

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

\$50 fee

Received by cdReceipt No. WD45892Date 3/21/17

RECEIVED
MAR 21 2017
WATER RESOURCES
WESTERN REGION

REQUEST FOR EXTENSION OF TIME

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

RECEIVED

MAR 22 2017

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. 03-33545 Date proof is due 1 APR 17

Name(s) of permit holder(s) Daniel McIeron - I have submitted a change of water rights ownership for my self BNAO. E. Travel.
Mailing address 13758 Willis Rd City Caldwell State ID Zip 83607

Telephone no. 858 610 5722 Email be.troxel@gmail.com

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

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

A well has been dug. A windmill has been erected, A holding tank/pond has been dug. I have begun digging pipe trenches.

Costing \$ 5000

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

After closing on the property in April of 2016 my move ~~back~~ Back to Idaho was delayed due to my retirement from the Marine Corps, and a lengthy stay at a V.A. Hospital recovering from some battle ~~injuries~~ injuries from my last deployment. I now occupy the property and am working on the irrigation. Included is my last hospital discharge and the previous property owner's explanation.

Permit holder(s) request an extension for 35 year(s).

modified per email received from new owner of the property. Brad Troxel on 3/30/2017. DTB

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

3/17/17
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 _____, 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 April 1, 2022.

Signed this 4th day of April, 2017

Jeff Peppersack, Chief
Water Allocation Bureau

[Signature]

- MORNING AND TAKE TWO TABLETS AT BEDTIME FOR NERVE PENDING
PAIN/ANXIETY/ADJUNT SEIZURE PREVENTION
5) MIRTAZAPINE 30MG TAB TAKE ONE-HALF TABLET BY MOUTH AT PENDING
BEDTIME FOR MOOD/SLEEP TRC
6) MULTIVITAMIN/MINERALS CAP/TAB TAKE 1 TABLET BY MOUTH PENDING
EVERY MORNING FOR VITAMIN SUPPLEMENTATION
7) PRAZOSIN HCL 2MG CAP TAKE ONE CAPSULE BY MOUTH AT PENDING
BEDTIME TO SUPPRESS NIGHTMARES TRC

** THIS NOTE CONTINUED ON NEXT PAGE **

TROKEL, BRAD ED

-4737 DOB: 11/27/1972 Pt Loc: Boise-531
211-2-TRC

Printed: 03/06/2017 08:22
Vice SF 509

MEDICAL RECORD

Progress Notes

NOTE DATED: 03/03/2017 12:01
LOCAL TITLE: PATIENT DISCHARGE INSTRUCTION
STANDARD TITLE: EDUCATION DISCHARGE NOTE
VISIT: 03/03/2017 12:01 BOI SIMS-BH-B23
Discharge Instructions:

ATTENDING PHYSICIAN/PROVIDER: Harris
RESIDENT:
NP/PA: Sims

Admission Date: JAN 4, 2017
DISCHARGE DATE: Mar 7, 2017

TYPE OF DISCHARGE: Regular

DISCHARGE DIAGNOSIS: PTSD
caffeine use disorder
multiple concussions
seizure disorder
migraine headaches
chronic pain

Statement of Irrigation Information

The following is the current status and information of irrigation rights for my 13758 Willis Rd., Caldwell Idaho property:

- **Surface Water Right:**
 - The surface water right from Black Canyon Water District is for approximately 2.5 acres (see appropriate documents for exact figure). There is some evidence that this water has been accessed on the property at some point based on berms and gated pipe that I found on the property when I bought it, however I am not sure how it was accessed. The nearest weir box is several hundred yards straight North of the North East corner of the property. I believe it is possible to access the BCWD irrigation water, although it would likely involve some level of difficulty and cost.
- **Deep Water Right (Irrigation Well):**
 - Due to the difficulty involved in accessing the BCWD water and in order to have more control over the water required for the property, I opted to install an irrigation well which is located in the area of the North East corner of the property.
 - I applied for a water right for the irrigation well in December, 2015 with the Idaho Department of Water Resources. I requested the full amount of water available for the property and the maximum amount of time available to develop the water usage, which is 5 years.
 - The water right application is fully transferrable to the new owner. I have a copy of the correct form to assign the application to the new owner upon closing along with providing copies of all other necessary documentation (i.e. well log, water right application).
 - The Idaho Department of Water Resources explained to me that the process for obtaining the new water right involves:
 - First, applying for the water right
 - Second, installing the means of irrigation to every portion of the property that is intended to be included in the water right and begin irrigating those areas
 - Third, notify the Idaho Department of Water Resources within the time allotted (5 years from time of application) for onsite review
 - The Department will schedule a time to come to the property and assess water usage, make any necessary adjustments to the application to match actual water usage, and then issue the water right
 - The IDWR told me that for the quantity and area, getting approval shouldn't be a problem
 - Water Pumping Windmill

- The Windmill that sits over the irrigation well is a fully functioning water pumping windmill (original refurbished Chicago Aeromotor) with an 8' diameter head capable of delivering up to 180 gallons of water per hour
- The windmill has not been plumbed to the well due to not having the irrigation set up yet. The cylinder, tail and brake are included with the sale of the property. All that is needed to begin pumping water is 2" pipe and sucker rod to be attached to the cylinder, dropped into the well and attached to the windmill piston.
- A retention pond has been excavated next to the windmill/well. This is at the high point of the property allowing for gravity feed irrigation or a pump for pressurized irrigation

I hereby affirm that this information is current and accurate according to my best understanding at the present time:

Signature

A handwritten signature in black ink, appearing to be "John Smith", written over a horizontal line.

Date

2-29-2016



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

May 04, 2017

BRAD E TROXEL
LORENA L TROXEL
13758 WILLIS RD
CALDWELL ID 83607

REQUEST FOR EXTENSION OF TIME LETTER

RE: Permit No. 63-33545

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 **April 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.

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".

Darla Block
Technical Records Specialist

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on **May 04, 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. **63-33545**

BRAD E TROXEL
13758 WILLIS RD
CALDWELL ID 83607

LORENA L TROXEL
13758 WILLIS RD
CALDWELL ID 83607


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: BRAD TROXEL <betroxel@gmail.com>
Sent: Thursday, March 30, 2017 9:24 AM
To: Block, Darla
Subject: Re: Time Requested on Request for Extension of Time for Permit No. 63-33545

Thank you very much for the information. Below is my modification request, are you able/authorized to update me as to the permit holders (Daniel McLeran and/or Emily McLeran) action regarding the Assignment of Permit form for permit N. 63-33545?

I, Brad Troxel am requesting a modification to my initial Request for Extension of Time (extension request) form, from 3 years to the allowable 5 years for permit No. 63-33545. The property address 13758 Willis Rd Caldwell ID, 83607. Please contact me at 858-610-5722 or this email address if any further action on my part is required.

Sincerely

Brad Troxel
ph. 858-610-5722
betroxel@gmail.com

On Thu, Mar 23, 2017 at 2:17 PM, Block, Darla <Darla.Block@idwr.idaho.gov> wrote:

March 23, 2017

Dear Mr. Troxel:

At this time, the Department is unable to process your Request for Extension of Time (extension request) form. A water right in permit stage is considered to be personal property of the permit holder of record with the Department. The current permit holders of this permit are Daniel McLeran and/or Emily McLeran. I spoke with the current permit holder today, and he is willing to fill out an Assignment of Permit form, have it notarized and mailed to the State Office of the Department for processing. I informed him that you have already paid the fee. Once I receive the Assignment of Permit from them, I will have the \$25.00 you paid under Notice of Change in Ownership reapplied under Assignment of Permit. I will not be able to process your extension request until after I have processed their Assignment of Permit.

Regarding the extension request form filed:

According to Section 42-204, Idaho Code, the permit holder is allowed an initial development period of 5 years and only one extension request after that for up to 5 more years. Between the time allowed under the permit and one extension previously approved the initial 5 year development period has past. This extension request is considered the last extension request allowed under due diligence or good cause.

On this extension request you have asked for 3 years. You could request that the Department modify your extension request form to reflect a 5 year extension in lieu of 3 years currently requested on your form.

However, in order for me to modify your request for extension of time form from a 3 year extension to a 5 year extension, I need written request from you stating that you would like to have your extension request form modified to reflect a 5 year extension in lieu of the 3 years currently stated on the form. A reply to this email could be used as your written request to have your form modified. **Please respond as soon as possible, and be as specific as you can in your request.**

Once I receive your reply, and I have received and processed the Assignment of Permit from the permit holders, I will be then be able to move forward with processing your extension request. I will hold this matter for 1 week from today for a response from you since the proof Due Date is April 1, 2017.

Sincerely,

Darla Block

Technical Records Specialist

Water Allocation Bureau

Ph. #[\(208\) 287-4945](tel:2082874945)

Darla.Block@idwr.idaho.gov