

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT	)	ORDER DENYING REQUEST
NO. 92-7229 IN THE NAME OF	)	FOR EXTENSION OF TIME
EVERGREEN WATER CO	)	
_____	)	

This matter having come before the Idaho Department of Water Resources ("Department"), the Department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On July 25, 1997, the Department issued Permit No. 92-7229 to Evergreen Water Co ("permit holder"), authorizing the diversion of 0.88 cubic feet per second (cfs) of groundwater for Domestic and Irrigation use within Section 25, Township 46 North, Range 2 West, B.M., Benewah County. A condition of permit approval required the permit holder to submit proof of beneficial use of water ("proof") to the Department on or before August 1, 2002.
2. On May 31, 2002, the Department notified the permit holder that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof or a Request for Extension of Time ("extension request").
3. On July 31, 2002, the Department received an extension request. The Department approved the request, and the proof of beneficial use deadline was extended to August 1, 2004.
4. On June 30, 2009, the Department discovered that the proof due notice was not mailed out as required and then gave notice to the permit holder that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof or an extension request. The Department gave the permit holder until September 1, 2009 to submit proof of beneficial use or an extension of time.
5. On August 10, 2009, the permit holder filed a second extension request with the department.

CONCLUSIONS OF LAW

1. The Department cannot grant additional requests for extension based on good cause according to Section 42-204(5), Idaho Code. Therefore, the extension request should be denied.

ORDER

IT IS HEREBY ORDERED that the Request for Extension of Time filed for Permit No. 92-72292 in the name of Evergreen Water Co is **DENIED**.

Dated this 30th day of October, 2009.



JEFF PEPPERSACK, Chief
Water Allocation Bureau

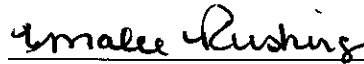
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of November, 2009, a true and correct copy of the above and foregoing document(s) described below was served by placing a true and correct copy in the U.S. Mail, Postage Prepaid to the following:

Document(s) Served: Order Denying Request for Extension of Time, and explanatory information "Responding to Preliminary Orders Issued" when a hearing was not held.

RE: Permit No. 92-7229

EVERGREEN WATER CO
248 EVERGREEN TR RD
ST MARIES ID 83861



Emalee Rushing
Office Services Supervisor