

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

\$50 fee

Received by VCRecpt No. C103864Date 7/24/17

JUL 21 2017

REQUEST FOR EXTENSION OF TIME

DEPARTMENT OF
WATER RESOURCES

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. 94-08950 Date proof is due 7-1-17
 Name(s) of permit holder(s) WILLIAM FRANK ROGERS
 (NEW ASSIGNMENT)
 Mailing address 117 EMPIRE RD City DAYTON State NY Zip 81403
 Telephone no. 775-291-7453 Email Frankand Pam 4650@GMAIL.COM

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

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

WELL HAS BEEN DRILLED & PREVIOUS OWNER
PROVIDED STOCK WATER FOR HIS HORSES & PIPED WATER
TO SHOP/BARN

Costing \$ 13000.00

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

I AM KNEW OWNER AND NEED TIME TO
COMPLETE THE FULL DEVELOPMENT OF THE WATER USES
AUTHORIZED UNDER PERMIT

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

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

7-10-17
 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
February 21, 20 12.

☒ **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 July 1, 2022.

Signed this 5th day of September, 2017

Jeff Peppersack, Chief
 Water Allocation Bureau



COPY

Date: December 19, 2016

File No.: 617904-WA (JS)

EXHIBIT 'A'

LEGAL DESCRIPTION:

The Marguerite Placer Claim M.S. 2565 situated in Placer Center Mining District in Sections 12 and 13, Township 48 North, Range 4 East, B.M., Shoshone County, State of Idaho. Patent recorded March 19, 1912 in Book 42 of Deeds, page 511.

AND

That portion of Johney Placer Claim, MS 1451, situated Placer Mining District in Section 12, Township 48 North, Range 4 East B.M., Shoshone County Idaho lying East of the West Fork Nine Mile Creek County Road being more particularly described as follows:

Beginning at Corner 1 of said Johney Placer Claim, MS 1451; thence

South 25°07'00" West along line 1-2 of said placer claim a distance of 1185.81 feet (shown of record as South 24°48' West, 1186.4 feet) to Corner 2 of said placer claim; thence

North 72°39'18" West along line 2-3 of said placer claim a distance of 99.37 feet to a point on the East side of the West Fork Nine Mile Creek County Road; thence

North 21°03'26" East along said East side of the county road a distance of 613.12 feet to a point; thence

North 11°57'17" East along said East side of the county road a distance of 103.47 feet to a point; thence

North 7°11'22" East along said East side of the county road a distance of 99.48 feet to a point; thence

North 1°48'04" West along said East side of the county road a distance of 361.87 feet to a point on line 4-1 of said placer claim; thence

South 75°43'59" East (shown of record as South 75°56' East) along line 4-1 of said placer claim a distance of 364.04 feet to the point of beginning.

Instrument # 487946

WALLACE, SHOSHONE COUNTY, IDAHO

1-4-2017 10:29:00 AM No. of Pages: 4

Recorded for: FIRST AMERICAN TITLE CO.

PEGGY DELANGE-WHITE Fee: 19.00

Ex-Officio Recorder Deputy

Index to: SPECIAL WARRANTY DEED

Page 1 of 1

487946 17 JAN 4 AM 10:29



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

September 05, 2017

WILLIAM F ROGERS
PAMELA G ROGERS
117 EMPIRE RD
DAYTON NV 89403

REQUEST FOR EXTENSION OF TIME LETTER

RE: Permit No. 94-8950

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 **July 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 because the department **will not** grant an additional extension based on good cause, according to Section 42-204(6), Idaho Code.

This approved extension also **reinstates the permit** and advances the priority date since the request and the filing fee was submitted after the permit proof due date. The priority date of this permit is advanced to **February 21, 2012**, according to Section 42-218a(1), 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)

CERTIFICATE OF SERVICE

I hereby certify that on **September 06, 2017** 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. **94-8950**

**WILLIAM F ROGERS
117 EMPIRE RD
DAYTON NV 89403**

**PAMELA G ROGERS
117 EMPIRE RD
DAYTON NV 89403**



**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.

RECEIVED

JUL 10 2017

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

I, Michael K. Bromstetter, hereby assign to William F. & Pamela G. Rosen, H&W
Current owner(s) New owner(s)
 of, 117 Empire Rd. Dayton Nevada 89403 775-291-7453
New owner's address including city, state and ZIP Phone

All my right, title, and interest in and to Permit No(s): 94-8950 to
 appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to Permit Number(s):

_____, to appropriate the public waters of the State of Idaho.

Describe in detail the portion of the permit assigned, listing the number of acres in each 40 acre subdivision, point of
 diversion location, and amount of the water in cubic feet per second.

Does the new permit holder own the property at the:

Point of diversion?

☒ Yes ☐ No

Place of use?

☒ Yes ☐ No

If no, describe the arrangement enabling the new owner to access the point of diversion and/or the place of use:

Dated this 7th day of July, 20 17.Michael K Bromstetter

Permit holder

Title (if applicable)

Permit holder

Title (if applicable)

State of Idaho)

County of Shoshone)ss

On this 7th day of July, 20 17, personally appeared before me the signer(s) of the above
 instrument, who duly acknowledged to me that he/she/they executed the same.

SEAL

PATTI W. KROMER
 NOTARY PUBLIC
 STATE OF IDAHO

Patti W. Kromer

Notary Public

My commission expires:

9/5/21

Skaggs, Pam

From: Michael Branstetter <branstetter83873@yahoo.com>
Sent: Friday, July 07, 2017 2:49 PM
To: Skaggs, Pam
Subject: Re: Lapsed Permit 94-8950

Hi Pam, The form is filled out and in the mail along with the \$25 fee. Thanks for your help, Mike B.

From: "Skaggs, Pam" <Pam.Skaggs@idwr.idaho.gov>
To: "branstetter83873@yahoo.com" <branstetter83873@yahoo.com>
Sent: Friday, July 7, 2017 1:26 PM
Subject: Lapsed Permit 94-8950

Mike,

I have attached the requested Assignment of Permit form for you to complete and submit with the required \$25 fee. You can mail it to our office at the address noted below. The permit will be updated to reflect the new owners of the associated property.

You can review the permit documents at
<http://wenet/apps/appsMisc/docSelection.asp?Basin=94&Sequence=8950&SplitSuffix=> .

Please let me know if you have any questions.

Pam

Pamela S. Skaggs
Water Rights Supervisor
Idaho Department of Water Resources
322 E Front St
PO Box 83720
Boise ID 83720-0098
Phone (208) 287-4951
Fax (208) 287-6700

Skaggs, Pam

From: Skaggs, Pam
Sent: Friday, July 07, 2017 2:17 PM
To: 'frankandpam4650@gmail.com'
Subject: Lapsed Permit 94-8950
Attachments: request-for-extension-of-time.pdf; instructions-for-filing-request-for-extension-to-submit-proof-of-beneficial-use.pdf

Frank,

Here is the Request for an Extension of Time & the instructions. You will want to note that the well has been drilled & that the previous owner provided stockwater use for his horses. Explain that you are the new owners & need time to complete the full development of the water uses authorized under the permit. The previous request for an extension is located in the file documents for an example.

You can view the water right documents for this permit at
<http://wenet/apps/appsMisc/docSelection.asp?Basin=94&Sequence=8950&SplitSuffix=>

I spoke to Mr. Branstetter & will be sending him the Assignment of Permit form. Let me know if you have any other questions.

Pam

Pamela S. Skaggs
Water Rights Supervisor
Idaho Department of Water Resources
322 E Front St
PO Box 83720
Boise ID 83720-0098
Phone (208) 287-4951
Fax (208) 287-6700