

RECEIVED

DEC 09 2014

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

\$50 fee

Received by DAB

Receipt No. C099680

Date 12-09-2014

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. 63-32423 Date proof is due March 1, 2015

Name(s) of permit holder(s) P & F Dry Creek, LLC (formerly JMM Dry Creek, LLC)

Mailing address 4100 Harry Hines Boulevard, Suite 100 City Dallas State TX Zip 75219

Telephone no. 214-382-4426 Email investments@dpfp.org

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

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

See attached

Costing \$ >\$50,000

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 ten (10) year(s).

[Signature]

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

December 3, 2014

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 March 01, 2025.

Signed this 24th day of December, 2014

Jeff Peppersack, Chief
Water Allocation Bureau

[Signature]

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

1. Aquifer monitoring, as required by the permit, has been conducted continuously since prior to permit approval. Monitoring consists of water-level measurements in on-site and off-site wells, followed by compilation and submittal of annual monitoring reports. As described by IDWR memorandum dated September 4, 2013 (Exhibit A), the permit holder is in compliance with the monitoring and reporting requirements of the permit.
2. The permit holder has maintained ownership of the appurtenant irrigation water rights required for permit mitigation purposes. Beneficial use of these irrigation water rights has been maintained.
3. Planning and engineering efforts for the project have continued since prior to permit approval.
 - a. A development consultant team is in place and have been studying optimum phasing for residential/commercial development and related infrastructure.
 - b. The place of use for permit 63-32423 is located within the boundary of the Dry Creek Ranch Planned Community. In compliance with the Planned Community zoning, a Phase 1 preliminary plat was approved in February 2010, approximately 1 month prior to permit 63-3243 approval. A two-year extension request was submitted to Ada County in January 2013, and was approved by the Board of Ada County Commissioners on March 13, 2013. The Phase 1 plat is eligible for an additional extension in 2015. The extension request and county approval documents are attached as Exhibit B.
4. Planning, engineering, permitting, and entitlement costs prior to permit approval are more than \$500,000. Since permit approval, development costs are more than \$50,000.

The permit holder has been unable to complete the remainder of the work for the following reasons.

The permit holder has been unable to complete permit development because the housing market downturn from 2008 to 2013 stopped demand for additional lot development in the vicinity of the project. The permit holder prudently delayed construction, allowing the project site to remain as productive irrigated agricultural land.

Although improving, the housing market has yet to recover to a level that would warrant full development of this permit. In the meantime, the permit holder has continued planning and engineering work, so that construction can proceed rapidly when local market conditions are appropriate. The permit holder anticipates significant local demand for residential and commercial lots within the next few years. The existing land entitlements will allow the permit holder to rapidly proceed with construction to meet this demand over the next 10 years. As a result, full development of the permit is likely within the requested 10-year extension period. The permit holder has owned the property continuously since prior to the time of permit application, is well capitalized, and has the financial resources to complete the project when warranted by market conditions.

EXHIBIT A
IDWR MEMO

MEMORANDUM

Date: September 04, 2013
To: Water Right File 63-32423
From: Michele Edl
Re: monitoring plan reports

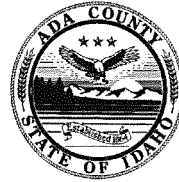
Erik Boe of SPF Water Engineering is currently responsible for measuring water levels or recording pressures from the monitoring well network and for submitting the monitoring reports expected for compliance with this permit.

I spoke briefly with Mr. Boe today. He stated that there is no significant development occurring in the place-of-use; only monitoring. So the requirements for reports describing the type and extent of use are not yet applicable.

I also spoke with Dennis Owsley (IDWR state office) today. He and Mr. Boe have connected. Mr. Owsley has agreed to act as the contact for any monitoring well information. Mr. Boe will be collecting readings in October. Following his site visit he will report monitoring well specifics to Mr. Owsley.

The right holder is in compliance with the requirements of the permit.

EXHIBIT B
PRELIMINARY PLAT EXTENSION



BEFORE THE BOARD OF ADA COUNTY COMMISSIONERS

In re:

Application of JMM Dry Creek, LLC

File #200600219 S-TE (xref. 200600219 S-HD-FP; 200600219 CPA-ZC-ZOA-DA)

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

FINDINGS OF FACT

If any of these Findings of Fact are deemed Conclusions of Law, they are incorporated into the Conclusions of Law section.

- A. The Board finds that the record is comprised of:
1. Exhibit List to the Staff Report.
 2. Exhibit A to the Findings of Fact, Conclusions of Law and Order.
 3. All other information contained in Ada County Development Services File for Project No. 200600219.
- B. As to procedural items, the Board finds the following:
1. The application was submitted on January 24, 2013, File #200600219 S-TE to Development Services and it was scheduled for a public hearing before the Board of Ada County Commissioners on March 13, 2013.
 2. On January 28, 2013, staff notified other agencies of this application and solicited their comments. Any comments received were incorporated into the staff report and are attached in Exhibit List.
 3. On February 13, 2013, property owners within 1000 feet of the site were notified of the hearing by mail. Legal notice of the Board's hearing was published in The Idaho Statesman on February 26, 2013. Notices of the public hearing are required to be posted on the property ten days prior to the public hearing and a sign posting certification is required to be submitted to the director seven days prior to the public hearing.
- C. As to the project description, the Board finds based on the application materials found in the file for Project No. 200600219 S-TE the following:

1. PROPOSED USES: Single-family and multi-family residential, mixed use, commercial, institutional, parks, and natural open space.
 2. PROPOSED STRUCTURES: Single-family detached and attached dwellings; multi-family dwellings; retail buildings; office buildings; public buildings such as schools, fire station, library, and recreation center; mixed-use residential/commercial buildings; and a wastewater treatment plant.
 3. PROPOSED SITE IMPROVEMENTS: A public water system provided by United Water, a wastewater treatment system to be built on site and operated by a private entity, electrical power service provided by Idaho Power, natural gas provided by Intermountain Gas Company, telephone and high-speed internet service provided by CTC Telecom, telephone and ISDN communication lines provided by Qwest Communications, onsite vehicular, bicycle and pedestrian circulation systems, park and ride lot(s), open space, trail/trailheads, and developed parks.
- D. Based on the materials found in the file for Project No. 200600219 S-TE, the Board finds the following concerning the project description:

PARCEL NUMBER AND LOCATION:

Parcel #'s S0130332000, S0225131200, S0225315000, S0225417200, S0225438400, S0235111100, S0235112106, S0253148005, S0236100000, S0236417200, S0501223000, S0502111050 and #S0502121100. The site is located east of Highway 55, generally south of Brookside Lane, then both north and south of Brookside Lane, both north and south of Dry Creek Road within portions of Section 25,35 and 36, T. 5N., R. 1E; Section 30, T. 5N, R. 2E; and Section 1 and 2, T. 4N, R. 1E., Ada County, Idaho.

OWNERSHIP

JMM Dry Creek, LLC

SITE CHARACTERISTICS

Property size:	339 acres
Existing structures:	There is a single-family dwelling and various agricultural structures on the site.
Existing vegetation:	The vegetation consists mostly of grasses, weeds, sagebrush and bitterbrush. The riparian area along Dry Creek and Spring Valley Creek contains cottonwoods and willows. The agricultural fields in the valley have primarily been in alfalfa.
Slope:	There are a variety of slopes throughout the proposed development. The slope is generally flat along the Dry Creek Valley floor and 25% or greater slopes in the foothills. Approximately 42.8% of slopes are in the range of 0 to 8%, 11.8% of slopes are in the range of 8 to 15%, 17.9% of slopes are in the range of 15 to 25%, and 27.5% of slopes are greater than 25%.
Irrigation:	The subject property is not located within an irrigation district. The property does have both surface and subsurface irrigation water rights. Much of the valley area is irrigated agriculture.

Drainage: The subject property has two significant drainage ways, Dry Creek and Spring Valley Creek. The property has approximately twelve irrigation ditches; all but three of these ditches eventually discharge into these two drainage ways.

Views: The existing view consists of the Boise foothills, agricultural land, the riparian areas of Dry Creek and Spring Valley Creek, and Highway 55

E. Based on the officially adopted Ada County land use maps, the Board finds the following concerning the current land use and zoning:

The current zoning is Planned Community (PC) with a mix of residential densities, community center and open space.

F. Based on the officially adopted Ada County land use maps, the Board finds the following concerning the surrounding land use and zoning:

North: Residential and Recreational Uses, including Spring Creek Subdivision and Shadow Valley Golf Course (Rural Residential District with a portion in Rural Preservation District)

South: Public Uses, including the Ada County Landfill and additional land owned by Idaho State and Ada County (Rural Residential District and Rural Preservation District)

East: Residential Uses with some Agricultural Uses and Commercial Uses, including Hidden Springs Planned Community and various rural subdivisions (Rural Residential District, Rural Preservation District, and Planned Community District)

West: Residential Uses and Agricultural Uses, including Maryglen Subdivision (Rural Residential District and Rural-Urban Transition District)

G. Based on the officially adopted Ada County land use maps and materials found in the file for Project No. 200600219 S-TE, the Board finds the following concerning services:

Access Street and Designation: Highway 55, a major arterial; Dry Creek Road, a minor arterial; and Brookside Lane, a local road.

Fire Protection: Eagle Fire District and North Ada County Fire and Rescue District

Sewage Disposal: None existing, except an individual septic system for an existing dwelling

Water Service: None existing, except a private domestic well for an existing dwelling

Irrigation District: None

Drainage District: None

H. As to the applicable law, the Board finds the following:

This section details the comp plan goals, objectives and policies; the zoning ordinance regulations; and other applicable standards regarding development of the subject property.

1. The Board finds **Section 8-7-6 of the Ada County Code** is applicable as the subject application is request for a Board level time extension for File #200600219 S as described in the applicant's detailed letter.

- A. The application was submitted in a timely manner.

The Board finds that the time extension application was submitted in a timely manner because the original application had an expiration date of February 10, 2013 and the application was submitted on January 24, 2013.

- B. The applicant has submitted reasons that justify the granting of the time extension.

The Board finds that the reasons outlined in the detailed letter dated January 23, 2013 justify granting the time extension based on the depressed housing market.

CONCLUSIONS OF LAW

If any of these Conclusions of Law are deemed to be Findings of Fact they are incorporated into the Findings of Fact section.

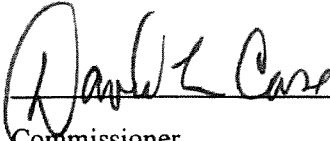
1. The Board concludes that File #200600219 S-TE complies with **Section 8-7-6** of the Ada County Code.

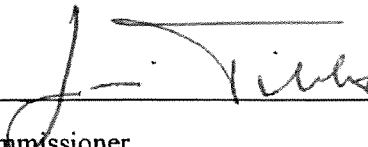
ORDER

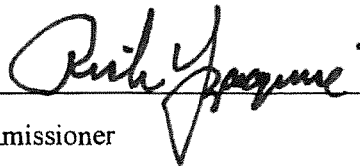
Based upon the Findings of Fact and Conclusions of Law contained in this Staff Report, the Board hereby approves File #200600219 S-TE, subject to the Conditions of Approval attached as Exhibit A.

DATED this 13th day of March 2013.

Board of Ada County Commissioners

By: 
Commissioner

By: 
Commissioner

By: 
Commissioner

ATTEST:

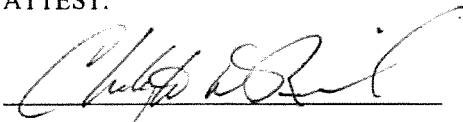

Christopher D. Rich, Ada County Clerk

EXHIBIT A

CONDITIONS OF APPROVAL

200600219 S- TE

1. The applicant/owner shall comply with the original conditions of approval as set forth in File # 200600219 S.
2. The approval for File #200600219-S is extended to **February 10, 2015**. All required actions shall be satisfied and a final plat shall be signed prior to the new expiration date.

January 23, 2013

Megan Basham, AICP
Ada County Development Services
200 W. Front Street
Boise, ID 83702

**RE: Two-Year Time Extension Request – JMM Dry Creek LLC
Jeker's Place Subdivision Preliminary Plat
Case #200600219 S-HD-FP**

Dear Megan,

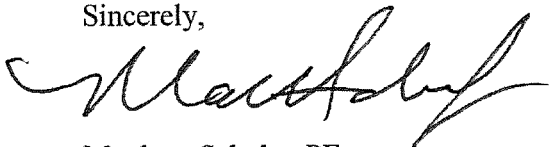
On behalf of JMM Dry Creek LLC, we are requesting approval from the Ada County Board of Commissioner for a Two-Year time extension on the Jeker's Place Subdivision Preliminary Plat. We are requesting additional time to record the first phase final plat due to the depressed real estate market conditions of the last several years. However, we do believe market conditions are improving and we look forward to working with staff towards the successful completion of our first phase, hopefully in the near future.

The preliminary plat was originally approved on February 10, 2010 and has since been approved for an administrative one-year time extension on February 10, 2012. This application date is within the required time frame for submittal. We understand Ada County Code allows up to two years, if approved, by the Board of Commissioners. We are requesting the maximum allowed to allow the market to continue recovering and to complete the final engineering and construction of the first phase.

The previous time extension request letter from Borton & Lakey, dated January 13, 2012, outlines the preliminary plat conditions that have been met since the original approval (#39, #41, #42). In addition, ground water monitoring and preliminary engineering is ongoing for the project. JMM Dry Creek LLC is committed to the successful completion of the project and appreciates staff cooperation thus far on accomplishing this goal.

Please contact me if you have any questions or require additional information. We look forward to discussing this application with the Board of Commissioners at the next available hearing.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Schultz". The signature is fluid and cursive, with a large initial "M" and "S".

Matthew Schultz, PE

ADA COUNTY DEVELOPMENT SERVICES

200 W. Front Street, Boise, ID 83702. www.adaweb.net phone: (208)287-7900 fax: (208)287-7909



TIME EXTENSION CHECKLIST (ACC 8-7-6)

The first TE is a staff level application. The second TE is a hearing level application before the BOCC.

GENERAL INFORMATION:

Applicant	DESCRIPTION	Staff
✓	One paper copy and one electronic copy of all required submittals.	
✓	Completed and signed Master Application	
✓	DETAILED LETTER by the applicant fully describing the request or project and address the following:	
	N Administrative Time Extension?	
	Y Board Time Extension?	
	Y Adequately justify the Time Extension	
	Y Describe any conditions of approval that have been met.	
✓	Time Extension request for project #: 200600219	
✓	Date of original approval: February 10, 2010	
✓	Date of administrative Time Extension approval: Feb 10, 2012	
✓	Owner of the property at the time of original approval: same	
✓	Current owner of the property: JMM Dry Creek	
✓	SITE PLAN of the original application that was approved, reduced to 8 1/2 X 11.	
✓	DEED or evidence of proprietary interest.	
✓	APPLICATION FEE: Call County for Current Planning Fee or go to www.adaweb.net \$550	

APPLICATION WILL NOT BE ACCEPTED UNLESS ALL APPLICABLE ITEMS ON THE FORMS ARE SUBMITTED.



MASTER APPLICATION/PETITION REQUEST

ADA COUNTY DEVELOPMENT SERVICES

200 W. Front Street, Boise, Idaho 83702 www.adaweb.net phone: (208) 287-7900 fax: (208) 287-7909

TYPE OF ADMINISTRATIVE APPLICATION:

- ACCESSORY USE*
- FARM DEVELOPMENT RIGHT
- FLOODPLAIN PERMIT
- HILLSIDE DEVELOPMENT*
- HIDDEN SPRINGS ADMINISTRATIVE
- HIDDEN SPRINGS SPECIAL EVENT
- MASTER SITE PLAN*
- NONCONFORMING USE EXPANSION
- ONE TIME DIVISION
- PRIVATE ROAD
- PROPERTY BOUNDARY ADJUSTMENT
- SIGN PLAN
- TEMPORARY USE*

TYPE OF HEARING LEVEL APPLICATION:

- CONDITIONAL USE
- DEVELOPMENT AGREEMENT
- SUBDIVISION, PRELIMINARY*
- PLANNED COMMUNITIES*
- SUBDIVISION, SKETCH PLAT*
- VACATION
- VARIANCE
- ZONING MAP AMENDMENT
- ZONING TEXT AMENDMENT

TYPE OF HEARING LEVEL PETITION:

- COMPREHENSIVE PLAN MAP OR TEXT AMENDMENT PETITION CHECKLIST

TYPE OF ADDENDA:

- APPEAL
- ADMINISTRATIVE MODIFICATION
- DEVELOPMENT AGREEMENT MODIFICATION
- FINAL PLAT
- TIME EXTENSION

REQUIRED SUBMITTALS:

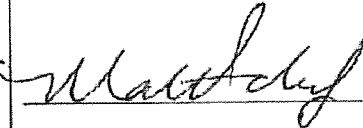
- CHECKLIST for applicable application(s). If multiple applications, do not duplicate submittals.
- *SUPPLEMENTAL WORKSHEET REQUIRED

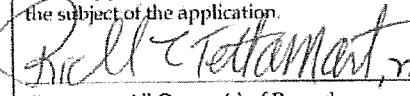
SITE INFORMATION:

Section: see attached Township: 11" Range: 11" Total Acres: 339
 Subdivision Name: Jeker's Place Subdivision Lot: — Block: —
 Site Address: see attached City: —
 Tax Parcel Number(s): see attached
 Existing Zoning: PC Proposed Zoning: PC Area of City Impact: N Overlay
 District(s) WUFI, Hillside, Flood Hazard

OFFICE USE ONLY

Project #.:	Planning Fees/GIS:	Engineering Fees:
Received By: _____ Date: _____ Stamped <input type="checkbox"/>		

APPLICANT/AGENT: (Please print)	ADDITIONAL CONTACT if applicable: (Please Print)
Name: <u>Matthew Schultz</u>	Name: <u>Mike Chernine</u>
Address: <u>PO Box 1115</u>	Address: <u>10777 W Twain Ave #225</u>
City: <u>Meridian</u> State: <u>ID</u> Zip: <u>83680</u>	City: <u>Las Vegas</u> State: <u>NV</u> Zip: <u>89135</u>
Telephone: <u>880-1695</u> Fax: _____	Telephone: <u>702 851-3999</u> Fax: <u>702 851-3998</u>
Email: <u>SchuHackerDevelopment@yahoo.com</u>	Email: <u>mchernine@landbaroninc.com</u>
I certify this information is correct to the best of my knowledge.	ENGINEER/SURVEYOR if applicable: (Please Print)
	Name: _____
<u>1/3/13</u>	Address: _____
Signature: (Applicant)	City: _____ State: _____ Zip: _____
Date	Telephone: _____ Fax: _____
	Email: _____

OWNER (S) OF RECORD: (Please Print)	OWNER (S) OF RECORD: (Please Print)
Name: <u>JMM Dry Creek LLC</u>	Name: _____
Address: <u>4100 HARRY HINES BLVD #100</u>	Address: _____
City: <u>Dallas</u> State: <u>TX</u> Zip: <u>75219</u>	City: _____ State: _____ Zip: _____
Telephone: <u>214-382-4426</u>	Telephone: _____
Fax: <u>214-638-6403</u>	Fax: _____
Email: <u>INVESTMENTS@DPEP.ORG</u>	Email: _____
I consent to this application, I certify this information is correct, and allow Development Services staff to enter the property for related site inspections. I agree to indemnify, defend and hold Ada County and its employees harmless from any claim or liability resulting from any dispute as to the statements contained in this application or as to the ownership of the property, which is the subject of the application.	I consent to this application, I certify this information is correct, and allow Development Services staff to enter the property for related site inspections. I agree to indemnify, defend and hold Ada County and its employees harmless from any claim or liability resulting from any dispute as to the statements contained in this application or as to the ownership of the property, which is the subject of the application.
	_____
Signature: All Owner (s) of Record	Signature: All Owner (s) of Record
Date	Date

ALL OWNER(S) OF RECORD (ON THE CURRENT DEED) MUST SIGN (Additional Sheets are Available Online)

If the property owner(s) are a business entity, please include business entity documents, including those that indicate the person(s) who are eligible to sign documents.

Jeker's Place Subdivision

Time Extension Application

Site Description

1. The subdivision is located East of Highway 55, generally south of Brookside Lane, then both North and South of Brookside Lane, both North and South of Dry Creek Road.
2. The Property lies within portions of Section 25, 35, and 36, Township 5 North , Range 1 East; Section 30, Township 5 North, Range 2 East; and Sections 1 and 2, Township 4 North, Range 1 East, Ada County, Idaho
3. Parcel Numbers:
 - a. S0130332000
 - b. S0225131200
 - c. S0225315000
 - d. S0225417200
 - e. S0225438400
 - f. S0235111100
 - g. S0235112106
 - h. S0253148005
 - i. S0236100000
 - j. S0236417200
 - k. S0501223000
 - l. S0502111050
 - m. S0502121100

No. W 71519	Due no later than Feb 29, 2012 Annual Report Form		2. Registered Agent and Address (NO PO BOX)			
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address: Correct in this box if needed. JMM DRY CREEK, L.L.C. RICHARD L TETTAMANT 4100 HARRY HINES BLVD STE 100 DALLAS TX 75219-3038 USA		CT CORPORATION SYSTEM 1111 W JEFFERSON STE 530 BOISE ID 83702			
			3. <u>New</u> Registered Agent Signature:*			
4. Limited Liability Companies: Enter Names and Addresses of at least one Member or Manager.						
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
MANAGER	RICHARD L TETTAMANT	4100 HARRY HINES BLVD STE 100	DALLAS	TX	USA	75219
5. Organized Under the Laws of: DE W 71519		6. Annual Report must be signed.* Signature: Greg Irlbeck Date: 01/09/2012 Name (type or print): Greg Irlbeck Title: Investment Analyst				
Processed 01/09/2012		* Electronically provided signatures are accepted as original signatures.				

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 10/05/05 10:41 AM
DEPUTY Neava Honey
RECORDED - REQUEST OF
Pioneer

/ AMOUNT 18.00 6



254381
Socm/HH

**CORRECTION
BARGAIN AND SALE DEED**

FOR VALUE RECEIVED, JULIUS JEKER, the Grantor, does hereby grant, bargain, sell and convey unto JMM DRY CREEK, LLC, the Grantee, whose address is 2301 N. Akard #200, Dallas, Texas 75201, the following described premises, to-wit:

See Exhibit "A" attached hereto and incorporated herein by this reference.

THIS CONVEYANCE IS MADE SUBJECT ONLY TO THOSE easements, claims of easement or encumbrances which are not shown by the public records, but which would be disclosed by an accurate survey or inspection of the premises;

FURTHER SUBJECT TO discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which would be disclosed by an accurate survey or inspection of the premises; and

FURTHER SUBJECT TO unpatented mining claims; reservations or exceptions in patents or in acts authorizing the issuance thereof; water rights, claims, or title to water.

TO HAVE AND TO HOLD the said premises, with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise, appertaining, the rents, issues and profits thereof; and all estate, right, title and interest in and to the premises as well in law as in equity, except as expressly provided otherwise herein, unto said Grantee, its heirs, successors and assigns forever.

This deed is being recorded to correct the legal description on the Bargain and Sale Deed dated August 15, 2005 and recorded August 15, 2005 as Instrument No. 105114749, records of Ada County, Idaho.

DATED: October 4, 2005

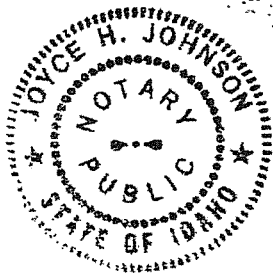
Julius Jeker
JULIUS JEKER

By E Don Copple
E DON COPPLE, His Attorney-in-Fact

STATE OF IDAHO)
) ss.
County of Ada)

On this 4th day of October, in the year 2005 before me, Joyce H. Johnson, a Notary Public in and for said State, personally appeared E DON COPPLE, known or identified to me to be the person whose name is subscribed to the within instrument as the attorney-in-fact of JULIUS JEKER, and acknowledged to me that he subscribed the name of Julius Jeker thereto as principal, and his own name as attorney-in-fact.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Joyce H. Johnson
Notary Public for Idaho
Residence: Boise, Idaho
Commission Expires: 1/27/11

