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In File

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

RECEIVED

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 87-10031
Name(s) of Permit Holder: Gary Hess and Nikki Shockley
Address: 1000 Boulder Creek Rd City Harvard State ID Zip 83834
Telephone No. 208-818-5653 Date Proof is Due: August 1, 2005

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

See Attachment

Costing \$ _____

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

See Attachment

Permit holder(s) request an extension to September 30, 20 06.

Gary E. Hess Nikki Shockley
(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

APPROVED and the time within which to submit proof of beneficial use is extended
to August 1, 2007.

Signed this 10th day of August, 20 05

Gary Spackman
GARY SPACKMAN

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
INSTRUCTIONS FOR EXTENSION OF TIME REQUEST
TO SUBMIT PROOF OF BENEFICIAL USE

If the water right development authorized by your permit is not complete and you need more time to submit proof of beneficial use of water under your permit, please read the following:

Under the provisions of Section 42-204, Idaho Code, the department can extend the proof due date of your permit only once, and then only if you can demonstrate that you have been pursuing development of the permit with due diligence.

The Request for Extension of Time form requires that you indicate the extent of development that has occurred, the cost, and the reason(s) the work has not been completed. This information must be provided in enough detail to show due diligence. Examples of work performed are: well drilled, pump installed, 10 acres now irrigated, fish propagation ponds constructed, sprinkler system purchased, etc.

If no work has been accomplished, the statutes provide that the Request for Extension of Time must be denied. **Lack of financial resources, the state of the economy or personal illness usually cannot be considered adequate reasons to approve a Request for Extension of Time.**

EXCEPTIONS TO ONLY ONE EXTENSION

The proof due date for a permit that has not been developed for one of the following reasons may be granted one or more extensions of time even though no work has been accomplished:

- When there is a lack of a required consent or final approval from a federal government agency (**evidence of delay must be submitted with the request**), i.e. right-of-way easement or land classification such as Desert Land Entry or Carey Act.
- When litigation related to title of the water has prevented development of the permit (**evidence must be submitted with the request**).
- When the water project is of a large scale — storage of more than 10,000 acre-feet or diversion of more than 25,000 acre-feet in one irrigation season for an irrigation project of at least 5,000 acres.
- When the water right permit is held by the United States of America (**reason for request must be submitted**).

A non-refundable filing fee of \$50.00 must accompany the Request for Extension of Time form.

NOTE that in no case should a Proof of Beneficial Use form and a Request for Extension of Time form both be submitted. If your water development project is completed, then the proof of beneficial use form should be completed and returned. If the project is started but not completed, then the Request for Extension of Time form should be completed and returned in compliance with the guidelines above. If the project has ~~not been initiated~~ and does not fit into one of the exceptions listed above, then neither form should be returned and the permit will lapse and become of no further force nor effect.

RECEIVED
JUL 27 2005
DEPARTMENT OF
WATER RESOURCES

Jerome Creek Farms
1000 Boulder Creek Road
Harvard, ID 83834

July 24, 2005

State of Idaho
Department of Water Resources

Subject: Request for Extension of Time (Continuation Page)
Permit No. 87-10031

Work Completed to Date:

Excavation of a hole to install a spring box has been started. One inch drain line and a polyethylene barrel have been purchased and a source for drain rock has been identified. Total cost to date is approximately \$75. A track hoe with a rock hammer will be rented since the back hoe has hit hard rock and the hole cannot be deepened as is to install the perforated barrel and drain line. A wildlife trough, built to USDA specifications, will be installed at the end of a gravity drain line from the spring box.

Unable to complete the remainder of the work by August 1, 2005:

This effort is one of five total practices as a part of the US Department of Agriculture Soil and Water Conservation Assistance program. Completion of the spring development is the last practice planned. Of the five practices the highest priority has been granted by us to fencing both sides of approximately $\frac{3}{4}$ mile of Jerome and Boulder Creeks near Harvard, ID to prevent damage caused by neighbors' cattle that roam freely from June through October of each year during Open Range in Latah County. This practice has also been the most time consuming, since it has required clearing a great deal of brush, rock and dead trees.

The permit for the spring development was not granted until August 15, 2004. There was not sufficient time last fall after completing an additional 1200' of fencing to start the spring development.

The fencing is nearly complete and we expect to have the spring box and wildlife watering trough installed by the end of this government fiscal year. The domestic use portion of the spring development is not part of the USDA SWCAP practice. We will be unable to complete it this year and prefer to handle it separately. This will require installation of a small reservoir and pump laying water and electrical lines approximately 600 feet from the spring box across Jerome Creek and FS road 788 and up a 240 foot grade to the NW corner of our property.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 10, 2005

GARY HESS
NIKKI SHOCKLEY
1000 BOULDER CREEK RD
PO BOX 37
HARVARD ID 83834

RE: PERMIT NO. 87-10031

Dear Permit Holder:

Enclosed is a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the proof due date to **August 1, 2007**. Please note that the department granted this extension based on evidence of **due diligence**. It is important that you work diligently toward the completion of this project during the construction period allowed, since the department may not be able to grant an additional extension request based on this category.

Section 42-248, Idaho Code requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Additionally, these forms can be found on our website at:
<http://www.idwr.idaho.gov>

If you have any questions regarding this matter, contact me at (208) 287-4942.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No.: 87-10031

Reviewed By: dgibson

Date: August 3, 2005

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Request received timely?	X		Is delay by a government agency?		X
Appropriate fee	X		Is supporting documentation needed to support the file?		
Additional Amount Due:					
Receipt No.:	N015880, C078727		Has the permit been involved in litigation?		X
Name and signature same as permit?	X		Is supporting documentation needed to support the file?		
Is address same as permit?	X		Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?		
Has adequate work been completed to demonstrate due diligence?	X				

Priority Calculation

Extension request received	08/01/2005	New proof due date	08/01/2007
Date proof due	- 08/01/2005		
Lapse notice sent	-		
No. of days late	= 0		
Holiday allowance	+		
Priority date	+ 08/29/2003		
New priority date	= 08/29/2003		

Action Taken

Acknowledge request for extension of time and extend proof deadline to August 1, 2007, based on due diligence.

May 31, 2005

GARY R HESS
NIKKI J SHOCKLEY
1000 BOULDER CREEK RD
PO BOX 37
HARVARD, ID 83834

PROOF DUE NOTICE

RE: PERMIT NO. 87-10031

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before August 01, 2005. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

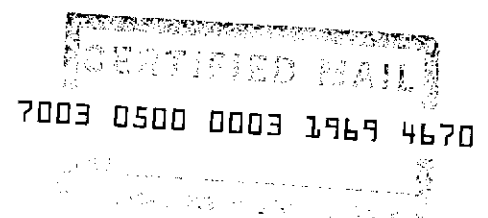
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

Sincerely,

Deborah J. Gibson, Administrative Assistant
Water Allocation Bureau

Enclosures



WATER RESOURCES APPROPRIATION APPLICATION ANALYSIS SHEET

N.R. # 87-10031

APPLICATION ID # 71365
INITIAL REVIEW

ENT. 7/21 BCA 7/2 OK to Publish 7/2

APPLICANT: Hess: Shockley BY: RAH DATE: 6/30/04

ITEM REQUIRED INFORMATION

1. ☒ Name and Address
2. ☒ Source
3. ☒ Point of Diversion & County
4. ☒ Quantity
5. ☒ Nature of Proposed Use
6. ☒ Period of Use
7. ☒ Total Quantity
8. ☒ Description of diverting works
9. ☒ Time required for b/u
10. ☒ Proposed use
11. ☒ Place of use or acres irrigated
12. ☒ Other water Rights
13. ☒ Ownership
14. ☒ Map
15. ☒ Signature
16. ☒ Fee (Amt, receipt, acknowledgement)

RECEIVED

AUG 05 2004

**DEPARTMENT OF
WATER RESOURCES**

** Send info sheet Y() N()

ADDITIONAL INFORMATION

- es)(No)
- Shape File Created Date By:
- Field check: by
- Field report attached
- Analysis Supp. attached(>5cfs/500af)
- Water delivered by water master? Water District #

PROCESSING

(Yes)(No) PRIORITY DATE: 8/29/03

(Include Moratorium Remark)

Statewide Advertising: (Diversion rate greater than 10 cfs or 1,000 af).

ADVERTISE IN: Salah County

LETTERS SENT REQUESTING:

- () Dam Information () Fish Information
- () Power Information () Other:

INFORMATION RECEIVED:

- () Dam Information () Fish Information
- () Power Information () Other:

GROUNDWATER SECTION

D Permit No.'s:	Tag #	Type:	Fees	Receipt No.	Upgrade Needed?
		Dom. Non-Dom.	Paid \$		Y() N()
		Dom. Non-Dom.	Paid \$		Y() N()
		Dom. Non-Dom.	Paid \$		Y() N()

- Groundwater management area
- Critical ground water area
- Well Drilling Permit required
- Well Drilling Application and Fees received
- Well Drilling Application approved?

Remarks: No response from
24 Game to 8/2/04

FINAL REGIONAL PROCESSING/REVIEW

- as)(No)
- Notice of pending void order issued. Final order response date: / /
- Further information required from applicant
- 8/2 Affidavit of publication received
- 8/2 Application published correctly. If not, record action taken:

7/1 Publication dates and paper recorded on application

Protests received, Final protest date: 8/2/04 Sr. Agent initial

Measuring device required

Measuring port required

Special conditions:

Special conditions of approval supplement and/or cover letter attached:

Approval Recommended by:

AS

Date: 08/02/04

Stat. claim
87-4055

irrigation

4 acres SWSE