



March 7, 2012

John Westra
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082
john.westra@idwr.idaho.gov

Subject: Request for Extension of Time to Begin Construction – Permit 63-33451

Dear John:

On behalf of Vallivue School District No. 139, please consider this letter as a formal request for a two-year extension of time to begin construction for water right permit 63-33451. Permit 63-33451 authorizes supplemental irrigation of 35 acres at a proposed high school site. The permit was issued on May 18, 2011.

Condition of Approval No. 5 of the permit states *"Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstance over which the permit the permit holder had no control."*

Construction of the high school has been delayed and a supplemental groundwater supply is not needed immediately for the current agricultural irrigation of the property. Significant funds have been expended in the design and permitting of the school facilities, and the District is hopeful that construction will begin within the next two years. In the meantime, the District would like to delay construction of the well and associated facilities authorized by this permit.

Please contact me with any questions. We look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry M. Scanlan", is written over a horizontal line.

Terry M. Scanlan, P.E., P.G.

Cc: Jim Main – Design West
David Hayes – Vallivue School District
Pat Hayes – Vallivue School District

Westra, John

From: Terry Scanlan [TScanlan@spfwater.com]
Sent: Wednesday, March 07, 2012 5:13 PM
To: Westra, John
Cc: Pat Charlton; David Hayes; Jim Main
Subject: RE: Vallivue High School
Attachments: Request for Extension of Time to Begin Construction 63-33451.pdf

Thanks John. Let me know if you need additional detail.

From: Westra, John [mailto:John.Westra@idwr.idaho.gov]
Sent: Wednesday, March 07, 2012 1:38 PM
To: Terry Scanlan
Subject: RE: Vallivue High School

Terry:
I will need something formalized on letterhead from you on behalf of the district or from the district with signature. We will respond.
Thanks
John W.

From: Terry Scanlan [mailto:TScanlan@spfwater.com]
Sent: Wednesday, March 07, 2012 10:23 AM
To: Westra, John
Subject: RE: Vallivue High School

John –

Per our telephone discussion, the Vallivue School District would like to receive a two-year extension on the requirement that they begin construction within one-year of permit issuance. Please let me know if that will be acceptable to the Department. Thanks.

Terry

From: Jim Main [mailto:JMain@designwestid.com]
Sent: Wednesday, March 07, 2012 9:28 AM
To: Terry Scanlan
Cc: David Hayes; Pat Charlton
Subject: Vallivue High School

Terry,

RE: IDWR Permit 63-33451

It is my understanding per item 5, the Vallivue School District has one year from the date of permit issuance to begin construction on their well. This would place us at May 18, 2012. Given the current economy and delay in construction of the new high school, the District has asked that I request an extension. Can you please assist me in this process or direct me to the proper channel?

Thank you,
Jim

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

IN THE MATTER OF PERMIT NO. 63-33451)	
IN THE NAME OF VALLIVUE SCHOOL)	ORDER EXTENDING TIME
DISTRICT NO. 139)	TO COMMENCE PERMIT
_____)	DEVELOPMENT

FINDINGS OF FACT

1. On May 18, 2011, the Idaho Department of Water Resources (Department) issued a permit to appropriate water in the name of Vallivue School District No. 139 (permit holder) with the following condition of approval:

Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control

2. On March 7, 2012, the Department received a written request from Terry Scanlan of SPF Water Engineering on behalf of the permit holder requesting a 2 year extension to commence construction. The construction of the new high school has been delayed.

CONCLUSIONS OF LAW

1. Idaho Code §42-204(5) in part states:

Every holder of a permit which shall be issued under the terms and conditions of an application filed hereafter appropriating twenty-five (25) cubic feet or less per second must, within one (1) year from the date upon which said permit issues from the office of the department of water resources, commence the excavation or construction of the works by which he intends to divert the water, and must prosecute the work diligently and uninterruptedly to completion, unless temporarily interrupted through no fault of the holder of such permit circumstances, over which he has no control.

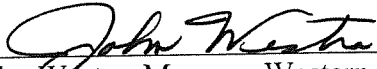
2. The delay of the high school construction demonstrates a circumstance where the permit holder has no control or fault.

3. The requested 2 year extension of time to commence construction should be granted by the Department.

ORDER

IT IS HEREBY ORDERED that the time in which to complete the commencement of the construction of the permit is extended to **May 18, 2014**. This extension does not extend the time for which proof of beneficial use is due for the permit.

Dated this 12th day of March, 2012



John Westra, Manager Western Region

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-33451

Priority: November 19, 2010

Maximum Diversion Rate: 1.40 CFS

This is to certify, that VALLIVUE SCHOOL DISTRICT NO 139
5207 S MONTANA
CALDWELL ID 83607

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/01 to 11/15	1.40 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NW1/4NE1/4 Sec. 34, Twp 04N, Rge 02W, B.M., CANYON County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	02W	34		32.5	32.5														65.0

Total Acres: 65

CONDITIONS OF APPROVAL

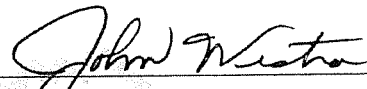
1. Proof of application of water to beneficial use shall be submitted on or before **June 01, 2016**.
2. Subject to all prior water rights.
3. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
4. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
5. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
6. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-33451

7. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
8. If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
9. This right is limited to the irrigation of 35 acres within the authorized place of use in a single irrigation season.
10. This right when combined with all other rights shall provide no more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 18th day of May, 20 11.


JOHN WESTRA, Western Regional Manager

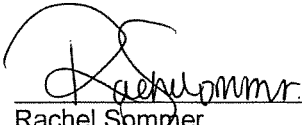
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12TH day of March, 2012, true and correct copies of the documents described below were served by placing a copy of the same with the United States Postal Service, postage prepaid mail with return receipt requested, and properly addressed to person(s) listed below:

Documents Served: Extension of Time Order, Permit. No. 63-33451

VALLIVUE SCHOOL DIST. NO.139
5207 S. MONTANA
CALDWELL, ID 83607

TERRY SCANLAN
SPF WATER ENGINEERING
300 E. MALLARD DR. SUITE 350
BOISE, ID 83706


Rachel Sommer
Office Specialist II