

\$50 fee

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12.4.2017

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

DEC 04 2017

REQUEST FOR EXTENSION OF TIME

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

DEPARTMENT OF
WATER RESOURCES

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. 25 14199 25 14236 Date proof is due November 2017

Name(s) of permit holder(s) Morning View Water Co

Mailing address P.O. Box 598 City Rigby State ID Zip 83442

Telephone no. 208 745-0029 Email new dawn 62@gmail.com

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

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

In Dec. 2016 IPU C granted new rates for customers of MVWC. The completion of new well and remodeling of other two wells and the lifting of the development moratorium allowed the company to resume construction
Costing \$ 140,000+ (See attached)

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 Maximum permit year(s).

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

Nov. 28, 2017
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 September 4, 2007.

☒ 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 November 19, 2022.

Signed this 18th day of December, 2017

Jeff Peppersack, Chief
Water Allocation Bureau

Water Resources
Request For extension of Time November 28, 2017

Permit # 25 14199

Permit # 25 14236

In 2016 Morning View Water Co. Landco Building and Development companies were able to continue development as follows:

Division #3.

Five one acre lots and one half acre lot were released to pay past debts for construction. A private builder now has the land. One home is framed, roofed and windows and doors have been installed.

Th 3966 E cul-de-sac was prepared. Electric, Water, and Gas lines are in. Six lots were readied three of which are completely developed, the lots sold and housing constructed and occupied. The last three lots are being advertised.

Along the beginning of the 3966 road, 4 other lots, owned by Clayton homes were developed, sold and double wide homes installed. These are all occupied.

A commercial lot and a one acre lot in Division #3 on 200N remain.

Development of the last cul-de-sac, 3978 E, in Division #3 is progressing. Gas and water lines were installed this summer and we are waiting for the Electric Co. to finish their work which we have paid for. We are short of capital to pay for paving which bid out at \$ 45,000. These costs have escalated in just a year.

Division # 4

Current development includes 22 mobile home rental spaces. 20 are occupied with two empty foreclosures.

The Public Health Dept has mandated that several of the septic systems be upgraded. The aerobic systems in place have proven to be very unreliable. The repair has slowed down further development but preparation has been completed including engineering plans.

Extending west of the existing mobile home park and pending DEQ final inspection, the main water line is completed for the plat. Once approved it will be covered (hopefully before the ground freezes).

We also installed a 300 feet culvert along the north length of the extended property.

Plans for electrical service expansion have been approved. This development is on hold until the County's decision as explained in the following paragraph.

The plat includes 15 spaces for mobile home rentals, however we have gone before the Jefferson Co. Planning and Zoning commission to change 15 spaces to 10 spaces so we can install conventional septic tanks. At the Nov. 2nd hearing decisions were deferred until another hearing in January 2018. We may be required to redo the extension to update to current requirements since our 2001 approval. This could jeopardize the whole development. In addition the county, without notice to us, closed the west access into the mobile home park. With access now limited they may not allow us to develop the land. We learned this at the November hearing.

The New Well is located between the existing trailer park and the land we wish to expand.

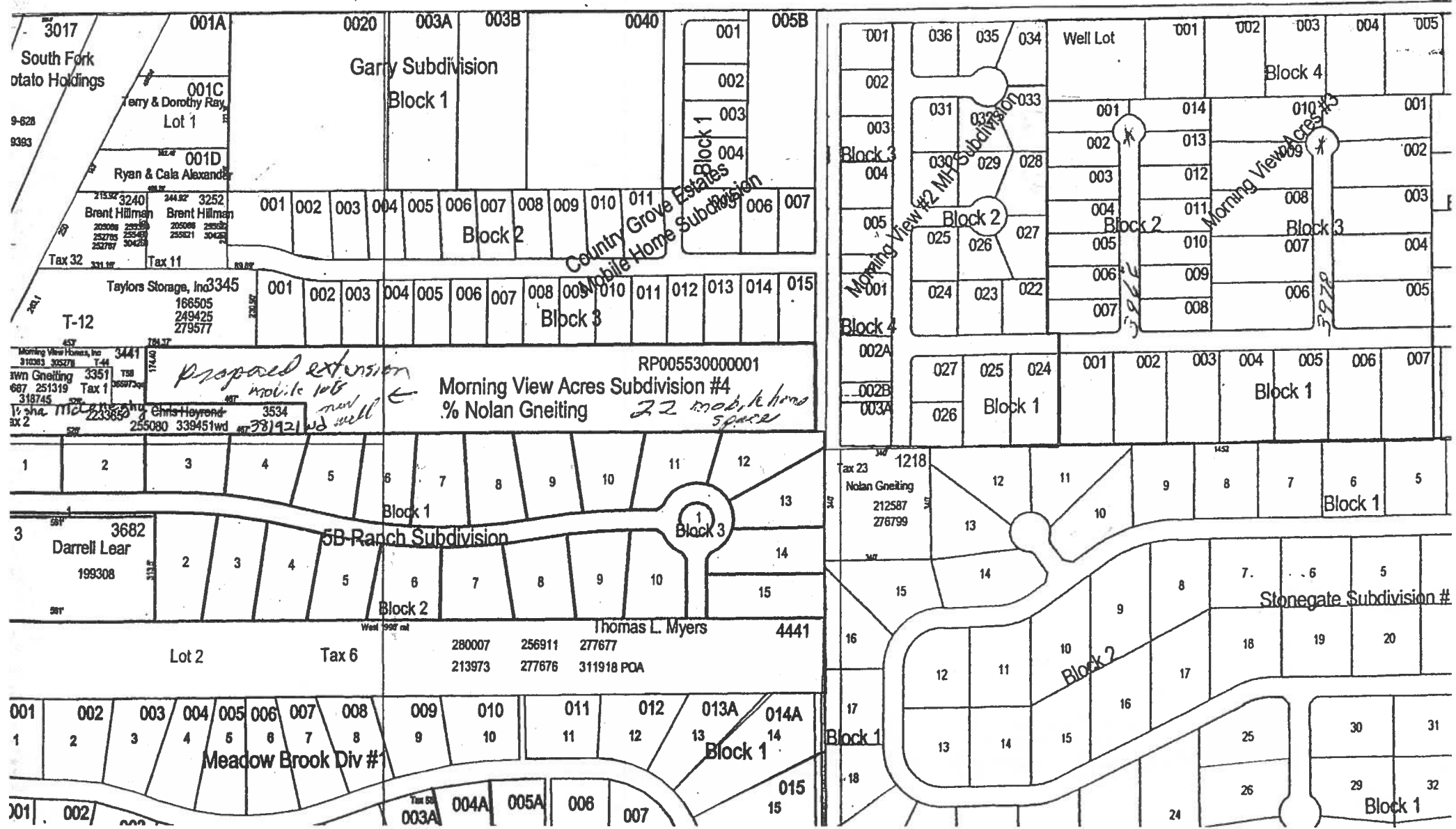
As you can see we have made significant progress but have financial and governmental obstacles to overcome. We request extensions of maximum time for both division permits and ask for forbearance as we deal with the governmental regulations.

See attached pictures of the projects.

Morning View Water Co./Landco
208 745 0029

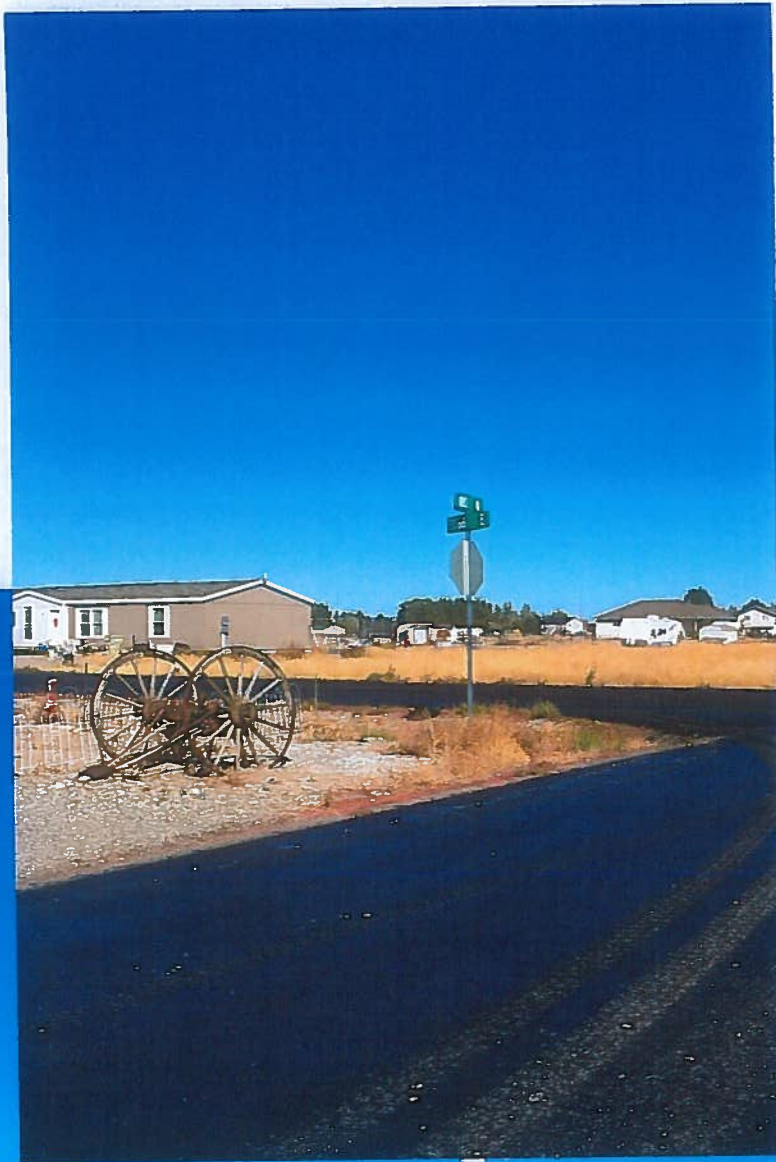
Morning View/Landco

Sec 30 Twp



cw/de-sac 3966

Division #3



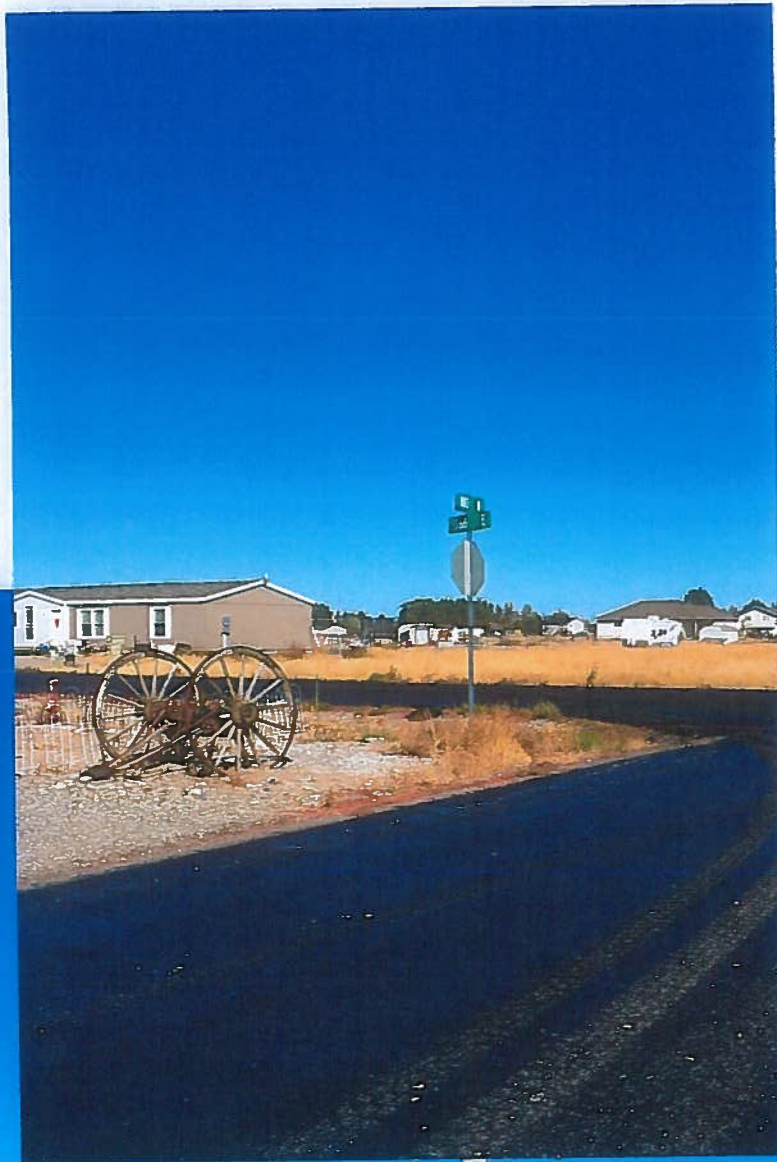
Southern end



3 lots left

cw/de-sac 3966

Division #3



Southern end

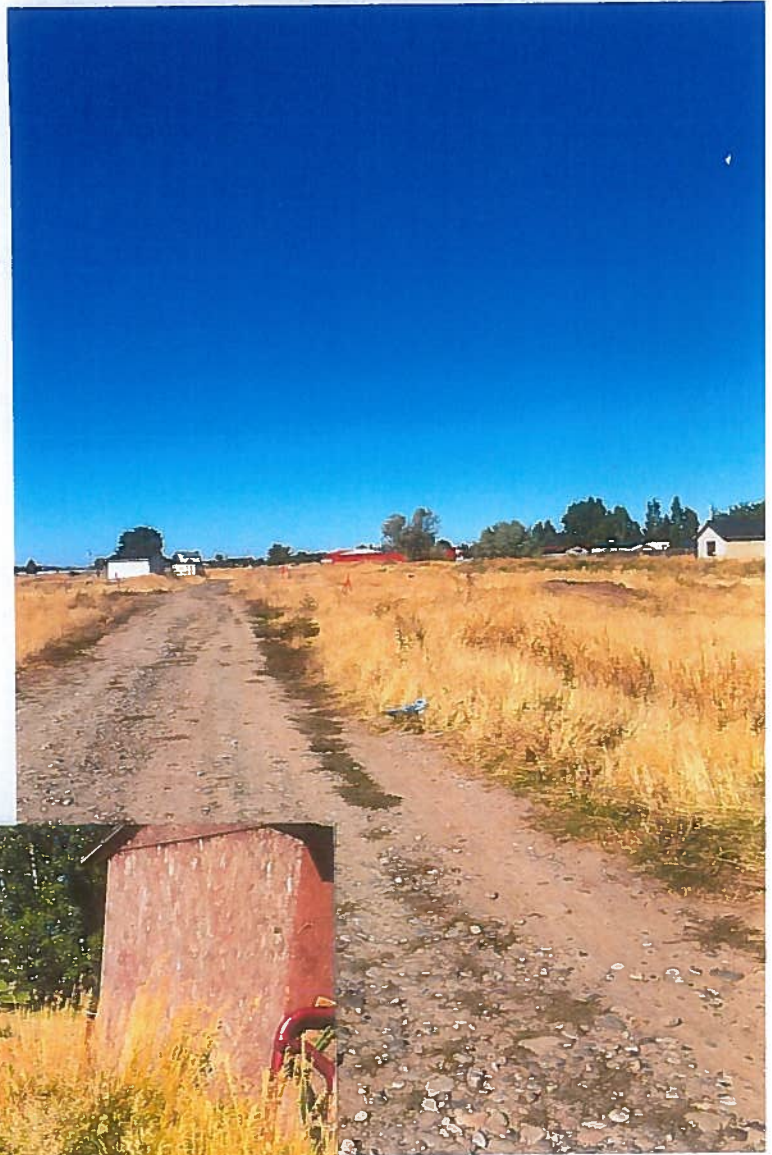


3 lots left

Division #4 looking west

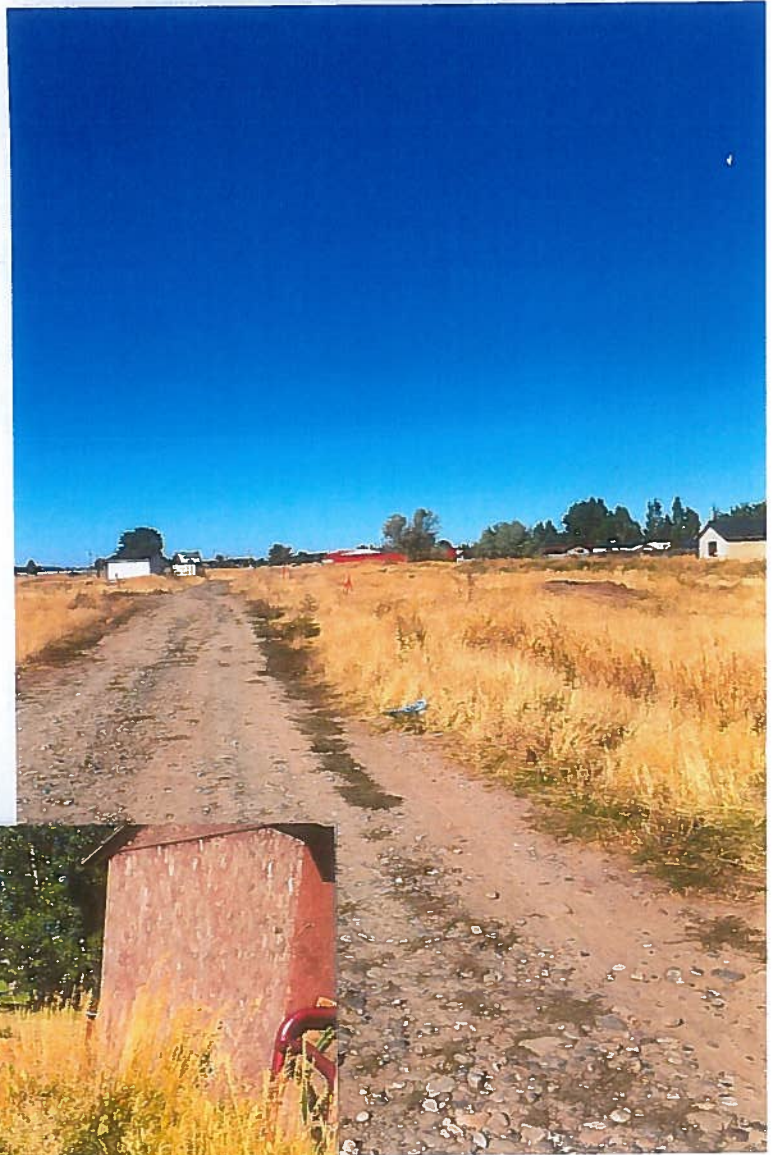


main water
pipe for
new extension



cul-de-sac
(to be covered with
earth)

Division #4 looking west



main water
pipe for
new extension



cul-de-sac
(to be covered with
earth)

Division
4

22 developed spaces



Developed mobile home park
looking east from new
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

December 18, 2017

MORNINGVIEW WATER CO INC
PO BOX 598
RIGBY ID 83442

REQUESTS FOR EXTENSION OF TIME LETTER

RE: Permit Nos. 25-14199 & 25-14236

Dear Permit Holder(s):

Enclosed are copies of the approved requests for extension of time submitted in connection with the above referenced permits which extends the proof due dates to **November 19, 2022**.

The department granted these extensions based on evidence of good cause. It is important that you work diligently toward the completion of the projects during the development periods allowed, but specifically under permit **#25-14236**, because the department **will not** grant an additional extension based on good cause for this permit, according to Section 42-204(6), Idaho Code.

These approved extensions also reinstate the permits and advances the priority dates since the requests and the filing fees were submitted after the permit proof due dates. The priority date of permit **#25-14199** is advanced to **September 04, 2007**, according to Section 42-218a(1), Idaho Code. The priority date of permit **#25-14236** is advanced to **July 06, 2009**, according to Section 42-218a(1), Idaho Code.

The extensions are PRELIMINARY ORDERS issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01). They can and will become final orders 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 these permits, 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 a long horizontal stroke at the end.

Darla Block
Technical Records Specialist

Enclosure(s)

c: ROBERT L HARRIS

CERTIFICATE OF SERVICE

I hereby certify that on **December 19, 2017** I mailed true and correct copies, postage prepaid, of the foregoing PRELIMINARY ORDERS (**APPROVED REQUESTS FOR EXTENSION OF TIME**) to the person(s) listed below:

RE: Preliminary Orders in the Matter of Permit Nos. **25-14199 & 25-14236**

**MORNINGVIEW WATER CO INC
PO BOX 598
RIGBY ID 83442**

**ROBERT L HARRIS
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405-0130**



**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.