

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

IN THE MATTER OF PERMIT NO. 96-10101)
IN THE NAME OF WHITNEY BETZ)
AND ZACH BETZ)
_____)

**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 April 15, 2022, the Department issued Permit No. 96-10101 ("Permit") in the name of Whitney Betz and Zach Betz ("Permit Holder") authorizing the diversion of 0.27 cubic feet per second from Flume Creek for power and fire protection use in the SE¼NW¼ of Section 18, Township 58 North, Range 02 East, 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 April 1, 2025.
2. On January 31, 2025, 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 April 1, 2025, the Permit lapsed because the Department had not received an acceptable Proof or Extension Request.
4. On April 02, 2025, the Department received an acceptable Proof from the Permit Holder.

CONCLUSIONS OF LAW

Idaho Code § 42-218a(1) states, in relevant 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 relevant 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 the Permit should be reinstated. The Permit should be reinstated based upon the April 02, 2025 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 96-10101 is **REINSTATED** and the Permit's priority date is advanced to February 15, 2022.

DATED this 22nd day of May, 2025.



Phill Hummer, Manager
Water Rights Section

RECEIVED

APR 02 2025

DEPT. 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. C120458
Received By KM
Date Received 4.2.25

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. 96-10101 Name of Permit Holder(s) Zachary Betz
Telephone No. 208-946-6339 Email zachary.j.betz@gmail.com
Mailing Address 68 Cross Mountain Rd City Sandpoint State ID Zip 83864

2. Source of Water Flume Creek If Ground Water (well), Date Drilled mo. ____ / yr. ____
Drilling Permit/Tag No. ____ Drilling Company's Name ____

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

Domestic (No. households) ____ Irrigation (No. acres) ____ Stockwater (No. and stock type) ____
Other Micro-Hydro System

4. Total diversion rate or volume (storage only) for which proof is submitted .178 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. *please email and I will send photos of all work done and anything else needed*

5. Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)
18" x 12" Intake Box in creek... 3" PVC for 780' length with 60' head... Delivered to Pelton Wheel - 4 nozzle... Creates 320 w/hr or 0.320 kw/h... Water Returned to Creek w/in 10'

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)

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | Ground water level data, pumping information, or other diversion data |
| ☐ | ☒ | Mitigation plan |
| ☐ | ☒ | Lockable controlling works |
| ☐ | ☒ | Measuring device |
| ☐ | ☒ | Fish screen |
| ☐ | ☒ | Other requirements of the water right permit |
| ☐ | ☒ | 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: Zach Betz Telephone No. 208-946-6339 Email zachary.j.betz@gmail.com
Mailing Address 68 Cross Mountain Rd City Sandpoint State ID Zip 83864

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]
SIGNATURE OF PERMIT HOLDER*

Zachary Betz Owner
PRINTED NAME AND TITLE

3/30/2025
DATE

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