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May 8, 2026

James Cefalo
Idaho Dept. of Water Res.
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402
james.cefalo@idwr.idaho.gov

Re: Juniper Station Farm, LLC Issue Framing

Dear Mr. Cefalo:

Below are issues framed by Juniper Station Farm, LLC for consideration in the contested case involving Permit Nos. 61-12096, 63-32499, and 63-35473, held by Bowns Creek Properties, Inc., Mayfield Townsite, LLC, and Mayfield Ranch, LLC, respectively:

1. Whether Idaho Code § 42-301 allows Juniper Station Farm, LLC, the holder of Permit No. 61-12525, to seek cancelation of Permit Nos. 61-12096, 63-32499, and 63-35473, held by Bowns Creek Properties, Inc., Mayfield Townsite, LLC, and Mayfield Ranch, LLC, respectively, for the failure of those entities to complete one-fifth (1/5) of the construction work within one-half (1/2) of the time allowed for the entire construction work within the time specified in the permit?
2. Whether, pursuant to Idaho Code § 42-204(3)(a), the Idaho Department of Water Resources correctly granted extensions of time for governmental delay, to Bowns Creek Properties, Inc., Mayfield Townsite, LLC, and Mayfield Ranch, LLC, allowing those entities to postpone proving up beneficial use when prior extensions of time had already been granted in an area of limited ground water supply at the expense of Juniper Station Farm, LLC's interests to put water to beneficial use?
3. Whether Permit Nos. 61-12096, 63-32499, and 63-35473, held by Bowns Creek Properties, Inc., Mayfield Townsite, LLC, and Mayfield Ranch, LLC, respectively, have effectively lapsed for failure to put water to beneficial use within a reasonable time?

4. Whether the priority dates for Permit Nos. 61-12096, 63-32499, and 63-35473, held by Bowns Creek Properties, Inc., Mayfield Townsite, LLC, and Mayfield Ranch, LLC, respectively, should be advanced to align with the date of the most recently granted extension of time?

5. Whether the Idaho Department of Water Resources' decision to grant extensions of time to Bowns Creek Properties, Inc., Mayfield Townsite, LLC, and Mayfield Ranch, LLC violates the prior appropriation doctrine's prohibition against speculation, hoarding, the requirement to put water to actual beneficial use, and the Director's duty to allow for the development of the State's water resources in an area of limited ground water supply when Juniper Station Farm, LLC is ready, willing, and able to put water to beneficial use?

6. Whether the Idaho Department of Water Resources' decision to grant extensions of time to Bowns Creek Properties, Inc., Mayfield Townsite, LLC, and Mayfield Ranch, LLC violates nullifies the Departments "processing queue" for the development of water in an area of limited ground water supply?

7. Whether the requests for extension of time filed by Bowns Creek Properties, Inc., Mayfield Townsite, LLC, and Mayfield Ranch, LLC were made in good faith?

Juniper Station Farm, LLC reserves the right to raise other issues as they are identified.

Sincerely,



Chris M. Bromley

Attorney for Juniper Station Farm, LLC

c.c. Bryce Farris
Norm Semanko
Mike Lawrence
Christina Henman

RE: 61-12096, 63-32499, 63-35473 Order Consolidating Proceedings and Notice of Prehearing Conference

From Bryce Farris <bryce@sawtoothlaw.com>

Date Fri 5/8/2026 1:19 PM

To Chris Bromley <cbromley@mchughbromley.com>; Cefalo, James <James.Cefalo@idwr.idaho.gov>; Candice McHugh <cmchugh@mchughbromley.com>; Michael P. Lawrence <mpl@givenspursley.com>; Norman M. Semanko <nsemanko@parsonsbehle.com>

Cc Henman, Christina <Christina.Henman@idwr.idaho.gov>

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Dear Hearing Officer:

The purpose of this email is to follow up the discussion at the Pre-Hearing Conference regarding the above-referenced matters on April 28, 2026. During the conference, the Hearing Officer requested an e-mail from each of the parties indicating the issues which may be addressed in this matter, including via motion/briefing, and how to best proceed with resolving the issues. This e-mail is being submitted in response to such request on behalf of Bowns Creek Properties LLC (Bowns Creek).

This e-mail is intended to identify initial issues for the Hearing Officer and parties, as well as an approach to address such issues, for the efficient resolution of those issues. Bowns Creek specifically reserves the right to identify future issues (legal or factual) which may arise during the course of these proceedings. Furthermore, this e-mail is not intended to present argument as to any issues but rather is intended to identify issues and facilitate the efficient resolution of such issues.

- Issues Presented by Juniper Station: It easiest to start with the issues as identified by Juniper Station Farm LLC (Juniper Station) in its Petitions. Juniper Station, in the same filing, has filed two Petitions:
 - 1) a *Petition to Cancel* permits pursuant to Chapter 3, Title 42, Idaho Code (this concerns several legal issues as to the **applicability of Chapter 3** and the process and procedures for Chapter 3, and several factual issues concerning each Permit itself as to whether the permit holder has met the conditions of Chapter 3); and
 - 2) a *Petition for Hearing* to challenge the approved Extensions of Time for the three permits. The issues raised by Juniper Station in the *Petition for Hearing* are summarized and restated as follows:
 - A) How many extensions of time may be granted? (this appears to primarily be a legal issue as to the **application of Idaho Code section 42-204**).
 - B) What evidence is necessary for the Department to evaluate an extension of time that is different than the extent or nature that was initially approved? (this appears to be a legal issue as to evidence required as to the **application of Idaho Code section 42-204** – it does not appear to address any specific

evidence submitted but there may need to be some factual context as to what Juniper Station is challenging with respect to each permit).

- C) Whether it was proper to grant extensions of time in the I-84 corridor when Juniper Station's application is held for processing? (this appears to be a legal issue as to the Final Sufficiency Order issued for the I-84 corridor (and whether that is even at issue in these proceedings) and the **application of Idaho Code section 42-204** when there is limited sufficiency/supply).
 - D) Whether the Extension approvals violate the Idaho Prior Appropriation Doctrine? (this appears to be a legal issue challenging the **application and statutory rights afforded to permit holders and provided in Idaho Code section 42-204** – Juniper Station may desire to provide some additional context but this appears to be a legal issue/challenge to the statutory rights).
 - E) Whether the requests for extension were made in good faith? (this is a factual issue which appears to challenge the Department's discretion and deference as to the approval of the individual extensions of time which were granted by the Department pursuant to statutory rights provided in Idaho Code section 42-204).
 - F) Juniper Station also raised the same issue with regard to Chapter 3, Title 42 and reserved the right to raise additional issues (Chapter 3 is addressed above and Bowns Creek will respond when necessary as to any additional issues raised).
- Resolution of Juniper Station's Legal Issues:
 - Legal Issues as to the Applicability of Chapter 3, Title 42. As indicated at the pre-hearing conference, Bowns Creek contends that a threshold issue which must be addressed is the applicability of Chapter 3, Title 42 in this matter, including, but not limited to: a) whether Chapter 3 is applicable given statutory right for extensions provided in I.C. section 42-204; b) whether Chapter 3 is no longer applicable given legislative changes to I.C. section 42-204; and c) whether Chapter 3 is applicable given that the specific conditions in Chapter 3 are not specific conditions to any of the Permits at issue in these proceedings. The applicability of Chapter 3 and whether it is applicable to these extensions/permits, will also inform the Hearing Officer and the parties as to the process and procedure for addressing any remaining issues. Bowns Creek believes that these issues can and should be briefed and addressed pursuant to the briefing schedule discussed at the pre-hearing conference which provided:
 - Simultaneous Initial Briefs due on or before June 26, 2026.
 - Simultaneous Response Briefs due on or before July 17, 2026.
 - Legal Issues as to the Application of Idaho Code section 42-204. Issues A-D above all include some argument by Juniper Station as to the application of I.C. section 42-204. Juniper Station appears to be challenging whether the Permit holders are entitled to seek extensions of time as provided in statute given the specific circumstances and context surrounding the I-84 Corridor area, the Final Sufficiency Order and the queue established for processing new applications. While this primarily appears to involve legal issues, there appears to be some limited factual context which needs to be developed for the Hearing Officer to address these issues. Thus, Bowns Creek believes that this issue should be addressed on a briefing schedule but believes it should be done after the Hearing Officer rules on the applicability of Chapter 3 and after the Hearing Officer and parties decide how to

proceed with establishing a limited factual record (i.e. stipulated facts were discussed during the pre-hearing conference and/or each party files its own declarations). In either case, it will take some additional time to develop which is why Bowns Creek believes the parties should focus on the initial issues concerning the applicability of Chapter 3 and then, depending on the outcome, focus on how to address the legal issues concerning the application of the application of I.C. section 42-204. Additionally, depending on the outcome of any ruling by the Hearing Officer as to the applicability of Chapter 3, there may need to be further factual record and context provided.

- To the extent factual issues remain then these should be scheduled for Hearing, including authorizing discovery. Bowns Creek contends that the remaining factual issues, if any, can and should be addressed after the above issues are resolved. Bowns Creek has not determined whether or not the three Permits should be combined into one hearing should any factual or other issues remain for hearing. Once the Hearing Officer rules on any of the legal issues then more issues may or may not arise and thus the remaining issues should be addressed at a subsequent status conference to set the remaining issues for hearing.

As always, please let me know if you have any questions.
Thanks,

S. Bryce Farris

Attorney at Law

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SAWTOOTH LAW
OFFICES, PLLC

From: Chris Bromley <cbromley@mchughbromley.com>

Sent: Friday, May 8, 2026 1:15 PM

To: Cefalo, James <James.Cefalo@idwr.idaho.gov>; Candice McHugh <cmchugh@mchughbromley.com>; Bryce Farris <bryce@sawtoothlaw.com>; Michael P. Lawrence <mpl@givenspursley.com>; Norman M. Semanko <nsemanko@parsonsbehle.com>

Cc: Henman, Christina <Christina.Henman@idwr.idaho.gov>

Subject: RE: 61-12096, 63-32499, 63-35473 Order Consolidating Proceedings and Notice of Prehearing Conference

Mr. Cefalo,

Please see attached Juniper Station Farm, LLC's statement of issues.

Thank you,

Chris M. Bromley
McHugh Bromley, PLLC

RE: 61-12096, 63-32499, 63-35473 Order Consolidating Proceedings and Notice of Prehearing Conference [GP-DMS.018725.0003.FID1324461]

From Michael P. Lawrence <mpl@givenspursley.com>

Date Fri 5/8/2026 5:40 PM

To Bryce Farris <bryce@sawtoothlaw.com>; Chris Bromley <cbromley@mchughbromley.com>; Cefalo, James <James.Cefalo@idwr.idaho.gov>; Candice McHugh <cmchugh@mchughbromley.com>; Norman M. Semanko <nsemanko@parsonsbehle.com>

Cc Henman, Christina <Christina.Henman@idwr.idaho.gov>

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Mr. Hearing Officer:

Mayfield Ranch Estates agrees with the approach outlined in Bryce's email below. In summary:

1. The Hearing Officer should first determine the legal issues concerning the applicability of Chapter 3, Title 42, based on the parties briefing under the schedule agreed to at the April 28 Prehearing Conference (i.e., simultaneous Initial Briefs due on or before June 26, 2026, and simultaneous Response Briefs due on or before July 17, 2026). Answering these questions will inform the process for addressing remaining legal and factual issues.
2. Following the determination of Chapter 3, Title 42 applicability, IDWR and the parties can set a schedule for addressing remaining legal issues, including the Section 42-204 issues raised by Juniper (as identified in Bryce's email below). This may involve some limited factual context provided to the Hearing Officer by stipulation of the parties or declarations offered by each party individually.
3. Finally, to the extent factual issues remain, IDWR and the parties can set a hearing schedule (including discovery). This may involve separating the contested case so each permit can be addressed individually and more efficiently.

Mayfield Ranch Estates also reserves the right to identify issues (legal or factual) which may arise during the course of these proceedings.

Thanks,
Mike

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Re: 61-12096, 63-32499, 63-35473 Order Consolidating Proceedings and Notice of Prehearing Conference [GP-DMS.018725.0003.FID1324461]

From Norman M. Semanko <NSemanko@parsonsbehle.com>

Date Fri 5/8/2026 6:23 PM

To Michael P. Lawrence <mpl@givenspursley.com>; Bryce Farris <bryce@sawtoothlaw.com>; Chris Bromley <cbromley@mchughbromley.com>; Cefalo, James <James.Cefalo@idwr.idaho.gov>; Candice McHugh <cmchugh@mchughbromley.com>

Cc Henman, Christina <Christina.Henman@idwr.idaho.gov>

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Mayfield Townsite concurs with Mayfield Ranch Estates and Bowns Creek.



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From: Michael P. Lawrence <mpl@givenspursley.com>

Sent: Friday, May 8, 2026 4:40:42 PM

To: Bryce Farris <bryce@sawtoothlaw.com>; Chris Bromley <cbromley@mchughbromley.com>; Cefalo, James <James.Cefalo@idwr.idaho.gov>; Candice McHugh <cmchugh@mchughbromley.com>; Norman M. Semanko <NSemanko@parsonsbehle.com>

Cc: Henman, Christina <Christina.Henman@idwr.idaho.gov>

Subject: RE: 61-12096, 63-32499, 63-35473 Order Consolidating Proceedings and Notice of Prehearing Conference [GP-DMS.018725.0003.FID1324461]

Mr. Hearing Officer:

Mayfield Ranch Estates agrees with the approach outlined in Bryce's email below. In summary: