

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 51-7346) IN THE NAME OF J. R. SIMPLOT SELF) DECLARATION REVOCABLE TRUST) _____)	ORDER DENYING REQUEST FOR EXTENSION OF TIME
--	--

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 May 19, 1995, the Department issued Permit No. 51-7346 to J. R. Simplot Self Declaration Revocable Trust ("permit holder") authorizing the diversion of 21.22 cubic feet per second (cfs) of surface water from the Bruneau River for Irrigation use within Sections 3, 4, 9, 10, 14, 15, 22, 23, and 26 of Township 07 South, Range 6 East, B.M., Owyhee 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 May 1, 1999.

2. On February 28, 1999, 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 April 30, 1999, the Department received an extension request. The Department approved the request, and the proof of beneficial use deadline was extended to May 1, 2004.

4. On April 26, 1999, the Department received an Application for Amendment of the Permit to change two points of diversion.

5. On November 19, 1999, the Department issued an Amendment of Permit.

6. On February 29, 2004, 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 an extension request.

7. On April 30, 2004 the Department received an extension request. The Department approved the request, and the proof of beneficial use deadline was extended to May 1, 2009.

8. On February 28, 2009, 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").

9. On April 17, 2009, the permit holder filed an extension request with the department.

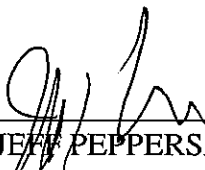
CONCLUSIONS OF LAW

1. Section 42-204(5), Idaho Code, provides a maximum extension of five years for submitting proof of beneficial use. The Department cannot grant additional extensions based on good cause. Therefore, the extension request should be denied.

ORDER

IT IS HEREBY ORDERED that the Request for Extension of Time filed for Permit No. 51-7346 in the name of J. R. Simplot Self Declaration of Revocable Trust is **DENIED**.

Dated this 4th day of May, 2009.



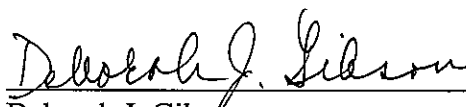
JEFF PEPPERSACK, Chief
Water Allocation Bureau

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of May, 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.

J. R. SIMPLOT SELF DECLARATION REVOCABLE TRUST
PO BOX 27
BOISE ID 83707-0027

A handwritten signature in cursive script, reading "Deborah J. Gibson", is written over a horizontal line.

Deborah J. Gibson
Administrative Assistant