

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF PERMIT	)	PRELIMINARY ORDER
NO. 86-11924 IN THE NAMES OF	)	DENYING REQUEST
JOHN A GRAVELLE	)	FOR EXTENSION OF TIME
MATT P GRAVELLE	)	
CAROLYN M GRAVELLE	)	
& PAUL J GRAVELLE	)	
_____	)	

This matter having come before the Idaho Department of Water Resources (“Department”), the Department finds, concludes and orders:

FINDINGS OF FACT

1. On March 18, 2005, the Department issued permit no. 86-11924 to John W. McFarland (permit holder) authorizing the diversion of 0.20 cubic feet per second (cfs) of surface water and ground water for stockwater, domestic, irrigation, diversion to storage, stockwater storage, stockwater from storage, irrigation storage, and irrigation from storage uses in Section 26, Township 38 North, Range 03 West, B.M., Latah County. A condition of permit approval required the permit holders to submit proof of beneficial use of water (proof) to the Department on or before April 1, 2010.

2. On January 31, 2010, the Department notified the permit holders that proof was due and instructed the permit holders of the steps to be taken to submit the proof or a request for extension of time (extension request).

3. On March 11, 2010, the permit holders filed an extension request with the Department. This extension was approved based on due diligence or good cause. The extension established a new proof of beneficial use deadline of April 1, 2015.

4. On February 13, 2012, John W. McFarland filed an assignment of permit assigning all of the right, title, and interest in and to permit no. 86-11924 over to John A. Gravelle, Matt P Gravelle, Paul J. Gravelle and Carolyn M Gravelle (“permit holders”).

5. On January 30, 2015, the Department notified the permit holders that proof was due and instructed the permit holders of the steps to be taken to submit the proof or a request for extension of time (extension request).

6. On February 12, 2015, the permit holders filed an extension request indicating that the reason for delay is: “An application for Drilling Permit and \$600. was submitted 8/18/2014 for construction of irrigation wells. However some of the well driller’s summer projects had delays and prevailing wet conditions have prevented well drilling from occurring to date.”

CONCLUSIONS OF LAW

1. Idaho Code § 42-204 provides for an extension:
 1. In cases where the applicant is prevented from proceeding with his work by his failure to obtain necessary consent or final approval or rejection from the federal government because of the pendency of an application for right-of-way or other matter within the jurisdiction of the United States, by state, county, city or other local government permitting or administrative action or process related to the applicant's land or water development, or by litigation of any nature which might bring his title to said water in question. . . .
 6. In all other situations . . . the department may grant one (1) extension of time, not exceeding five (5) years beyond the date originally set for completion of works and application of the water to full beneficial use . . . provided good cause appears therefore.

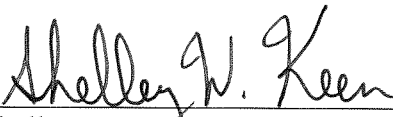
The holder of any permit who shall fail to comply with the provisions of this section within the time or times specified shall be deemed to have abandoned all rights under his permit.

2. The Department cannot grant an additional extension request based on good cause. Therefore, the extension request should be denied.

ORDER

IT IS HEREBY ORDERED that the extension request filed on February 12, 2015, for permit no. 86-11924 in the names of John A. Gravelle, Matt P. Gravelle, Paul J. Gravelle and Carolyn M Gravelle, is **DENIED**.

DATED this 17th day of March, 2015.



Shelley W. Keen, Manager
Water Rights Section