

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

IN THE MATTER OF PERMIT	)	
NO. 95-09042 IN THE NAME OF	)	
CPM DEVELOPMENT CORPORATION	)	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 June 26, 2000, the Department issued Permit No. 95-09042 to Acme Materials & Construction Company authorizing the diversion of 2.23 cubic feet per second (cfs) of ground water to be used for commercial use within Section 36, Township 51 North, Range 06 West, of Kootenai 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 July 1, 2001.
2. On April 30, 2001, the Department notified the permit holder that proof was due and instructed the permit holder of the steps to be taken to submit proof or a Request for Extension of Time ("extension request").
3. On June 29, 2001, the permit holder filed with the Department an extension request. This extension was approved and granted based on due diligence which extended the proof deadline to July 1, 2006.
4. On April 30, 2006, the Department notified the permit holder that proof was due and instructed the permit holder of the steps to be taken to submit proof or an extension request.
5. On June 16, 2006, the permit holder filed with the Department an extension request. This extension was approved on September 11, 2006 and granted based on due diligence which extended the proof deadline to July 1, 2007.
6. On November 27, 2006, the Department received an Assignment of Permit from Acme Materials & Construction Company assigning the permit to CPM Development Corporation ("permit holders").

7. On November 29, 2006, the Department notified the permit holder of the extension to July 01, 2007 and instructed them to work diligently toward the completion of this project since the department may not be able to grant an additional extension requested base on due diligence.

8. On April 30, 2007, the department notified the permit holder that proof was due and instructed the permit holder of the steps to be taken to submit proof or an extension request.

9. On June 22, 2007, the permit holder filed with the Department an extension request to extend the proof deadline. The permit holder explained that it would allow the onsite activities to achieve a level of operation that reasonably reflects the amount of water to be appropriated.

CONCLUSIONS OF LAW

1. Idaho Code § 42-204 provides for an extension:

1. In cases where the applicant is prevented from proceeding with his work by his failure to obtain necessary consent or final approval or rejection from the federal government because of the pendency of an application for right of way or other matter within the jurisdiction of the United States, or by litigation of any nature which might bring his title to said water in question . . .

5. In all other situations . . . the department may grant one (1) extension of time, not exceeding five (5) years beyond the date originally set for completion of works and application of the water to full beneficial use . . . provided good cause appears therefore.

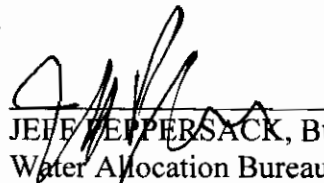
The holder of any permit who shall fail to comply with the provisions of this section within the time or times specified shall be deemed to have abandoned all rights under his permit.

2. The Department cannot grant additional requests for extension based on good cause. Therefore, the extension request should be denied.

ORDER

IT IS THEREFORE, HEREBY ORDERED that the Request for Extension of Time filed on June 22, 2007, for Permit No. 95-09042 in the name of CPM Development Corporation is **DENIED**.

Dated this 17th day of July, 2007.

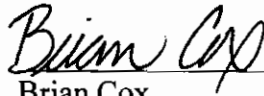

JEFF PEPPERSACK, Bureau Chief
Water Allocation Bureau

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of July, 2007, a true and correct copy of the documents described below were served on the following as noted:

Document(s) Served: Order Denying Request for Extension of Time, and
Explanatory Information to Accompany a Preliminary Order without a
Hearing

CPM DEVELOPMENT CORPORATION
PO BOX 3366
SPOKANE WA 99220

A handwritten signature in cursive script, appearing to read "Brian Cox", is written over a horizontal line.

Brian Cox
Technical Reviewer
Water Allocation Bureau