

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

IN THE MATTER OF PERMIT NO. 95-17375	)	PRELIMINARY ORDER
IN THE NAME OF TODD R ZIMMERMANN	)	REINSTATING A PERMIT
AND CAROL ZIMMERMANN	)	
_____	)	

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 November 14, 2017, the Department issued Permit No. 95-17375 ("Permit") in the name of Todd R. Zimmermann and Carol Zimmermann ("Permit Holders") authorizing the diversion of 0.18 cubic feet per second of ground water for domestic and irrigation uses in the NE¼SE¼ of Section 27 of Township 52 North, Range 04 West, B.M., Kootenai County. A condition of permit approval required the Permit Holders to submit proof of beneficial use of water to the Department on or before November 1, 2022.
2. On August 31, 2022, the Department notified the Permit Holders by certified mail that proof of beneficial use was due and instructed the Permit Holders 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 November 1, 2022, the Permit lapsed because the Department had not received an acceptable Proof or Extension Request.
4. On November 14, 2022, the Department notified the Permit Holders the Permit lapsed because no Proof or Extension Request had been received.
5. On November 18, 2022, the Permit Holders 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.

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DEC 02 2022

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 Holders have shown reasonable cause why this Permit should be reinstated. The Permit should be reinstated based upon the November 18, 2022 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 95-17375 is **REINSTATED** and the Permit's priority date is advanced to October 21, 2017.

DATED this 25th day of November, 2022.



Shelley W. Keen, Chief
Water Allocation Bureau

RECEIVED

NOV 18 2022

IDWR / NORTH

RECEIVED

NOV 21 2022

DEPARTMENT OF
WATER RESOURCES

STATE 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. N041878
Received By Ja
Date Received 11-18-22

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.

1. Permit No. 95-17375 Name of Permit Holder(s) Todd & CAROL ZIMMERMANN
Telephone No. 208-660-5779 Email _____
Mailing Address 16653 N Ramsey City RATHDRUM State Id Zip 83858

2. Source of Water GROUND WATER If Ground Water (well), Date Drilled mo. 3 / yr. 2017
Drilling Permit/Tag No. 00073353 Drilling Company's Name Horsley Drilling

3. Extent of use(s) completed as authorized by the water right permit:

Domestic (No. households) 1 Irrigation (No. acres) 7 Stockwater (No. and stock type) _____
Other _____

4. Total diversion rate or volume (storage only) for which proof is submitted 0.18 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.

5. Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)

Drilled well completed 2017 connected to onw Home
buried water line with Frost Free hydrants to attach
hoses + rainbirds

6. 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) NA☐ ☒ Ground water level data, pumping information, or other diversion data NA☐ ☒ Mitigation plan☐ ☒ Lockable controlling works NA☐ ☒ Measuring device NA☐ ☒ Fish screen NA☐ ☒ Other requirements of the water right permit NA☐ ☒ Reasonably Anticipated Future Needs ("RAFN") Municipal use NAIf RAFN Municipal use, additional increment of beneficial use developed? ☐ Yes (attach CWRE report) ☒ No NA

7. Fee Enclosed \$ 50.00 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.

8. Person to contact to accompany a Department representative during the field examination of the water system:

Name: Todd Zimmermann Telephone No. 208-660-5779 Email _____Mailing Address 16653 N Ramsey City Rathdrum State Id Zip 83858

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.

Todd Zimmermann
SIGNATURE OF PERMIT HOLDER*

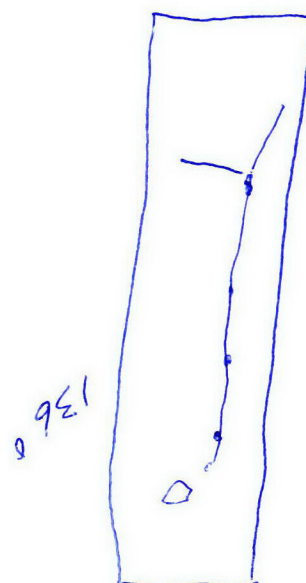
Todd Zimmermann owner
PRINTED NAME AND TITLE

11/18/22
DATE

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

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DEC 02 2022





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
December 2, 2022

Director Gary Spackman

TODD R ZIMMERMANN
CAROL ZIMMERMANN
16653 N RAMSEY RD
RATHDRUM ID 83858

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 95-17375

Dear Permit Holders:

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 21, 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 the field examination, please contact the Northern Region Office of the Department located in Coeur d'Alene at (208) 762-2800.

Sincerely,

A handwritten signature in black ink, appearing to read "Debbi Judd".

Debbi Judd
Technical Records Specialist

Enclosures

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DEC 02 2022

CERTIFICATE OF SERVICE

I hereby certify that on **December 2, 2022** 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. **95-17375**

**TODD R ZIMMERMANN
CAROL ZIMMERMANN
16653 N RAMSEY RD
RATHDRUM ID 83858**



**Debbi Judd
Technical Records Specialist**

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DEC 02 2022

Beneficial Use Proof Evaluation

Permit Number: 95-17375 Reviewer: djudd Review Date: 11/21/2022

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: 11/18/2022
- 4) Proof Due Date: 11/1/2022
- 5) Days added for weekend due date? 0
- 6) Days added for holiday due date? 0
- 7) Number of days late: 17
- 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: 881609
- 6) Is a drilling permit upgrade needed? No
- 7) Was a well drillers report filed? Yes
- 8) Is proof accepted? Yes

Fees

- 1) Is a licensing exam fee required?
- 2) Was proof submitted with an exam report from a CWE?
- 3) Filing fee due: \$0.00
- 4) Filing fee submitted: \$0.00
- 5) Remaining fee or (refund): \$0.00

Receipt IDs

N032969

Comments

Proof received 17 days late. Reinstate permit and advance priority date to October 21, 2017.

Reinstate Evaluation

Permit Number: 95-17375 Reviewer: djudd Review Date: 11/21/2022

Analysis

- 1) Proof/extension request received date: 11/18/2022
- 2) Number of days proof/extension request received late: 17
- 3) Was a lapsed notice sent? Yes
- 4) Date lapsed notice sent: 11/14/2022
- 5) Number of days between proof/extension request received date and date lapsed notice was sent: 4
- 6) Was the proof or extension request received more than 60 days after the lapsed notice was sent? No
- 7) Priority date: 10/4/2017
- 8) New priority date: 10/21/2017
- 9) New status: Lapsed

Comments

Proof received 17 days late. Reinstate permit and advance priority date to October 21, 2017.



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

Director Gary Spackman

November 14, 2022

TODD R ZIMMERMANN
CAROL ZIMMERMANN
16653 N RAMSEY RD
RATHDRUM ID 83858

LAPSE NOTICE

RE: PERMIT NO. 95-17375

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

Dear Permit Holders:

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 August 31, 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

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NOV 15 2022

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
322 East Front Street, P.O. Box 83720
Boise, Idaho 83720-0098

no other address found
no email

RECEIVED

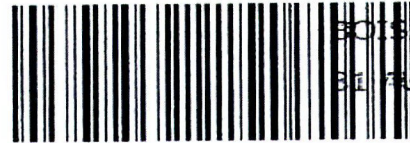
SEP 23 2022

DEPARTMENT OF
WATER RESOURCES

TODD R ZIMMERMANN
CAROL ZIMMERMANN
16653 N RAMSEY RD
RATHDRUM ID 83858

95-17375

CERTIFIED MAIL®

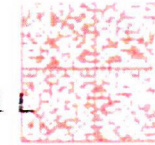


BOISE ID 836

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RTS 9-17



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NXT 002 OF 1 8888/20/22

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 837200098

*1336-03951-31-39

UNC
83858-021653

SCANNED
SEP 7 8 2022