

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 94-07548 IN)
THE NAME OF RATHDRUM MOUNTAIN LLC)
)
_____)

PRELIMINARY ORDER
VOIDING PERMIT

This matter having come before the Department of Water Resources (Department) as a result of an investigation by the Department to determine the extent of beneficial use of water, the Department finds, concludes, and orders as follows:

FINDINGS OF FACT

1. On January 27, 2010, Rathdrum Mountain LLC (permit holders) applied to the Department for a permit to appropriate 0.60 cubic feet per second from Ground Water within the SE¼, SW¼, of Section 09, Township 47 North, Range 03 West, B. M., for irrigation, stockwater, and domestic purposes.
2. On May 14, 2010, the Department approved the Application as Permit No. 94-07548 (permit) with a condition that the proof of beneficial use was to be submitted on or before May 1, 2011.
3. On July 13, 2010, the Department received a Statement of Completion for Submitting Proof of Beneficial Use for the permit. On August 11, 2015, and March 22, 2016, the Department mailed Field Exam notices to Rathdrum Mountain LLC and notices dated September 1, 2015, and March 22, 2016, to Idaho Feed and Cattle LLC. Idaho Feed and Cattle LLC is the current place of use property owner for Permit No. 94-07548. No reply to schedule a field exam was received for any of the notices.
4. On April 25, 2016, the Department mailed Notices of Intent to Void Permit to the permit holders and to Idaho Feed and Cattle LLC by Certified Mail. The notices stated that schedule information for a field exam must be provided to the Department within 30 days. No information to schedule a field exam has been received by the Department in response to either of the Notices of Intent to Void Permit.
5. On April 29, 2016, the Department contacted the permit holder by phone and left a voice mail message inquiring about relinquishment of the permit.
6. The Department received a voice mail message from the permit holder indicating that she would not relinquish the permit because she is no longer the owner of the property.
7. Idaho Code § 42-219(8) provides in pertinent part as follows:

In the event that the Department shall find that the applicant has not fully complied with the law and the conditions of the permit, it may issue a license for that portion

of use which is in accordance with the permit, or may refuse issuance of a license and void the permit.

CONCLUSIONS OF LAW

1. The provisions of Idaho Code § 42-219(8) authorize the Director of the Department to void permits for which the permit holder has not fully complied with the law and the conditions of the permit.
2. The permit holders have not complied with conditions of the permit and Idaho Code § 42-219 because they have not responded to Department letters to schedule a field exam or supplied a field exam report by a certified water right examiner. There is no field exam evidence that construction of works has been completed and application of water from the identified source to the proposed beneficial uses is occurring as required by Permit No. 94-07548.
3. This Department should void the permit pursuant to Idaho Code § 42-219(8).

ORDER

IT IS HEREBY ORDERED that Permit No. 94-07548 in the name of Rathdrum Mountain LLC is **VOIDED** and issuance of a license is **REFUSED** under Idaho Code § 42-219(8).

Dated this 27th day of May, 2016.

Morgan Case

Morgan Case
Northern Regional Manager
Idaho Department of Water Resources

CERTIFICATE OF SERVICE

I hereby certify that on June 9, 2016 I mailed a true and correct certified copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Voiding Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 95-11638

**RATHDRUM MOUNTAIN LLC
18634 W QUAIL LN
POST FALLS ID 83854**

**IDAHO FEED AND CATTLE LLC
PO BOX 53
HARRISON ID 83833**



Jean Hersley

Technical Records Specialist II

7007 1490 0001 6752 4362

U.S. Postal Service TM	
CERTIFIED MAILTM RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$.46 ⁵
Certified Fee	3.30
Return Receipt Fee (Endorsement Required)	2.70
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$6.46 ⁵
	
Sent To: Rathdrum Mountain, LLC	
Street, Apt. No., or PO Box No.: 18634 W Quail Ln	
City, State, ZIP+4: Post Falls ID 83834	
PS Form 3800, August 2006 See Reverse for Instructions	

7007 1490 0001 6752 4362

U.S. Postal Service TM	
CERTIFIED MAILTM RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$.46 ⁵
Certified Fee	3.30
Return Receipt Fee (Endorsement Required)	2.70
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$6.46 ⁵
	
Sent To: Idaho Feed & Cattle, LLC	
Street, Apt. No., or PO Box No.: PO Box 53	
City, State, ZIP+4: Harrison ID 83833	
PS Form 3800, August 2006 See Reverse for Instructions	

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Idaho Feed & Cattle LLC
P.O. Box 53
Harrison ID 83833



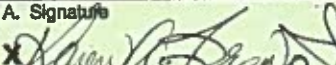
9590 9403 0148 5086 1874 29

2. Article Number (Transfer from service label)

7007 1490 0001 6752 4362

PS Form 3811, April 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature  ☐ Agent ☒ Addressee

B. Received by (Printed Name) Karen Brewster C. Date of Delivery 6.15.16

D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

RECEIVED
JUN 16 2016

3. Service Type
- | | |
|--|---|
| ☐ Adult Signature | ☐ Priority Mail Express [®] |
| ☐ Adult Signature Restricted Delivery | ☐ Registered Mail TM |
| ☒ Certified Mail [®] | ☐ Registered Mail Restricted Delivery |
| ☐ Certified Mail Restricted Delivery | ☐ Return Receipt for Merchandise |
| ☐ Collect on Delivery | ☐ Signature Confirmation TM |
| ☐ Collect on Delivery Restricted Delivery | ☐ Signature Confirmation Restricted Delivery |
| ☐ Insured Mail | |
| ☐ Mail Restricted Delivery | |

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Rathdrum Mountain LLC
18634 W Quail Ln
Post Falls ID 83834



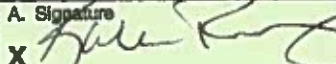
9590 9403 0148 5086 1874 36

2. Article Number (Transfer from service label)

7007 1490 0001 6752 4362

PS Form 3811, April 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature  ☐ Agent ☒ Addressee

B. Received by (Printed Name) KAREN RAY C. Date of Delivery 6/17/16

D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

RECEIVED
JUN 22 2016

3. Service Type
- | | |
|--|---|
| ☐ Adult Signature | ☐ Priority Mail Express [®] |
| ☐ Adult Signature Restricted Delivery | ☐ Registered Mail TM |
| ☒ Certified Mail [®] | ☐ Registered Mail Restricted Delivery |
| ☐ Certified Mail Restricted Delivery | ☐ Return Receipt for Merchandise |
| ☐ Collect on Delivery | ☐ Signature Confirmation TM |
| ☐ Collect on Delivery Restricted Delivery | ☐ Signature Confirmation Restricted Delivery |
| ☐ Insured Mail | |
| ☐ Mail Restricted Delivery | |

Domestic Return Receipt