

FEE \$100.00

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 31 2019

DEPARTMENT OF
WATER RESOURCESAPPLICATION FOR EXTENSION OF TIME TO AVOID
FORFEITURE OF A WATER RIGHT

Section 42-222(4), Idaho Code, provides that a water right holder may apply to protect a valid water right from forfeiture. Upon a showing of reasonable cause, the Director may grant one (1) extension of five (5) years in which to resume use.

1. Water Right No. **63-3142 (irrigation portion in SWSE of Section 13, T1N, R3W)**

- ☒ Attach a copy of the water right record, available at <http://www.idwr.idaho.gov>, *Water Right Transfers, Step 1*, or by contacting any Department office.

2. Applicant Dry Lake Dairy LLC Phone 208-697-0765

3. Are you the current water right holder of record? Yes ☒ No ☐

- ☐ If no, provide documentation of your authority to sign on behalf of the right holder -- OR -- attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee.

4. Mailing address ☐ Same as water right record -- OR -- complete the following information:

Address 12492 BIG FOOT RD City NAMPA
State ID Zip code 83686 Email _____

5. Give the last date water was beneficially used Lands in SWSE of Section 13, T1N, R3W, were last irrigated in 2016.

6. Explain your reasons for non-use of the water right and your reasons for requesting an extension of time.

Attach additional documentation if needed.

Land associated with irrigation portion of water right in the SWSE of Section 13, T1N, R3W, is currently used for non-irrigation purposes.

The information contained in this application is true to the best of my knowledge.

Ry V - S
Signature of applicant or authorized agent

Ryan Vander Steit
Print name (and title, if applicable)

12/30/19
Date

Signature of applicant or authorized agent

Print name (and title, if applicable)

Date

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby _____ said application, subject to the following conditions or reasons:

The right holder shall resume beneficial use of water *on or before* _____

Signed this _____ day of _____, 20____.

Title: _____

Stamped received ☒ Fee receipted by JStacy Date 12-31-19 Receipt # C108181



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 E Front Street, Suite 648 • PO Box 83720 • Boise ID 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700

Website: idwr.idaho.gov • Email: idwrinfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

August 28, 2020

DRY LAKE DAIRY, LLC
12492 BIG FOOT RD
NAMPA ID 83686

RE: Extension of Time to Avoid Forfeiture of a Water Right 2-2172, 63-3142 & 63-7083

Dear Applicant(s):

The Department of Water Resources has received your Extension of Time to Avoid Forfeiture application. Please refer to the water right number referenced above in all future correspondence regarding this extension.

A legal notice of the application has been prepared and is scheduled for publication in the IDAHO STATESMAN and IDAHO PRESS TRIBUNE on 09/03/2020 AND 09/10/2020. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office at (208) 287-4800 if you have any questions regarding the application.

Sincerely,

Jean Hersley
Technical Records Specialist

August 28, 2020

Legal Notice Department

~~Idaho Press Tribune~~

Idaho Statesman

RE: Legal Ad for your paper

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notices which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office, PO Box 83720, Boise, Idaho, 83720-0098 before September 21, 2020. Your cooperation is appreciated.

Sincerely

Jean Hersley
Technical Records Specialist II
IDWR State Office
322 E Front St
Boise ID 83720
208-287-4942
jean.hersley@idwr.idaho.gov

NOTICE OF APPLICATIONS FOR EXTENSION OF TIME TO AVOID FORFEITURE

DRY LAKE DAIRY LLC, 12492 BIG FOOT RD, NAMPA ID 83686, has filed Extensions of Time to Avoid Forfeiture for water rights 2-2172, 63-3142, and 63-7083, which have overlapping places of use. 2-2172 was partially decreed on 6/15/2009 with a priority date of 2/26/1962, and diverts from the Snake River, tributary to Columbia River, in the amount of 2.5 cfs for 219 acres of irrigation. 63-3142 was partially decreed on 2/6/2009 with a priority date of 1/7/1959, and diverts from ground water for a total of 2.63 cfs and 390.8 AF. 63-3142 includes 0.69 cfs and 143.8 AF for the irrigation of 63.2 acres, 1.94 cfs and 247 AF for stockwater, and 1.94 cfs and 247 AF for commercial use. 63-7083 was partially decreed on 2/6/2009 with a priority date of 4/11/1968, and diverts from ground water in the amount of 1.74 cfs, and 125 AF for the irrigation of 87 acres. The extensions are requested because a portion of the irrigation place of use is temporarily being used for non-irrigation purposes. The place of use of these rights is approximately 8 miles northwest of Melba, near the intersection of Melmont Rd and Rim Rd, in Canyon County.

For additional information concerning the property location, contact IDWR State Office at (208) 287-4800, or search under <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Protests may be submitted based on the criteria of Idaho Code §42-203A. Any protest against the approval of the proposed application must be filed with the Department of Water Resources, State Office, 322 E Front St., PO Box 83720, Boise, Idaho, 83720-0098 together with a protest fee of \$25.00 for each application on or before 09/21/2020. The protestant must also send a copy of the protest to the applicant.

Gary Spackman, Director

Published on September 3, 2020 & September 10, 2020

Hersley, Jean

From: Hersley, Jean
Sent: Friday, August 28, 2020 9:07 AM
To: 'legals@idahostatesman.com'
Subject: Legal Notice for your paper
Attachments: Idaho Statesman.doc

RE: Legal Ad for your paper

Dear LEGAL NOTICE DEPARTMENT:

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Jean Hersley
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Boise ID 83720
208-287-4942
jean.hersley@idwr.idaho.gov

August 28, 2020

Legal Notice Department

Idaho Press Tribune

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

February 27, 2020

DRY LAKE DAIRY LLC
12492 BIG FOOT RD
NAMPA, ID 83686

RE: Applications for Extensions of Time to Avoid Forfeiture

Dear Applicant:

The Department of Water Resources ("Department") received applications for Extensions of Time to Avoid Forfeiture ("applications") for water rights 2-2172, 63-3142, and 63-7083. Ryan Vander Stelt signed the applications, but I am unable to confirm that Mr. Vander Stelt has authority to sign on behalf of these rights. The website for Idaho's Secretary of State lists Lawrence Vander Stelt as the registered agent for your organization, and other documentation of authority was not provided. In addition, Dry Lake Dairy LLC is not the owner of record for water right 2-2172.

In item 3 of the applications, the Department states that authority to sign on behalf of the right holder is required. The Department cannot take action if documentation has not been provided. Because of the statutes regarding ownership, the Department is required to honor the owner of record for each right. Idaho code requires that all persons owning or claiming ownership of a water right are required to provide notice to the Department of any change in ownership within 120 days of the change. If the ownership has changed for 2-2172, I have included a Notice of Change in Ownership form for your convenience.

In order to provide you time to submit the required information, I am placing these applications on a 30-day hold for processing. **Within 30 days, please submit the appropriate documentation to establish authority to sign on behalf of the water right holders.** If the Department has not received a response from you within 30 days, the Department may seek to void the applications.

If you have any questions, please call me at 208-287-4826, or email me at david.betts@idwr.idaho.gov.

Sincerely,

Dave Betts
Water Resource Agent, Senior

Enclosure: Copies of the applications
Notice of Change in Ownership form