

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

IN THE MATTER OF PERMIT NO. 96-9498)
IN THE NAME OF IDAHO FOREST)
GROUP LLC)
_____)

**PRELIMINARY ORDER
REINSTATING PERMIT**

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 April 23, 2012, the Department issued Permit No. 96-9498 (“Permit”) in the name of Idaho Forest Group LLC (“Permit Holder”) authorizing the diversion of 4.00 cubic feet per second from the Pend Oreille River for irrigation, irrigation storage, irrigation from storage, industrial, industrial storage, industrial from storage, fire protection, fire protection storage and diversion to storage uses in the SW¼ of Section 30, and NW¼NW¼ of Section 31, Township 56 North, Range 03 West, Bonner County. A condition of permit approval required submittal of the proof of beneficial use of water to the Department on or before May 1, 2017.
2. On February 28, 2017, 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 April 28, 2017, the Department received an Extension Request (“First Extension Request”) requesting a one-year extension to submit a proof.
4. On May 15, 2017, the Department granted the First Extension Request extending the deadline to submit proof of beneficial use to May 1, 2018.
5. On February 28, 2018, 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”).
6. On April 25, 2018, the Department received an Extension Request (“Second Extension Request”) requesting a five-year extension to submit a proof.
7. On April 27, 2018, the Department granted the Second Extension Request extending the deadline to submit proof of beneficial use to May 1, 2023.
8. On January 20, 2021, the Department received a Statement of Completion for Submitting Proof of Beneficial Use (“First Proof Statement”).
9. On November 3, 2021, the Permit Holder requested to withdraw the First Proof Statement.

10. On February 28, 2023, 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").
11. On May 1, 2023, the Permit lapsed because the Department had not received an acceptable Proof or Extension Request.
12. On May 10, 2023, the Department notified the Permit Holder the Permit lapsed.
13. On May 12, 2023, the Permit Holder filed an acceptable Proof ("Second Proof Statement").

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... 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:

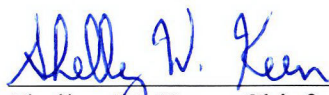
Within sixty (60) days after such notice of lapsing, the department may, upon a showing of reasonable cause, reinstate the permit with the priority date advanced a time equal to the number of days that said showing is subsequent to the date set for proof.

The Permit Holder filed an acceptable Proof providing a reasonable showing the Permit should be reinstated. The Permit should be reinstated based upon the May 12, 2023 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 96-9498 is **REINSTATED** and the Permit's priority date is advanced to December 26, 2011.

DATED this 16th day of July, 2023.



Shelley W. Keen, Chief
Regional Operations Bureau

STATEMENT OF COMPLETION

FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY

Amt. of Fee \$ 125.00Receipt No. N043347Received By JaDate Received 5-12-23

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.

1. Permit No. 96-09498 Name of Permit Holder(s) Idaho Forest Group LLC
 Telephone No. (208) 255-3220 Email tgroff@ifg.com
 Mailing Address PO Box 220 City Laclede State ID Zip 83841

2. Source of Water Pend Oreille River If Ground Water (well), Date Drilled mo. ____ / yr. ____
 Drilling Permit/Tag No. ____ Drilling Company's Name ____

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

Domestic (No. households) ____ Irrigation (No. acres) 63 Stockwater (No. and stock type) ____
 Other Industrial, Irrigation, Fire Protection

4. Total diversion rate or volume (storage only) for which proof is submitted 1.2 cfs OR 133 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.)
Both PODs are duplex submersible pumps that discharge to a dedicated fill line on opposite ends of the Mill, NW & SE.
Water is utilized onsite for irrigation and industrial use.

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)

- | | | | |
|--------------------------|--------------------------|--------------------------|---|
| ☐ | ☐ | ☐ | 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

7. Fee Enclosed \$ 125 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: Travis Hanson Telephone No. (208) 255-6174 Email travis.hanson@ifg.com
 Mailing Address PO Box 220 City Laclede State ID Zip 83841

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.

Tommy Groff
 SIGNATURE OF PERMIT HOLDER*

Tommy Groff - Plant Superintendent
 PRINTED NAME AND TITLE

5-8-2023
 DATE

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

SCANNED

JUL 17 2023

MODEL 300S

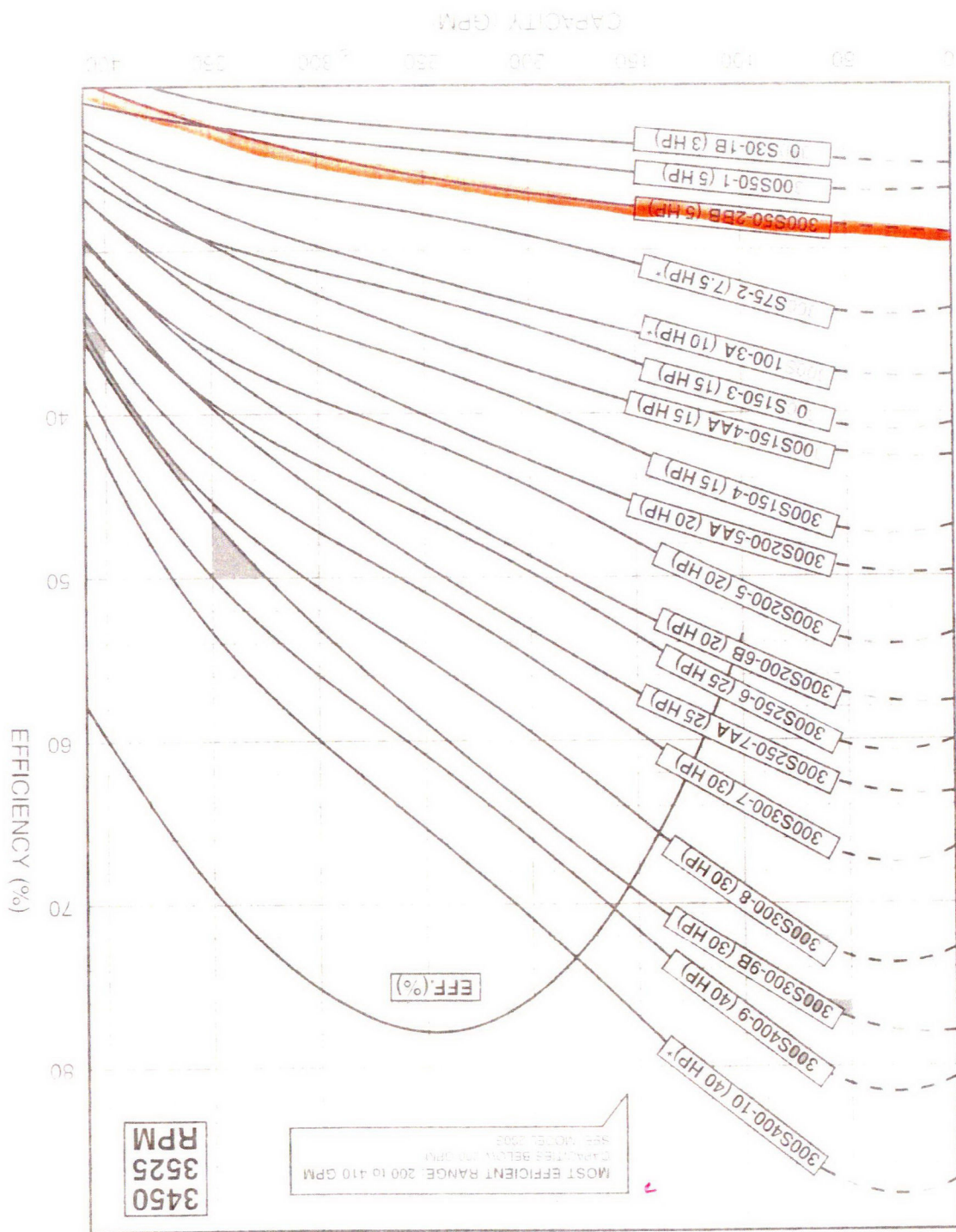
300 GPM

PERFORMANCE CURVES

NOMINAL DIA. 6"

OUTLET SIZE: 3" & 4" NPT

FLOW RANGE: 60 - 410 GPM



SPECIFICATIONS SUBJECT TO CHANGE WITHOUT NOTICE

4" MOTOR STANDARD 15.60 HP 3450 RPM

6" MOTOR STANDARD 15.60 HP 3450 RPM

8" MOTOR STANDARD 15.60 HP 3450 RPM

3" NPT 2.6 STAGES, 4" NPT 7.18 STAGES

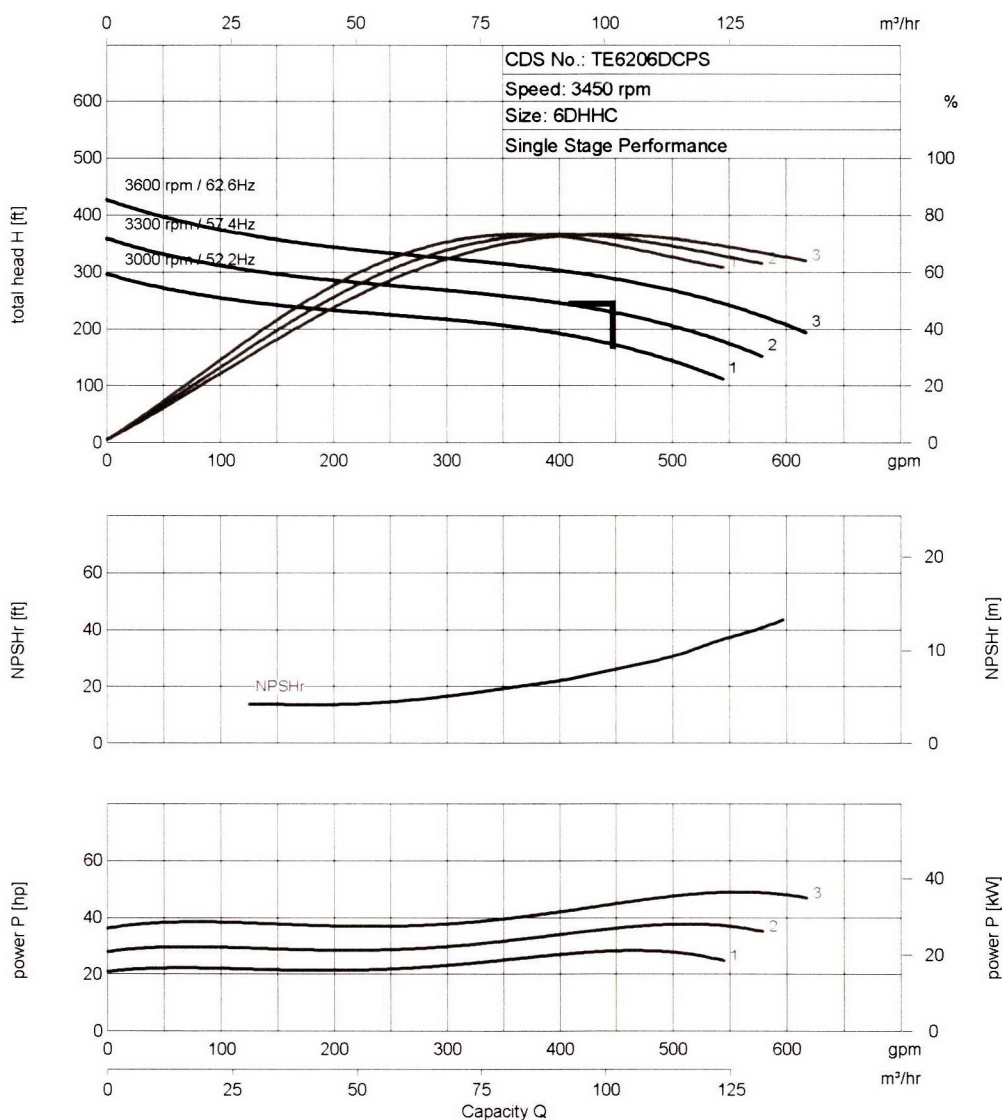
GRUNDFOS

5-16

JUL 17 2023

SCANNED

 a xylem brand		Model Speed	VIS-BAT Variable	Size Frequency	6DHHC 60Hz
Purchaser End User Item No. ITEM 001 Service Certified By		Liquid Nom. Temperature 70.0 deg F Spec. Gravity 1.000 Viscosity 1.000 cp Vapor Press Solids% / Size		Date 03/02/2012 Issued by: Tony McBride Quotation No. TM12-03-02 01 Job/Inq.No. Order No.	
Rated Operating Point					
Capacity 450.0 gpm Head 250.0 ft NPSHa NPSHr 26.1 ft Rated Efficiency 72.3 % Suction Spec. Speed 6,631 gpm(US) ft		Power - Pump 40.53 hp Power - Loss 0.00 hp Power - Others Power - Totals 40.53 hp Power - max. 43.1 hp		No. of Stages 1 Imp. Dia. 1st Stg: 3.7500 in Imp. Dia. Adl Stg: Min. Hydraulic Flow 125.7 gpm Min. Thermal Flow N/A	
Notes: 1. Bowl Performance Curve based on Pumping Clear, non-Aerated Water. Rated Point only is guaranteed.					



SCANNED

JUL 17 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

Director Gary Spackman

July 17, 2023

IDAHO FOREST GROUP LLC
687 W CANFIELD AVE STE 100
COEUR D ALENE ID 83815

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 96-9498

Dear Permit Holder(s):

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 December 26, 2011, 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,

Amanda Veibell
Technical Records Specialist

Enclosure(s)

SCANNED

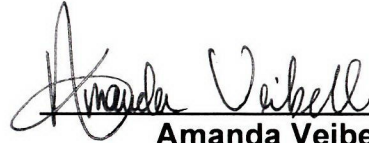
JUL 17 2023

CERTIFICATE OF SERVICE

I hereby certify that on **July 17, 2023** I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (**PRELIMINARY ORDER REINSTATING PERMIT**) to the person(s) listed below:

RE: Preliminary Order in the Matter of Permit No. **96-9498**

**IDAHO FOREST GROUP LLC
687 W CANFIELD AVE STE 100
COEUR D ALENE ID 83815**

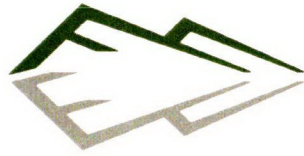


Amanda Veibell
Technical Records Specialist

SCANNED

JUL 17 2023

RECEIVED
MAY 12 2023
IDWR / NORTH



FORESITE
ENGINEERING

RECEIVED
MAY 15 2023
DEPARTMENT OF
WATER RESOURCES

RECEIVED
MAY 12 2023
IDWR / NORTH

May 8th, 2023

Idaho Department of Water Resources (IDWR)
7600 Mineral Drive, Suite 100
Coeur d'Alene, Idaho 83815

RE: STATEMENT OF COMPLETION 96-09498 STATEMENT OF COMPLETION

Dear IDWR,

Attached is a Statement of Completion for permit number 96-09498 associated with Idaho Forest Group's Laclede Mill Facility. There are two points of diversion for the facility; one in the northwest corner and the second at the Laclede boat launch southeast of the facility.

The northwest point of diversion has been metered since 2015. The annual average water usage is 89 acre-feet. This northwestern point of diversion is capable of pumping 450 gpm or 1.0 cfs. See attached 40 horsepower pump curve for reference.

The southeast, Laclede boat launch point of diversion had a meter installed in June 2021. The annual average water usage is 44 acre-feet. This southeastern point of diversion has two pumps capable of pumping 50 gpm or 0.1 cfs each for a total of 0.2 cfs. See attached 10 horsepower pump curve for the two pumps.

The total composite facility annual average water diversion is approximately 133 acre-feet at a maximum rate of 1.2 cfs.

Please contact me if you have any questions.

Thank you,



Ryan Fobes, P.E.
FORESITE ENGINEERING

SCANNED
JUL 17 2023



Governor Brad Little

Director Gary Spackman

May 10, 2023

IDAHO FOREST GROUP LLC
687 W CANFIELD AVE STE 100
COEUR D ALENE ID 83815-5335

LAPSE NOTICE

RE: PERMIT NO. 96-09498

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(s):

You are hereby notified that under the provisions of Section 42-218A, Idaho Code, 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 February 28, 2023. 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 Section 42-204, Idaho Code. 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 Phill Hummer at 208-287-4925, if you need additional assistance.

Sincerely,

Angela M. Hansen
Angela Hansen, Manager
Water Rights Section

CERTIFICATION OF MAILING

I hereby certify that on 5-10-23
a copy/an original of this document was
deposited in the United States mail, postage
prepaid addressed to the individual(s)
named above.

gmh

SCANNED
MAY 11 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
February 28, 2023

Director Gary Spackman

IDAHO FOREST GROUP LLC
687 W CANFIELD AVE STE 100
COEUR D ALENE ID 83815-5335

NOTICE: STATEMENT OF COMPLETION DUE

RE: Permit No. 96-09498

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 **May 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

CERTIFIED MAIL

7016 1370 0000 2018 4585

NO _____

SCANNED

MAR 11 2023