

MEMORANDUM

DATE: 01/09/26

TO: Permit Nos. 63-32499 and 63-35473

FROM: Phill Hummer

RE: Request for Extension of Time to Submit Proof Review

Permit No. 63-32499 is one of the two permits granted continued processing by the Director in the *Final Order Regarding Water Sufficiency* and it was later approved on 01/13/16 authorizing the diversion and use of 10.00 cfs of ground water for municipal use. Permit No. 63-32499 was granted with a development period of 5 years with a proof due date of 01/01/21. On 10/08/20 IDWR received a request for extension of time which was granted pursuant to I.C. § 42-204(3)(d) for 5 years extending the deadline to submit proof to 01/01/26. Then on 07/26/23, IDWR received a notice of change in ownership from Mayfield Ranch LLC for a 3.48 cfs portion of Permit No. 63-32499. The split portion is Permit No. 63-35473 and retained the proof due deadline of 01/01/26.

On 12/18/25 IDWR received timely requests for extension of time to submit proof of beneficial use for Permit Nos. 63-32499 and 63-35473 from Mayfield Ranch LLC and Mayfield Townsite LLC (because of the shared system and mutual interest as discussed in the request documents, both entities are collectively referred to “Mayfield” in this memo) requesting an extension of 9 years 45 days pursuant to I.C. §§ 42-204(3)(a) and 42-204(3)(d). Mayfield’s request for additional time submittal package includes an attachment titled “Narrative” that states, “Although the permit was split according to land ownership, both portions of the permit will serve the Mayfield Townsite Planned Community. As a result, all work completed toward development of the Mayfield Townsite Planned Community water system supports both permit 63-32499 and permit 63-35473.” (Narrative at page 1). For this reason the information in the Narrative and this memo applies to both permits.

IDWR can grant additional time pursuant to I.C. § 42-204(3)(a) if the permit holder demonstrates they are prevented from development and is currently proceeding diligently in obtaining required permits or approvals needed to develop the water use and establish proof of beneficial use. IDWR can grant up to 10 years additional time pursuant to I.C. § 42-204(3)(d) if the permit meets certain criteria and the permit holder demonstrates they have exercised reasonable diligence and if good cause exists. Mayfield describes the work completed in the request packet stating, “The most prominent activities involved the design, construction and testing of Mayfield Townsite Well No. 3 and the Planned Community’s Phase 1 preliminary plat...” (Narrative at page 1). Additionally, the submittal package contains a table listing the approvals they have sought and the timeline of submittal and approval dates. The approvals sought and the times are further explained in the narrative and evidence by copies as attachments. Mayfield claims the beginning of the delays they faced was the submittal of the Board of County Commissioners (BOCC) review of Development Agreement Compliance on 07/10/20 and ending with the approval of a preliminary plat extension request on 10/15, 2025. Due to the overlapping timeframe of submittals and approvals, Mayfield calculates the total delay to pending approval is 1505 days (Narrative at page 3).

However, the initial submittal date of the BOCC's review is partially during the initial development period for the parent permit. IDWR has previously granted an extension of 5 years recognizing the development efforts that occurred immediately following approval of the permit without claim of government delay by the permit holder. The period of time IDWR should now consider for delays caused by pending approvals by permitting entities is the time period following the granted under the first extension request, from 01/02/21 to 01/01/26. Mayfield claims the BOCC review caused 461 days of delay (Narrative at page 3). Reducing this period by the days that occurred prior to the end of the initial development period (7/10/20 – 01/01/21), this delay is reduced by 175 days to 286 days. The remaining delays claimed by Mayfield in the submittal package should be recognized as claimed. The total time IDWR should grant pursuant to I.C. §42-204(3)(a) should be 1330 days instead of 1505 days.

To provide additional time for development right while preserving the opportunity to review Mayfield's continued diligence towards development of the permit within an area of known limited supply, IDWR should not grant additional time pursuant to any other provisions of I.C. § 42-204(3) at this time. I.C. 42-204(3)(a) does not preclude Mayfield from requesting additional extensions to achieve the full time granted under the statute.

I recommend granting the request for additional time for 1330 days establishing a new deadline to submit proof of beneficial use for both Permit Nos. 63-32499 and 63-35473 of 08/23/2029.

