321 Date proof is due _____
 Name(s) of permit holder(s) Bruce D. Allen Julie M. Allen
 Mailing address 979 Naches Heights Rd City Yakima State WA Zip 98908
 Telephone no. 509 969 0908 Email bruce@columbiareach.com

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

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

Septic system has been installed. This will enable
us to get a WATER LINE PERMIT.

Costing \$ 12,000 estimate awaiting final billing after install

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

see attached
complying with government regulations
for septic system require to get
a water line encroachment permit.

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

Bruce D. Allen Julie M. Allen
 Signature (If other than permit holder, Power of Attorney must be supplied)

6/17/2016
 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
June 30, 2007.

☒ 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 March 1, 2023.

Signed this 21st day of July, 2016

Jeff Peppersack, Chief
 Water Allocation Bureau

Request for Extension

Permit # 96-9321

We purchased the property in 2006 with the intent to build a new house on the property. The purchase was a private party transaction with the title report showing no problems. To provide an adequate high quality water supply a permit was applied for in February of 2007. Notice of approval was granted in June of 2007. We also submitted a request for a septic site evaluation. In March of 2007 before the field evaluation we were informed that the septic system for the existing cabin was non-compliant. The existing system had been approved for seasonal use only for an RV, not a permanent structure.

To install the intake we were required to obtain approval from the Department of Lands for a water line encroachment. Our request was denied in December of 2008 because of an objection filed by the Bonner County Health District. The objection was based on the existence of a non-compliant sewage system on the property.

To perfect the permit we had to resolve the septic system issue. Two possible remediations were available and discussed with the Health district. One was to install a cutoff trench to remove groundwater from the proposed septic site. This was done and the site was reevaluated the following year but was again not approved. The second remediation was to bring in soil to create a mound. This method requires a period of 5 years for the imported soil to settle naturally. Material was brought in in 2008 and we evaluated the site in the spring of 2009. Our evaluation indicated we probably had not brought in enough soil so we brought more in as indicated by ground water levels in our access tubes. In 2010 we brought in additional soil. Our monitoring in 2011-2014 indicated we should have no problem with approval. In 2015 we were past the required 5 year settling period. The preliminary site evaluation indicated no problems. A permit was filed for and a septic system was installed and approved in July of 2015.

Rather than building a new house it was decided to remodel the existing structure which is just now being completed. The water treatment system will be located in the structure. In responding to this request for extension I have become aware that I need to file for a water line encroachment permit which is being done this week.

Block, Darla

From: Bruce Allen [bruce@columbiareach.com]
Sent: Thursday, June 23, 2016 1:14 PM
To: Block, Darla
Subject: FW: Emailing - 20160623112815382.pdf
Attachments: 20160623112815382.pdf

Attached is:

1. The request and notice of failure for a septic site evaluation in 2001 by the previous owner
2. The notice to title for the non conforming use at that time of the existing system
3. The denial of approval for the site evaluation we requested in 2007
4. The septic approval for the system installed in 2015
5. The notice of removal of the notice to title filed in 2015

They did not have a copy of the letter they sent to Idaho Department of Lands objecting to our request for an encroachment permit for a water line because of the non conforming septic system. I have made a request for a copy of the Department of Lands denial of our encroachment permit. I spoke with Amity Fuson (that is a guess on the spelling and the last name) last week and discussed whether the old permit could be used. She indicated it could and so I sent her the same information I sent you last week. I called her this morning but she is out of the office today. I emailed her the request for a copy of the original encroachment permit and the letter of denial we received in 2008 related to Panhandle Health's objections.

From: Cathy Thompson [<mailto:CThompson@phd1.idaho.gov>]
Sent: Thursday, June 23, 2016 11:32 AM
To: Bruce Allen <bruce@columbiareach.com>
Subject: Emailing - 20160623112815382.pdf

CONFIDENTIALITY NOTICE. The information contained in this email may be privileged, confidential, or otherwise protected from disclosure. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution, or duplication of this communication is strictly prohibited, and you are asked to notify the sender and destroy all copies of the original message. In addition, be advised that any message addressed to this agency's domain is subject to archiving and review by persons other than the intended recipient.

RELEASE OF NOTICE TO TITLE

Property Owner:

RKM Trust
611 Vaughn Road
Yakima, WA 98908

Instrument # 875976

BONNER COUNTY, SANDPOINT, IDAHO

7-7-2015 03:44:10 PM No. of Pages: 1

Recorded for : PANHANDLE HEALTH

MICHAEL W ROSEDALE

Ex-Officio Recorder Deputy

Index to: MISC

Fee: 10.00

Timothy S. French, being first duly sworn, deposes and says that he is an employee of Panhandle Health District, and that Panhandle Health District is responsible for the Notice to Title on the parcel of property known as:

Lakeside Homes – Lot 9 - C

that the Notice to Title was recorded as Instrument Number #586323, on 08/10/2001, in the records of the Bonner County Recorder's Office.

That the condition(s) described in the Notice to Title have been corrected by RKM Trust. Therefore, the Notice to Title is hereby being released.

T. French

(Signature)

Environmental Health Specialist
Panhandle Health District

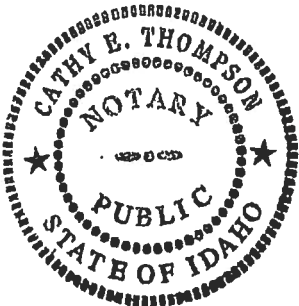
Dated: 7/7/15

State of Idaho)

:ss

County of Bonner)

I, Cathy E Thompson, a notary public in and for said State, do hereby certify that on the 7th day of July, 2015, personally appeared before me Timothy S. French, who, being by me first duly sworn, declared that he is an employee of Panhandle Health District, as an representative of Panhandle Health District, he signed the foregoing statement before me and swore that the statements were true.



Cathy E Thompson

Notary Public for Idaho

Residing at: Sandpoint

My Commission Expires: 10/08/2015

586323

NOTICE TO TITLE

This statement is made concerning property described as follows:

Lakeside Homes - Lot 9 - C

The above-described property does not conform with:

Idaho Department of Health and Welfare Rules, Title 1, Chapter 3 IDAPA 16.01.03.004.04, known as the Individual /Subsurface Sewage Disposal Rules.

for the following reasons:

Dwelling connected to a system approved for a seasonal use travel trailer.

Dated: 8-10-01

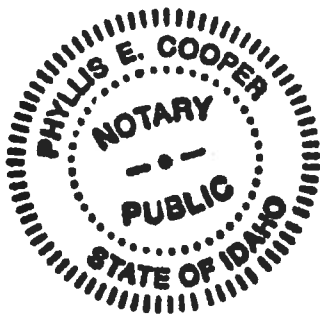
By: Charles E. Anselmo
CHARLES E. ANSELMO,
Sr. Environmental Health Specialist
Panhandle Health District 1

State of Idaho)

) ss.

County of Bonner)

On this 10th day of August, 2001, before me, Phyllis E. Cooper, a Notary Public in and for said State, personally appeared Charles E. Anselmo, known to me to be the person whose name is subscribed to the above instrument and acknowledged to me that he executed the same.



Phyllis E. Cooper
Notary Public,
Residing at Carexwood
My Commission Expires: 10/27/05

322 Marion
Sdpt ID 83864

FILED BY
Panhandle Health
2001 AUG 16 A 10:22
300
MARIE SCOTT
BONNER COUNTY RECORDER

ps DEPUTY

NOTICE TO TITLE

This statement is made concerning property described as follows:

(Legal Description) Lot 9C Lakeside Homes

The above-described property does not conform with Idaho Dept. of
Health and Welfare Individual / Subsurface Sewage Disposal
Rules Section 16.01.03.004.04

for the following reasons: Dwelling connected to a
system approved for a seasonal use travel trailer.

Charles C. Archer Senior E.H.S.
Name and Title Portland Health Dept.
Agency
Date

State of Idaho)
County of Bonneville) ss
Kootenai)

On this _____ day of _____, 19 ____, before me, _____,
a Notary Public in and for said State,
personally appeared _____,
known to me to be the person whose name is subscribed to the
above instrument and acknowledged to me that he executed the
same.

Notary Public, Residing at _____

My Commission expires: _____

Block, Darla

From: Bruce Allen [bruce@columbiareach.com]
Sent: Thursday, June 23, 2016 11:36 AM
To: Block, Darla
Subject: Emailing - Red Fir Septic Permit.pdf
Attachments: Red Fir Septic Permit.pdf

This is a copy of the approved septic permit. Can you email me back to confirm that you received this.

PERMIT-Subsurface Sewage Disposal



Public Health
Panhandle Health District

Idaho Public Health Districts

Panhandle Health District

322 MARION
SANDPOINT, ID 83864
(208) 265-6384

Permit #: 15-09-130709

Date: 07/06/2015

Parcel #: RP0056800009C0A

Doc ID #:

Applicant's Name: RKM TRUST

Owners Name: RKM TRUST

Property Address: 1029 RED FIR RD, HOPE, ID 83836

Legal Description	Township 56N	Range 01E	Section 02
Subdivision: Lakeside Homes	Lot 9C	Block	Size(acres): 1.53

Type of Installation	Type of System (check all that apply)			Water Supply
☒ New System ☐ Expansion ☐ Repair ☐ Tank Only	☐ Absorption Bed ☒ Capping Fill ☐ Central System ☐ Composting Toilet ☐ Drip Distribution ☐ ETPS ☐ Experimental ☐ Extra Drainrock ☐ Evapotranspiration ☒ Gravel Drainfield	☒ Gravelless Drainfield ☐ Gray Water Sump ☐ Gray Water System ☐ Holding Tank ☐ Incinerator Toilet ☐ Individual Lagoon ☐ Intermittent SF ☐ Intrench SF ☐ LSAS ☐ Pit Privy	☐ Pressurized DF ☐ Pump to Gravitly ☐ Recirculating GF ☐ RV Dump Station ☐ Sand Mound ☐ Seepage Pit ☐ Sleep Slope Drainfield ☐ Two Cell Lagoon ☐ Vault Privy ☐ Other (see below)	☒ Private ☐ Shared ☐ Public Water Source ☐ Well ☐ Spring

Condition of Approval:

Minimum 12" of fill needs to be installed on top of drainfield. Drainfield must be installed in designated area. 6" maximum trench depth due to proximity to ground water. Make sure replacement area reserved, and is at least 6' from drainfield. The minimum septic tank size is 1000 gallons, with a minimum 500 gallon pump chamber required to pump effluent to drainfield from homesite location. Capping fill trench installations will require multiple inspections by Panhandle Health District including: 1.) Inspection of the drainfield trench(es) installation, and 2.) Inspection of the cap (cover material mounded over the drainfield trench(es)). All criteria identified in the Capping Fill Trench Section of the Technical Guidance Manual for Individual and Subsurface Sewage Disposal Systems must be met.

Unless otherwise stated within this permit, all requirements of IDAPA 58.01.03 shall be met on system installation.

Per IDAPA 41.01.01.100.05.b.- A drainfield that is installed, inspected and approved shall be valid to be connected to under the conditions of the original permit for which it was issued, for five (5) years from the date of permit application, provided that the site and its surroundings are not substantially modified.

Single Family Dwelling	4 Bedrooms
Design Flow	300 Gallons Per Day
Soil Type (USDA) B-1	Loading Rate 0.6
The minimum septic tank capacity is:	Adjusted Loading Rate 1000 Gallons
The minimum effective drainfield absorption area is:	500 Square Feet
The drainfield can be no closer to permanent/intermittent surface water than:	200 Feet

Note: (Final approval of this permit requires inspection of the uncovered system.)

All plans, specifications, and conditions contained in the approved permit application are hereby incorporated into, and are enforceable as part of the permit. The permit will expire one (1) year from date of issuance. The permit may be renewed if the renewal is applied for on or before the expiration date.

T. French

EHS Signature

Timothy French
EHS

07/06/2015
Date

APPLICATION-Subsurface Sewage Disposal, Page 2

(Page 2 for Official Use)

Parcel #: RP00568000009A
Document #: 15-09-130709

Test Hole Data:		Test Hole Illustration/Location:
0-16"	TOP SOIL / LOAM	
16-80"	LOAM - B-1	
80-96"	SILT LOAM - COMPACTED w/ COBBLES	

Application Contents:

☒ Yes ☐ N/A Application Complete (Page 1)
☒ Yes ☐ N/A Plot Plan Submitted
☐ Yes ☒ N/A Zoning Documentation Submitted
☐ Yes ☒ N/A Legal Documents, Easements
☐ Yes ☒ N/A O&M Documents Submitted
☐ Yes ☒ N/A Building Plan Submitted
☒ Yes 7/6/15 Plot Plan Approved

Features of Concern/Observations:

Soil Type B-1
 Perm Surface Water LAKE ~ 200'
 Temp Surface Water _____
 Normal Ground Water _____
 Seasonal Ground Water 47" SPRING MONITORING 2015
 Rock Outcrops _____
 Limiting Layer _____
 Nearest Well(s) _____
 Slopes 5-10% TOWARDS LAKE
 Scarps _____

Non-Residential Properties:

☐ Yes ☐ N/A Letter of Intended Use Submitted
☐ Yes ☐ N/A Wastewater Nature Established
☐ Yes ☐ N/A Wastewater Flow Calculations

Installation by: ☐ Basic Homeowner ☐ Basic Installer ☐ Complex Installer ☐ Public Works/P.E.
 Installer Name: CALTON AVE Installer Number: _____
 Field Notes: _____

DATE						
TRAVEL						
INSPECT						
EHS						

EHS Signature: 2/9/15 EHS Code: _____ Date: 7/6/15

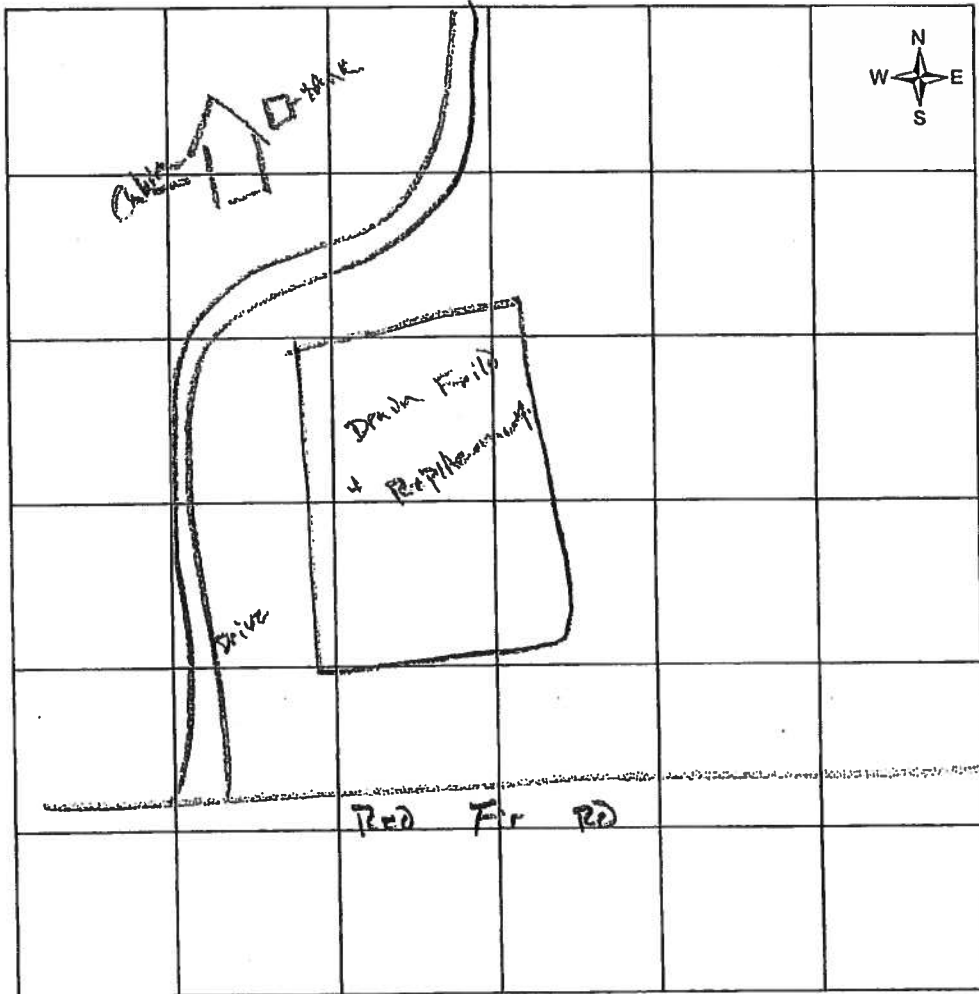


Public Health
Prevent. Promote. Protect.
Panhandle Health District

Please draw an aerial view of the property showing the outline of buildings, property lines, well location(s), water lines, location of septic tank and drainfields, location of drainfield replacement area, ditches and streams, easements and right of ways, driveway and parking area, cut banks, and location of street or road. Indicate dimensions and separation distances of each from septic tank and drainfield.

PLOT PLAN

SCALE: 1" = ____'



SIGNATURE: [Signature] DATE: _____

By my signature above, I certify that all answers and statements on this application are true and complete to the best of my knowledge. I understand that should evaluation disclose untruthful or misleading answers, my application may be rejected or my permit canceled. I understand that any deviation from the plans, conditions, and specifications, is prohibited unless it is approved in advance by the Director or his designee. I hereby authorize the Health District to have access to this property for the purpose of conducting a site-evaluation.

(Official Use Only)

Plot Plan Approval Date: 7/6/15 EHS Name: TIMOTHY FRENCH EHS #: 289801

FINAL/AS-BUILT--Subsurface Sewage Disposal



Panhandle Health District
322 MARION
SANDPOINT, ID 83864(208) 265-6384

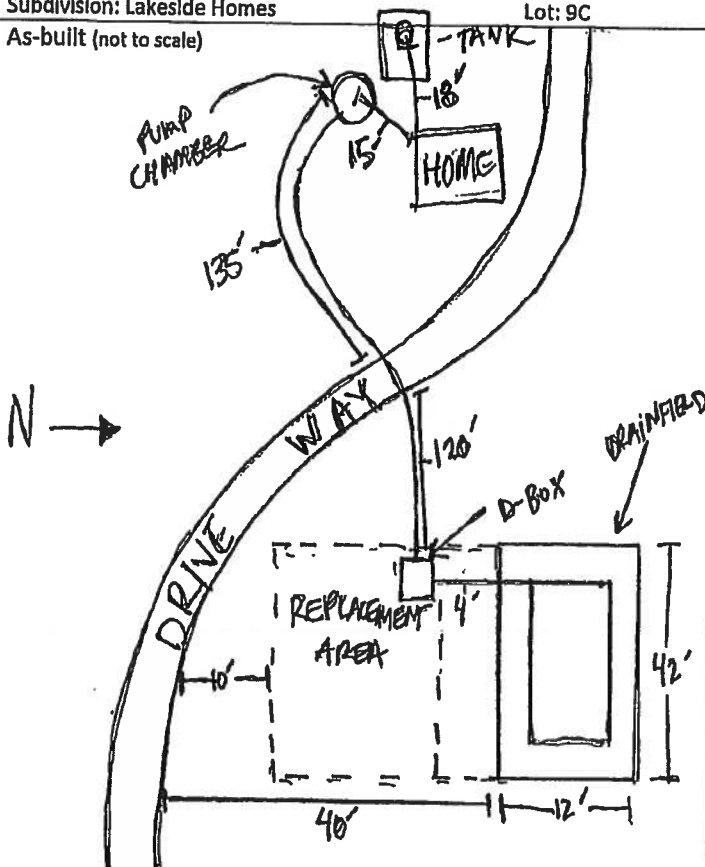
Permit #:15-09-130709
Date Rcvd: 7/6/2015
Parcel #:RP0056800009COA
Date Ready 7/7/2015 11:00:00 AM

Applicant's Name: RKM TRUST
Owners Name: RKM TRUST
Property Address: 1029 RED FIR RD
Legal Description:
Subdivision: Lakeside Homes

Township: 56N
Lot: 9C

Range: 01E
Block:
Section: 02
Size (acres) 1.53

As-built (not to scale)



System Type:	Gravel (Yards):
ROCK + PIPE	
System Mfg:	Sand (Yards):
Septic/Trash Tank (Gal):	Installation Depth (Inches):
1000	6-12" DUE TO SLOPE OF DR. AREA
Septic/Trash Tank Mfr:	Rock Under Pipe (Inches):
B.C.P.	6"
Depth to Tank Lid (Inches):	Date System Installed:
18"	7/7/15
Standpipe/Riser (Inches)	Riser Longitude:
18"	
Pump Tank (gallons)	Riser Latitude:
500	
Pump Tank Mfg:	Well Installed
B.C.P.	☐ Yes ☒ No
Drainfield Width (Ft):	Distance to Tank (Ft):
12'	N/A
Drainfield Length (Ft):	Distance to Drainfield (Ft):
42'	N/A
Drainfield Area Installed (Sq Ft):	Valve: ☐ Yes ☒ No
504 ft ²	Dist-Box: ☒ Yes ☐ No
Effective Area (Sq Ft):	Drop-Box: ☐ Yes ☒ No
504 ft ²	

All plans, specifications, and conditions contained in the approved permit application are hereby incorporated into and may be enforceable as part of the permit.

Technical Allowance Granted Yes ☐ No ☒

Comments: DRAINFIELD INSTALLED IN WEATHERED FILL (2007). TANK AND PUMP CHAMBER INSTALLED PREVIOUSLY. INSPECTED 7/7/15 = OK.

Notes/Conditions of Approval:

Installer Name: COLTEN BLUE EXCAVATION
Installer Phone: 208.946.1800
Installer Number: 15-107985

Signature:
Date:

By signing above, I certify that all answers and statements on this Final/As-built are true and complete to the best of my knowledge.

Official Use Only

- ☒ As-Built provided by EHS
☐ As-Built provided by Installer

T. Fourn
7/7/15 EHS Final Inspection Signature #289814

FINAL/AS-BUILT--Subsurface Sewage Disposal



Panhandle Health District
322 MARION
SANDPOINT, ID 83864(208) 265-6384

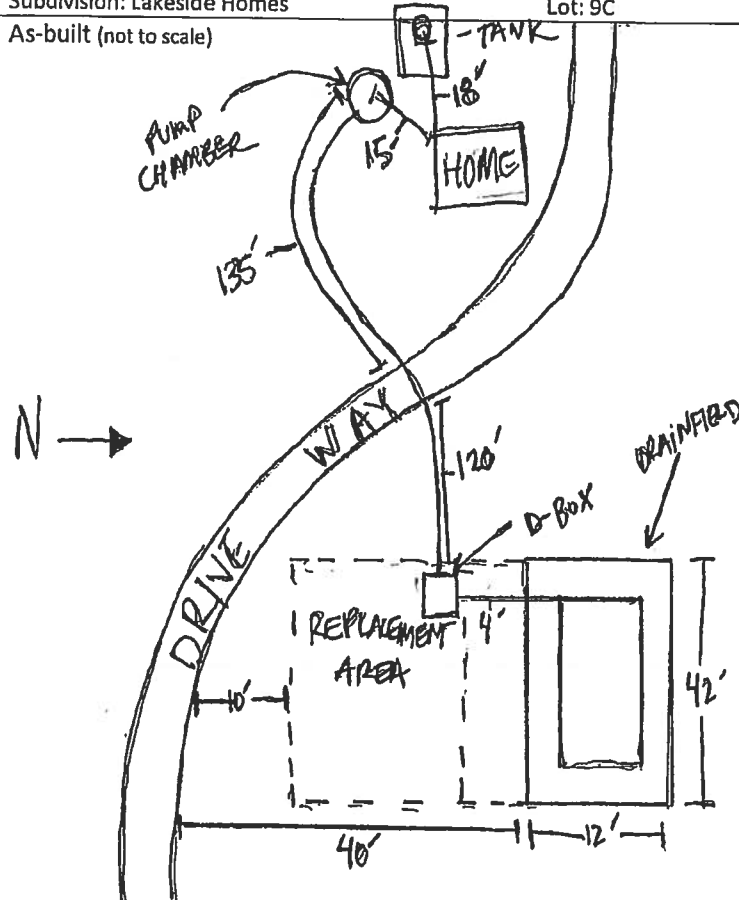
Permit #:15-09-130709
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Parcel #:RP0056800009COA
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Section: 02
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As-built (not to scale)



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Rock + PIPE	
System Mfg:	Sand (Yards):
Septic/Trash Tank (Gal):	Installation Depth (Inches):
1000	6-12" DUE TO SLOPE OF D.F. AREA
Septic/Trash Tank Mfr:	Rock Under Pipe (Inches):
B.C.P.	6"
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42'	N/A
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504 ft ²	Dist-Box: ☒ Yes ☐ No
Effective Area (Sq Ft):	Drop-Box: ☐ Yes ☒ No
504 ft ²	

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Notes/Conditions of Approval:

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Installer Phone: 208.946.1800
Installer Number: 15-107985

Signature:
Date:

By signing above, I certify that all answers and statements on this Final/As-built are true and complete to the best of my knowledge.
Official Use Only

- ☒ As-Built provided by EHS
☐ As-Built provided by Installer

T. Furr
EHS Final Inspection Signature
7/7/15 #289814

APPLICANT: PLEASE READ

A site evaluation is not an approval or a permit to install a septic system. Permit approval depends on the following: Site evaluation approval, the predicted maximum daily sewage flow; house size and location; well/spring location; access to native soil (road cuts, grading, benching); distance to neighboring structures; proposed land use; other issues of concern.

Permits to construct a septic system are not granted until all such issues are addressed and/or submitted in writing as part of the plot plan/permit application AND found to be consistent with current regulations. ANY CHANGES TO THE SITE OR CONDITIONS OF THE APPLICATION AFTER ISSUANCE OF THE PERMIT MAY RENDER THE PERMIT INVALID.

Applicant's Name Site Evaluation # Septic Permit #

- | | |
|--|---|
| ☐ Surface water | ☐ Easements |
| ☐ Canals/ditches | ☐ Curtain drain |
| ☐ Well - public/private | ☐ Diversion ditch |
| ☐ Spring | ☐ Waterline - public/private |
| ☐ Property line | ☐ Neighboring dwellings |
| ☐ Slope% | ☐ Scarp |
| ☐ Groundwater | ☐ Other |

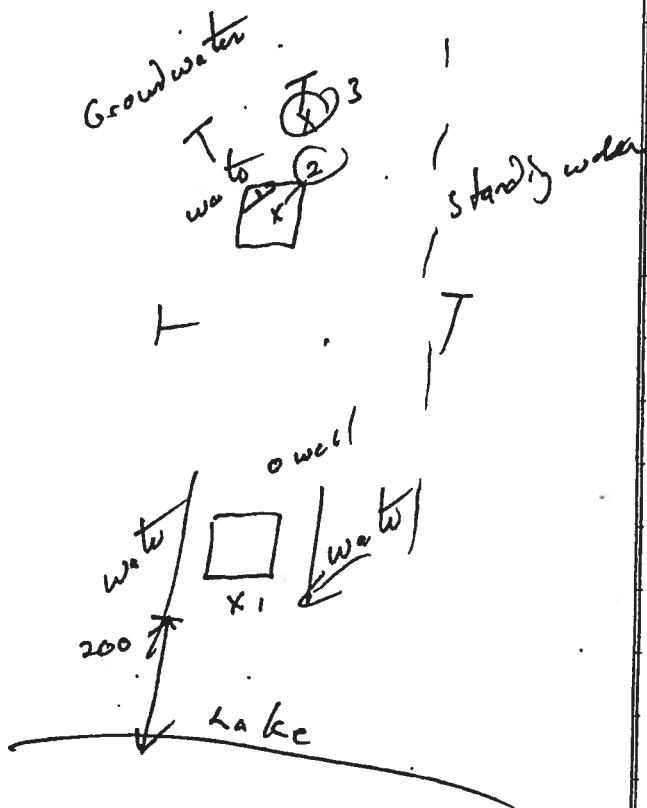
Bruce
Allen

05-09-47978

EHS 103 Date 4/11/06

Field Plot Plan and Test Hole Location (or see plat map)

Test Holes



- 1) 0-24 silt / rock - water
- 2) 0-14 silt / 14-24 sandy silt / groundwater at 18"
- 3) 0-6 /m rock / 6-12 silt /m / gray water @ 12"

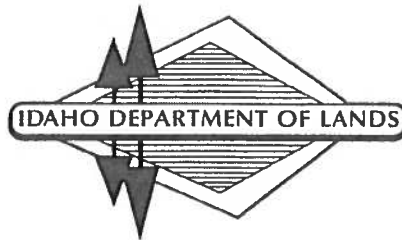
Block, Darla

From: Bruce Allen [bruce@columbiareach.com]
Sent: Thursday, June 23, 2016 5:17 PM
To: Block, Darla
Subject: Emailing - Denied letter.pdf
Attachments: Denied letter.pdf

Attached is the permit denial letter citing Panhandle Health's objection which related to the non conforming septic system which was remedied by remediation efforts between 2007 and 2015 as evidenced by their removal of notice to title and approval of our septic system installation.

Let me know if you need anything else.

PEND OREILLE
SUPERVISORY AREA
2550 Highway 2 West
Sandpoint ID 83864
Phone (208) 263-5104
Fax: Area (208) 263-0724
Fax: District (208) 265-7263



GEORGE B. BACON, DIRECTOR
EQUAL OPPORTUNITY EMPLOYER

STATE BOARD OF LAND COMMISSIONERS
C. L. "Butch" Otter, Governor
Ben Ysursa, Secretary of State
Lawrence G. Wasden, Attorney General
Donna M. Jones, State Controller
Tom Luna, Sup't of Public Instruction

December 23, 2008

CERTIFIED RETURN RECEIPT
7006 0100 0006 0824 9131

Bruce Allen
611 Vaughn Road
Yakima, WA 98908

Dear Mr. Allen:

Re: Request for Waterline Denied

The Idaho Department of Lands was notified by the Idaho Department of Water Resources on March 23, 2007, that you were applying for a water right to withdraw water from Lake Pend Oreille. I checked our files and determined you did not possess an encroachment permit to place the water withdrawal line on the bed of the lake. I called your home on March 28, 2007 and left a message for you to call our office and that you needed an encroachment permit from the Department to place the waterline on the bed of the lake. You never responded.

On August 28, 2008, Jim Hopkins of the Department's Sandpoint, Idaho office wrote you a letter informing you again, you needed an encroachment permit from the Idaho Department of Lands to place the waterline on the bed of the lake.

On October 23, 2008, the Department finally received an encroachment application for the waterline. On October 24, 2008 the Department did a standard thirty (30) day agency notice of review. The Department received comments from the Idaho Department of Fish and Game, Bonner County Planning Department and Panhandle Health District.

Panhandle Health District recommended not making any changes to your property because it is already considered non-compliant. Therefore, the Idaho Department of Lands is denying your encroachment application for a water withdrawal system into Lake Pend Oreille. Granting this permit could have significant impacts on lake value factors such water quality, fish and wildlife habitat, aquatic life and aesthetic beauty (Idaho Code 58-1301). At which time you resolve these issues please contact us and the Department will be happy to reconsider your request.

In addition, if you have already placed the waterline system in or on the bed of the lake, you must remove it immediately. Failure to do so may lead the State to seek injunctive relief and penalties.

Should you have any questions, please contact me.

Sincerely,

Jim Brady, Lands Resource Specialist, Senior
Minerals and Navigable Waters

Cc John Dowling, PHD-Sandpoint
Eric Wilson, NWPM-Boise
Roger Jansson, North Ops Chief

Block, Darla

From: Bruce Allen [bruce@columbiareach.com]
Sent: Thursday, June 23, 2016 3:34 PM
To: Block, Darla
Subject: FW: IDL
Attachments: Agencies notice.pdf

This is the original encroachment permit request with the notice sent to other agencies with a request for comment. This is to what panhandle Health responded. These two documents were scanned. The denial letter is being looked for in their archives.

From: Mike Ahmer [<mailto:mahmer@idl.idaho.gov>]
Sent: Thursday, June 23, 2016 2:26 PM
To: Bruce Allen <bruce@columbiareach.com>
Subject: IDL

Mike Ahmer
Lands Resource Specialist
3258 W Industrial Loop
Coeur d'Alene, ID 83815
(208) 769-1577

PEND OREILLE
SUPERVISORY AREA
2550 Highway 2 West
Sandpoint ID 83864
Phone (208) 263-5104
Fax: Area (208) 263-0724
Fax: District (208) 265-7263



GEORGE B. BACON, DIRECTOR
EQUAL OPPORTUNITY EMPLOYER

STATE BOARD OF LAND COMMISSIONERS
C. L. "Butch" Otter, Governor
Ben Ysursa, Secretary of State
Lawrence G. Wasden, Attorney General
Donna M. Jones, State Controller
Tom Luna, Sup't of Public Instruction

MEMORANDUM

TO: Idaho Department of Fish and Game
Idaho Department of Environmental Quality
Idaho Department of Water Resources
Idaho Conservation League
US Army Corps of Engineers-CDA
Bonner County Planning & Zoning
Bonner County Public Works
Bonner County Marine Division
Panhandle Health District 1-Sandpoint
Tri-State Water Quality Council
Lakes Commission

FROM: Jim Hopkins, Navigable Waters Resource Technician

DATE: October 24, 2008

SUBJECT: NOTICE OF APPLICATION L-96-S-1791A – Bruce Allen

Enclosed is an application and plats requesting permission to **place a water line in Lake Pend Oreille.**

Please submit your comments, recommendations or objections to IDL by **November 27, 2008**, regarding the likely effect of the proposed encroachments upon adjacent property, lake, and streambed value factors of navigation, fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, or water quality. If you have concerns or are opposed to the project as proposed, please list your specific reasons for concern or opposition and any facts or documentation to support your position.

You should recommend alternate plans if they are economically feasible to accomplish the purpose of the proposed encroachment. You should also recommend any mitigation measures or special restrictions/provisions you would like included as part of the permit if one is issued.

If you do not submit a comment, IDL will assume you have no objections to the application. If you have questions concerning the application, we suggest you contact the applicant. If the applicant cannot answer your questions, please contact us.

jh
enclosures

JOINT APPLICATION FOR PERMITS

U.S. ARMY CORPS OF ENGINEERS
IDAHO DEPARTMENT OF WATER RESOURCES
IDAHO DEPARTMENT OF LANDS

**DO NOT START WORK UNTIL YOU
RECEIVE PERMITS FROM BOTH THE
CORPS AND THE STATE**

This application may be used to apply for both a Department of the Army permit from the U.S. Army Corps of Engineers (Corps) and for State of Idaho permits. Department of the Army permits are required by Section 10 of the Rivers and Harbors Act of 1899 for any structures or work in or affecting navigable waters of the United States and by Section 404 of the Clean Water Act for discharges of dredged or fill material into waters of the United States, including their adjacent wetlands. State permits are required under the State of Idaho, Stream Channel Protection Act (Title 42, Chapter 38, Idaho Code) and the Idaho Lake Protection Act, Section 58-142 et. seq., Idaho Code. Route Uses: Information provided on this form will be used in evaluating the application. Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor can permits be issued. Applicants should send this completed application, along with one set of good reproducible drawings showing the location and character of the proposed project, to both the Corps of Engineers and the State of Idaho. NOTE: DRAWINGS NO LARGER THAN 8-1/2 X 11 INCHES IN SIZE. The Applicant Information pamphlet provides instructions and a checklist for completing the drawings.

1. Corps of Engineers # _____ Date Received _____	2a. Department of Water Resources # _____ Date Received _____ Fee Rec'd By: _____ Receipt # _____	2b. Department of Lands # <u>696-S-1791A</u> Date Received _____ Fee Rec'd By: _____ Receipt # _____
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3. a. Applicant <u>Bruce Allen</u>		PLEASE TYPE OR PRINT		4. a. Authorized Agent _____	
b. Mailing Address <u>611 VANAGRD RD</u>		b. Mailing Address _____			
<u>YAKIMA WA 98908</u>					
Area _____		Area _____		Area _____	
c. Work Phone (509) 457 8001 Home (509) 678 4496		c. Work Phone () _____		Home () _____	
d. Fax Number <u>509 457 8420</u>		d. Fax Number _____			
e. Email Address <u>bruce@colombiareach.com</u>		e. Email Address _____			

5. Location where proposed activity exists or will occur.		5. e. Tax Assessor's Description _____	
a. Waterway <u>Ellisport Bay</u>		Distance/Direction from nearest city/town _____	
Tributary of <u>LAKE PENINSULA</u>		NW SE 2 56 N 1E	
b. Distance/Direction from nearest city or town _____		f. 1/4 1/4 Section Township Range	
County/State <u>BONNAR COUNTY IDAHO</u>		g. UTM Coordinate Grid _____	
c. Zip Code _____		Zone _____ Northing _____ Easting _____	
Local jurisdiction (city or county) _____			
d. Directions to the site <u>HWY 200 EAST OF HOPE TO PENINSULA RD</u>		Right to Road	
<u>Fin Rd Right to 1029 Red Pine Road</u>			

6. a. Describe Project (Work below the ordinary high water mark or in wetlands).
Install water line (intake) for domestic use

b. Construction methods and equipment	<u>Line to be installed to low water depth using a back hoe</u>
c. Length of project along the stream or extension into lake or reservoir.	<u>Estimated 70 feet</u>
d. Size and flow capacity of proposed bridge or culvert and area of drainage served (sq. miles):	(Idaho Department of Water Resources requirement.)

COMPLETE THE FOLLOWING FOR DISCHARGES OF DREDGED OR FILL MATERIAL

7. a. Volume dredged or fill material to be placed waterward of the ordinary high water mark (BOTH TEMPORARY AND PERMANENT)?		(cubic yards)
b. Will fill be placed in wetlands?	<u>No</u> If yes, area: _____ (acres) Type of fill material: _____ (i.e. sand, rock, clay, concrete, etc.)	
c. Will dredging be required waterward of the ordinary high water mark or in wetlands?	<u>No</u> If yes, volume _____ (cubic yards)	
d. Type of dredged material	_____	
e. Disposal site for dredged material:	_____ Method of dredging: _____	
f. Method to control turbidity and sedimentation:	_____	
g. Is project located in a mapped floodway?	<u>No</u> If yes, complete the Engineering "No-Rise" certification form.	

8.a. Purpose and intended use: Commercial _____ Public _____ ☒ Private _____ Other _____ Describe _____

b. Reason for project WATER SUPPLY DOMESTIC USE

9. Proposed Starting Date 4/2009 Estimated Duration 1 week

10. List portions of the project that are complete with month and year of completion
Label this work on your drawings. _____

11. Names, addresses, and telephone numbers of all adjoining property owners, lessees, etc.
Clarence Shaden 112 Red Fish Trail Hapt ID 83836 208 264 5340
William Nielsen 20919 Clonk Park Tel 840 83811 208 264 1470

☐ Check here if the alteration is located on endowment lands administered by the Idaho Department of Lands

12. LEGAL OWNER IF OTHER THAN APPLICANT

a. Name _____ d. Phone Work () _____

b. Mailing Address _____ Home () _____

c. City, State, Zip Code _____

13. List applications, approvals, or certifications from other Federal, state, or local agencies for work described in this application.

Issuing Agency	Type of Approval	Identification No.	Date of Application	Date of Approval
IDAHO DEPT WATER RESOURCES		96 9321	2/2/2007	6/18/07

14. Has any agency denied approval for the proposed activity? Yes _____ No ☒ (If "Yes" explain) _____

15. Other comments/information:

16. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to come upon the above-described location to inspect the proposed and completed work.

Bruce Allen Bruce Allen 10/19/2008
Signature of Applicant (ORIGINAL SIGNATURE REQUIRED) Printed Name Date

17. If you wish to designate an authorized agent, complete item 4, item 16 and the following information.

I hereby designate _____ to act as my agent in matters related to this permit application. I understand that if a Federal permit is issued, I must sign the permit.

Original Signature of Authorized Agent _____ Date _____ Original Signature of Applicant _____ Date _____

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly 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 same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both.

DO NOT SEND CORPS PROCESSING FEE WITH APPLICATION

SEND IDAHO DEPARTMENT OF WATER RESOURCES OR IDAHO DEPARTMENT OF LANDS FILING FEE WITH APPLICATION

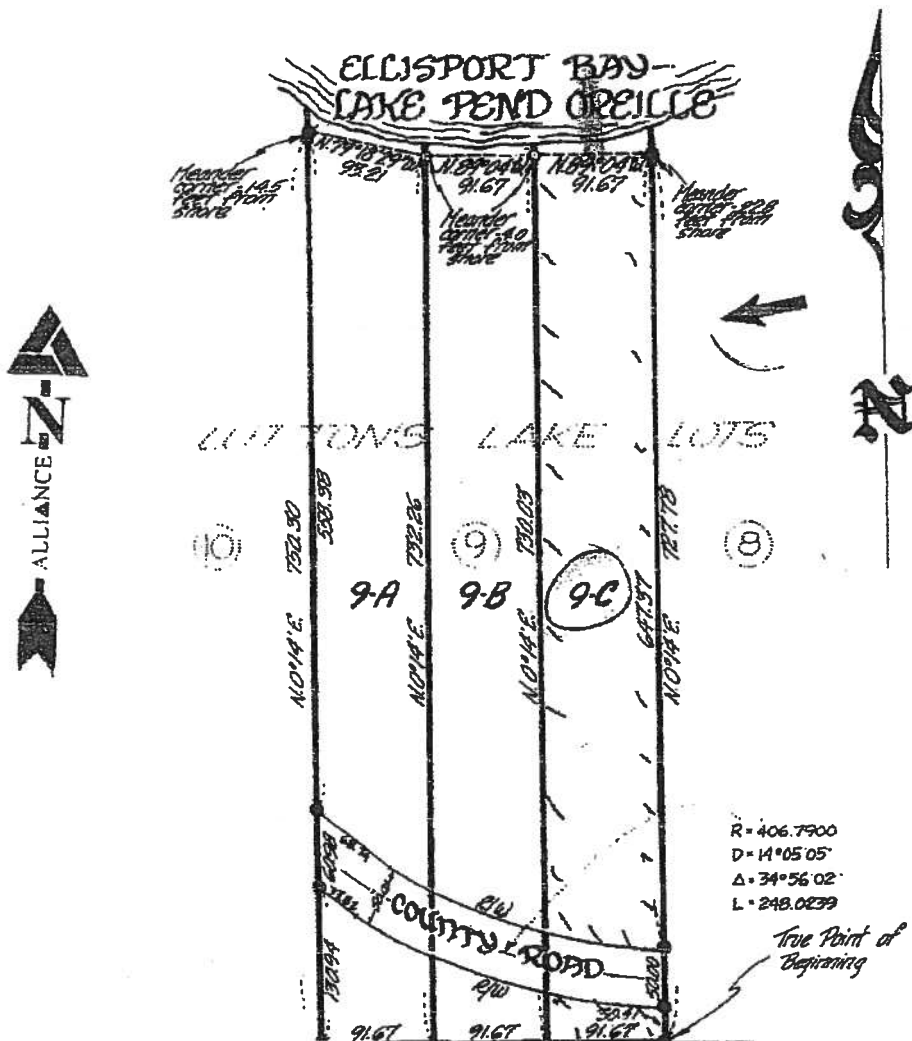
"LAKESIDE HOMES"

IN A POR. OF GOV'T LOT 3, SEC. 2,
T. 56N., R. 1E., B.M. — BANNER COUNTY — IDAHO

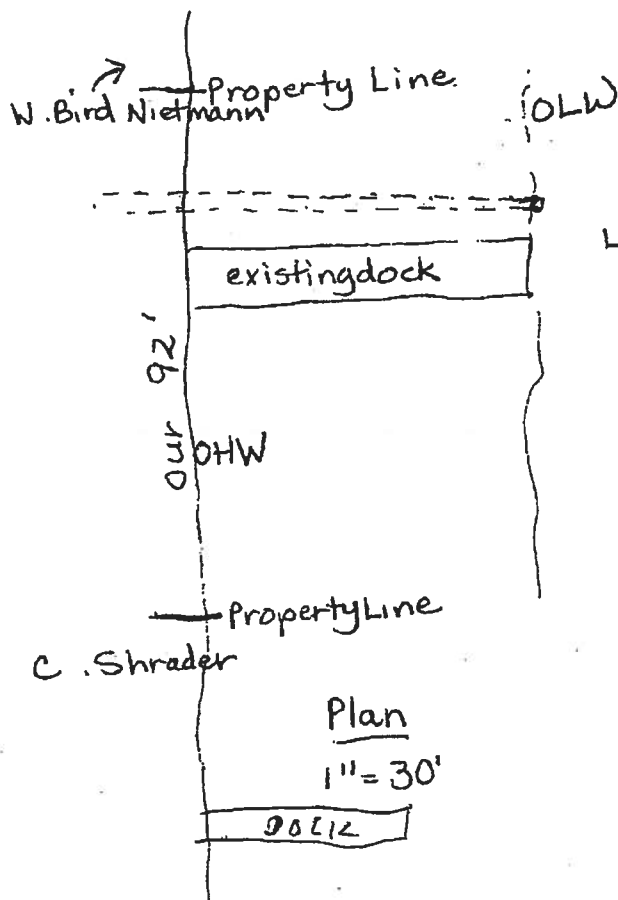
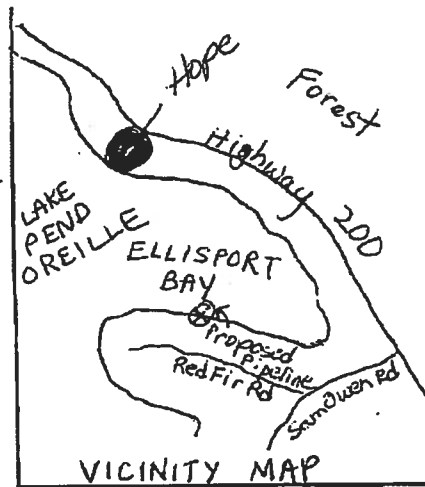
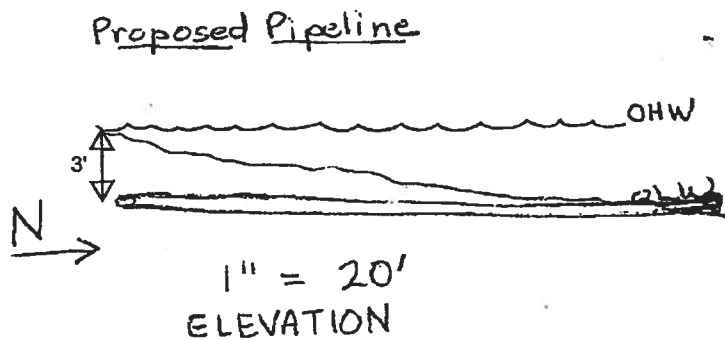
Safeco Title Insurance Company of Idaho
113 Cedar St
Box 758
Sandpoint, Idaho 83864

While this map is a photographic reproduction of that on file in either the recorder's or surveyor's office, the company assumes no liability for variation if any, with another or re-survey.

"This plat is made solely for the purpose of assisting in locating the land and the Company assumes no liability for variations, if any, with an actual survey."



(sheet 2 of 3)



LAKE PEND OREILLE
(Ellisport Bay)

OLW Ordinary low water
OHW Ordinary high water
of Lake Pend Oreille

OHW 2060
OLW 2050

Application No.: NWW-2007-190-C01

Proposed pipeline
to be completed 4-2009
Bruce/Julie Allen
Lake Pend Oreille
Bonner Co. ID
Hope 83836
(Sheet 1 of 3)



Panhandle Health District I
Environmental Health Section

322 MARION
SANDPOINT, ID 83864

Environmental Offices	
Bonanza	(208) 267-5558
Coeur d'Alene	(208) 444-5200
Kellogg	(208) 786-7174
Sandpoint	(208) 265-6184
St. Maries	(208) 245-4586

On-Site Sewage Site Evaluation Report
Disapproved

Enclosed please find your On-Site Sewage Evaluation. This site evaluation is valid for one year from the issue date or until the site characteristics have changed.

If you have any further questions about this site evaluation please contact the Environmental Health Specialist listed at the bottom of the permit.

Septic Permit # 05-09-47438

Site ID# SiteIDNo

Township: 56N

Section: 02

Application Date:

Parcel # RP0056800009C0A

Location: 1029 RED FIR RD

Range: 01E

Acres: 1

Owner

BRUCE ALLEN

611 VAUGHN RD

YAKIMA, WA 98908

Applicant

BRUCE ALLEN

611 VAUGHN RD

YAKIMA, WA 98908

Site Characteristics:

Surface Water

LPO

Well

150 ft from DF area, near cabin

Slope

11-15%

Other Features

DF area in mostly fill, lower area fill was installed in 2007

Curtain Diversion

Installed without P.H.D. consultation reported depth 36 inches approximately 19 feet from DF area.

Soil Type

B-2

Loading Rate

.45

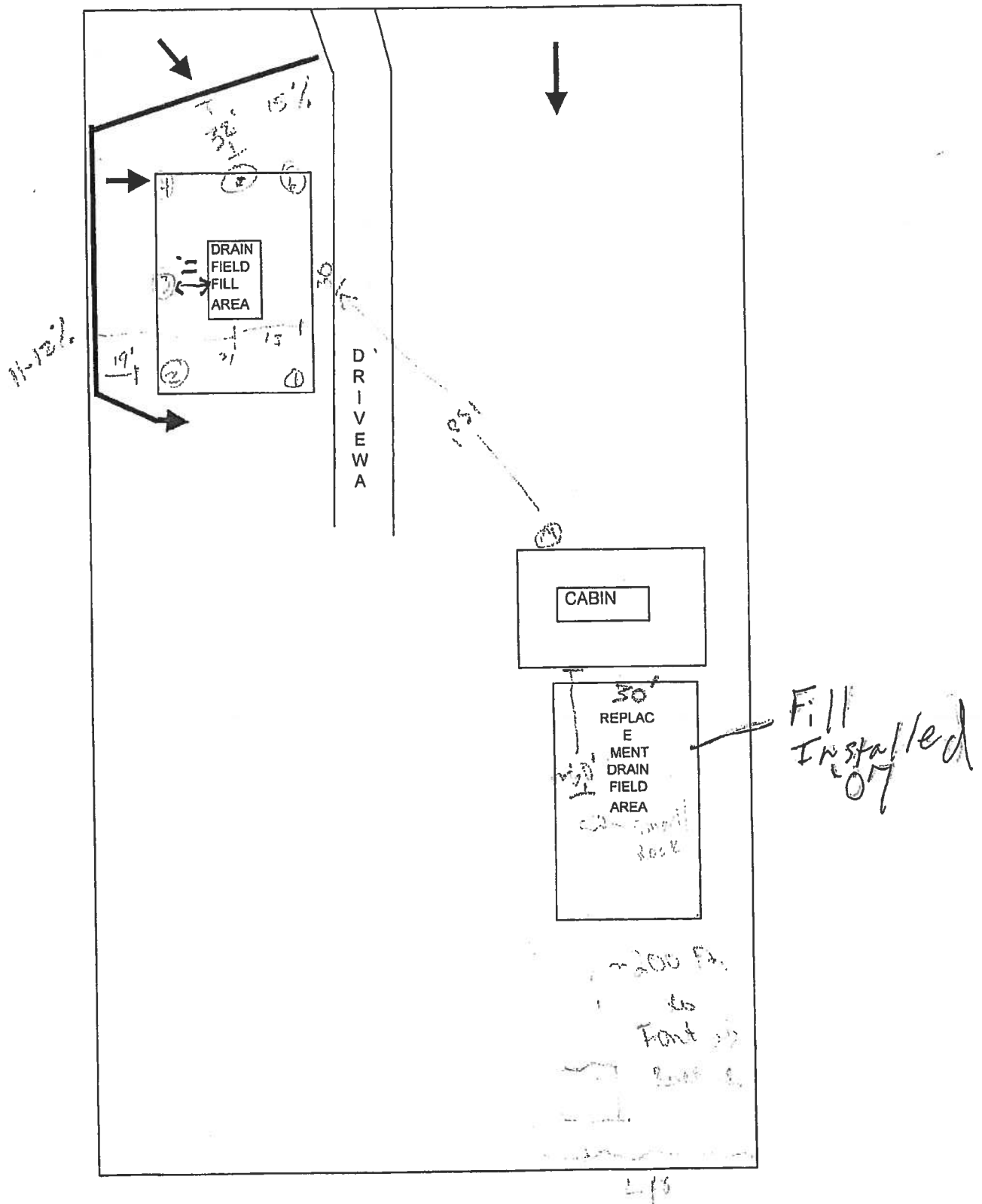
Site Approved for a Sewage Disposal System. Disapproved

Conditions:

Drain field space is limited due to the installation of a cut-off trench and is located in very close proximity (11 feet) from ground water monitoring well that had ground water between 12 and 31 inches. Site does not meet standards/setbacks for any kind of treatment. No replacement area exists on this site. All options for an on- site sewage system have been explored and exhausted. No further fieldwork will be conducted on this site.


JOHN DOWLING

5/20/2008
Date Issued



OK #11054

#79

Panhandle Health District I

On-Site Sewage System Application

01-09-0269

A site evaluation is not an approval or a permit to install a septic system. Permit approval depends on the following: Site evaluation approval, the predicted maximum daily sewage flow; house size and location; well / spring location; surface water locations; changes to native soil (road cuts, grading, benching); distance to neighboring structures (wells, buildings, drainfields); proposed land use; soil quality; other issues of concern.

Permits to construct a septic system are not granted until all such issues are addressed and / or submitted in writing as part of the plot plan / permit application AND found to be consistent with current regulations.

**ANY CHANGES TO THE SITE OR CONDITIONS OF THE APPLICATION AFTER
ISSUANCE OF THE PERMIT MAY RENDER THE PERMIT INVALID.**

☒ Site Evaluation (NEW)☐ Site Evaluation & Permit☐ Permit

Owner's Name

Rolf LOT2

Date

Mailing Address

1029 RED FIR RD.

Phone #

264-5429

City

HOPE

State

ID

Zip

83836

Legal Description

T.5W R. 1E S. 2

Parcel #

RP0056800009C0

Subdivision

LAKESIDE HOMES

Lot 96 Block

Size

1.5 ac

(Acres)

Location / Directions /
Physical Address

Applicant Name

FRED UNGERER

Mailing Address

40 DAN McLAUGHLIN
121 N. FIRST AVE.

Phone #

208/265-1572

City

SANDPOINT

State

ID

Zip

83864

Applicant is: ☐ Landowner ☐ Contractor ☐ Installer ☒ Other

BUYER

Type of Septic Installation

☐ New☐ Replacement

Proposed Use

☒ Individual☐ Community
(3 to 9 dwellings)☐ Large Soil Absorption

(2,500 gal / day or 10 or more dwellings)

Is there an existing dwelling on this parcel? ☒ Yes ☐ No

Description

1 bed / 1 bath STRUCTURE

Type of Dwelling

NOTE! DO NOT DAMAGE EXISTING DRAINFIELD

☒ Single Family Residence☐ Commercial☐ Multiple Family Res.☐ Other

(For Single & Multiple Family Residences Only)

of Bedrooms

of Baths

Sq. Ft.

of People

of Living Units

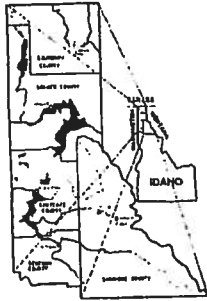
Garbage Disposal ☐ Yes ☐ No

(For Community, Commercial, Large Soil Absorption & Engineered Systems Only)

Average Daily Flow

Peak Daily Flow

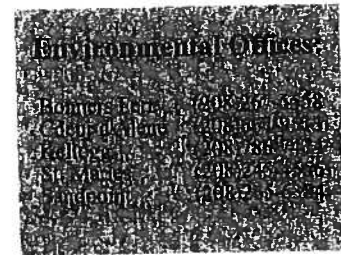
Highlighted Areas Are Required for the Permit Process to be Initiated; All Information Required for Completion



Panhandle Health District I

Environmental Health Section

322 Marion
Sandpoint, ID 83864
(208) 265-6384
FAX (208) 265-8550



On-Site Sewage Site Evaluation

160-1593

Septic Permit # 01-09-0269

Parcel # RP0056800009C0

Owner

ROLF LOTZ
1029 RED FIR RD.
HOPE, ID 83836
(208) 264-5429

Applicant

121 N FIRST AVE
SANDPOINT, ID 83864
(208) 265-1572

Enclosed please find your On-Site Sewage Site Evaluation. This site evaluation is valid for one year from the issue date or until the site characteristics have changed.

If you have any further questions about the site evaluation please contact the Environmental Health Specialist listed at the bottom of the permit.

Commercial - Industrial Review, Day Care, Environmental Health Education, Epidemiology, Air Quality, Food Borne Illnesses, Water Borne Illnesses, Vector Borne Illnesses, Food Establishments (Permit Inspection), Geographical Information Systems, Hazardous Materials (Lead, Radon), Indoor Air Quality, Land Development, Lead Health Program, Mortgage Lenders, Non-Domestic Waste Water, Public Pools, Public Water Systems, Public Health Nuisance, Radium, Animal Protection, Sewage Pump Out Centers, Inspection, Spokane County Industrial Control Program, Subsurface Sewage (Permit Inspection), Vector

Panhandle Health District 1

Site Evaluation Report

08/07/01

Site Evaluation # SE 01-09-0269

Property Owner	ROLF LOTZ 1029 RED FIR RD. HOPE, ID 83836	Application Date	7/26/2001
		Parcel Number	RP0056800009C0
		Township : 56N	Range : 01E
Location	1029 RED FIR RD. 121 N FIRST AVE SANDPOINT, ID 83864	Section : 2	Acres : 1.50
		LAKESIDE HOMES	
		Lot : 9C	

Site Characteristics:

Surface Water - lake

Site Disapproved for a Sewage Disposal System.

Conditions :

Site is not suitable for a subsurface sewage disposal system.

Site cannot meet standards for a standard or alternative system due to clay soils, rock, and setback requirements.

Charles E. Anselmo
Charles E. Anselmo

8-7-01
Date

Print Key Output

5769SS1 V4R4M0 990521

S105F6GM

Page 1
07/26/01 08:36:23Display Device : ST
User : STI

Parcel RP 0056800009C0 A PARCEL MASTER INQUIRY

** NAME ROLL **

Name	Addr	HS	Cat Year	Quantity	Unit	Value
LOT2, ROLF F & C PATRICIA	11535 HI RIDGE RD	15	1998	1.428	AC	92,253
LAKESIDE	CA 92040	19	1998	.105	AC	4,652
		32	1998			24,701
		37	2001			

Legal 2-56N-1E LAKESIDE HOMES
LOT 9-C

Totals-> 1.533 121,606

EF	3/19/1984	Area	65-00	Location	1630
EX		Owner Code		Type	7D
		Physically Inspected			1998

Comment NEW CONSTRUCTION 01 CAT 37
Property

4ND->	5-LD	8-SP	PARCEL>	RP	A
3UB->	13-RC	1	18-HS	23-LI	
F1-Toggle	F2-Tax Due	F3-End	F4-Rural Land Char	F24-More Keys	

PANHANDLE HEALTH DISTRICT INDIVIDUAL SEWAGE DISPOSAL INSTALLATION PERMIT

PAID 40 CASH X CHECK 7-25-50 NO FEE DATE 7-22-50
 FOR NAME: Roll Lot SIZE OF LOT 730 FT. X 100
 DESCRIPTION OF PROPERTY LUTTONS LAKE 40th

TYPE OF INSTALLATION SEWER

UNITS: TRAIL TRAILER BEDROOMS BATHS PEOPLE SERVED OTHER

TANK 1200 GALS. DISTANCE TO DWELLING FOUNDATION WELL WATER CISTERN
 TYPE OF TANK: CEMENT ✓ MEAL OTHER

ABSORPTION BED ✓ OTHER DIMENSIONS 150' x 100'

MIN./IN. SOIL PROFILE

PROPERTY LINES: FT. BACK 300 FT. SIDE 50 FT. DWELLING FOUNDATION 100

FT. SURFACE WATER 300 FT. SEPTIC TANK 50 FT. NEIGHBORLY LINE

WATER NONE FT. WELL LOG ☐ YES ☒ NO

THIS PERMIT IS NON-TRANSFERABLE AND IS VALID FOR 1 YEAR FROM THE DATE OF APPLICATION

APPLICANT'S: ONE C. W. BROWN ☐ OWNER ☒ OTHER

ONE C. W. BROWN Box 382, Luttons Lake, Okla.

APPROVED Date DISAPPROVED

REMARKS:

VICINITY MAP (Show How To Get There From This Office)

PLOT PLAN (Show House, Other Buildings, Proposed Sewage Layout, Wells, Yards, Roads, Streams, Lakes and Distances Between)

ELLSPORT BAY
BONNER COUNTY

PERMIT NO.

AREA

BUILDING TYPE OR USE Single Family

LOCATION Sampson Road Just Before Red Fur Ranch

SITE AREA 1.44 AC SQ. FT.

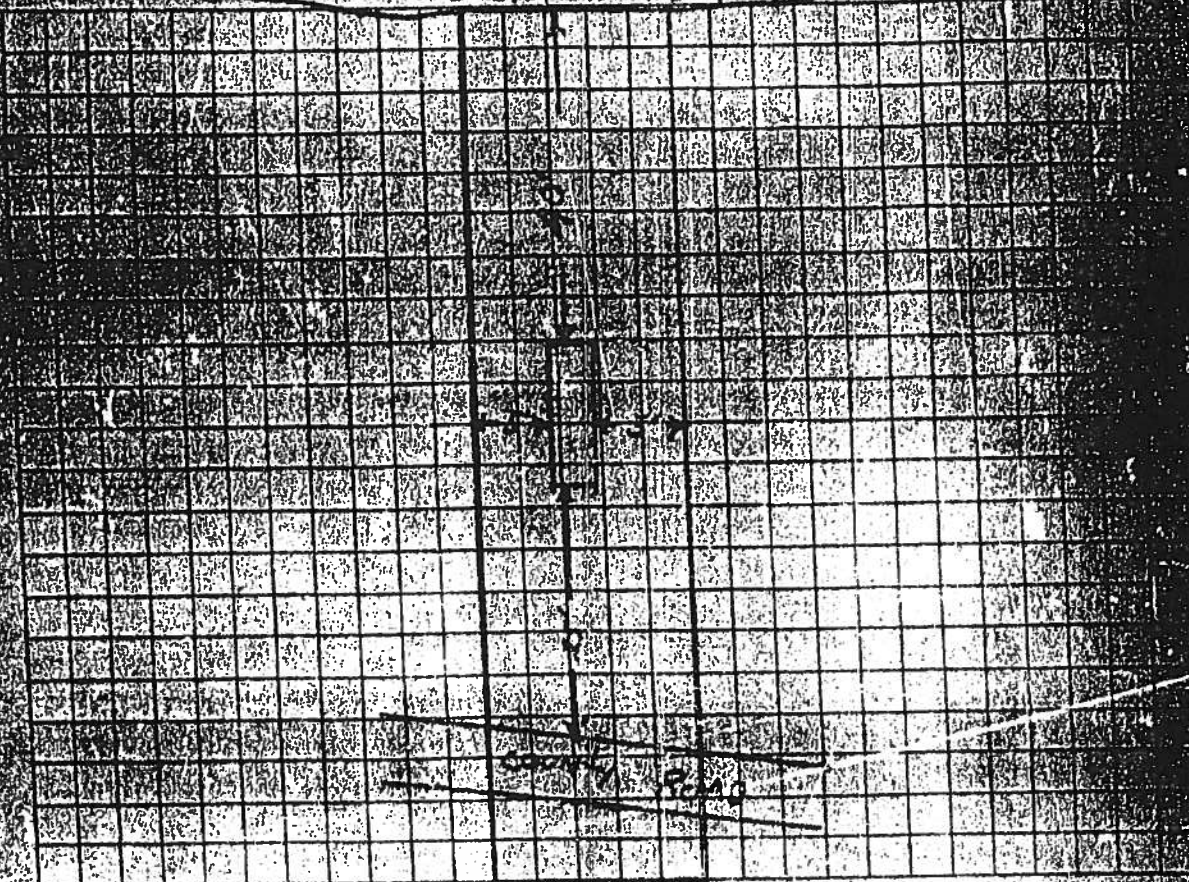
AREA OF SITE OCCUPIED BY BUILDINGS 208

Temporary structure

INSTRUCTIONS TO APPLICANT

PROVIDE THE FOLLOWING INFORMATION IN THE SPACE BELOW: LOCATION OF PROPOSED CONSTRUCTION AND EXISTING BUILDINGS. SHOW BUILDING SITE AND SETBACK DIMENSIONS. SHOW EASEMENT. SHOW DRAINAGE PATTERNS. FIRST FLOOR ELEVATION. COSEMENTS AND SERVICE ELEVATION. SHOW LOCATION OF WATER AND SEWER FACILITIES. SHOW LOCATION OF SURFACES. SHOW EACH BUILDING AND MAJOR PORTION THEREOF.

ELLSPORT BAY



We certify that the proposed construction will conform to the dimensions and uses shown above and that no changes will be made without first obtaining approval. We further certify that the proposed construction, alteration and/or repair will conform to the local planning and zoning and Health Department requirements that will be in effect on the date of the granting of the building permit.

APPROVALS	REQUIRED	RECEIVED	APPROVED
ZONING	<u>KUPAT</u>	<u>7-28-80</u>	<u>BG</u>
HEALTH DEPT.			
SOILS REPORT			

Signature Of Owner(s) Or Authorized Representative

Date

Bob Hargrave



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

July 21, 2016

BRUCE D ALLEN
JULIE M ALLEN
979 NACHES HEIGHTS RD
YAKIMA WA 98908

REQUEST FOR EXTENSION OF TIME LETTER

RE: Permit No. 96-9321

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 **March 01, 2023**.

The department has granted this extension based on the actual time development of this permit was delayed by a government agency, according to Section 42-204(1), Idaho Code. An encroachment application was denied by the Department of Lands due to an objection to the encroachment application by Panhandle Health District. The documented delay caused by Panhandle Health District occurred from October 9, 2008 to July 6, 2015, extending the proof due date an equal number of days.

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 **June 30, 2007**, according to Section 42-218a(1), Idaho Code. It is important that you work diligently toward the completion of the project during the period allowed because the Department will not grant an additional extension based on good cause, according to Section 42-204(6), 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,

A handwritten signature in blue ink that reads "Darla Block". The signature is fluid and cursive, with the first name "Darla" and last name "Block" clearly legible.

Darla Block
Technical Records Specialist

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on **July 22, 2016** I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (**APPROVED REQUEST FOR EXTENSION OF TIME**) to the person(s) listed below:

RE: Preliminary Order in the Matter of Permit No. **96-9321**

**BRUCE D ALLEN
979 NACHES HEIGHTS RD
YAKIMA WA 98908**

**JULIE M ALLEN
979 NACHES HEIGHTS RD
YAKIMA WA 98908**


Darla Block
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.

MEMORANDUM

DATE: June 27, 2016
TO: Permit File No. 96-9321
FROM: Darla Block
RE: Current Request for Extension of Time Filed Due to Government Delay

Permit Approved on: June 15, 2007
 Permit Proof Due Date: June 01, 2009 = **2 years**

Request for Extension of Time filed on: August 06, 2009
 Permit Reinstated, and Extension Request approved through June 01, 2011 = **2 years**

Request for Extension of Time filed on: August 02, 2011
 Permit Reinstated, and Extension Request approved through June 01, 2016 = **5 years**
 - (June 15, 2007 - June 1, 2016) = **9 years total**

Current Request for Extension of Time filed on: June 21, 2016

Note: This extension request asks for (1) year.

However, documents were submitted later as evidence of time lost due to government delay.

Timeline of events for documents submitted as evidence of government delay:

- Encroachment application filed on: **October 09, 2008**
- Panhandle Health District Objected to the encroachment application to place a waterline on the bed of the lake due to the already non conforming septic system: Therefore, the Idaho Department of Lands denied the encroachment application for a water withdrawal system into Lake Pend Oreille on **December 23, 2008.**
- Approved septic permit from Panhandle Health District : **July 06, 2015**

Time frame from the events listed above:

(October 09, 2008 - July 06, 2015) = **(6) years, (8) months and (28) days**

Conclusion: The request for extension of time filed on June 21, 2016, will be granted for a total amount of (6) years, (8) months and (28) days under government agency delay. **The permit will be reinstated, and the proof of beneficial use due date will be extended to March 01, 2023.**



Calculate duration between two dates – results

From and including: **Thursday, October 9, 2008**

To, but not including **Monday, July 6, 2015**

Result: 2461 days

It is 2461 days from the start date to the end date, but not including the end date

Or 6 years, 8 months, 27 days excluding the end date

6 yrs, 8 mos, + 28 days.

Alternative time units

2461 days can be converted to one of these units:

- 212,630,400 seconds
- 3,543,840 minutes
- 59,064 hours
- 2461 days
- 351 weeks and 4 days
- 674.25% of a [common year](#) (365 days)

October 2008 23 days included						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

November 2008 30 days included						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

December 2008–June 2015 31 days included	
December 2008: 31 days included	
Year 2009: 365 days included	
Year 2010: 365 days included	
Year 2011: 365 days included	
Year 2012: 366 days included	
Year 2013: 365 days included	
Year 2014: 365 days included	
January 2015–June 2015: 181 days included	

July 2015 5 days included						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

☐ = First day included (Oct 9, 2008) ☐ = Last day included (Jul 5, 2015)

Make a New Calculation

- [Make adjustment and calculate again](#)
- [Start again with a new calculation between two other dates](#)
- [New calculation, with both date and time included](#)



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*from June 1, 2016 Proof due date
add 6 yrs = June 1, 2022*

*from June 1, 2022
add 8 mos = Feb. 1, 2023*

*from Feb 1, 2023
add 28 days = Mar. 1, 2023
New Proof due date.*