

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

IN THE MATTER OF PERMIT NO. 95-17862)
IN THE NAME OF)
CAREN MCCUTCHEON FURBEYRE TRUST 1991)
_____)

**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 January 29, 2020, the Department issued Permit No. 95-17862 ("Permit") in the name of Caren McCutcheon Furbeyre Trust 1991 ("Permit Holder") authorizing the diversion of 0.05 cubic feet per second of surface water for irrigation use in the Government Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), NE $\frac{1}{4}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3 of Township 48 North, Range 04 West, B.M., Kootenai County. A condition of permit approval required the Permit Holder to submit proof of beneficial use of water to the Department on or before February 1, 2022.
2. On November 30, 2021, 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 February 1, 2022, the Permit lapsed because the Department had not received an acceptable Proof or Extension Request.
4. On April 7, 2022, the Department notified the Permit Holder the Permit lapsed because no Proof or Extension Request had been received.
5. On May 18, 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

JUN 03 2022

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

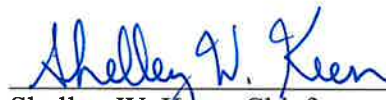
Within sixty (60) days after such notice of lapsing the department may, upon a showing of reasonable cause, reinstate the permit with the priority date advanced a time equal to the number of days that said showing is subsequent to the date set for proof.

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 May 18, 2022 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 95-17862 is **REINSTATED** and the Permit's priority date is advanced to November 19, 2019.

DATED this 2nd day of June, 2022.



Shelley W. Keen, Chief
Water Allocation Bureau

RECEIVED

MAY 18 2022

DEPARTMENT OF
WATER RESOURCESSTATE 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. C112812
Received By KH
Date Received 5.18.22

The Idaho Department of Water Resources considers this form a statement by the permit holder(s) that development of a water right has been **completed** and that water has been applied to beneficial use 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.** Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, contact any Department office or visit the Department's website at idwr.idaho.gov for an *Assignment of Permit* form. If you wish to relinquish your permit because you have not established the authorized use of the water and are not applying for an extension, please notify the Department in writing.

1. Permit No. 95-17862 Telephone No. 509-701-4555
 2. Name of Permit Holder(s) Caren McCutcheon Furbeyre Trust 1991
 3. Mailing Address 2011 S. Abrams Ct. City Spokane
 State WA Zip 99203 Email erlefurbeyre@comcast.net
 4. Source of Water Lake Coeur d'Alene If **GROUND WATER** (well), Date Drilled mo. _____ / yr. _____
 Well Driller _____ Drilling Permit Number _____

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

Domestic (No. of households) _____ Stockwater (No. and type of stock) _____
 Irrigation (No. of acres) ~~0.5 cfs~~ Other 1.8 ac

6. Total rate of diversion or storage volume for which proof is submitted .05 cfs OR _____ acre-feet.
 7. Compliance with a measuring device requirement, lockable controlling device requirement, and/or other conditions of permit:
 Refer to the approval conditions on your permit and respond accordingly.

The Department will not issue a license if permit conditions are not met.

Measuring Device	Is a measuring device required?	Yes ☐	No ☒
	If yes, has the measuring device been installed?	Yes ☐	No ☐
Lockable Controlling Device	Is a lockable device required to control the diversion?	Yes ☐	No ☒
	If yes, has the lockable device been installed?	Yes ☐	No ☐
Fish Screen	Is a fish screen required?	Yes ☐	No ☒
	If yes, has the fish screen been installed?	Yes ☐	No ☐

Other Conditions of Permit

Do the approval conditions on your permit require you to submit additional information in connection with your proof of beneficial use? If yes, list the conditions below and attach documents with the required information.

_____ Completed? Yes ☐ No ☐

8. Fee Enclosed \$ _____ or not applicable ☒. See fee schedule on page 2 of the instructions.
 Proof statements filed without an appropriate fee, will be considered incomplete.

9. Person to contact to accompany the Department representative during field examination of the water system.

Name Erle Furbeyre Telephone Number 509-701-4555
 Mailing Address 2011 S. Abrams Ct. City Spokane
 State WA Zip 99203 Email erlefurbeyre@comcast.net

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 a beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

Signature of Permit Holder

Erle Furbeyre Caren Furbeyre Date 5/15/22
 (Include your title, if on behalf of company or organization)

SCANNED

Mail to: Idaho Department of Water Resources, PO Box 83720, Boise, ID 83720-0098



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

June 3, 2022

CAREN MCCUTCHEON FURBEYRE TRUST 1991
2011 S ABRAMS CT
SPOKANE WA 99203-3753

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 95-17862

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 **November 19, 2019**, 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

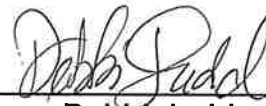
SCANNED
JUN 03 2022

CERTIFICATE OF SERVICE

I hereby certify that on **June 3, 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. **95-17862**

**CAREN MCCUTCHEON FURBEYRE TRUST 1991
2011 S ABRAMS CT
SPOKANE WA 99203-3753**



Debbi Judd
Technical Records Specialist

SCANNED
JUN 03 2022

Beneficial Use Proof Evaluation

Permit Number: 95-17862 Reviewer: djudd Review Date: 5/19/2022

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: 5/18/2022
- 4) Proof Due Date: 2/1/2022
- 5) Days added for weekend due date? 0
- 6) Days added for holiday due date? 0
- 7) Number of days late: 106
- 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:
- 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?
- 3) Filing fee due: \$50.00
- 4) Filing fee submitted: \$50.00
- 5) Remaining fee or (refund): \$0.00

Receipt IDs

N035320

Comments

Proof received 106 days late. Reinstate permit and advance priority date to November 19, 2019.

Reinstate Evaluation

Permit Number: 95-17862 Reviewer: djudd Review Date: 5/19/2022

Analysis

- 1) Proof/extension request received date: 5/18/2022
- 2) Number of days proof/extension request received late: 106
- 3) Was a lapsed notice sent? Yes
- 4) Date lapsed notice sent: 4/7/2022
- 5) Number of days between proof/extension request received date and date lapsed notice was sent: 41
- 6) Was the proof or extension request received more than 60 days after the lapsed notice was sent? No
- 7) Priority date: 8/5/2019
- 8) New priority date: 11/19/2019
- 9) New status: Lapsed

Comments

Proof received 106 days late. Reinstate permit and advance priority date to November 19, 2019.