

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

IN THE MATTER OF PERMIT)
NO. 15-7174 IN THE NAME OF)
LOYD W. BRIGGS)
_____)

**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 October 19, 1999, the Department issued Permit No. 15-7174 to Loyd W. Briggs (“permit holder”) authorizing the diversion of 2.88 cubic feet per second (cfs) of ground water to be used for Irrigation, Stockwater, and Domestic purposes within the SE1/4 of Section 19, Township 14 South, Range 36 East, of Oneida 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 November 1, 2004.

2. On June 17, 2002, the Department issued Amended Permit No. 15-7174 to Loyd W. Briggs changing the point of diversion to the NW1/4 of Section 19, Township 14 South, Range 36 East, of Oneida County. The condition of the amended permit requiring the proof remained unchanged.

3. On August 31, 2004, 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”).

4. On October 18, 2004, the permit holder filed with the Department a extension request to extend the proof deadline. The permit holder had completed the drilling and construction of the well. The explanation for the delay was the availability of funds and the lack of available materials from suppliers caused by the drought conditions. This extension was approved and granted based on due diligence which extended the proof deadline to November 1, 2006.

5. On August 31, 2006, the Department notified the permit holder that proof was due and instructed the permit holder of the steps to be taken to submit the proof or an extension request.

6. On November 2, 2006, the permit holder filed a second request for extension of time for filing proof with the Department. The reason for delay was lack of obtaining an adequate power supply to the well.

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.

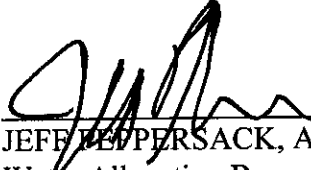
The holder of any permit who shall fail to comply with the provisions of this section within the time or times specified shall be deemed to have abandoned all rights under his permit.

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

ORDER

IT IS THEREFORE, HEREBY ORDERED that the Request for Extension of Time filed on November 2, 2006, for Permit No. 15-7174 in the name of the Loyd W. Briggs is **DENIED**.

Dated this 2nd day of May, 2007.


JEFF PETERSACK, Acting Bureau Chief
Water Allocation Bureau

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of May, 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

LOYD W. BRIGGS
410 NORTH 2100 WEST
MALAD CITY ID 83252


Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau