

Keen, Shelley

From: Keen, Shelley
Sent: Monday, May 3, 2021 2:59 PM
To: 'James Browitt'
Subject: RE: Inquiry re extension for Permit No. 85-15772

Jim,

It has been a while. It's good to hear from you.

Because IC 42-204(3)(d) does not have the same "one (1) extension of time" language as IC 42-204(3)(f), IDWR interprets IC 42-204(3)(d) as allowing for multiple extensions totaling up to ten years. IDWR's typical practice when applying IC 42-204(3)(d) is to grant extensions of no more than five years. The five-year limit provides another opportunity to evaluate the "reasonable diligence" and "good cause" requirements in connection with an additional extension request, should one be requested. The overall intent is not to tie up the resource for 15 years without some assurance that it is being developed as proposed.

Call or email if you have questions about my explanation.

Regards,

Shelley

Shelley Keen
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From: James Browitt [mailto:jbrowitt@outlook.com]
Sent: Monday, May 3, 2021 1:00 PM
To: Keen, Shelley <Shelley.Keen@idwr.idaho.gov>
Subject: Inquiry re extension for Permit No. 85-15772

Hi Shelley:

It's been a while since we crossed paths, and I hope all has been well on your end in the interim.

I have been working with Red Pheasant for the duration of this particular permit, and was wondering if you could provide insight as to why a five-year extension was granted rather than 10-year-extension that was requested. This permit would seemingly qualify for the longer extension pursuant to IC 42-204(3)(d) by virtue

of the 2 cfs diversion and the reasonable diligence exercised by Red Pheasant in developing beneficial use. I am, of course, aware that any extension beyond five years is subject to IDWR's discretion, but am curious as to what the rationale may have been behind the Department's decision to stick with the shorter term.

Best regards,

Jim

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