

MEMORANDUM

TO: WATER PERMIT NO. 25-14165

From: Steven Visosky

Date: May 12, 2015

Re: Review of development size at Pepperwood Crossing Subdivision and property related to Landmark Development Properties, LLC.

Purpose: The purpose of this review is to determine the actual size of the “development” related to the place of use under permit 25—14165. Landmark Development Properties LLC is the owner of the water permit and the residential development associated with this permit is Pepperwood Crossings and commercial development is County Line Commercial Park. A “request for an extension of time” was submitted on 4/12/2010 and a five year extension was granted. Another “request for an extension of time” was submitted on 3/24/15 for an additional period of five years.

According to Statute 42-204 (4)

*“The time for completion of works and application of the water to full beneficial use under any permit involving the diversion of two (2) or more cubic feet per second **or the development or cultivation of one hundred (100) or more acres of land may be extended by the director of the department of water resources upon application by the permittee for an additional period up to ten (10) years beyond the initial development deadline contained in the permit, or beyond a grant of extension pursuant to the provisions of subsection (1) of this section, provided the permittee establishes that the permittee has exercised reasonable diligence and that good cause exists for the requested extension.**”*

According to the taxlot information provided by Jefferson County that was updated on 5/21/2014, it appears that the land associated with Landmark Development does qualify as at least 100 acres of development. This acreage total was determined by including the properties developed and being sold at Pepperwood Crossing Subdivision, the properties at County Line Commercial Park, and the lots that have been subdivided and platted in the NESE and NWSE quarters of section 36 in T 04N R38E S36 that are owned by Landmark Development Properties LLC.

Conclusion: The Department has concluded to grant Landmark Development Properties LLC their request for extension of time to submit proof of beneficial use for an additional 5 years. It should be noted that that this extension will be the **final extension** granted under this permit. The new proof date is now April 1, 2020.