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*Attorneys for Juniper Station Farm, LLC*

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

IN THE MATTER OF APPROVED  
REQUEST FOR EXTENSION OF TIME TO  
SUBMIT BENEFICIAL USE WATER  
PERMIT NO. 63-32499 IN THE NAME OF  
MAYFIELD TOWNSITE LLC

**REQUEST FOR HEARING;  
PETITION TO CANCEL PERMIT**

IN THE MATTER OF PERMIT NO. 63-32499  
IN THE NAME OF MAYFIELD TOWNSITE  
LLC

COMES NOW Juniper Station Farm, LLC (“Juniper Station”), by and through its attorneys of record, McHugh Bromley, PLLC, and pursuant to I.C. § 42-1701A(3) and IDAPA 37.01.01.730.02.f, hereby requests that the Idaho Department of Water Resources (“IDWR” or “Department”) hold a hearing in the above-captioned matter. Juniper Station further petitions the Department, pursuant to I.C. § 42-301 *et seq.* and IDAPA 37.01.01.152, to cancel and void the above-captioned permit, as supported by the *Declaration of Mike Eiseman*.

**REQUEST FOR HEARING**

On December 18, 2025, the Department received a *Request for Extension of Time* from Mayfield Townsite, LLC (“Townsite”), seeking to extend the time to submit proof of beneficial

use for Permit No. 63-32499 (“Permit”) from January 1, 2026 until sometime in the year 2035: “Permit holder(s) request an extension for 9 yrs, 45 days.” On March 3, 2026, the Department granted an extension of time until August 23, 2029 to submit proof of beneficial use.

Originally, the Permit was for a total diversion rate of 10.00 cfs, with proof due by January 1, 2021. On October 8, 2020, Townsite filed its first *Request for Extension of Time* to extend the proof due date from January 1, 2021 until January 1, 2031, stating: “Property and project are pending sale. Permit development will proceed according to the plans of the new owner. Permit owner will notify IDWR of permit assignment as required by permit condition.” On January 17, 2021, the Department granted an extension of time until January 1, 2026 to prove up the use of water.

Sometime in 2022 or 2023, 3.48 cfs of the Permit was split by IDWR into Permit No. 63-35473, in the name of Mayfield Ranch, LLC, with Townsite retaining 6.52 cfs.

Based on the foregoing, Juniper Station hereby requests a hearing, pursuant to I.C. § 42-1701A(3), and preliminarily raises the following issues, which may be supplemented by Juniper Station as follows:

1. How many extensions of time may be granted to Townsite?
2. What evidence is necessary for the Department to evaluate Townsite’s extension of time for a use that is different than the extent or nature of development that was initially approved by the Department for the Permit?
3. Whether Townsite’s request for extension of time was made in good faith?
4. Whether it was proper for the Department to grant Townsite’s extension of time in the I-84 Corridor when Juniper Station, the owner of Water Right Nos. 61-7283A, 61-11966, and 61-12133, and Application for Transfer No. 81327 relating to the aforesaid Water Rights within the I-84 Corridor “processing queue,” is foreclosed from putting water to beneficial use?

5. Whether the decision to grant the extension of time to Townsite violates the Idaho Prior Appropriation Doctrine's requirements to put water to beneficial use and prohibitions against speculation and hoarding?
6. Whether Townsite's Permit may be cancelled pursuant to I.C. § 42-301 *et seq.* for failure to put water to beneficial use, as explained below?
7. Juniper Station reserves the right to raise additional issues based on information learned at the prehearing conference as well as through discovery.

### **PETITION TO CANCEL PERMIT NO. 63-32499**

A hallmark of Idaho's Prior Appropriation Doctrine is the requirement that water is diverted and put to actual beneficial use, so as to prevent the hoarding, locking up, and wasting of the State's water resources. *See 3G AG LLC v. Idaho Dept. of Water Res.*, 509 P.3d 1180, 1191 (2022). Particular to permits: "Any concern which may exist about tying up the water to the prejudice of a potential junior applicant is adequately satisfied by other statutory provisions requiring timely commencement, progress and completion of works. I.C. §§ 42-204 and 42-301." *Shokal v. Dunn*, 109 Idaho 330, 336, 707 P.2d 441, 447 (1985); *see also Woodruff v. Butte & Market Lake Canal Co.*, 64 Idaho 735, 137 P.2d 325 (1943); *Syster v. Hazzard*, 39 Idaho 580, 229 P. 1110 (1924); *Clark v. Hansen*, 35 Idaho 449, 206 P. 808 (1922); *Washington State Sugar Co. v. Goodrich*, 27 Idaho 26, 147 P. 1073 (1915).

According to I.C. § 42-301, third parties are entitled to petition the Department to cancel and void a permit when a permit holder fails to complete one-fifth (1/5) of the construction within one-half (1/2) of the time allowed for completion of the project:

If the holder of a permit to appropriate the public waters shall fail to comply with the requirements of his permit as to the commencing of work or the filing of bond there under, or the completion of one-fifth (1/5) of the construction work within one-half (1/2) the time allowed for the entire completion of such construction work, or shall fail to complete the entire construction work within the time specified in his permit, said permit may be cancelled and voided by the department of water resources as hereinafter provided at the instance of any person or persons holding

any permit for the diversion of water from the same stream, such permit postdating the permit which is sought to be cancelled.

I.C. § 42-301.

If a water user petitions to cancel a permit, said user “shall file with the department of water resources a petition clearly setting forth the facts upon which he bases his prayer for cancellation, plainly stating wherein the holder of the permit, which is sought to be cancelled, has failed to comply with the law and with the requirements of his permit.” I.C. § 42-302.

Here, the Permit bears a priority date of July 28, 2006. Juniper Station is the holder of Permit No. 61-12525, for domestic use from ground water, with a priority date of May 5, 2025. The aforementioned permits are within what is known as the “I-84 Corridor . . . an area recognized for limited water supply and specific water right application processing constraints. *See id.* (citing *Final Order Regarding Water Sufficiency* (November 4, 2013).” *Order Denying Motion to Dismiss Petition for Hearing, In the Matter of Approved Request for Extension of Time to Submit Beneficial Use Permit 63-32225 in the Name of Intermountain Sewer & Water Corp.* at 2 (Dec. 12, 2025).

Because Permit No. 61-12525 is junior in priority to the above-captioned Permit, Juniper Station is entitled to petition the Department to cancel the above-captioned Permit in the name of Townsite. *Preliminary Order Denying Petitions, In the Matter of Permit No. 61-12090 (Nevid LLC); Permit No. 61-12096 (Nevid LLC); Permit No. 63-32499 (Mayfield Townsite LLC; and Permit No. 63-35473 (Mayfield Ranch LLC)* at 3 (March 6, 2025) (“Idaho Code § 42-301 and § 42-302 authorize a holder of a later in time permit to contest a permit from the same source.”).

Based on information and belief, as discussed in the *Declaration of Mike Eisenman* and as will be established at hearing, the Permit has not satisfied the requirements of I.C. § 42-301, rendering it subject to cancelation, due to lack of development of the water resource.

RESPECTFULLY SUBMITTED this 17<sup>th</sup> day of March, 2026.

MCHUGH BROMLEY, PLLC



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CHRIS M. BROMLEY

*Attorneys for Juniper Station Farm, LLC*

## CERTIFICATE OF SERVICE

I certify that on this 17<sup>th</sup> day of March, 2026, I caused to be served a true and correct copy of the foregoing upon the following persons by the method(s) indicated:

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