

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

IN THE MATTER OF PERMIT NO. 92-10870)	PRELIMINARY ORDER
IN THE NAME OF)	REINSTATING A PERMIT
EMIDA WATER AND SEWER ASSN INC)	
_____)	

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 22, 2012, the Department issued Permit No. 92-10870 ("Permit") in the name of Emida Water and Sewer Assn. Inc. ("Permit Holder") authorizing the diversion of 0.20 cubic feet per second of ground water for municipal and fire protection uses in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ 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 33 of Township 44 North, Range 02 West, B.M., Benewah 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, 2017.
2. On June 30, 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 September 1, 2017, the Permit lapsed because the Department had not received an acceptable Proof or Extension Request.
4. On September 7, 2017, the Department notified the Permit Holder the Permit lapsed because no Proof or Extension Request had been received.
5. On October 2, 2017, the Permit Holder filed an Extension Request for an additional five years to submit proof of beneficial use for the Permit. The Department approved this Extension Request based on reasonable diligence and good cause. The approved Extension Request established a new proof of beneficial use due date of September 1, 2022.
6. On July 1, 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 Proof or an Extension Request.
7. On September 1, 2022, the Permit lapsed because the Department had not received an acceptable Proof or Extension Request.
8. On September 9, 2022, the Department notified the Permit Holder the Permit lapsed because no Proof or Extension Request had been received.
9. On October 3, 2022, the Permit Holder filed an acceptable Proof.

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NOV 08 2022

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:

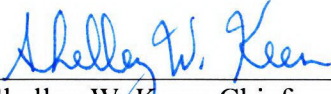
Within sixty (60) days after such notice of lapsing the department may, upon a showing of reasonable cause, reinstate the permit with the priority date advanced a time equal to the number of days that said showing is subsequent to the date set for proof.

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 October 3, 2022 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 92-10870 is **REINSTATED** and the Permit's priority date is advanced to August 8, 2012.

DATED this 29th day of October, 2022.



Shelley W. Keen, Chief
Water Allocation Bureau

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Public Water System Classification List

PWS #	Name	Distribution SSC	Treatment SSC	Population	Source Type	County	Courtesy Classification *
ID3370040	DESERT VIEW CHRISTIAN SCHOOL	VSWS		50	GW	OWYHEE	
ID4010042	DESERT VIEW ESTATES WATER CORP	DWD1		650	GW	ADA	
ID1090033	DIAMOND BENCHVIEW WATER CORP	VSWS		75	GW	BONNER	
ID7330061	DICKINSON FROZEN FOODS	VSWS		190	GW	MADISON	
ID5320008	DIETRICH WATER SYSTEM	VSWS		332	GW	LINCOLN	
ID7100200	DJ PARK WELL	VSWS		38	GW	BONNEVILLE	
ID4430019	DONNELLY CITY OF		DWT1	237	GW	VALLEY	
ID1090193	DOVER CITY OF	DWD1	DWT1	573	SW	BONNER	
ID6030012	DOWNEY CITY OF	DWD1		625	GW	BANNOCK	
ID3140028	DRAKE SUBD	VSWS		109	GW	CANYON	
ID7410004	DRIGGS CITY OF	DWD1		1300	GW	TETON	
ID1280062	DRY ACRES WATER AND SEWER DIST	VSWS		75	GW	KOOTENAI	
ID4010266	DRY CREEK RANCH SUBDIVISION	VSWS		250	GW	ADA	
ID7170003	DUBOIS CITY OF	DWD1		600	GW	CLARK	
ID4080016	DUQUETTE PINES HOMEOWNERS ASSOCIATION	VSWS		90	GW	BOISE	
ID1400016	E SHOSHONE COUNTY WATER DIST BURKE		DWT1	45	SW	SHOSHONE	
ID1400017	E SHOSHONE COUNTY WATER DIST MULLAN	DWD1	DWT1	840	SW	SHOSHONE	
ID1400019	E SHOSHONE COUNTY WATER DIST WALLACE	DWD2	DWT1	2388	SW	SHOSHONE	
ID7100038	EAGLE FARMS	VSWS		100	GW	BONNEVILLE	
ID4010047	EAGLE GLEN HOMEOWNERS ASSN INC	VSWS		300	GW	ADA	
ID4010048	EAGLE MEADOWS MHP	VSWS		195	GW	ADA	
ID4010125	EAGLE PARK INC	VSWS		90	GW	ADA	
ID4010101	EAGLE POINT COMMUNITY	VSWS		46	GW	ADA	
ID4010050	EAGLE WEST SUBD WATER ASSN	VSWS		92	GW	ADA	
ID4010201	EAGLE, CITY OF (EASTERN ZONE)	DWD2		3683	GW	ADA	
ID4010222	EAGLE, CITY OF (WESTERN ZONE)	DWD2		4989	GW	ADA	
ID2350038	EAGLES POINTE SUBDIVISION	VSWS		110	GW	NEZ PERCE	
ID3140031	EAST CANYON ELEMENTARY SCHOOL	DWD1		700	GW	CANYON	
ID1280064	EAST GREENACRES IRRIGATION DIST	DWD2		9889	GW	KOOTENAI	
ID1090038	EAST HOPE WATER DEPT		DWT1	445	SW	BONNER	
ID3140042	EAST LIZARD BUTTE WATER CORP	VSWS		95	GW	CANYON	
ID1280278	EAST SEASONS ACRES	VSWS		60	GW	KOOTENAI	
ID2350008	EATON MOBILE HOME COURT		DWT1	94	GW	NEZ PERCE	
ID1090174	EDELWEISS VILLAGE FIRST ADDITION	VSWS		70	SWP	BONNER	
ID5270006	EDEN CITY OF	VSWS		411	GW	JEROME	
ID3230010	EDGEMONT SUBD	VSWS		40	GW	GEM	
ID7410019	EE DAH HOW ACRES SUBD	VSWS		69	GW	TETON	
ID1280254	EIGHT MILE PRAIRIE	VSWS		68	GW	KOOTENAI	
ID3140034	EL RANCHO HEIGHTS	VSWS		300	GW	CANYON	
ID7300013	ELK BEND UNIT 1	VSWS		100	GW	LEMHI	
ID2250017	ELK CITY WATER AND SEWER ASSN		DWT2	320	SW	IDAHO	
ID4430114	ELK CREEK CHURCH	VSWS		25	GW	VALLEY	
ID7260070	ELK MEADOWS	VSWS		100	GW	JEFFERSON	
ID1090240	ELK MOUNTAIN ACADEMY	VSWS		47	GW	BONNER	
ID1110040	ELK MOUNTAIN FARMS BACKWOODS	VSWS		200	GW	BOUNDARY	
ID1110041	ELK MOUNTAIN FARMS TAVERN FARM	VSWS		25	GW	BOUNDARY	
ID2180013	ELK RIVER CITY OF		DWT1	165	SW	CLEARWATER	
ID1280293	ELKHORN RANCH	VSWS		278	GW	KOOTENAI	
ID1280066	EMERALD ESTATES WATER ASSN INC	VSWS		485	GW	KOOTENAI	
ID1050009	EMIDA WATER AND SEWER ASSOCIATION	VSWS		85	GW	BENEWAH	
ID3230012	EMMETT CITY OF	DWD2		6700	GW	GEM	
ID3230075	EMMETT HEAD START	VSWS		52	GW	GEM	

USE OF ANY LIST AS A MAILING LIST OR TELEPHONE LIST IS PROHIBITED BY IDAHO CODE §9-348 AND PUNISHABLE BY A CIVIL PENALTY UP TO \$1,000

*Courtesy Classification indicates the public water system operator is not required to be licensed, but the representative asked the system be classified.

Burkard, Blake

From: amnquin <amnquin@aol.com>
Sent: Tuesday, September 19, 2023 6:06 PM
To: Burkard, Blake
Subject: RE: Emida Fire Protection Water Right

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.

We just want to be able to fight fire if necessary. If we are allowed to do that without any additional rights to permit that is fine. I don't know if having the permit to do so will make a difference in granting funds for new hydrants but it is something the water district would like. But as long as we are allowed to pull water from hydrants I'm fine with whatever.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Burkard, Blake" <Blake.Burkard@idwr.idaho.gov>
Date: 9/19/23 10:42 AM (GMT-08:00)
To: amnquin@aol.com
Subject: Emida Fire Protection Water Right

Amanda,

I left you a voicemail a week or so ago regarding the Emida Water Right Permit for municipal and fire protection uses. My supervisors were hesitant to sign my draft license for fire protection but I remembered you had said something about a potential grant or funding source that could be available to Emida if the town had a fire protection water right. Perhaps it was a county requirement, I am not quite sure.

My supervisors were hesitant because the fire protection system was developed alongside the municipal use and they use the same well. Municipal use can include fire protection, even though it is not stated anywhere. At the same time, diverting water for fighting active fires is statutorily protected and does not require a water right.

If you have a specific reason as to how a fire protection water right would benefit Emida, we can still license the use. Otherwise, we can work with you to relinquish the permit or void the permit ourselves.

Again, I am sorry this process has been drawn out for so long. It is sort of a new territory for us, so we are trying to do things carefully.

Thanks,

Blake Burkard

Engineer Intern

(208) 287-4870

blake.burkard@idwr.idaho.gov



TO BE ATTACHED TO
BU REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

[illegible]

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT



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 8, 2022

Director Gary Spackman

EMIDA WATER & SEWER ASSN INC
PO BOX 596
SAINT MARIES ID 83861-0596

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 92-10870

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 08, 2012**, 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,

Debbi Judd
Technical Records Specialist

Enclosures

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NOV 08 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 person listed below:

RE: Preliminary Order in the Matter of Permit No. **92-10870**

EMIDA WATER & SEWER ASSN INC
PO BOX 596
SAINT MARIES ID 83861-0596



Debbi Judd
Technical Records Specialist

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NOV 08 2022

Beneficial Use Proof Evaluation

Permit Number: 92-10870 Reviewer: djudd Review Date: 10/5/2022

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: 10/3/2022
- 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: 32
- 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: UNKNOWN
- 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: \$20.00
- 5) Remaining fee or (refund): \$30.00

Receipt IDs

N027500

Comments

Proof received 32 days late. Reinstate permit and advance priority date to August 8, 2012.

Reinstate Evaluation

Permit Number: 92-10870 Reviewer: djudd Review Date: 10/5/2022

Analysis

- 1) Proof/extension request received date: 10/3/2022
- 2) Number of days proof/extension request received late: 32
- 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: 24
- 6) Was the proof or extension request received more than 60 days after the lapsed notice was sent? No
- 7) Priority date: 7/7/2012
- 8) New priority date: 8/8/2012
- 9) New status: Lapsed

Comments

Proof received 32 days late. Reinstate permit and advance priority date to August 8, 2012.



IDAHO DEPARTMENT OF
WATER RESOURCES

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Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little
September 21, 2022

Director Gary Spackman

EMIDA WATER & SEWER ASSN INC
PO BOX 596
SAINT MARIES ID 83861

PROOF DEFICIENCY LETTER

RE: Permit No. 92-10870

Dear Permit Holder:

The Department received the proof of beneficial use (proof) form submitted for the above referenced permit. The proof is not acceptable without the correct fee.

This permit authorizes a diversion rate of 0.20 cfs (cubic feet per second) requiring a license examination fee of \$50.00.

Please submit the required fees as soon as possible as this permit has lapsed. If you have any questions concerning this matter, please contact me at (208) 287-4920 or debby.judd@idwr.idaho.gov.

Sincerely,

Debby Judd
Technical Records Specialist

SCANNED
SEP 22 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 • Website: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

September 9, 2022

EMIDA WATER & SEWER ASSN INC
PO BOX 596
SAINT MARIES ID 83861

LAPSE NOTICE

RE: PERMIT NO. 92-10870

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

SCANNED
SEP 12 2022