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FEB 14 2013

Form No. 204 Rev. 10/12

DEPARTMENT OF WATER RESOURCES STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

\$50 fee Received by HP Receipt No. 0096552 Date 2-14-13

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 Section 42-204, Idaho Code, 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. 63-32089 Date proof is due 3/1/2013

Name(s) of permit holder(s) City of Eagle

Mailing address PO Box 1520 City Eagle State ID Zip 83616

Telephone no. 208-939-6813 Email

Describe what work has been completed toward the development of this water right: If no work has been completed, show "none".

In accordance with the Department's Final Order for Permits 63-32089 and 63-32090, a ground water monitoring plan was prepared and submitted to the Department June 26, 2012 and was recently approved August 22, 2012. Two municipal wells have been drilled (with pumps and pump houses) and infrastructure connecting the wells to the City of Eagle municipal water system.

Costing in excess of \$1 million

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

Permit holder(s) request an extension to November 12, 2020.

Signature (If other than permit holder, Power of Attorney must be supplied) Date 2-8-13

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 section 42-204 and/or 42-218, Idaho Code.

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to November 12, 2015.

Signed this 11th day of March, 2013

Jeff Peppersack, Chief Water Allocation Bureau

Explanation for Extension of Time:

Proof of beneficial use for permits 63-32089 and 63-32090 are currently due March 1, 2013, which is based on five years from the date of a Final Order regarding both permits issued by the Department February 26, 2008. Normally, an additional 5 years is proposed for extensions, however these two permits have been subject to Department and judicial review since the Final Order was issued. As provided in Idaho Code 42-204, subsection 5, these review periods were not something the applicant had control of and consequently, this time should be credited towards the permits' future development time allowances.

The following is a chronology of the Department and judicial review periods:

|  |                |
|--|----------------|
| IDWR Final Order Issued                  | 2/26/08        |
| Eagle Petition to Reconsider Final Order | 3/11/08        |
| Order on Reconsideration of Final Order  | <u>7/03/08</u> |
| Review Days                              | 115            |
| Petition for Review by District Court    | 8/11/08        |
| District Court Decision                  | <u>8/18/09</u> |
| Review Days                              | 373            |
| Supreme Court Appeal                     | 9/28/09        |
| Supreme Court Decision                   | <u>2/07/11</u> |
| Review Days                              | 498            |

Total Requested Credit Days:  $115 + 373 + 498 = 986$  days (2 years + 256 days)

Total Requested Extension Request: 5 years + 2 years + 56 days = 7 years + 56 days