

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES\$50 fee
Received by KM
Recpt No. C111415
Date 12/2/21

NOV 01 2021 REQUEST FOR EXTENSION OF TIME

DEPARTMENT OF
WATER RESOURCES

To provide additional time in which to submit proof of beneficial use for a water right permit

The Idaho Department of Water Resources will consider this form a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code, in which to complete development of a water right and file proof of beneficial use of water. There is a **FILING FEE of \$50.00** to be included with this form when filed with IDWR.

Permit no. 63-34255 Date proof is due 11/1/2021Name(s) of permit holder(s) CHARLES COMPAS & CAROL COMPASMailing address 1665 N. 1880 W. City PROVO State UT Zip 84604Telephone no. 801-368-8045 Email CCOMPAS@FIBER.NET

Describe what work has been completed toward the development of this water right:

If no work has been completed, show "none".

8" WELL DRILLED AND CASED10 HP PUMP AND PIPE INSTALLED200 AMP SERVICE INSTALLED WITH WIRING FOR PUMPCosting \$ 37,675

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

PLEASE SEE ATTACHEDPermit holder(s) request an extension for 5 year(s).Signature Charles Compas
(If other than permit holder, Power of Attorney must be supplied)Date 28/October/2021

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Department has reviewed the explanation for delay and concludes the reason(s) for delay meets the requirements for approval of the Request for Extension of Time as provided by Section(s) 42-204 and/or 42-218, Idaho Code.

☒ **IT IS HEREBY ORDERED** that the permit is **REINSTATED** with the priority date advanced to August 18, 2016.

☒ **IT IS HEREBY ORDERED** that the above request for extension of time is **APPROVED**, and the time within which to submit proof of beneficial use is extended to November 1, 2026.

Signed this 7th day of December, 2021

Shelley W. Keen
Shelley W. Keen, Chief
Water Allocation Bureau

Request for Extension of Time

Explanation

We applied for a water right in July, 2016 for the 3 acre parcel of land as noted on our permit #63-34255, with the intention of moving there from our president residence in Provo, Utah, building a home there, and irrigating a portion of the 3 acres.

We received approval to appropriate water on this parcel on November 10, 2016 and began search for a well driller.

We found one we liked but it took us almost a year to get the driller to come and drill the well in October, 2017. After completion of the well, the well driller informed us that he had forgotten to put sand screen in the well, but told us he would do it in the following spring of 2018. We agreed with that because there would be no need for us until then.

In early 2018, we made a decision to not move to the property, but to use it as an agricultural investment. We reached out to the well driller to get the screen installed in our well and was informed that he had gotten very busy, but would put us on his schedule and would be getting to it as soon as he had a break. We pinned him down and he said, "He would get to it by summer."

Living out of state began to prove a real challenge for us to get this well completed with a sand screen. From the summer 2018 until the summer of 2020, we have repeatedly made phone, text, and personal contacts with the well driller even at his home, only to be told "I've got your screen, it's in my yard, and I will get to it." Most of these commitments by him had dates and times which just did not happen.

Finally in the summer of 2020, I found the well driller on a job and we had another of our face to face talks about our well. He asked me if I thought the well was pumping enough sand to warrant a sand screen. I told him I didn't know how to gauge that. He told me he didn't think the well needed a screen. That was the first time I had heard that. He told me to go pump the well for about 5 hours and get back to him.

I agreed to do that, but I told him that I had another concern which I hadn't noticed before. According to the well log, the well is 230' deep with the 8" casing stopping at 117.' And, according to his charge for the pipe, the pump was set at 200.' When I called this to his attention, he said, "I think something's wrong with that. I'll have to look into that and get back to you."

Since that day in the summer of 2020, I have again reached out numerous times to the well driller by written letter, phone, text message, and one other failed attempt to find him at home in September of this year, 2021.

I'm not trying to paint this well driller as a bad person. I don't feel like that at all myself. He got us a good well! Maybe he's just not a good organizer of time, forgetful, and/or easily swayed by the amount of other people demanding his service. I don't know?

I have sought advice from an expert on wells and have concluded that I cannot reliably begin an irrigation project with this well until the above issues are resolved, either with the original well driller or another one.

I will begin the search for another well driller to get on a schedule to resolve this problem. At the same time, I will not give up on the current well driller. I think he knows something about this issue that is relevant and I am hoping to find out what it is.

Finally, I am committed to using this 3 acre parcel as an agricultural investment. Living out of state does not make this an easy solution to the problem, as I hope you will take this into consideration and grant me another 5 years to prove beneficial use.

Thank you

Charles Compa



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
December 8, 2021

Director Gary Spackman

CHARLES COMPAS
CAROL COMPAS
1665 N 1880 W
PROVO UT 84604-2277

REQUEST FOR EXTENSION OF TIME LETTER

RE: Permit No. 63-34255

Dear Permit Holders:

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the proof due date to **November 01, 2026**.

The Department granted this extension based on evidence of good cause. It is important that you work diligently toward the completion of the project during the development period allowed because the Department **will not** grant an additional extension based on good cause, pursuant to Idaho Code § 42-204(3)(f).

This approved extension also reinstates the permit and advances the priority date since the request and the filing fee was submitted after the permit proof due date. The priority date of this permit is advanced to **August 18, 2016**, pursuant to Idaho Code § 42-218a(2).

The extension is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01). It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

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

CERTIFICATE OF SERVICE

I hereby certify that on **December 8, 2021** I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (**PRELIMINARY ORDER APPROVING REQUEST FOR EXTENSION OF TIME**) to the persons listed below:

RE: Preliminary Order in the Matter of Permit No. **63-34255**

**CHARLES COMPAS
CAROL COMPAS
1665 N 1880 W
PROVO UT 84604-2277**



**Debbi Judd
Technical Records Specialist**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.