

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

IN THE MATTER OF PERMIT NO. 96-11314)
IN THE NAME OF DANIEL C ROSE AND)
KATHLEEN T ROSE)

**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 July 11, 2022, the Department issued Permit No. 96-11314 (“Permit”) in the name of Daniel C Rose and Kathleen T Rose (“Permit Holders”) authorizing the diversion of 0.02 cubic feet per second from Sand Creek for domestic use in the SE¼ of Section 22 of Township 59 North, Range 01 West, Bonner County. A condition of permit approval required submittal of the proof of beneficial use of water to the Department on or before July 1, 2023.
2. On April 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”).
3. On July 1, 2023, the Permit lapsed because the Department had not received an acceptable Proof or Extension Request.
4. On July 10, 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... 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:

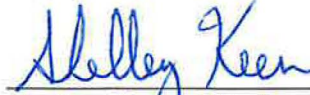
Within sixty (60) days after such notice of lapsing, the department may, upon a showing of reasonable cause, reinstate the permit with the priority date advanced a time equal to the number of days that said showing is subsequent to the date set for proof.

The Permit Holder filed an acceptable Proof providing a reasonable showing the Permit should be reinstated. The Permit should be reinstated based upon the July 10, 2023 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 96-11314 is **REINSTATED** and the Permit's priority date is advanced to May 14, 2022.

DATED this 31st day of July, 2023.



Shelley Keen, Chief
Regional Operations Bureau



IDAHO DEPARTMENT OF
WATER RESOURCES

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Governor Brad Little

Director Gary Spackman

August 02, 2023

DANIEL C ROSE
KATHLEEN T ROSE
547 SITTING BULL RD
SANDPOINT ID 83864-9126

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 96-11314

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 **May 14, 2022**, 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 State Office of the Department located in Boise at (208) 287-4800

Sincerely,

Amanda Veibell

Technical Records Specialist

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on **August 02, 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. **96-11314**

**DANIEL C ROSE
KATHLEEN T ROSE
547 SITTING BULL RD
SANDPOINT ID 83864-9126**



Amanda Veibell
Technical Records Specialist