



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 15, 2015

ARTHUR R BRAND & STEPHANIE BRAND TRUST
23100 S HWY 95
COEUR D ALENE ID 83814

REQUEST FOR EXTENSION OF TIME DEFICIENCY LETTER

RE: Permit No. 95-11866

Dear Permit Holder(s):

The Department received the request for extension of time (extension) form you submitted for the above referenced permit. This particular water right is an approved permit, and is not part of any adjudication.

I am returning the form to you because the information provided on the application is not sufficient. In order for the Department to grant an extension of time based on pending litigation that brings the title of water into question, the permit holder must provide evidence for the delay in development of the permit.

Please address the following item:

- **If your extension request is based on delay due to litigation that might bring the title of water into question, please provide the Department with documentation you received from the Tribe showing evidence that the title of water for this permit is in question.** The Department may grant an extension due to litigation that brings the title of water in question, however the Department requires documentation showing evidence of such litigation, the date litigation began, and whether the litigation is ongoing.

Upon receipt of the evidence showing beginning and ending dates of litigation delay, your extension could be approved for that amount of time lost during your initial 5 year development period from (May 14, 2010 through May 01, 2015).

Please resubmit the extension form with evidence of litigation. The Department will hold this matter for 15-days from the date of this letter to wait for your response.

If you have any questions concerning this matter, please contact me at (208) 287-4945.

Sincerely,

Darla Block
Technical Records Specialist

Enclosure(s)

RECEIVED

MAR 30 2015

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

\$50 fee

Received by

Recpt No.

Date

YSH

C100208

3-30-15

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. 95-11866 Date proof is due _____
 Name(s) of permit holder(s) Arthur R Brand & Stephanie Trust
 Mailing address 23100 SHY 95 City Coa State Id Zip 83814
 Telephone no. _____ Email _____

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

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

NONE

Costing \$ _____

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

Litigation that brings title to water in question. The adjudication will determine IF Coa Tribe has senior water rights. IF they do we will drop back to junior position and not get all the water that we need.

Permit holder(s) request an extension for Time it takes to go thru the court system. year(s).

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

Date

Arthur R. Brand & Stephanie Brand 3-4-2015

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 _____, 20____.

Signed this _____ day of _____, 20____

Jeff Peppersack, Chief
Water Allocation Bureau