

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

IN THE MATTER OF PERMIT)	ORDER DENYING REQUEST
NO. 25-7662 IN THE NAME OF)	FOR EXTENSION OF TIME
JAB CONSTRUCTION)	
_____)	

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 August 20, 1998, the Department issued Permit No. 25-7662 to JAB Construction, c/o Judd Ball, ("permit holder") authorizing the diversion of 0.57 cubic feet per second (cfs) of groundwater for Domestic use within the Elk Meadows Subdivision within Section 29, Township 04 North, Range 40 East, B.M., Jefferson 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 September 1, 2003.

2. On June 30, 2003, 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 October 10, 2003, the Department received an extension request. The Department approved the request, and the proof of beneficial use deadline was extended to September 1, 2008.

4. On June 30, 2008, 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.

5. On September 8, 2008 the Department sent the permit holder a lapse notice since the department had not received an acceptable proof statement or extension request.

6. On September 15, 2008, the permit holder filed a second extension request with the department.

CONCLUSIONS OF LAW

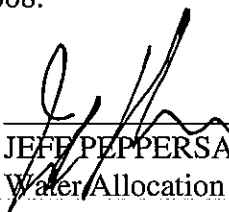
1. The Department cannot grant additional requests for extension based on good cause according to Section 42-204(5), Idaho Code. Therefore, the extension request should be denied.

2. The Department should deny the second extension request because the permit holder has had a total of ten years of development. No additional extensions can be granted based on good cause according to Section 42-204, Idaho Code.

ORDER

IT IS HEREBY ORDERED that the Request for Extension of Time filed for Permit No. 25-7662 in the name of JAB Construction is **DENIED**.

Dated this 15th day of October, 2008.



JEFF PEPPERSACK, Chief
Water Allocation Bureau

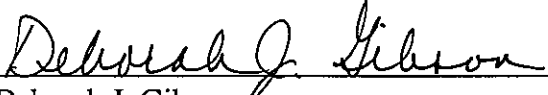
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of October, 2008, 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.

JAB CONSTRUCTION
P O BOX 51298
IDAHO FALLS ID 83405

JASON C HELMS PE
THOMPSON ENGINEERING INC
215 FARNSWORTH WAY
RIGBY ID 83442


Deborah J. Gibson
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