

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

\$50 fee

Received by

Recpt No.

Date

BILL 0705
6-27-2018

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. 43-13740 Date proof is due June 1, 2018

Name(s) of permit holder(s) State of Idaho, Idaho Department of Parks and Recreation

Mailing address PO Box 83720 City Boise State ID Zip 83720-0065

Telephone no. 208-824-5911 Email Wallace_Keck@partner.nps.gov

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

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

Fishing Pond has been built and filled. System is functioning properly

RECEIVED

JUN 15 2018

DEPARTMENT OF
WATER RESOURCES

Costing \$ 25,493

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

Need clarity on two minor requirements: where the measuring device will go; and, the purpose of a lockable device. The water master (part-time employee of the Almo Water Company) has no jurisdiction over the State of Idaho winter water right. Need clarification of how the State of Idaho can receive its winter water right if device is locked and the water master is not working for 6 months of the year.

Permit holder(s) request an extension for 1 year(s).

Wallace F. Keck
Signature (If other than permit holder, Power of Attorney must be supplied)

June 13, 2018

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 March 10, 2015.

☒ **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 June 1, 2019.

Signed this 29th day of June, 2018

Shelley W. Keen
Shelley W. Keen, Manager
Water Rights Section



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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 02, 2018

STATE OF IDAHO
DEPT OF PARKS & RECREATION
PO BOX 83720
BOISE ID 83720-0065

REQUEST FOR EXTENSION OF TIME LETTER

RE: Permit No. 43-13740

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 **June 01, 2019**.

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,

Darla Block
Technical Records Specialist

Enclosure(s)

c: STATE OF IDAHO

CERTIFICATE OF SERVICE

I hereby certify that on **July 03, 2018** 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. **43-13740**

**STATE OF IDAHO
DEPT OF PARKS & RECREATION
PO BOX 83720
BOISE ID 83720-0065**

**STATE OF IDAHO
DEPT OF PARKS & RECREATION
PO BOX 169
ALMO ID 83312**



**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.

Block, Darla

From: Marston, Sascha
Sent: Thursday, June 28, 2018 12:42 PM
To: Block, Darla
Subject: RE: BILL No. for Extension filed on water right permit #43-13740

It is BILL0705 and they paid it last night.

From: Block, Darla
Sent: Thursday, June 28, 2018 12:41 PM
To: Marston, Sascha <Sascha.Marston@idwr.idaho.gov>
Subject: BILL No. for Extension filed on water right permit #43-13740

Sascha,

Please let me know as soon as we have a BILL NO. for this one. The directive is to not process the extension request until we have been paid the fee.

Thanks,
Darla

Block, Darla

From: Block, Darla
Sent: Thursday, June 28, 2018 12:41 PM
To: Marston, Sascha
Subject: BILL No. for Extension filed on water right permit #43-13740

Sascha,

Please let me know as soon as we have a BILL NO. for this one. The directive is to not process the extension request until we have been paid the fee.

Thanks,
Darla

Block, Darla

From: Block, Darla
Sent: Wednesday, June 13, 2018 10:50 AM
To: Marston, Sascha
Subject: Interagency Billing:

Sascha,

Please start the process for interagency billing the State of Idaho Dept. of Parks & Recreation \$50.00 for filing a Request for Extension of Time under PCA 56103. The Water Right Permit no. is 43-13740.

Thanks,
Darla Block



Keck, Wallace <wallace_keck@partner.nps.gov>

Fwd: Statement of Completion - Permit No. 43-13740 - Castle Rocks State Park

1 message

Keck, Wallace <wallace_keck@partner.nps.gov>

Wed, Jun 13, 2018 at 10:30 AM

To: Garth Taylor <Garth.Taylor@idpr.idaho.gov>, "Nadine B. Curtis" <nadine.curtis@idpr.idaho.gov>, Anna Canning <Anna.Canning@idpr.idaho.gov>

Cc: "Block, Darla" <darla.block@idwr.idaho.gov>, william.mills@idwr.idaho.gov, "Skinner, Corey" <Corey.Skinner@idwr.idaho.gov>

RE: Water Rights for Fishing Pond at Castle Rocks State Park

FYI - in communication with IDWR, I have learned that the statement of completion for submitting proof of beneficial use would be rejected because we have not yet resolved two requirements: installation of a measuring device and installation of a lockable controlling device. Neither of these requirements are difficult to overcome, but require further consultation and clarification in the field. Therefore I am submitting by regular mail today a request for extension of time (1 year), but I hope to resolve this issue within the next 30-45 days. (IDWR requires original signature documents and does not accept digital scans).

Normally, this responsibility would fall on the development bureau, but with the departure and retirement of Adam and Jim, I have been informed that I am to accept oversight and responsibility. Garth/Anna, if you have a different preference, please advise. I am requesting IDWR to perform an interagency billing to receive the \$50 fee that must accompany the Request for Extension.

For additional details, see email string and other attached documents.

----- Forwarded message -----

From: Keck, Wallace <wallace_keck@partner.nps.gov>

Date: Fri, Jun 8, 2018 at 4:09 PM

Subject: Statement of Completion - Permit No. 43-13740 - Castle Rocks State Park

To: darla.block@idwr.idaho.gov

Cc: william.mills@idwr.idaho.gov, "Skinner, Corey" <Corey.Skinner@idwr.idaho.gov>

Attention: Darla Block, Technical Records Specialist
Idaho Department of Water Resources

I have received the notice (Dated **March 30, 2018**) that statement of completion is due for permit number 43-13740. The date to submit proof of beneficial use according to the letter was **June 1, 2018**. I've been recovering from an injury since early April and did not realize until today that it was still in my to-do box.

I immediately contacted Bill Mills in the Twin Falls office to receive further guidance on the statement of completion. I will put a hard copy in the mail today, but I have attached a digital copy to this email. I would request that you accept the \$50 fee through an interagency billing with the Idaho Department of Parks and Recreation. I am not sure how to set that up with your agency or who the contact person might be for that process. Can you advise?

Furthermore, I am hoping to speak with Corey Skinner upon his return from vacation about a couple of the requirements, and I am extending him an invitation to come visit this public facility for additional guidance. I have attached a few photos of the pond that demonstrates its completion.

My apologies for missing the deadline.

--

Wallace Keck, Superintendent
City of Rocks National Reserve; Castle Rocks State Park
PO Box 169 (3035 Elba-Almo Rd); Almo, ID 83312
(208) 824-5911 office; (208) 312-2796 cell
Wallace_Keck@partner.nps.gov
<https://www.facebook.com/CityOfRocksNPS/>

<https://www.facebook.com/CastleRockStatePark/>
<https://www.instagram.com/CityOfRocksNPS/>
<https://www.nps.gov/ciro/index.htm>

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Wallace Keck, Superintendent
City of Rocks National Reserve; Castle Rocks State Park
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(208) 824-5911 office; (208) 312-2796 cell
Wallace_Keck@partner.nps.gov
<https://www.facebook.com/CityOfRocksNPS/>
<https://www.facebook.com/CastleRocksStatePark/>
<https://www.instagram.com/CityOfRocksNPS/>
<https://www.nps.gov/ciro/index.htm>

5 attachments

Castle Rocks Pond.JPG
6529K



fishing - Castle Rocks.jpg
5448K

 **Statement of Completion - 43-13740 Castle Rocks State Park.pdf**
201K

 **notice – statement of completion due.pdf**
963K

 **Request for Extension of Time - State of Idaho-IDPR - signed.pdf**
88K