

RECEIVED  
Form No. 204 Rev. 08/23

JUN 24 2024

DEPARTMENT OF  
WATER RESOURCES

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

\$50 fee  
Received by AJU  
Receipt No. 018529  
Date 6/24/24

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof of beneficial use for a water right permit

The Idaho Department of Water Resources will consider this form a request that the permit holder(s) be granted an additional period of time under the provisions of Idaho Code § 42-204, in which to complete development of a water right and file proof of beneficial use of water. There is a **FILING FEE of \$50.00** to be included with this form when filed with IDWR.

Permit no. 63-34730 Date proof is due July 1, 2024

Name(s) of permit holder(s) Monument Ridge Ranch Subdivision Homeowners Association

Mailing address P.O. Box 810 City Star State ID Zip 83669

Telephone no. 208-286-9666 Email janrose.spm@gmail.com

Describe what work has been completed toward the development of this water right:

If no work has been completed, show "none".

Please see supplemental sheet attached.

Costing \$ 11,314.70\*\*

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

Please see supplemental sheet attached. \*\*--In addition to the \$11,314.70 spent to date on professional consultant evaluation and recommendation regarding the existing well infrastructure and additional infrastructure for developing the Permit, the HOA, through special assessment levy, obligated its members to raise an additional \$172,500 during CY 2024 through CY 2026.

Permit holder(s) request an extension for 5 year(s).

Joanne M. Love Date 6/17/24  
Signature (If other than permit holder, Power of Attorney must be supplied)

ACTION OF THE DEPARTMENT OF WATER RESOURCES

The Department has reviewed the explanation for delay and concludes the reason(s) for delay meets the requirements for approval of the Request for Extension of Time as provided by Idaho Code §§ 42-204 and/or 42-218.

IT IS HEREBY ORDERED that the permit is **REINSTATED** with the priority date advanced to \_\_\_\_\_, 20\_\_\_\_.

IT IS HEREBY ORDERED that the above request for extension of time is **APPROVED**, and the time within which to submit proof of beneficial use is extended to July 1, 2029.

Signed this 25<sup>th</sup> day of JULY, 2024 Angela M. Hansen  
Angela M. Hansen, Chief  
Water Allocation Bureau

## Supplemental Sheet—Permit No. 63-34730 (the “Permit”)

In 2018, the Monument Ridge Ranch Subdivision Homeowners Association (“Association”) retained Terry Scanlan, then of SPF Water Engineering, to review and evaluate the Association groundwater-based community irrigation system due to complaints concerning sand in the system. Upon investigation it was found that one of the community’s two wells, Well No. 1 (drilled in ~1969) was pumping excessive amounts of sand into the community pressurized irrigation system. The Scanlan review also evaluated the community’s overall water supply needs at full subdivision build out regarding its irrigable footprint (the subdivision consists of 30 ten-acre lots and additional common area).

In 2019, the Association investigated the possibility of drilling a new well to replace failing Well No. 1, and also sizing the new well to accommodate additional irrigation water supply capacity maximizing full build out of the irrigable footprint of the subdivision lots. The Association went so far as to obtain approval for a \$300,000 loan (4.5% interest rate) from the Idaho Water Resources Board for purposes of drilling and equipping the proposed replacement well. However, Association members were ultimately unable to agree on a loan repayment schedule which, in turn, implicated Association quarterly assessment increases attributable to the loan repayment.

Parallel with the Association’s IWRB loan application, the Association also applied for the Permit with the expectation that the proposed replacement well would be sized to increase overall irrigation system pumping capacity thereby developing the Permit. Because of the internal loan repayment schedule disagreement the project was put on hold, and the Association did not close on the loan. In the meantime, the community has been diverting the entirety of its irrigation supply from its other existing well (Well No. 2) under Water Right No. 63-7110 (which well was drilled in approximately 2012). This reliance on Well No. 2 long-term is not favorable for a number of reasons, including mechanical wear and tear, lower pumping volume pressurization issues, and the inability to increase the pumping capacity necessary to develop Permit.

Over the last 10-12 months, there has been renewed interest in exploring/revising irrigation system improvements within the Association. At a minimum, many fear that lack of redundancy within the Association pressurized irrigation system (reliance solely upon Well No. 2 without a second backup well should Well No. 2 fail) is undesirable and problematic given the nature of irrigation water need/reliance in the large lot subdivision (many lots are used for equestrian and other livestock grazing purposes, including pasture grazing and hay/forage production). Consequently, during the January 2024 Association annual meeting, membership voted to reengage Terry Scanlan to further evaluate the Association irrigation system and improvement options going forward. Mr. Scanlan did so by way of an update of his prior 2018 system evaluation, and his attendance at a special Association membership meeting called for purposes of: (1) reviewing and discussing his May 7, 2024 updated report and recommendations, and (2) discussing and voting upon increased Association quarterly assessments dedicated solely to irrigation system improvements and upgrades, including ultimate development of the Permit.

That special Association membership meeting was held on May 15, 2024 at the Star Fire Department public meeting room. After discussion, the Association membership voted affirmatively to increase quarterly assessments by \$250/quarter for the remaining three quarters of

2024 (additional revenue of \$750 per Lot, or \$22,500 in 2024 community-wide); \$500 per quarter in 2025 (additional annual revenue of \$2,000 per Lot, or \$60,000 in 2024 community-wide); and \$750 per quarter in 2026 (additional annual revenue of \$3,000 per Lot, or \$90,000 in 2024 community-wide). In aggregate, the Association membership has ratified the foregoing, tiered special assessment that will yield \$172,500 in addition to the \$55,892.44 the Association already possesses in general savings above and beyond its budgeted annual expenses (in other words, the May 2024 special assessment is for irrigation system-based improvements only, and is in addition to the Association's base, per Lot assessment, which base assessment will continue to cover the Association's typical operational needs). Attached is a copy of the Association meeting minutes from the May 15, 2024 special meeting.

The Association respectfully submits that the \$11,314.70 it has already spent procuring the professional evaluation and opinions of Mr. Scanlan (report copies available upon request), plus the \$172,500 special assessment obligation ratified and imposed between now and December 31, 2026, demonstrate sufficient community commitment and good cause under Idaho Code Section 42-204 supporting the 5-year Permit development extension requested herein.

Minutes  
From a Recalled Special Meeting  
Of the members of  
Monument Ridge Ranch Owners Association Inc.  
May 15, 2024  
6:00 pm  
Star Fire Station

Call to Order: Meeting was called to order by Clay Motis, Board President at 6:05pm. Other board members in attendance were Joanne Love and Charles Ashton. Jan Rose of Star Property Management was also in attendance.

Guests: Andrew Waldera of Sawtooth Law (HOA attorney) and Terry Scanlan, Engineer from HDR Inc.

Establish Quorum: As this was a recalled meeting a quorum of 50% of the membership (30) was needed to establish a quorum. With 19 owners in attendance either in person or by proxy, a quorum was established. One owner did not sign in.

Special Assessment:

- Mr. Waldera provided an overview of the current well/pump system. A new water right was obtained in 2019, which expires July 1, 2024. Mr. Waldera explained the importance of filing for a five-year extension, prior to the expiration date. This will give the HOA members time to determine the best course of action moving forward. Mr. Waldera emphasized the need to add to the reserve fund for future needs to the system.
- Mr. Scanlan was reengaged by the HOA to review the suggestions he made back in 2019 and update the same. Mr. Scanlan's report is attached.
- After questions and answers, the following motion was made:
  - Motion Mr. Love, second by Ms. Vernon: Assess a special assessment with funds to go into the dedicated well/pump reserve account of \$250/quarter for the remaining 3 quarters of 2024, increase to \$500/quarter in calendar year 2025 and \$750/quarter in calendar year 2026. Special assessment will expire December 31, 2026.
  - Oral vote was taken on the motion with the motion passing with 15 of the necessary 13 to pass.
  - Tally sheet on motion on next page.

Owners in favor of the motion stated above:

Akins  
Albinson  
Ashton  
Braddock  
Carrington  
Fish  
Hutton  
Love  
Martens/Vernon  
Motis  
Richardson  
Rose  
Weber  
Whiting  
Zandersmith

Owners opposed to the motion stated above:

Day  
Earl  
Vietz

Note the owner who did not sign in, his name was not called for the vote.



Governor Brad Little

Director Mathew Weaver

September 10, 2024

MONUMENT RIDGE RANCH SUBDIVISION HOMEOWNERS ASSN  
PO BOX 810  
STAR ID 83669-5880

**REQUEST FOR EXTENSION OF TIME LETTER**

**RE: Permit No. 63-34730**

Dear Permit Holder(s):

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 **July 01, 2029**.

The Department has granted this extension based on diversion of two (2) or more cubic feet per second or the development or cultivation of one hundred (100) or more acres of land pursuant to Idaho Code § 42-204(3)(d).

You may be eligible for further extensions based on the same reason noted above if the issue is ongoing. Please submit supporting documentation providing dates for the period of delay with any future requests for an extension for this same reason. It is important that you work diligently toward the completion of the project during the new development period allowed by this extension as soon as the issue is resolved.

The extension is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01). It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

**Please be advised that Idaho Code § 42-248, requires you or the owner of this water right to maintain current ownership and address records on file with the Department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any Department office or at the Department's website at [www.idwr.idaho.gov](http://www.idwr.idaho.gov).**

If you have any questions concerning this permit, please contact the State Office of the Department located in Boise at (208) 287-4800.

Sincerely,

A handwritten signature in blue ink, appearing to read "Amanda Verbeek".

Amanda Veibell  
Technical Records Specialist

Enclosure(s)

c: HDR INC

**CERTIFICATE OF SERVICE**

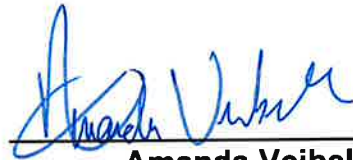
I hereby certify that on **September 10, 2024** I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (**PRELIMINARY ORDER**) to the person(s) listed below:

RE: Preliminary Order in the Matter of Permit No. **63-34730**

**MONUMENT RIDGE RANCH SUBDIVISION HOMEOWNERS ASSN  
PO BOX 810  
STAR ID 83669-5880 \***

via email

**LORI GRAVES  
lori.graves@hdrinc.com**



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**Amanda Veibell  
Technical Records Specialist**

## **EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

### **PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

### **EXCEPTIONS AND BRIEFS**

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

### **REQUEST FOR HEARING**

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

### **ORAL ARGUMENT**

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

## CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

## FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

## APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.