

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF PERMIT NO. 65-23728	)	PRELIMINARY ORDER
IN THE NAME OF SANDS LLC	)	REINSTATING A PERMIT
C/O STEVE LOOMIS	)	
_____	)	

This matter having come before the Idaho Department of Water Resources ("Department"), the Department finds, concludes and orders as follows:

FINDINGS OF FACT

1. On January 30, 2018, the Department issued Permit No. 65-23728 ("Permit") in the name of Sands LLC c/o Steve Loomis ("Permit Holder") authorizing the diversion of 0.05 cubic feet per second of surface water for stockwater use in the NE¼NW¼ of Section 17 of Township 06 North, Range 02 East, B.M., Boise County. A condition of permit approval required the Permit Holder to submit proof of beneficial use of water to the Department on or before February 1, 2023.
2. On November 30, 2022, the Department notified the Permit Holder by certified mail that proof of beneficial use was due and instructed the Permit Holder of the steps to be taken to submit a *Statement of Completion for Submitting Proof of Beneficial Use* ("Proof"), or a *Request for Extension of Time* ("Extension Request").
3. On February 1, 2023, the Permit lapsed because the Department had not received an acceptable Proof or Extension Request.
4. On February 9, the Department notified the Permit Holder the Permit lapsed because no Proof or Extension Request had been received.
5. On March 23, 2023, the Permit Holder filed an acceptable Proof.

CONCLUSIONS OF LAW

Idaho Code § 42-218a(1) states, in pertinent part:

A permit upon which the proof of beneficial use..., has not been submitted, or a request for extension of time has not been received on or before the date set for such proof or incremental statement, shall lapse and be of no further force nor effect... . Notice of said lapsing shall be sent by the department to the permit holder at the address of record by regular mail.

Idaho Code § 42-218a(2) states, in pertinent part:

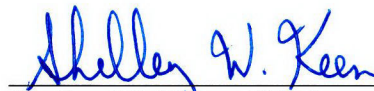
Within sixty (60) days after such notice of lapsing the department may, upon a showing of reasonable cause, reinstate the permit with the priority date advanced a time equal to the number of days that said showing is subsequent to the date set for proof.

By submitting an acceptable Proof, the Permit Holder has shown reasonable cause why this Permit should be reinstated. The Permit should be reinstated based upon the March 23, 2023 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 65-23728 is **REINSTATED** and the Permit's priority date is advanced to October 17, 2017.

DATED this 29th day of March, 2023.



Shelley W. Keen, Chief
Water Allocation Bureau

RECEIVED

MAR 23 2023

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATEMENT OF COMPLETION
FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY	
Amt. of Fee \$	50.00
Receipt No.	2115669
Received By	Ku
Date Received	3.23.23

The Idaho Department of Water Resources (Department) considers this form a statement that the permit holder(s) applied water to beneficial use and completed development of a water right 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 (CWRE).** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, complete a Notice of Change in Water Right Ownership form. If you wish to relinquish your permit because you have not established the authorized water use and are not applying for an extension, please notify the Department in writing.

- Permit No. 65-23728 Name of Permit Holder(s) SANDS LLC
Telephone No. 208 859 8115 Email loomissteve@gmail.com
Mailing Address 7154 N State #187 City Boise State ID Zip 83714
- Source of Water Robbs Creek - Springs If Ground Water (well), Date Drilled mo. ____ / yr. ____
Drilling Permit/Tag No. ____ Drilling Company's Name ____
- Extent of use(s) completed as authorized by the water right permit:
Domestic (No. households) ____ Irrigation (No. acres) N/A Stockwater (No. and stock type) 200 head cattle
Other ____
- Total diversion rate or volume (storage only) for which proof is submitted 105 cfs OR ____ af
If the total developed water use is 5 acres of irrigation or less, is stockwater storage of 14.6 acre-feet or less, or has a diversion rate of less than 0.24 cfs, attach a map of the place of use and point of diversion and photographs showing beneficial use.
- Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)
Pipe already in ground from years past - we piped it to new water tank
- Permit condition compliance. Refer to the permit approval conditions and check all the items required, then check "Yes" or "No" to indicate whether the required items were established, submitted, and/or installed:
Required? Yes No (If "Yes", attach required data, evidence of compliance, or evidence of installation)

☐	☐	☒	Ground water level data, pumping information, or other diversion data
☐	☐	☒	Mitigation plan
☐	☐	☒	Lockable controlling works
☐	☐	☒	Measuring device
☐	☐	☒	Fish screen
☐	☐	☒	Other requirements of the water right permit
☐	☐	☐	Reasonably Anticipated Future Needs ("RAFN") Municipal use

If RAFN Municipal use, additional increment of beneficial use developed? ☐ Yes (attach CWRE report) ☐ No
- Fee Enclosed \$ 50 or ☐ CWRE field report attached or ☐ No fee required
See fee schedule on page 3 of the instructions. Proof statements filed without an appropriate fee are incomplete.

- Person to contact to accompany a Department representative during the field examination of the water system:
Name: Steve Loomis Telephone No. 208 859 8115 Email loomissteve@gmail.com
Mailing Address 7154 N State #187 City Boise State ID Zip 83714

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 beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

Steve Loomis Steve Loomis, Manager 3/21/23
SIGNATURE OF PERMIT HOLDER* PRINTED NAME AND TITLE DATE

*Attach power of attorney if completing on behalf of permit holder. SANDS LLC

SCANNED
APR 04 2023



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little
April 3, 2023

Director Gary Spackman

SANDS LLC
C/O STEVE LOOMIS
7154 W STATE ST #187
BOISE ID 83714

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 65-23728

Dear Permit Holder:

The Department acknowledges receipt of the Proof of Beneficial Use form ("proof") and license examination fee for the above-referenced water right permit. Enclosed is an order that reinstates this permit since proof and the license examination fee were submitted after the proof deadline. Please note that the priority date for this permit has been advanced to **October 17, 2017**, pursuant to Idaho Code § 42-218a(2).

The next step in the process of developing a water right is for the Department to conduct a field examination to determine and confirm the use being made of the water according to the conditions of the permit.

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,

Debbi Judd
Technical Records Specialist

Enclosures

c: HDR INC – *via email*

SCANNED
APR 04 2023

CERTIFICATE OF SERVICE

I hereby certify that on **April 3, 2023** I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (**PRELIMINARY ORDER REINSTATING A PERMIT**) to the persons listed below:

RE: Preliminary Order in the Matter of Permit No. **65-23728**

**SANDS LLC
C/O STEVE LOOMIS
7154 W STATE ST #187
BOISE ID 83714**

**HDR INC – *via email*
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706-6660
lori.graves@hdrinc.com**



**Debby Judd
Technical Records Specialist**

SCANNED
APR 04 2023

Beneficial Use Proof Evaluation

Permit Number: 65-23728 Reviewer: djudd Review Date: 3/24/2023

Acceptability

- 1) Is the contact on the request the current permit holder? Yes
- 2) Does the address of record need to be updated? No
- 3) Proof Submitted Date: 3/23/2023
- 4) Proof Due Date: 2/1/2023
- 5) Days added for weekend due date? 0
- 6) Days added for holiday due date? 0
- 7) Number of days late: 50
- 8) Proof received timely? No

Analysis

- 1) Are the water uses correct? Yes
- 2) Are one of the following items required?
 - a. Measuring Device -- No
 - b. Lockable Device --No
 - c. Fish Screen -- No
- 3) Are the required items installed?
 - a. Measuring Device --
 - b. Lockable Device --
 - c. Fish Screen --
- 4) Is there a request to waive the required items?
- 5) Drilling Permit Number:
- 6) Is a drilling permit upgrade needed?
- 7) Was a well drillers report filed?
- 8) Is proof accepted? Yes

Fees

- 1) Is a licensing exam fee required? Yes
- 2) Was proof submitted with an exam report from a CWE? No
- 3) Filing fee due: \$50.00
- 4) Filing fee submitted: \$50.00
- 5) Remaining fee or (refund): \$0.00

Receipt IDs

W045624

Comments

Proof received 50 days late. Reinstate permit and advance priority date to October 17, 2017.

Reinstate Evaluation

Permit Number: 65-23728 Reviewer: djudd Review Date: 3/24/2023

Analysis

- 1) Proof/extension request received date: 3/23/2023
- 2) Number of days proof/extension request received late: 50
- 3) Was a lapsed notice sent? Yes
- 4) Date lapsed notice sent: 2/9/2023
- 5) Number of days between proof/extension request received date and date lapsed notice was sent: 42
- 6) Was the proof or extension request received more than 60 days after the lapsed notice was sent? No
- 7) Priority date: 8/28/2017
- 8) New priority date: 10/17/2017
- 9) New status: Lapsed

Comments

Proof received 50 days late. Reinstate permit and advance priority date to October 17, 2017.



Governor Brad Little
February 9, 2023

Director Gary Spackman

SANDS LLC
C/O STEVE LOOMIS
7154 W STATE ST #187
BOISE ID 83714

LAPSE NOTICE

RE: PERMIT NOS. 65-23727 and 65-23728

IMPORTANT: This permit has lapsed because no written response was received from you by the IDWR. Development and/or use must cease.

Dear Permit Holder:

You are hereby notified that under the provisions of Idaho Code § 42-218a, the above referenced permit has lapsed and is of no further force nor effect. The Department provided the proper forms to you in the proof due notice dated November 30, 2022. No further construction or additional development is authorized under this permit.

If water was put to beneficial use prior to the date proof of beneficial use was due, you may file the Statement of Completion (proof) now, or if you or a previous owner of this permit have not received a prior extension of time, you may file the Request for Extension of Time (extension request) if the delay is for reasonable cause as provided in Idaho Code § 42-204. You may also request an extension of time if you have been delayed by a government agency, or by litigation that brings title to the water in question.

Either an acceptable proof or an acceptable extension request must be received by this Department within sixty (60) days of the mailing of this lapse notice in order to reinstate this permit.

Please contact Debbi Judd at 208-287-4920, if you need additional assistance.

Sincerely,


Angela Hansen, Manager
Water Rights Section

c: HDR INC – *via email*

SCANNED
FEB 10 2023



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little
November 30, 2022

Director Gary Spackman

SANDS LLC
C/O STEVE LOOMIS
7154 W STATE ST #187
BOISE ID 83714

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit Nos. 65-23727 and 65-23728

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:

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, 2023**. 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 Idaho Code § 42-204. 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,

Debbi Judd
Technical Records Specialist

Enclosures

c: HDR INC – via email



SCANNED
NOV 30 2022