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DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

\$50 fee

Received by VC

Receipt No. 002945

Date 2/9/17

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. 95-16391 Date proof is due 04-01-2017

Name(s) of permit holder(s) Brian and Asia Williams

Mailing address 4648 N Draper Ln #222 City CDA State ID Zip 83815

Telephone no. 503 902-2015 Email asia.lakey@gmail.com

Describe what work has been completed toward the development of this water right:
If no work has been completed, show "none".

See Attached

Costing \$ _____

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

See Attached

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

Asia Williams Brian Williams
Signature (If other than permit holder, Power of Attorney must be supplied)

02-06-2017
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 _____, 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 14th day of February, 2017

Jeff Peppersack
Chief
Water Allocation Bureau

February 6, 2017

To: Idaho Department of Water Resources

Re: Permit #9516391

Statement of Completion: Due 04/01/2017

To Whom It May Concern:

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

We have cleared a section of land for livestock and created terracing for farming on a sloped property. The terraced location has been protected against erosion. We have installed 1200 feet of buried 2" irrigation piping from the site of the proposed diversion structure to the livestock and farming locations. The property did not have electrical service at the time of permit issuance to appropriate water. We have since had electrical service installed on the property with an additional meter and transformer installed in proximity to planned diversion structure for the purpose of powering an irrigation pump. We have cleared trees and brush for water impoundment area behind diversion structure.

Costs associated with current work performed

Electrical Inland Northwest (with additional transformer)	\$11,000 + \$1200 (additional transformer)
Electrician, installing the temporary use	\$3500.00
Plow Cat to Drop the line for water and electrical	\$1500.00
Water Pipe	\$800.00 high grade
Rock/Erosion/Road Repair	\$5000.00
Orchard Development	\$3000.00
Trees	\$400.00
Road Grader road repair an terracing	\$6000.00
D7 dozer to terrace	\$3000.00
Skid Steer	\$3000.00
Excavator	\$11,000
Tractor	\$1500.00
Animal Pen	\$1000.00
Forest Lane Survey	\$300.00
Ecology Blocks and Delivery	\$5000.00
Fork Lift	\$3000.00

Obstacles

At the time of the permit issuance, the property was difficult to access due to poor roads. The access roads are under the control of a home owners association. Not all members of the home owners association were willing to contribute to the necessary road repairs. In order to achieve the needed votes for association monies to be spent on road repairs we offered to provide all labor and use of our

own heavy equipment for road repairs in order to repair the necessary road to continue to make progress on our property. The necessary road improvements for the association have slowed the development of the permit in question as without improvement, year round access to the property was not possible. This obstacle was outside of our control. However, our agreement to perform free labor and the use of our machines to obtain the minimal agreement from the association proved necessary in order to continue to improve our property and continually work on the permit in question.

Plan and Request for an Extension

As of the end of 2016 the road conditions are sufficient to allow additional delivery of ecology blocks for construction of our diversion structure. We believe that further excavation for a diversion structure, the purchase and delivery of building materials for diversion structure, and purchase and installation of pumping mechanism to be among the next steps. We also plan to expand the irrigable terraced farming area as well as build additional pens and barns for livestock in order to maximize use of requested water appropriation. Accordingly we respectfully request a five year extension to the date originally set for project completion. We plan to continue to work continually and diligently towards completion of the project but expect to need this extra period of time in order to develop this water appropriation to full beneficial use.

Respectfully,



Brian and Asia Williams

Phone 503 902 2615

Email: asialakey@gmail.com

Mailing Address

4648 N Driver Lane Unit 222

CDA Id 83815



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

February 14, 2017

ASIA WILLIAMS
BRIAN WILLIAMS
4648 N DRIVER LN UNIT 222
COEUR D ALENE ID 83815

REQUEST FOR EXTENSION OF TIME LETTER

RE: Permit No. 95-16391

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,

Darla Block
Technical Records Specialist

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on **February 15, 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. **95-16391**

**ASIA WILLIAMS
4648 N DRIVER LN UNIT 222
COEUR D ALENE
ID 83815**

**BRIAN WILLIAMS
4648 N DRIVER LN UNIT 222
COEUR D ALENE ID 83815**



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.