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Aug 23, 2024

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

\$50 fee Received by hm Recept No. C110939 Date 9/27/24

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 Idaho Code § 42-204, 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. 86-12074 Date proof is due March 1, 2025

Name(s) of permit holder(s) Tsceminicum Bottling Co LLC

Mailing address 35309 Powell Road City Lewiston State Id Zip 83501

Telephone no. 208-305-9435 Email rick@artesianfusion.com

Describe what work has been completed toward the development of this water right: If no work has been completed, show "none".

Complete development of the source well, piping, tanks and everything to begin bottling water and packaging product.

Costing \$ 1,500,000

The permit holder(s) has been unable to complete the remainder of the work for the following reasons: Problems during Covid-19 for lack of various companies coordinating completion of all aspects of preparation of procurement of packaging equipment, water quality development, logistics and supply chain issues for packaging and employee retention, and distribution issues for finished products.

Permit holder(s) request an extension for 5 (five) year(s).

Richard Keane August 23, 2024 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 Idaho Code §§ 42-204 and/or 42-218.

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 March 1, 2030.

Signed this 8th day of December, 2024 Shelley W. Keen Angela M. Hansen, Chief Water Allocation Bureau Shelley W. Keen Deputy Director



Governor Brad Little

Director Mathew Weaver

December 10, 2024

TSCEMINICUM BOTTLING CO LLC
35309 POWELL RD
LEWISTON ID 83501-7834

REQUEST FOR EXTENSION OF TIME LETTER

RE: Permit No. 86-12074

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, 2030**.

The Department has granted this extension based on diversion of two (2) or more cubic feet per second or the development or cultivation of one hundred (100) or more acres of land pursuant to Idaho Code § 42-204(3)(d).

You may be eligible for further extensions based on the same reason noted above if the issue is ongoing. Please submit supporting documentation providing dates for the period of delay with any future requests for an extension for this same reason. It is important that you work diligently toward the completion of the project during the new development period allowed by this extension as soon as the issue is resolved.

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

If you have any questions concerning this permit, please contact the State Office of the Department located in Boise at (208) 287-4800.

Sincerely,

A handwritten signature in cursive script that reads "Jean Hersley".

Jean Hersley
Technical Records Specialist II

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on **December 11, 2024** 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. **86-12074**

**TSCEMINICUM BOTTLING CO LLC
35309 POWELL RD
LEWISTON ID 83501-7834**



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: Rick Keane <rick@artesianfusion.com>
Sent: Friday, August 23, 2024 1:04 PM
To: Bell, Chace; IDWR File
Cc: IDWR File; Brian Knox; Leonardo Thums
Subject: Re: Request for extension
Attachments: Idaho Dept of Water Resources request-for-extension-of-time-8-23 (3).pdf

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Good Day Chace,

Here is the requested extension for our water right.

Let me know if you have any questions or update us with the extension.

Thanks in advance for your consideration!

Rick Keane



Natural Mineral Water

Low Mineral Content

Shipping & Mailing: 980 Colonel Wright Way

Lewiston, Idaho 83501

Office: 980 Colonel Wright Way

Lewiston, Idaho 83501

Ph: (208) 305-9435

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From: Bell, Chace <Chace.Bell@idwr.idaho.gov>
Sent: Wednesday, July 24, 2024 3:12 PM
To: Rick Keane <rick@artesianfusion.com>
Subject: Request for extension

Attached is the request for extension as discussed in our phone conversation.

Chace Bell

Water Resources Supervisor
Idaho Department of Water Resources, Northern Region
7600 N Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone (208) 762-2802 / 2800
<https://idwr.idaho.gov>

