

RECEIVED

MAR 07 2019

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES\$50 fee
Received by
Recpt No.
DateCJ06327
3/7/19

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. 63-33000 Date proof is due April 1 2019Name(s) of permit holder(s) Steve PoseyMailing address 13400 South Fox m. 1/2 City Kuna State ID Zip 83634Telephone no. 208 859-8433 Email poseySC@msn.com

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

If no work has been completed, show "none"

Most of the ground has been cleared worked & ready for planting. Winter slowed the rest. Well is in power is in

Costing \$ _____

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

Ado County Developmental Services would not allow development until access was gained. That was completed Sept 24/2018
Recorded Sept 26 2018

Permit holder(s) request an extension for 4 year(s).

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

March 6 2019
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 March 13, 2021.

Signed this 2nd day of April, 2019
Shelley W. Keen
Chief, Water Allocation Bureau

PRIVATE ROAD APPLICATION

October 13, 2016

I am applying for approval of a new private road.

The purpose of the private road is to provide frontage and access from the public street South Five Mile Road, Ada County, Idaho to my property as described in the attached submittals.

The private road will be developed on a separate property, currently under ownership of P3, LLC.

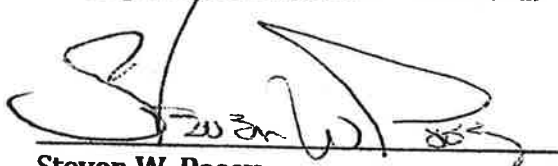
P3, LLC has granted me a perpetual, unrestricted 30 foot easement for access from South Mile Road to my property. Ownership of the private road will continue under P3, LLC.

This is a new private road that will provide frontage and access to one property.

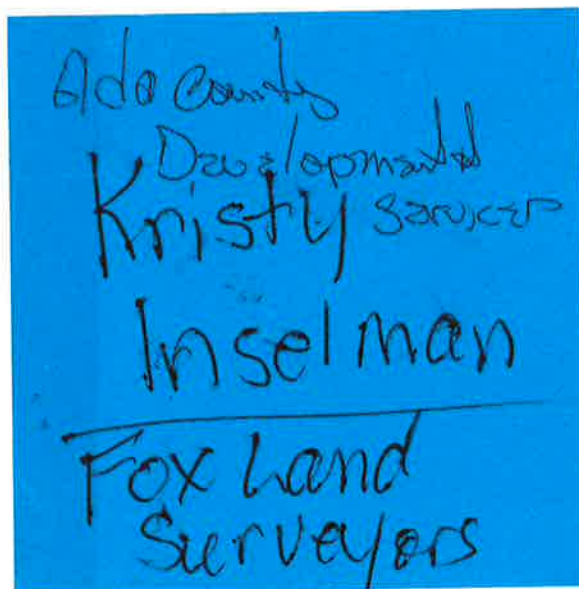
There are no existing dwellings on the property.

The private road will be gravel construction. There will be a 45 foot radius turnaround. The grade is <2%. The length will be approximately 660 feet. The width of the improved travelway will be 20 feet.

All required submittals are attached.



Steven W. Posey



Ada County
Development
Kristy Sanchez
Inselman
Fox Land
Surveyors



Megan M. Leatherman, MCRP
Director

Ada County Courthouse
200 West Front Street
Boise ID 83702
208.287.7900
Fax 208.287.7909
www.adacounty.id.gov

Department Divisions
Building
Community & Regional
Planning
Engineering & Surveying
Permitting

Ada County Commissioners
Jim Tibbs, First District
Rick Visser, Second District
David L. Case, Third District

ADA COUNTY Development Services Department

June 16, 2017

Steven Posy
13400 S. Five Mile Road
Kuna, ID 83634

RE: File 201601822 PR

Dear Mr. Posey,

On November 21, 2016 Ada County Development Services granted tentative approval of Project No 201601822 PR, subject to the Conditions of Approval listed in Exhibit #A. The applicant has requested a letter from the Director requesting that the Private Road is final. The final conditions have been met as listed:

1. As evidenced in the record, the applicant has obtained approval from the Ada County street naming committee for a private road name (Ned Pepper Lane).
2. As evidenced in the record, the Ada County Highway District has approved the point of connection between the private road and the public road.
3. As evidenced in the record, the applicant has received approval from the Kuna Fire District that they approve of the turnaround configuration.
4. A Declaration of Easement was recorded on March 7, 2017, for the private roadway as instrument #2017-019425..
5. A Maintenance Agreement was recorded on March 1, 2017, for the private roadway as instrument #2017018040.
6. The private roadway construction and street sign installation were inspected by the Ada County Engineer on June 14, 2017, and were approved as constructed.

Project No. 201601822 PR has met the required conditions of approval as listed above. This letter certifies the Project No. 201601822 PR has received final approval.

If you have any questions, please call 208-287-7905 or via dsanders@adaweb.net.

Sincerely,

Diana Sanders

Diana Sanders
Associate Planner
Ada County Development Services



EASEMENT

WHEREAS, P3, LLC, an Idaho Limited Liability Company, (hereinafter referred to as "Grantor") is the owner of certain real property, more particularly described as follows, to-wit:

A parcel of land being a portion of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, Section 26, T.2 N., R 1E., B.M., Ada County, Idaho, and more particularly described as follows:

Beginning at a brass cap marking the Southwest corner of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, said Section 26;

thence along the Southerly boundary of the said Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, North $89^{\circ}51'37''$ East 25.00 feet to an iron pin marking a point on the Easterly right-of-way of Five Mile Road, said iron pin also being the REAL POINT OF BEGINNING;

thence along said Easterly right-of-way North $00^{\circ}55'51''$ West 696.11 feet to an iron pin;

thence leaving said Easterly right of way South $89^{\circ}53'36''$ East 635.14 feet to an iron pin;

thence South $00^{\circ}52'38''$ East 693.37 to an iron pin marking a point on the Southerly boundary of the said Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$;

thence along said Southerly boundary, South $89^{\circ}51'37''$ West 634.45 feet to the point of beginning, comprising 10.12 acres, more or less.

Commonly known as 13400 S Five Mile Road, Kuna, Idaho 83634; Ada County, Idaho
Parcel #S1426233700.

WHEREAS, Steven W. Posey (hereinafter referred to as "Grantee") is the owner of certain real property, more particularly described as follows to-wit:

A tract of land in the East half of the Southwest quarter of the Northwest quarter of Section 26, Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho.

EXCEPTING the portion of land commencing at the West quarter of said Section 26; thence along the East-West center section line

North $89^{\circ}51'05''$ East, a distance of 659.45 feet to the REAL POINT OF BEGINNING; thence North $00^{\circ}52'38''$ West 667.94 feet to a point; thence

North $89^{\circ}52'26''$ East a distance of 330.04 feet to a $\frac{5}{8}$ inch iron pin; thence

South $00^{\circ}51'01''$ East a distance of 667.80 feet to a point on the East-West center section line of said

Section 26; thence running along said East-West center section line of said section; thence

South $89^{\circ}51'05''$ West a distance of 329.72 feet to the REAL POINT OF BEGINNING.

Commonly known as 10252 W Ventoso Ln, Kuna, Idaho 83634;
Ada County, Idaho Parcel #S1426224200

WHEREAS, the Grantor desires to grant, convey and confirm unto the Grantee a perpetual access easement upon and across Grantor's real property as described above to allow access to the Grantee's property from South Five Mile Road; and

WHEREAS, the Grantor, by this Easement, desires to make provisions for the unobstructed use of said access easement for ingress and egress to the Grantee's property;

NOW THEREFORE, Grantor does hereby grant, convey, and confirm unto the Grantee an access easement upon the following property, to-wit:

The Northernmost 30 feet of Grantor's property as described above.

This Easement shall benefit, be appurtenant to, and run with the Grantee's property described herein upon any subsequent grant, conveyance, or transfer of the Grantee's property and shall be binding upon the Grantors, their respective heirs, executors, administrators and assigns.

IN WITNESS WHEREOF, the Grantors hereunto set their hands and seals this 13 day of Oct, 2016.

P3
For ~~LLC~~, LLC

Steven W. Posey, Member

STATE OF IDAHO)
) ss.
County of Ada)

On this 13 day of Oct, in the year 2016, before me, the undersigned Notary Public in and for said State, personally appeared STEVEN W. POSEY, Member P3, LLC, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.




Notary Public for Idaho
Residing at: Kuna, ID
My Commission Expires: 2/15/20



MASTER APPLICATION/PETITION REQUEST

ADA COUNTY DEVELOPMENT SERVICES

200 W. Front Street, Boise, Idaho 83702 www.adaweb.net phone: (208) 287-7900 fax: (208) 287-7909

TYPE OF ADMINISTRATIVE APPLICATION:

- | | |
|--|---|
| ☐ ACCESSORY USE* | ☐ NONCONFORMING USE EXPANSION |
| ☐ FARM DEVELOPMENT RIGHT | ☐ ONE TIME DIVISION |
| ☐ FLOODPLAIN PERMIT | ☒ PRIVATE ROAD |
| ☐ HILLSIDE DEVELOPMENT* | ☐ PROPERTY BOUNDARY ADJUSTMENT |
| ☐ HIDDEN SPRINGS ADMINISTRATIVE | ☐ SIGN PLAN |
| ☐ HIDDEN SPRINGS SPECIAL EVENT | ☐ TEMPORARY USE* |
| ☐ MASTER SITE PLAN* | |

TYPE OF HEARING LEVEL APPLICATION:

- | | |
|--|--|
| ☐ CONDITIONAL USE | ☐ VACATION |
| ☐ DEVELOPMENT AGREEMENT | ☐ VARIANCE |
| ☐ SUBDIVISION, PRELIMINARY* | ☐ ZONING MAP AMENDMENT |
| ☐ PLANNED COMMUNITIES* | ☐ ZONING TEXT AMENDMENT |
| ☐ SUBDIVISION, SKETCH PLAT* | |

TYPE OF HEARING LEVEL PETITION:

- ☐ COMPREHENSIVE PLAN MAP OR TEXT AMENDMENT PETITION CHECKLIST

TYPE OF ADDENDA:

- | | |
|---|---|
| ☐ APPEAL | ☐ FINAL PLAT |
| ☐ ADMINISTRATIVE MODIFICATION | ☐ TIME EXTENSION |
| ☐ DEVELOPMENT AGREEMENT MODIFICATION | |

REQUIRED SUBMITTALS:

- ☐ CHECKLIST for applicable application(s). If multiple applications, do not duplicate submittals.
- ☐ *SUPPLEMENTAL WORKSHEET REQUIRED

SITE INFORMATION:

Section: 26 Township: 2N Range: 1E Total Acres: 15

Subdivision Name: N/A Lot: NA Block: NA

Site Address: 10252 West Venado Ln City: Kuna

Tax Parcel Number(s): S1426234200

Existing Zoning: RR Proposed Zoning: RR Area of City Impact: NA Overlay

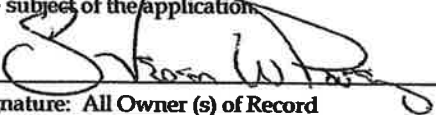
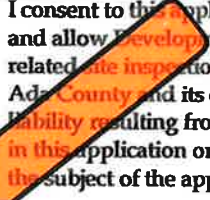
District(s): ? Ada

TSX Code Area 018

OFFICE USE ONLY

Project #.:	Planning Fees/GIS:	Engineering Fees:
Received By: _____ Date: _____ Stamped ☐		

APPLICANT/AGENT: (Please print)	ADDITIONAL CONTACT if applicable: (Please Print)
Name: <u>Steven W. Posen</u>	Name: _____
Address: <u>13400 South F.W.E. M.L.E.</u>	Address: _____
City: <u>Kuma</u> State: <u>Id</u> Zip: <u>83634</u>	City: _____ State: _____ Zip: _____
Telephone: <u>208 859 8433</u> Fax: _____	Telephone: _____ Fax: _____
Email: <u>Posen.S@MSN.com</u>	Email: _____
I certify this information is correct to the best of my knowledge. 	ENGINEER / SURVEYOR if applicable: (Please Print) Name: _____ Address: _____ City: _____ State: _____ Zip: _____ Telephone: _____ Fax: _____ Email: _____
Signature: (Applicant) _____ Date <u>10-13-16</u>	

OWNER (S) OF RECORD: (Please Print)	OWNER (S) OF RECORD: (Please Print)
Name: <u>Steven W. Posen</u>	Name: _____
Address: <u>13400 South F.W.E. M.L.E.</u>	Address: _____
City: <u>Kuma</u> State: <u>Id</u> Zip: <u>83634</u>	City: _____ State: _____ Zip: _____
Telephone: <u>208 859 8433</u>	Telephone: _____
Fax: _____	Fax: _____
Email: <u>Posen.S@MSN.com</u>	Email: _____
I consent to this application, I certify this information is correct, and allow Development Services staff to enter the property for related site inspections. I agree to indemnify, defend and hold Ada County and its employees harmless from any claim or liability resulting from any dispute as to the statements contained in this application or as to the ownership of the property, which is the subject of the application. 	I consent to this application, I certify this information is correct, and allow Development Services staff to enter the property for related site inspections. I agree to indemnify, defend and hold Ada County and its employees harmless from any claim or liability resulting from any dispute as to the statements contained in this application or as to the ownership of the property, which is the subject of the application. 
Signature: All Owner (s) of Record _____ Date <u>10-13-16</u>	Signature: All Owner (s) of Record _____ Date _____

ALL OWNER(S) OF RECORD (ON THE CURRENT DEED) MUST SIGN (Additional Sheets are Available Online)

If the property owner(s) are a business entity, please include business entity documents, including those that indicate the person(s) who are eligible to sign documents.

OWING SUBDIVISION

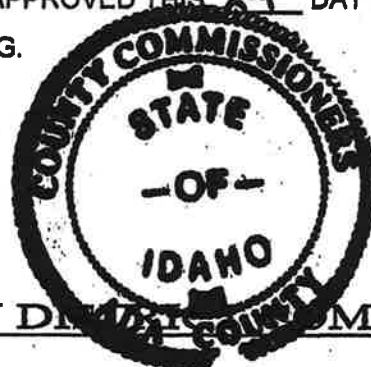
AST 1/2 OF THE
HWEST 1/4, OF SECTION 26,
E 1 EAST, BOISE MERIDIAN
Y, IDAHO
RVEYS, INC.

8

APPROVAL OF ADA COUNTY COMMISSIONERS

THE FORGOING PLAT WAS ACCEPTED AND APPROVED THIS 24 DAY OF September, 2018, BY THE COMMISSIONERS OF ADA COUNTY, IDAHO, IN A REGULAR MEETING.

David L. Case
CHAIRMAN



ADA COUNTY HIGHWAY DISTRICT COMMISSIONER'S ACCEPTANCE

THE FOREGOING PLAT WAS ACCEPTED AND APPROVED BY THE BOARD OF ADA COUNTY HIGHWAY DISTRICT COMMISSIONERS ON THE 29th DAY OF June, 2018.

ADA COUNTY HIGHWAY DISTRICT

Paul
PRESIDENT



CERTIFICATE OF COUNTY SURVEYOR

I, THE UNDERSIGNED, PROFESSIONAL LAND SURVEYOR IN AND FOR ADA COUNTY, IDAHO, DO HEREBY CERTIFY THAT I HAVE CHECKED THIS PLAT AND THAT IT COMPLIES WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.



HEALTH CERTIFICATE

SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE, TITLE 50, CHAPTER 13 HAVE BEEN SATISFIED ACCORDING TO LETTER TO BE READ ON FILE WITH THE COUNTY RECORDER OR HIS AGENT LISTING THE CONDITIONS OF APPROVAL. RESTRICTIONS MAY BE RE-IMPOSED, IN ACCORDANCE WITH SECTION 50-1326, IDAHO CODE, BY THE ISSUANCE OF A CE OF DISAPPROVAL.

Roni Badig REHS
DISTRICT HEALTH DEPARTMENT, REHS

8.22.18
DATE



COUNTY RECORDER'S CERTIFICATE

STATE OF IDAHO)

COUNTY OF ADA) SS

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD AT THE REQUEST OF STEVEN W. POSEY AND CHE AT 7 MINUTES PAST 10 O'CLOCK A.M., ON THIS 26th DAY OF Sept, 2018,

IN BOOK 115 OF PLATS AT PAGES 17044 THRU 17045 AS INSTRUMENT 2018-090973

[Signature]
DEPUTY

\$ 11.00
FEE

Christopher D. Rich
EX-OFFICIO RECORDER

CERTIFICATE OF SURVEYOR



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

March 29, 2019

STEVE POSEY
CHERYL POSEY
13400 S FIVE MILE RD
KUNA ID 83634-2669

REQUEST FOR EXTENSION OF TIME LETTER

RE: Permit No. 63-33000

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 **March 13, 2021**.

The department has granted this extension based on the actual time development of this permit was delayed by a government agency, pursuant to Section 42-204(1), Idaho Code. The documented delay caused by the Ada County Development Services Department occurred from October 13, 2016 to September 24, 2018 extending the proof due date an equal number of days, or 1 Year, 11 Months and 12 Days.

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 Section 42-204(6), Idaho Code. You may apply for future extensions under Section 42-204(1) through (5), 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,

A handwritten signature in blue ink that reads "Darla Block". The signature is fluid and cursive, with the first name "Darla" and last name "Block" clearly distinguishable.

Darla Block
Technical Records Specialist

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on **April 4, 2019** I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (**APPROVED REQUEST FOR EXTENSION OF TIME**) to the person(s) listed below:

RE: Preliminary Order in the Matter of Permit No. **63-33000**

**STEVE POSEY
13400 S FIVE MILE
KUNA ID 83634**

**CHERYL POSEY
13400 S FIVE MILE RD
KUNA ID 83634-2669**



Darla Block
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.