



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

March 28, 2014

CHAD R COLLINS
JENNIFER A COLLINS
17052 N MIDSUMMERS LN
NAMPAL ID 83687

**RE: Preliminary Order Granting Extension of Time to Complete Transfer 78743
Water Right(s): 63-33835**

Dear Water Right Holders:

The Order Granting Extension of Time to Complete Transfer 78743 of the water right(s) listed above has been granted. Your request was granted extending the time to accomplish this transfer until **February 28, 2019** per the enclosed order.

You should be aware that any water right can be forfeited through five (5) years of non-use including the years of non-use that may have accumulated prior to the approval of the transfer.

Your Water Supply Bank Lease Application for this same right has also been received and is being processed separately.

Please contact this office if you have any questions regarding this matter.

Sincerely,

Pamela S. Skaggs
Water Rights Supervisor

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2014 I mailed a true and correct copy, postage prepaid, of the foregoing ORDER GRANTING EXTENSION OF TIME TO COMPLETE TRANSFER to the persons listed below:

RE: TRANSFER 78743
Water Right(s): 63-33835

CHAD R COLLINS
JENNIFER A COLLINS
17052 N MIDSUMMERS LN
NAMPA ID 83687

A handwritten signature in black ink, appearing to read "Clay Webster", is positioned above a horizontal line.

Clay Webster
Technical Records Specialist

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAR 26 2014
DEPARTMENT OF
WATER RESOURCES

REQUEST FOR EXTENSION OF TIME
TO COMPLETE TRANSFER

The holder of the water rights listed below requests an additional period of time in which to accomplish change(s) authorized by approval of Application for Transfer of Water Right(s) No. 78743 approved on March 05, 20 14.
Water Right No(s). 63-33835

Number of Year(s) Authorized in which to Accomplish Change(s) X (1) (2) (3) (4) (5)

Number of Additional Year(s) Requested in which to Accomplish Change(s) (1) (2) (3) X (4)
(Not to exceed 5 years total from date of the approval.)

Name(s) of Right Holder: CHAD COLLINS, JENNIFER COLLINS
(If not the right holder of record, submit a Notice of Change of Water Right Ownership, appropriate fee and documentation.)

Mailing Address: 17052 N MIDSUMMERS LANE
City NAMPA State ID Zip 83687
Phone No.: 208-761-6771 Email: collins.shopper@gmail.com

Explain why additional time to complete transfer is needed and show a reasonable cause for the delay:

New Well is going to also serve domestic water for a new home to be built on the property. We are still in the design phases of the home and once designed we will be bound by the schedule of the builder.

Costing \$ _____

(Signature) [Signature]
If other than right holder, Power of Attorney must be supplied.

03/25/2014
(Date)

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Department approved the above referenced Application for Transfer with a condition that it be completed within 1 year(s).
The right holder has notified the Department that the transfer has not yet been accomplished.
The right holder has requested an extension of time for completion of the transfer and has shown reasonable cause for the delay.

IT IS, THEREFORE, HEREBY ORDERED that the right holder of Transfer No. 78743 is granted an extension to February 28, 20 19 in which to accomplish the transfer. IT IS FURTHER HEREBY ORDERED that this extension does not stay the accumulation of the 5 year period associated with forfeiture of a water right for non-use.

OR _____ Extension is not granted. (See correspondence in water right file.)

Signed this 27th day of March, 20 14. [Signature]