

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

**IN THE MATTER OF PERMITS                    )**  
**61-12096 IN THE NAME OF BOWNS            )**  
**CREEK PROPERTIES LLC, 63-32499         )**  
**IN THE NAME OF MAYFIELD                    )**     **REQUEST FOR BRIEFS**  
**TOWNSITE LLC, AND 63-35473 IN THE     )**  
**NAME OF MAYFIELD RANCH LLC            )**

On October 3, 2025, Bowns Creek Properties LLC (“Bowns Creek”) filed a *Request for Extension of Time* with the Idaho Department of Water Resources (“Department”) seeking to extend the time to submit proof of beneficial use for Permit 61-12096. On December 9, 2025, the Department approved the request, in part, extending the deadline for submitting proof of beneficial use for Permit 61-12096 by two years. On December 16, 2025, Juniper Station Farms LLC (“Juniper Station”) filed a *Request for Hearing*, challenging the Department’s approval of Bowns Creek’s proposed extension and a *Petition to Cancel Permit*, asking the Department to cancel Permit 61-12096 pursuant to Chapter 3, Title 42, Idaho Code.

On December 18, 2025, Mayfield Townsite LLC (“Mayfield Townsite”) filed a *Request for Extension of Time* with the Department seeking to extend the time to submit proof of beneficial use for Permit 63-32499. On March 3, 2026, the Department approved the request, in part, extending the deadline for submitting proof of beneficial use for Permit 63-32499 by approximately three and a half years. On March 17, 2026, Juniper Station filed a *Request for Hearing*, challenging the Department’s approval of Mayfield Townsite’s proposed extension and a *Petition to Cancel Permit*, asking the Department to cancel Permit 63-32499 pursuant to Chapter 3, Title 42, Idaho Code.

On December 18, 2025, Mayfield Ranch LLC (“Mayfield Ranch”) filed a *Request for Extension of Time* with the Department seeking to extend the time to submit proof of beneficial use for Permit 63-35473. On March 3, 2026, the Department approved the request, in part, extending the deadline for submitting proof of beneficial use for Permit 63-35473 by approximately three and a half years. On March 17, 2026, Juniper Station filed a *Request for Hearing*, challenging the Department’s approval of Mayfield Ranch’s proposed extension and a *Petition to Cancel Permit*, asking the Department to cancel Permit 63-35473 pursuant to Chapter 3, Title 42, Idaho Code.

On April 10, 2026, the hearing officer for the Department issued an order consolidating the three cases for the purpose of deciding common questions of law. The Department conducted a prehearing conference on April 28, 2026. During the conference, the parties requested an opportunity to identify and brief some of the questions of law common to all three cases.

Pursuant to Rule 562 of the Department’s Rules of Procedure (IDAPA 37.01.01), a presiding officer may request briefs from the parties setting forth arguments and positions on any questions of law in a contested case. Prior to conducting an administrative hearing for these

consolidated cases, the hearing officer hereby requests briefs from the parties addressing the following questions of law:

- 1. Does Idaho Code § 42-301 establish permit requirements independent of and in addition to any conditions listed on a permit to appropriate water issued by the Department?**
- 2. If Idaho Code § 42-301 establishes an independent requirement for a permit holder to commence work, when must the permit holder commence work?**
- 3. If Idaho Code § 42-301 establishes an independent requirement for a permit holder to file a bond, what is the amount of the bond?**
- 4. How do the 1967 and 2020 amendments to Idaho Code § 42-204 affect Idaho Code § 42-301, specifically the provisions in Idaho Code § 42-301 about commencing work, filing a bond, and completing one-fifth of the construction work within one-half of the time allowed for completion of such construction work?**
- 5. If the amendments to Idaho Code § 42-204 have eliminated the requirements that a permit holder commence project construction within one year, file a bond, and complete one-fifth of the construction work within one-half of the time allowed for completion of such construction work, is Idaho Code § 42-301 still applicable?**
- 6. Idaho Code § 42-301 states that a permit may be cancelled if the permit holder “shall fail to complete the entire construction work within the time specified in his permit.” Idaho Code § 42-204(6) states that “a permit holder who fails to comply with the provisions of this section within the time or times specified shall be deemed to have relinquished all rights under its permit.” If the relinquishment described in Section 42-204(6) is automatic, is there any practical utility in the process created by Chapter 3, Title 42, for a proposed project that is not completed by the proof due date established in the permit?**

Initial briefs from all parties shall be filed on or before June 26, 2026. Response briefs, if any are prepared, shall be filed on or before July 17, 2026. The briefs may be filed with the Department (file@idwr.idaho.gov) and served on other parties by email. *See* IDAPA 37.01.01.053.

Dated this 12<sup>th</sup> day of May 2026




James Cefalo  
Hearing Officer

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 12<sup>m</sup> day of May 2026, true and correct copies of the documents described below were served by the method indicated upon the following:

Document: Request for Briefs

JUNIPER STATION FARM LLC MCHUGH BROMLEY PLLC CHRIS M BROMLEY: cbromley@mchughbromley.com CANDICE M MCHUGH: cmchugh@mchughbromley.com	<input checked="" type="checkbox"/> Email
BOWNS CREEK PROPERTIES LLC SAWTOOTH LAW OFFICES PLLC S BRYCE FARRIS: bryce@sawtoothlaw.com	<input checked="" type="checkbox"/> Email
MAYFIELD RANCH LLC GIVENS PURSLEY MICHAEL P LAWRENCE: mpl@givenspursley.com	<input checked="" type="checkbox"/> Email
MAYFIELD TOWNSITE LLC PARSONS BEHLE & LATIMER NORMAN SEMANKO: nsemanko@parsonsbehle.com	<input checked="" type="checkbox"/> Email



---

Christina Henman  
Administrative Assistant