

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

|                                     |   |                             |
|-------------------------------------|---|-----------------------------|
| IN THE MATTER OF PERMIT NO. 96-9883 | ) | <b>PRELIMINARY ORDER</b>    |
| IN THE NAME OF MARC BRINKMEYER      | ) | <b>REINSTATING A PERMIT</b> |
| _____                               | ) |                             |

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 August 27, 2021, the Department issued Permit No. 96-9883 ("Permit") in the name of Marc Brinkmeyer ("Permit Holder") authorizing the diversion of 0.11 cubic feet per second of ground water for irrigation use in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 24 of Township 57 North, Range 03 West, B.M., Bonner County. A condition of permit approval required the Permit Holder to submit proof of beneficial use of water to the Department on or before September 1, 2022.
2. On July 1, 2022, the Department notified the Permit Holder by certified mail that proof of beneficial use was due and instructed the Original Owner 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 September 1, 2022, the Permit lapsed because the Department had not received an acceptable Proof or Extension Request.
4. On September 9, 2022, the Department notified the Permit Holder the Permit lapsed because no Proof or Extension Request had been received.
5. On September 26, 2022, 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.

SCANNED  
NOV 08 2022

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

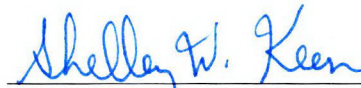
Within sixty (60) days after such notice of lapsing the department may, upon a showing of reasonable cause, reinstate the permit with the priority date advanced a time equal to the number of days that said showing is subsequent to the date set for proof.

By submitting an acceptable Proof, the Permit Holder has shown reasonable cause why this Permit should be reinstated. The Permit should be reinstated based upon the September 26, 2022 filing date.

**ORDER**

IT IS HEREBY ORDERED that Permit No. 96-9883 is **REINSTATED** and the Permit's priority date is advanced to August 13, 2021.

DATED this 29<sup>th</sup> day of October, 2022.



Shelley W. Keen, Chief  
Water Allocation Bureau

RECEIVED

Form 42-217 Rev 6/22

SEP 26 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      |
| Receipt No.         | C44665  |
| Received By         | M       |
| Date Received       | 9.26.22 |

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. 96-09883 Name of Permit Holder(s) MARC BRINKMEYER  
Telephone No. 208 255 3211 Email MSAPPC@IDFG.COM  
Mailing Address PO BOX 220 City LALLEDE State ID Zip 83841

2. Source of Water GROUND WATER If Ground Water (well), Date Drilled mo. \_\_\_\_ / yr. \_\_\_\_  
Drilling Permit/Tag No. D0054541 + 3 WELLS Drilling Company's Name \_\_\_\_

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

Domestic (No. households) \_\_\_\_ Irrigation (No. acres) 3.5 Stockwater (No. and stock type) \_\_\_\_  
Other \_\_\_\_

4. Total diversion rate or volume (storage only) for which proof is submitted 0.11 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.)

4 EXISTING WELLS PIPED TO STORAGE TANKS WITH PRESSURE TANKS TO IRRIGATION DISTRIBUTION

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)

- |                          |                                     |                                                                       |
|--------------------------|-------------------------------------|-----------------------------------------------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Ground water level data, pumping information, or other diversion data |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Mitigation plan                                                       |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Lockable controlling works                                            |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Measuring device                                                      |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Fish screen                                                           |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Other requirements of the water right permit                          |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 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 \$ 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.

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

Name: RYAN FOGES Telephone No. 208 714 6866 Email RYAN@FORESITE.SOLUTIONS  
Mailing Address 418 E LAKESIDE AVE, STE 01 City COEUR D'ALENE State ID Zip 83814

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.

SIGNATURE OF PERMIT HOLDER

PRINTED NAME AND TITLE

DATE

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

SCANNED  
NOV 8 2022



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](mailto:idwrinfo@idwr.idaho.gov) • Website: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little  
November 8, 2022

Director Gary Spackman

MARC BRINKMEYER  
PO BOX 220  
LACLEDE ID 83841-0220

**PROOF ACKNOWLEDGEMENT LETTER**

**RE: Permit No. 96-9883**

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 **August 13, 2021**, 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](http://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: FORESITE ENGINEERING – *via email*

SCANNED  
NOV 11 8 2022

## CERTIFICATE OF SERVICE

I hereby certify that on **November 8, 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. **96-9883**

**MARC BRINKMEYER**  
**PO BOX 220**  
**LACLEDE ID 83841-0220**

**FORESITE ENGINEERING**  
**C/O RYAN FOBES – *via email***  
**418 E LAKESIDE AVE STE 1**  
**COEUR D ALENE ID 83814-2805**  
***ryan@foresite.solutions***



---

**Debbi Judd**  
**Technical Records Specialist**

SCANNED  
NOV 08 2022

# Beneficial Use Proof Evaluation

---

Permit Number: 96-9883   Reviewer: djudd   Review Date: 9/26/2022

## 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: 9/26/2022
- 4) Proof Due Date: 9/1/2022
- 5) Days added for weekend due date? 0
- 6) Days added for holiday due date? 0
- 7) Number of days late: 25
- 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? No
  - a. Measuring Device -- No
  - b. Lockable Device --No
  - c. Fish Screen -- No
- 4) Is there a request to waive the required items?
- 5) Drilling Permit Number: 851800 ET AL
- 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? 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

C110620

## Comments

Proof received 25 days late. Reinstate permit and advance priority date to August 13, 2021.

## Reinstate Evaluation

---

Permit Number: 96-9883   Reviewer: djudd   Review Date: 9/26/2022

### Analysis

- 1) Proof/extension request received date: 9/26/2022
- 2) Number of days proof/extension request received late: 25
- 3) Was a lapsed notice sent? Yes
- 4) Date lapsed notice sent: 9/9/2022
- 5) Number of days between proof/extension request received date and date lapsed notice was sent: 17
- 6) Was the proof or extension request received more than 60 days after the lapsed notice was sent? No
- 7) Priority date: 7/19/2021
- 8) New priority date: 8/13/2021
- 9) New status: Lapsed

### Comments

Proof received 25 days late. Reinstate permit and advance priority date to August 13, 2021.



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](mailto:idwrinfo@idwr.idaho.gov) • Website: [idwr.idaho.gov](http://idwr.idaho.gov)

Governor Brad Little

Director Gary Spackman

September 9, 2022

MARC BRINKMEYER  
PO BOX 220  
LACLEDE ID 83841-0220

**LAPSE NOTICE**

RE: PERMIT NO. 96-09883

**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:

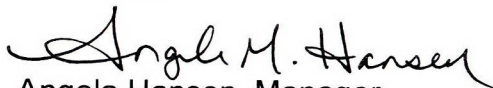
You are hereby notified that under the provisions of Idaho Code § 42-218a, the above referenced permit has lapsed and is of no further force nor effect. The Department provided the proper forms to you in the proof due notice dated July 1, 2022. No further construction or additional development is authorized 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: FORESITE ENGINEERING – via email

SCANNED  
SEP 12 2022