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SEP 25 2019
DEPARTMENT OF WATER RESOURCES

Form No. 204 Rev. 12/12

Due Oct 1

$50 fee
Receipted by AV
Recpt No. C107769
Date 9/25/19

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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. 95-17338 Date proof is due Oct 1, 2019

Name(s) of permit holder(s) Sandi Goggin

Mailing address 175 E. Red Barn Road City Harrison State ID Zip 83833

Telephone no. 208-660-0646 Email sandigoggin@yahoo.com

Describe what work has been completed toward the development of this water right:
If no work has been completed, show "none".

Costing $_____

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:
Home owner doing all work - delays due to time and financing. Some landscaping has been completed but not all. Grading expenses were higher than budgeted.

Permit holder(s) request an extension for 3 year(s).

Signature *(If other than permit holder, Power of Attorney must be supplied)* Date 9/20/19

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, 2022.

Signed this 23rd day of October, 2019

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

INSTRUCTIONS FOR FILING A REQUEST FOR EXTENSION OF TIME TO SUBMIT PROOF OF BENEFICIAL USE

Every permit to appropriate water is issued with a completion deadline called a proof of beneficial use due date. The permit holder may file a request for extension of time to submit this proof according to Sections 42-204 and 42-218, Idaho Code. See www.idwr.idaho.gov for more information about these statutes. If the development of the water use authorized by your permit is not complete and you need more time to finish the development prior to submitting proof of beneficial use, you may apply for more time as follows:

- Read the following instructions carefully.
- Complete the Request for Extension of Time form.
- Submit the non-refundable filing fee of $50.00 with the Request for Extension of Time form.

The Request for Extension of Time form must state the extent of development that has occurred, the costs incurred, and the reason(s) the work has not been completed. The department may extend the proof due date of a permit when a permit holder is prevented from proceeding with his work for one of the following reasons:

Good cause: You must provide the reason for delay, along with evidence that you have proceeded with due diligence. Evidence of due diligence may include well drilled, pump installed, some acres now irrigated, fish propagation ponds constructed, sprinkler system purchased, etc. Lack of financial resources, the state of the economy or personal illness usually cannot be considered adequate reasons to approve a Request for Extension of Time.

After a permit holder has had five years to develop a permit, usually only one extension of time can be granted for good cause, for up to five more years. If your permitted diversion rate is 2.0 cfs or more or the permitted number of irrigated acres is 100 acres or more, a total of 10 years may be granted for good cause after the initial five year development period allowed.

Government agency action or litigation that qualifies for an extension: You may also receive an extension of time for a lack of required consent or final approval by a government agency (right-of-way, easement, or land classification such as Desert Land Entry or Carey Act) or for litigation related to ownership of the water if it has prevented development of the permit.

When basing your extension on delays caused by a government agency or by litigation, you must provide documentation to establish the time-period that development was delayed. The department can only extend the development period of a permit for the actual time a government agency or litigation delayed your development based on the evidence of delay submitted with the request for extension of time. If no documentation is provided, the department will review the request based on good cause.

Additional basis for granting an extension: The water project is of a large scale -- storage of more than 10,000 acre-feet, or diversion of more than 25,000 acre-feet in one irrigation season for an irrigation project of at least 5,000 acres; or when the water right permit is held by the United States of America. A written explanation for these requests must be submitted.

NOTE: In no case should a Proof of Beneficial Use form and a Request for Extension of Time form both be submitted. If your water development project is complete, the proof of beneficial use form should be completed and filed. If the project has not been initiated and does not fit into any of the exceptions listed above, then neither form should be filed with the department. The permit will lapse and shall become of no further force nor effect.

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

October 18, 2019

SANDI LYNN GOGGIN
1515 E RED BARN RD
HARRISON ID 83833

REQUEST FOR EXTENSION OF TIME LETTER

RE: Permit No. 95-17338

Dear Permit Holder(s):

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, 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 Section 42-248, Idaho Code, 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,

Jean Hersley

Jean Hersley
Technical Records Specialist II

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on **October 25, 2019** I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER **(PRELIMINARY ORDER APPROVING REQUEST FOR EXTENSION OF TIME)** to the person(s) listed below:

RE: Preliminary Order in the Matter of Permit No. **95-17338**

SANDI LYNN GOGGIN
1515 E RED BARN RD
HARRISON ID 83833

Jean Hersley

Jean Hersley
Technical Records Specialist II

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.