

MEMORANDUM

DATE: March 27, 2015

TO: Water Right File 95-9248

FROM: Shelley W. Keen

RE: Request for Extension of Time to Submit Proof of Beneficial Use

Black Rock Utilities, Inc., has requested a second extension of time to submit proof of beneficial use for Permit 95-9248. The permit authorized a five-year development period, and the first extension authorized an additional five years. Until recently, Permit 95-9248 would not have been eligible for another extension on the basis of due diligence. However, in 2013 the Idaho Legislature amended Idaho Code § 42-204 to allow for up to ten years of additional time for “. . . 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 . . .” [Emphasis added.] Since the parcels of land being developed and served by the permit cover a collective total of 102 acres, Permit 95-9248 is eligible for more extensions of up to five additional years.