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SEP 30 2020

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

\$50 fee

Received by JahRecpt No. PC109319Date 9-30-2020

REQUEST FOR EXTENSION OF TIME

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. 63-34090 Date proof is due October 1, 2020
 Name(s) of permit holder(s) Misha Veloz & Timothy E. Ryan
 Mailing address 7933 W. Sonara Rd. City Caldwell State ID Zip 83607-5315
 Telephone no. (208) 810-0448, (208) 789-7078 Email mishaveloz@yahoo.com

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

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

Please see attached sheet.Costing \$ 320,680.

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

Please see attached sheet.Permit holder(s) request an extension for 5 year(s).

Signature (If other than permit holder, Power of Attorney must be supplied)

Date

SEPTEMBER 29, 2020

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 _____, 20____.

☒ 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 October 1, 2025.

Signed this 30th day of October, 2025

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

State of Idaho
Department of Water Resources

Request for Extension of Time to Submit Proof of Beneficial Use For A Water Right Permit

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

We have proceeded with due diligence to attempt to complete our water permit. The extent of development that has been completed thus far, toward the development of this water right is as follows:

Well was drilled and pump and pressure tank were installed.

Water line to house installed.

Underground drop line pipes installed for connection to sprinkler system, irrigation system and stock waterers.

Main sprinkler/irrigation high pressure hookup installed.

2 stock water hookups installed for automatic waterers.

2 Frost Free Hydrants installed.

About 5 of the 6.3 acres has been fenced in for horse (future cattle) use.

House was built and completed on August 4, 2017.

Above-ground water system (sprinklers, actual full irrigation system) has not been connected, or installed yet for application to water entire acreage.

We have completed the construction only of our home and have not yet been able to finish the remaining work to water our entire acreage.

Costs Incurred for Completed Water Rights Development:

Well & Pump Installation Cost- \$28,680

(Includes underground drop line pipes for irrigation, sprinklers and stock water hookups.)

372' foot Well drilled

5HP Variable Drive Pump & pressure tank installed

Water line to house installed

Drop line pipe ran for house and property acreage sprinkler/irrigation

2 Frost Free Hydrants installed

2 Stock water hookups installed

Sprinkler hookup installed

Home Construction Cost- \$278,000

Horse Fence Cost- \$14,000

Total Costs Incurred So Far:
\$320,680

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

We purchased our land on May 15, 2015 and submitted our Application for a Water Rights Permit shortly after, in 2015. Unfortunately, it took us almost 2 years to find a builder to start our home construction.

We closed on our construction loan on November 18, 2016, and less than a month later, after we laid our house foundation, we experienced the worst winter in Idaho in the last 30 years. We had 39" inches of snow between December 2016 and March of 2017. Continuing construction on our home was impossible during this time and our construction was at a standstill for over 5 months.

Towards the end of May 2017, the weather had finally improved enough to allow for our home construction to resume. Shortly after, in the first week of June 2017, we found out our builder was stealing money from our construction loan and therefore quit our build with no notice. We were forced to wipe out our entire savings just to finish the construction of our home. Unfortunately, with the builder quitting mid-build and us having to hire, manage and fund the remaining part of our home build, that did not leave us any money left over to finish the remaining work we had planned to do in order to put our entire water rights on our acreage to full beneficial use.

I was also let go from my job of 5 years in September of 2019, pushing our ability to afford resuming our work towards completing our water rights development. Although lack of financial resources, personal illness and the state of the economy are listed as not being adequate reasons for a Request for Extension of time, we have experienced all three of those life events. That along with the most recent and ongoing COVID-19 pandemic, I suffered a permanent job loss from my new employer this March (2020) and have been unable to find and secure new employment currently.

The development of the water use authorized by our permit is not completed yet and we do want more time to finish the development/completion of our irrigation/sprinkler system, in order to utilize our water rights to the full extent of the allowed beneficial use. We have 6.3 acres of land on our property and we want to grow pasture grass and hay for our horses and possibly cattle, plant and grow various flowers, plants (including those native to Idaho), and vegetables. Please allow us 5 years minimum (ideally 10 years) to work towards completing this work before having to submit proof of full beneficial use of our water rights permit.

Sincerely,

Misha Veloz & Timothy E. Ryan

09/29/2020



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

November 4, 2020

TIMOTHY E RYAN
MISHA VELOZ
7933 SONARA RD
CALDWELL ID 83607-5315

REQUEST FOR EXTENSION OF TIME LETTER

RE: Permit No. 63-34090

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 **October 01, 2025**.

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, according to Idaho Code § 42-204(3)(f).

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 **November 4**, 2020 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. **63-34090**

**TIMOTHY E RYAN
MISHA VELOZ
7933 SONARA RD
CALDWELL ID 83607-5315**



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.