

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 25 2019

DEPARTMENT OF
WATER RESOURCES

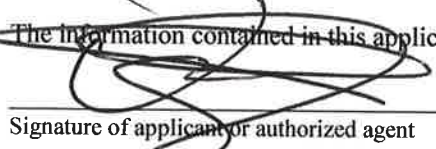
APPLICATION FOR EXTENSION OF TIME TO AVOID
FORFEITURE OF A WATER RIGHT

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. 91-7094 (one right per application)
☒ 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 Douglas and Darcy McInturff Phone (208) 689-9308
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 17786 East Canary Creek Road City Cataldo
State Idaho Zip code 83810 Email darcymcinturff@aol.com
5. Give the last date water was beneficially used September 2014
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.

This water right has not been used because the ownership was challenged and litigation has been ongoing from 3/12/15 until 8/27/19 when the Idaho Supreme Court affirmed that the McInturffs are owners of this water right. We would like an extension to allow time to find a new point of diversion and beneficial place of use. Please see attached.

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

	<u>Douglas McInturff</u>	<u>11/15/19</u>
Signature of applicant or authorized agent	Print name (and title, if applicable)	Date
	<u>Darcy McInturff</u>	<u>11/15/19</u>
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 APPROVE said application, subject to the following conditions or reasons:

The right holder shall resume beneficial use of water on or before JULY 1, 2025

Signed this 24th day of AUGUST, 20 20. 
Title: WATER RIGHTS SECTION MANAGER

Stamped received ☒ Fee received by AV Date 11/25/19 Receipt # C101995

SCANNED
11/23/2019



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 25, 2020

DOUGLAS MC INTURFF
DARCY MC INTURFF
17786 E CANARY CREEK RD
CATALDO ID 83810

RE: Extension of Time to Avoid Forfeiture Water Right: 91-7094

Dear Water Right Holders:

Enclosed is a copy of the approved Application of Extension of Time to Avoid Forfeiture for water right **91-7094**. Please note that resumption of beneficial use of water for this right shall occur on or before July 1, 2025.

Please notify the Department as soon as you resume use of the water. If you have not notified the Department sixty (60) days prior to the resumption deadline, the Department will send you a Resumption of Use Notice by certified mail.

Please be advised that Idaho Code § 42-248 requires you or the owner of this water right maintain current ownership and address records on file with the Department. Please contact any office of the Department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. These forms are also available by accessing the Department's website at: www/idwr.idaho.gov.

Please contact this office if you have any questions regarding this matter at 287-4826.

Sincerely,

A handwritten signature in blue ink, appearing to read 'David Betts', with a large 'S' or 'B' initial to the left.

David Betts
Sr. Water Rights Agent

Enclosure

Affidavit of Publication

STATE OF IDAHO

County of Benewah, ss.

Cynthia Ann Hammes, being first duly sworn on oath, deposes and says that she is vice president of The Corporation, owner of the St. Maries Gazette Record, a weekly newspaper printed and published at St. Maries, Benewah County, State of Idaho; the St. Maries Gazette Record is a newspaper having general circulation in Benewah County, State of Idaho, and has been continuously and uninterruptedly published in Benewah County, State of Idaho, during a period of more than seventy-eight consecutive weeks prior to the first publication of notice of advertisement herein.

That the notice, of which the one hereto attached is a true copy, was published in said newspaper for a period of 2 issues, the first publication being on the 15 day of MARCH, 2020 and the last on the 25 day of MARCH, 2020.

That said newspaper was regularly distributed to its subscribers during the time of the same period; that said notice was published in the regular and entire issue of said paper.

Dated this 25 day of MARCH, 2020.

Cynthia Ann Hammes

STATE OF IDAHO

COUNTY OF BENEWAH

On this 25 day of MARCH, in the year of 2020 before me, a Notary Public, personally appeared Cynthia Ann Hammes, known or identified to me to be the person whose name subscribed to within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Daniel A. Hammes

Notary Public for Idaho
Residing at St. Maries, Idaho
My commission expires:

07.23.25



RECEIVED
MAR 30 2020
ACCTS. PAYABLE

PUBLIC NOTICE

NOTICE OF APPLICATION
FOR EXTENSION OF TIME
TO AVOID FORFEITURE

DOUGLAS AND DARCY MCINTURFF, 17786 EAST CANARY CREEK RD, CATALDO ID 83810, have filed an Extension of Time to Avoid Forfeiture for water right 91-7094, with a priority date of 11/23/1983 from an unnamed stream, tributary to St Joe River, and from St Joe River, tributary to Coeur D'Alene Lake, in the amount of 1.4 cfs, 210.0 af, and 70 acres of irrigation. Water right 91-7094 was partially decreed on 08/17/2017. The extension is requested to avoid loss of the water right due to a lack of access to the authorized place of use, and to provide time to propose a transfer of the water to a new place of use. The right historically served property at Cedar Creek Ranch, approximately 4 miles to the Northeast of St Maries on St Joe Rd.

For additional information concerning the property location, contact the State office at (208) 287-4800; or for a full description of the right, please see <http://idwr.idaho.gov/apps/ExtSearch/WRAJ-Search/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 director, Dept. Water Resources, State Office, 322 E Front St, PO Box 83720, Boise, ID, 83720 together with a protest fee of \$25.00 for each application on or before 4/6/2020. The protestant must also send a copy of the protest to the applicant. Gary Spackman, Director
Published 3/18/2020 and 3/25/2020
515 - March 18-25

RECEIVED
MAR 30 2020
DEPARTMENT OF
WATER RESOURCES

3-30-2020