

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

IN THE MATTER OF PERMIT NO. 96-9867)
IN THE NAME OF JOHN A DAHL)
_____)

**PRELIMINARY ORDER
REINSTATING A 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 27, 2021, the Department issued Permit No. 96-9867 ("Permit") in the name of John A. Dahl ("Permit Holder") authorizing the diversion of 0.04 cubic feet per second of ground water for domestic use in the SW¼NW¼ of Section 28 of Township 55 North, Range 04 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 August 1, 2022.
2. On May 31, 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 *Statement of Completion for Submitting Proof of Beneficial Use* ("Proof"), or a *Request for Extension of Time* ("Extension Request").
3. On August 1, 2022, the Permit lapsed because the Department had not received an acceptable Proof or Extension Request.
4. On August 5, 2022, the Department notified the Permit Holder the Permit lapsed because no Proof or Extension Request had been received.
5. On August 16, 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.

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

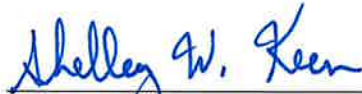
Within sixty (60) days after such notice of lapsing the department may, upon a showing of reasonable cause, reinstate the permit with the priority date advanced a time equal to the number of days that said showing is subsequent to the date set for proof.

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 August 16, 2022 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 96-9867 is **REINSTATED** and the Permit's priority date is advanced to June 26, 2021.

DATED this 10th day of September, 2022.



Shelley W. Keen, Chief
Water Allocation Bureau

RECEIVED

RECEIVED

AUG 16 2022

IDWR / NORTH

AUG 25 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 \$

Receipt No.

Received By

Date Received

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 an Assignment of Permit 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. 96-09867 Name of Permit Holder(s) John A DAHL
Telephone No. 208-265-1594 Email Zdahls@gmail.com
Mailing Address 1233 Hoodoo Mountain RD City Priest River State ID Zip 83856

2. Source of Water Well If Ground Water (well), Date Drilled mo. Sept / yr. 2011
Drilling Permit/Tag No. 862109 Drilling Company's Name CARL PITTS & SON

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

Domestic (No. households) 1 Irrigation (No. acres) 0.5 Stockwater (No. and stock type) _____
Other _____

4. Total diversion rate or volume (storage only) for which proof is submitted 0.04 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 Connected to 1 home

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☐ NA ☒ Lockable controlling works☐ NA ☒ Measuring device☐ NA ☒ Fish screen☐ NA ☒ Other requirements of the water right permit _____☐ NA ☒ Reasonably Anticipated Future Needs ("RAFN") Municipal useIf RAFN Municipal use, additional increment of beneficial use developed? ☐ Yes (attach CWRE report) ☐ No

7. Fee Enclosed \$ N/A 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: John DAHL Telephone No. 208-265-1591 Email Zdahls@gmail.com
Mailing Address 1233 Hoodoo MTN RD City Priest River State ID Zip 83856

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

8-16-2022

SCANNED

SEP 16 2022

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



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
September 16, 2022

Director Gary Spackman

JOHN A DAHL
1233 HOO DOO MOUNTAIN RD
PRIEST RIVER ID 83856-7716

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 96-9867

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 **June 26, 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.

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

SCANNED
SEP 16 2022

CERTIFICATE OF SERVICE

I hereby certify that on **September 16, 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. **96-9867**

**JOHN A DAHL
1233 HOO DOO MOUNTAIN RD
PRIEST RIVER ID 83856-7716**



Debbi Judd
Technical Records Specialist

SCANNED
SEP 16 2022

Beneficial Use Proof Evaluation

Permit Number: 96-9867 Reviewer: djudd Review Date: 8/25/2022

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: 8/16/2022
- 4) Proof Due Date: 8/1/2022
- 5) Days added for weekend due date? 0
- 6) Days added for holiday due date? 0
- 7) Number of days late: 15
- 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: 862109
- 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? No
- 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

N037064

Comments

Proof received 15 days late. Reinstate permit and advance priority date to June 26, 2021.

Reinstate Evaluation

Permit Number: 96-9867 Reviewer: djudd Review Date: 8/25/2022

Analysis

- 1) Proof/extension request received date: 8/16/2022
- 2) Number of days proof/extension request received late: 15
- 3) Was a lapsed notice sent? Yes
- 4) Date lapsed notice sent: 8/5/2022
- 5) Number of days between proof/extension request received date and date lapsed notice was sent: 11
- 6) Was the proof or extension request received more than 60 days after the lapsed notice was sent? No
- 7) Priority date: 6/11/2021
- 8) New priority date: 6/26/2021
- 9) New status: Lapsed

Comments

Proof received 15 days late. Reinstate permit and advance priority date to June 26, 2021.