

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

\$50 fee
Received by KM
Recpt No. C108657
Date 4-24-2020

REQUEST FOR EXTENSION OF TIME RECEIVED

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

APR 24 2020

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 provide 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. 63-34299 Date proof is due 5/1/2020

Name(s) of permit holder(s) Sunroc Corporation

Mailing address 730 North 1500 West City Orem State UT Zip 84057

Telephone no. 801-802-6900 Email bgammell@clydeinc.com

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

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

Since approval of the water right permit application in 2017, Sunroc Corporation has drilled two wells on the site, one 8" and one 16" well. Pumps have been installed in both wells, and both wells are operational and in use. While full development of the well and water system is nearly complete, development of the site is still ongoing and as a result the water right has not yet been fully utilized. Sunroc is currently in the process of installing a washplant and concrete batch plant on site. Full development and utilization of the site is anticipated within the next few years, depending on market demand and conditions. At the time, full utilization of the water right will be achieved, and a statement of completion and proof of beneficial use will be submitted to the Department.

Costing \$ \$294,431.44

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

Permit holder(s) request an extension for 5 year(s).

Howard Watts - Secretary 4/21/2020
Signature (If other than permit holder, Power of Attorney must be supplied) Date

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 May 1, 2022.

Signed this 5th day of May, 2020 Shelley W. Keen
Shelley W. Keen, Chief
Water Allocation Bureau

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Telephone no. 801-802-6900 Email bgammell@clydeinc.com

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Costing \$ \$294,431.44

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

Permit holder(s) request an extension for 52 year(s). Amended to 2 years per email 4/28/2020

Howard Watts - Secretary 4/21/2020
Signature (If other than permit holder, Power of Attorney must be supplied) Date

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 _____, 20____.

Signed this _____ day of _____, 20____

Shelley W. Keen, Chief
Water Allocation Bureau



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

May 7, 2020

SUNROC CORP
730 N 1500 W
OREM UT 84057

REQUEST FOR EXTENSION OF TIME LETTER

RE: Permit No. 63-34299

Dear Permit Holder:

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 **May 01, 2022**.

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 according to Section 42-204(6), Idaho Code.

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

c: RICHARD R HALL , BRENT SUMSION, BILL GAMMELL – *via email*

CERTIFICATE OF SERVICE

I hereby certify that on **May 7, 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. **63-34299**

**SUNROC CORP
730 N 1500 W
OREM UT 84057**

**RICHARD R HALL – *via email*
STOEL RIVES LLP
101 S CAPITOL BLVD STE 1900
BOISE ID 83702**

**BRENT SUMSION – *via email*
SUNROC CORPORATION
730 N 1500 W
PO BOX 1955
OREM UT 84059**

**BILL GAMMELL – *via email*
SUNROC CORP
730 N 1500 W
OREM UT 84057**



Jean Hersley
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.

From: [Bill Gammell](#)
To: [Judd, Debbi](#)
Subject: RE: Water Permit 63-34299
Date: Tuesday, April 28, 2020 9:11:10 AM
Attachments: [image005.png](#)
[image006.png](#)
[image007.png](#)
[image001.png](#)

You too

Clyde Co



Bill Gammell
PROPERTY/ENVIRONMENTAL MANAGER
O 801.802.6917 C 801.369.4312
WWW.CLYDEINC.COM

From: Judd, Debbi <Debbi.Judd@idwr.idaho.gov>
Sent: Tuesday, April 28, 2020 9:08 AM
To: Bill Gammell <bgammell@clydeinc.com>
Subject: RE: Water Permit 63-34299

Thanks, Bill. Have a great day!

From: Bill Gammell [<mailto:bgammell@clydeinc.com>]
Sent: Tuesday, April 28, 2020 9:05 AM
To: Judd, Debbi <Debbi.Judd@idwr.idaho.gov>
Subject: RE: Water Permit 63-34299

Yes we would like to amend the extension.

Thanks,

Clyde Co



Bill Gammell
PROPERTY/ENVIRONMENTAL MANAGER
O 801.802.6917 C 801.369.4312
WWW.CLYDEINC.COM

From: Judd, Debbi <Debbi.Judd@idwr.idaho.gov>
Sent: Tuesday, April 28, 2020 8:54 AM
To: Bill Gammell <bgammell@clydeinc.com>
Subject: RE: Water Permit 63-34299

This email stating that you would like to amend the extension request that has been submitted will work. I'll make notes that the extension request is amended from 5 years to 2 years.

From: Bill Gammell [<mailto:bgammell@clydeinc.com>]
Sent: Tuesday, April 28, 2020 8:51 AM
To: Judd, Debbi <Debbi.Judd@idwr.idaho.gov>
Subject: RE: Water Permit 63-34299

Okay. Will an email copy work?



From: Judd, Debbi <Debbi.Judd@idwr.idaho.gov>
Sent: Tuesday, April 28, 2020 8:50 AM
To: Bill Gammell <bgammell@clydeinc.com>
Subject: RE: Water Permit 63-34299

The fee was already paid with the request that was submitted.

From: Bill Gammell [<mailto:bgammell@clydeinc.com>]
Sent: Tuesday, April 28, 2020 8:49 AM
To: Judd, Debbi <Debbi.Judd@idwr.idaho.gov>
Subject: RE: Water Permit 63-34299

Would that need a fee associated with it?



From: Judd, Debbi <Debbi.Judd@idwr.idaho.gov>
Sent: Tuesday, April 28, 2020 8:22 AM
To: Bill Gammell <bgammell@clydeinc.com>
Subject: RE: Water Permit 63-34299

Good morning Bill,

We would be amending the request for extension of time to 2 years instead of 5 years. That would bring the initial development period up to the full 5 years. Then after that if you need another extension you can request a 5 year extension. I hope that makes sense!

**Thanks,
Debbi**

From: Bill Gammell [<mailto:bgammell@clydeinc.com>]
Sent: Tuesday, April 28, 2020 8:18 AM
To: Judd, Debbi <Debbi.Judd@idwr.idaho.gov>
Subject: RE: Water Permit 63-34299

Debbi,

Thanks for reaching out to me. It sounds like we need to amend the original water appropriation to be 5 years not 3. Is there a form I need to fill out to amend the original water appropriation?

Thanks,



From: Judd, Debbi <Debbi.Judd@idwr.idaho.gov>
Sent: Monday, April 27, 2020 3:40 PM
To: Bill Gammell <bgammell@clydeinc.com>
Subject: Water Permit 63-34299

Good afternoon,

The Department received a request for extension of time for 5 years for water permit 63-34299. Permits are allowed up to 5 years for the initial development period. This permit has 3 years. If the Department approves this request for 5 years, you may lose those extra 2 years and that may impact future requests. If you would like to amend your request for 2 years instead of 5 years to bring the initial development period up to the full five years, please respond to this email. Please feel free to contact me should you have questions or concerns.

Best regards,
Debbi

Debbi Judd
Technical Records Specialist
debbi.judd@idwr.idaho.gov

Idaho Department of Water Resources
322 E Front St
PO Box 83720
Boise, ID 83720-0098
208-287-4920
www.idwr.idaho.gov