

JUN 01 2017

DEPT OF WATER RESOURCES
SOUTHERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME
TO COMPLETE TRANSFER

The holder of the water rights listed below requests an additional period of time in which to accomplish change(s) authorized by approval of
Application for Transfer of Water Right(s) No. 45-4191A approved on June 19, 2013.
Water Right No(s). T# 78518

Number of Year(s) Authorized in which to Accomplish Change(s) ____ (1) ____ (2) ____ (3) ____ (4) X (5)

Number of Additional Year(s) Requested in which to Accomplish Change(s) ____ (1) ____ (2) ____ (3) X (4)

(Not to exceed 5 years total from date of the approval.)

Name(s) of Right Holder: _____

(If not the right holder of record, submit a Notice of Change of Water Right Ownership, appropriate fee and documentation.)

Mailing Address: 2233 Birch CK RD

City Oakley State ID Zip 83346

Phone No.: 208-862-3884 Email: dmanning@pmt.org

Explain why additional time to complete transfer is needed and show a reasonable cause for the delay:

We are requesting an extension on our well permit due to our current financial situation. In four years we will have the cash flow needed to proceed with the well permit. We would appreciate your consideration for an additional four years.

Costing \$ _____

Deanne Manning
(Signature) If other than right holder, Power of Attorney must be supplied.

5-30-17
(Date)

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Department approved the above referenced Application for Transfer with a condition that it be completed within _____ year(s).

The right holder has notified the Department that the transfer has not yet been accomplished.

The right holder has requested an extension of time for completion of the transfer and has shown reasonable cause for the delay.

IT IS, THEREFORE, HEREBY ORDERED that the right holder of Transfer No. _____ is granted an extension to _____, 20____ in which to accomplish the transfer. IT IS FURTHER HEREBY ORDERED that this extension does not stay the accumulation of the 5 year period associated with forfeiture of a water right for non-use.

OR ☒ Extension is not granted. (See correspondence in water right file.)

Signed this 1ST day of June, 2017.

[Signature]



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 1, 2017

Manning Ranches Inc
2233 Birch Creek Rd
Oakley, ID 83346

Gentlemen:

Please find enclosed a denied Request for Extension of Time to Complete Transfer that you filed recently with our office. The request was for an additional four years to accomplish the change(s) proposed by Transfer Application # 78518. This particular transfer application was approved on June 19, 2013 and included the following condition...

The right holder shall accomplish the change authorized by this transfer within five (5) years of the date of this approval.

Five years from the date of the June 19, 2013 approval date would allow until June 19, 2018 for the completion of the change(s) authorized by the transfer. Please note that as indicated on the enclosed Request of Extension of Time to Complete Transfer form, the extension date cannot exceed five (5) years total from the date of the approval. The Department's expectation is that if the change(s) proposed by the original transfer application cannot be accomplished within the maximum allowed five years then another transfer application should be filed.

If you have any questions, or if you would like to discuss this matter further, feel free to contact our office at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'Corey Skinner', is written over a horizontal line.

Corey Skinner, PE
Southern Region Manager

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of June, 2017, I mailed a true and correct copy, postage prepaid, of the foregoing **DENIED REQUEST FOR EXTENSION OF TIME TO COMPLETE TRANSFER** to the person(s) listed below:

**Documents enclosed: Denied Request for Extension of Time to Complete Transfer
Preliminary Order Explanatory Information sheet**

MANNING RANCHES
2233 BIRCH CREEK RD
OAKLEY ID 83346

A handwritten signature in black ink, reading "Denise Maline", is written over a horizontal line.

**Denise Maline
Administrative Assistant**

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.