

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
DEC 20 2018
WATER RESOURCES
WESTERN REGION

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. 2-10562 (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 John Clay Atkins Phone 606-876-4598
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 _____ City _____
State _____ Zip code _____ Email _____
5. Give the last date water was beneficially used 2012
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.
See attached

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

<u>John Clay Atkins</u> Signature of applicant or authorized agent	<u>John Clay Atkins</u> Print name (and title, if applicable)	<u>Dec 18, 2018</u> 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 AK Date 12/20/2018 Receipt # W047029

Item 6. Application Explanation:

Water rights 2-2156, 2-2245A, 2-7055, 2-7112A, 2-10318 and 2-10562 are diverted from the same point of diversion and used in an integrated irrigation system. The first five rights are owned by A. Clay and Jacoba Atkins. Water right 2-10562 is a split off of 2-2245A for property the Atkins deeded their son, who lives in Kentucky. All the rights are part of the same farming operation. The property has been leased out since A. Atkins has been in poor health and unable to manage the property. The irrigation place of use has changed over time due to the installation of pivots resulting in a more efficient irrigation system and less acres irrigated. The Atkins are filing the accompanying transfer application proposing a permissible place for the water rights to reflect the current integrated irrigation system.

The applicants would like to protect the acres no longer irrigated. All the water rights (except 2-10318) were decreed in 2012. Water right 2-10318 was decreed in 2009 and was granted an approved *Extension of Time to Avoid Forfeiture* in 2016, protecting the right until 7/1/2020. Because the rights are subject to change (as proposed on the accompanying transfer application), rather than filing a water bank lease application on each right as currently recorded, Clay Webster suggested filing *Extensions of Time to Avoid Forfeiture*, as was done for associated water right 2-10318, to protect the acres subject to forfeiture while the transfer is processed. Once the transfer is approved, water bank lease applications can be filed accordingly.

IDAHO Department of Water Resources



WATER RIGHT REPORT

12/17/2018

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 2-10562

Owner Type	Name and Address
Current Owner	JOHN CLAY ATKINS 598 HARMON LN HILLSBORO, KY 41049 6068764598
Original Owner	A CLAY ATKINS
Original Owner	JACOBA S ATKINS PO BOX 276 BRUNEAU, ID 83604 2088452931

Priority Date: 11/22/1963

Basis: Decreed

Status: Active

Source	Tributary
SNAKE RIVER	COLUMBIA RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	03/01	12/01	3.4 CFS	925 AFA
Total Diversion			3.4 CFS	

Location of Point(s) of Diversion:

SNAKE RIVER|NWNWSW Lt 6|Sec. 31|Township 05S|Range 06E|OWYHEE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION OWYHEE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06S	05E	3		NWNE	30		SWNE	40						
				NWSE	40		SWSE	40		SESE	35			

Total Acres: 185

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
Rights 2-2156, 2-2245B, 2-2298, 2-2355, 2-2356, 2-2376, 2-7055, 2-7071, 2-7112A, 2-7112B, 2-7182, 2-7222 and 2-10562 are also diverted through the point of diversion described above.
- 2.

Dates:

Licensed Date:

Decreed Date: 09/12/2012

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number: 02

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

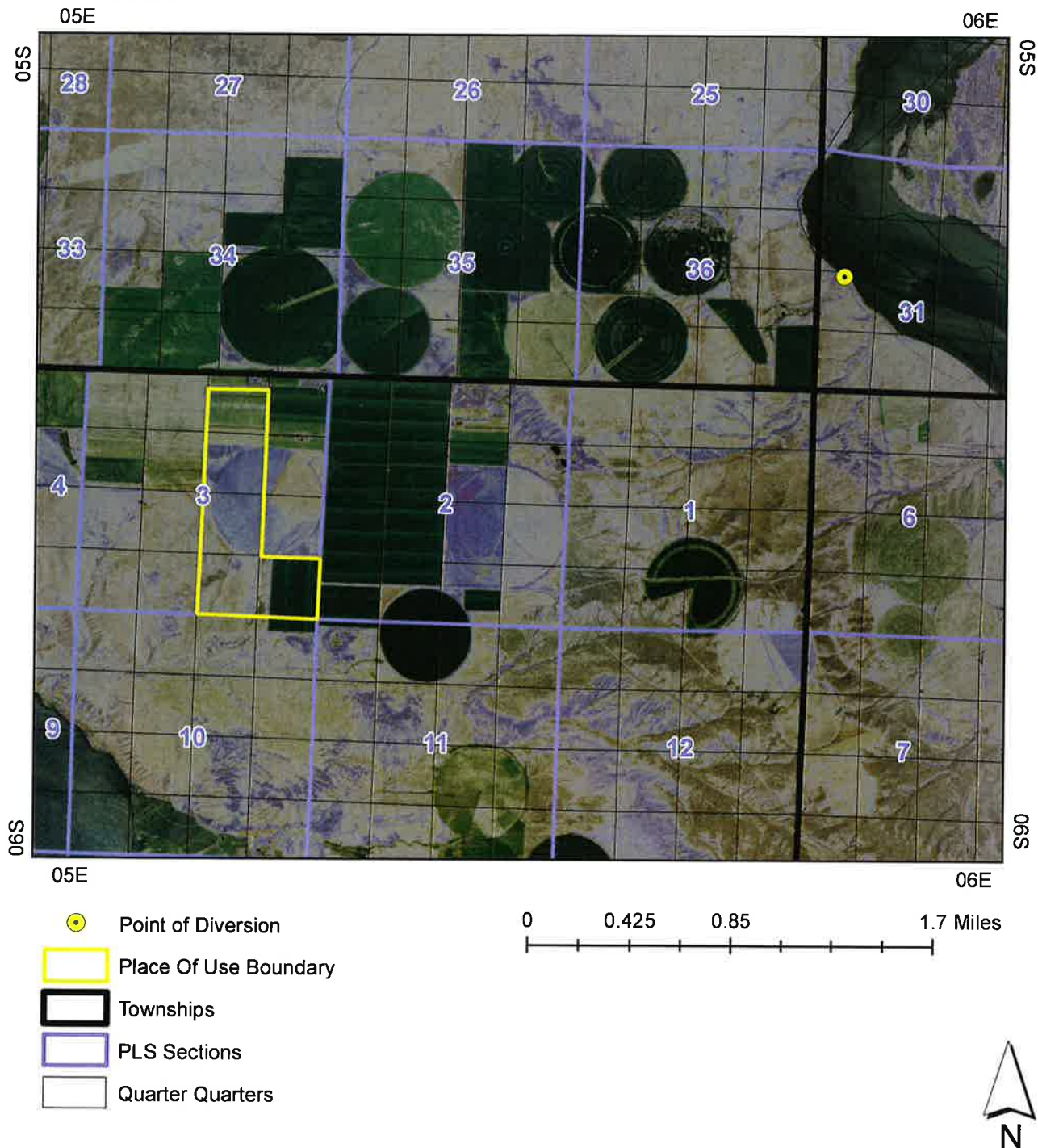
State of Idaho
Department of Water Resources

Water Right

2-10562

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Kaiser, Anna

From: Kaiser, Anna
Sent: Friday, February 1, 2019 9:38 AM
To: Whitney, Rob
Subject: Application for Extension Nos. 2-2245A, 2-2156, 2-7112A, 2-7055, 2-10562
Attachments: Watermaster Recommendation Form.docx; EXT 2-2156.pdf; EXT 2-10562.pdf; EXT 2-7112.pdf; EXT 2-7055.pdf; EXT 2-2245A.PDF

February 1, 2019

ROB WHITNEY
WATER DISTRICT #02
322 E FRONT ST
PO BOX 83720
BOISE, ID 83720-0098

RE: Application for Extension Nos. 2-2245A, 2-2156, 2-7112A, 2-7055, 2-10562

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. A copy of the application is enclosed with this email for your reference. Please review the application, complete the attached recommendation form, and submit your reply, if any, to this office by **February 25, 2019**.

IDWR will assume you do not object to this application if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,

Anna Kaiser | Administrative Assistant I
IDWR-Western Region
2735 W Airport Way, Boise ID 83705
(208).334.2190 | anna.kaiser@idwr.idaho.gov



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

January 31, 2019

A CLAY ATKINS
JACOBA S ATKINS
PO BOX 276
BRUNEAU ID 83604

Application for Extension of Time to Avoid Forfeiture of Water Right Nos: 2-2245, 2-2156, 2-7112A, 2-7055, 2-10562

Dear Applicants:

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

A legal notice of the application has been prepared and is scheduled for publication in the OWYHEE AVALANCHE on 2/6/2019 and 2/13/2019. 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 permit.

Please contact this office if you have any questions regarding the application.

Sincerely,

Anna Kaiser
Administrative Assistant

CC:

LORI GRAVES
SPF WATER ENGINEERING
300 E MALLARD ST STE 350
BOISE ID 83706

Kaiser, Anna

From: Kaiser, Anna
Sent: Thursday, January 31, 2019 8:30 AM
To: 'Kara Morris'
Subject: Owyhee Legal Ad
Attachments: Cover Letter.docx; Legal Notice.docx

Good Morning Legal Clerk,

My name is Anna. I will be sending you legal notices, please send confirmation to my email.

Please see the attached ad for publication on 2/6/2019 & 2/13/2019.

Please confirm these are okay to publish as shown.

Anna Kaiser | Administrative Assistant I
IDWR-Western Region
2735 W Airport Way, Boise ID 83705
(208).334.2190 | anna.kaiser@idwr.idaho.gov

The following applications have been filed to appropriate the public waters of the State of Idaho:

55-13967

TAL R. TRAUTMAN
JENNIFER TRAUTMAN
2170 OLD HWY 95
JORDAN VALLEY, ID 97910
Point of Diversion NWNW S29 T05S R05W OWYHEE County Source GROUND WATER
Use: DOMESTIC 01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 12/6/2018
Place Of Use: DOMESTIC
T05S R05W S29 NWNW

57-11996

HIGHWAY 78 TRUST
PO BOX 220
STAR, ID 83669-0220
(2) Point of Diversion SENE S2 T01S R03W OWYHEE County Source GROUND WATER
Use: STOCKWATER 01/01 to 12/31 0.2 CFS
Total Diversion: 0.2 CFS
Date Filed: 12/31/2018
Place Of Use: STOCKWATER
T01S R03W S2 SENE NESE

**EXTENSION OF TIME TO AVOID
FORFEITURE OF WATER RIGHT**

A. Clay and Jacoba S. Atkins of PO Box 276, Bruneau, ID 83604 filed an application on December 20, 2018 proposing an Extension of Time to Avoid Forfeiture of 5 years for Water Right No. 02-2245A with a 1963 priority from the Snake River totaling 0.7cfs & 195 afa. The right holder proposes nonuse of the right due to place of use changing over time and installation of pivots resulting a more efficient system and less acres irrigated. The irrigation right was last used in 2012. The right serves property located at the corner of Emigrant Trl and Farm Ln.

**EXTENSION OF TIME TO AVOID
FORFEITURE OF WATER RIGHT**

A. Clay and Jacoba S. Atkins of PO Box 276, Bruneau, ID 83604 filed an application on December 20, 2018 proposing an Extension of Time to Avoid Forfeiture of 5 years for Water Right No. 02-2156 with a 1959 priority from the Snake River totaling 5.79 cfs & 1575 afa. The right holder proposes nonuse of the right due to place of use changing over time and installation of pivots resulting a more efficient system and less acres irrigated. The irrigation right was last used in 2012. The right serves property located at the intersection of Farm Ln and Tindall Rd

**EXTENSION OF TIME TO AVOID
FORFEITURE OF WATER RIGHT**

A. Clay and Jacoba S. Atkins of PO Box 276, Bruneau, ID 83604 filed an application on December 20, 2018 proposing an Extension of Time to Avoid Forfeiture of 5 years for Water Right No. 02-7055 with a 1970 priority from the Snake River totaling 5.83 cfs & 1480 afa. The right holder proposes nonuse of the right due to place of use changing over time and installation of pivots resulting a more efficient system and less acres irrigated. The irrigation right was last used in 2012. The right serves property located at the intersection of Farm Ln and Tindall Rd.

**EXTENSION OF TIME TO AVOID
FORFEITURE OF WATER RIGHT**

A. Clay and Jacoba S. Atkins of PO Box 276, Bruneau, ID 83604 filed an application on December 20, 2018 proposing an Extension of Time to Avoid Forfeiture of 5 years for Water Right No. 02-7112A with a 1973 priority from the Snake River totaling 3.017 cfs & 760 afa. The right holder proposes nonuse of the right due to place of use changing over time and installation of pivots resulting a more efficient system and less acres irrigated. The irrigation right was last used in 2012. The right serves property located near the intersection of Emigrant Trl and Crane Falls Rd.

**EXTENSION OF TIME TO AVOID
FORFEITURE OF WATER RIGHT**

John Clay Atkins of 598 Harmon Ln, Hillsboro, KY 4109 filed an application on December 20, 2018 proposing an Extension of Time to Avoid Forfeiture of 5 years for Water Right No. 02-10562 with a 1963 priority from the Snake River totaling 3.4 cfs and 925 afa. The right holder proposes nonuse of the right due to place of use changing over time and installation of pivots resulting a more efficient system and less acres irrigated. The irrigation right was last used in 2012. The right serves property located at the corner of Emigrant Trl and Farm Ln in Bruneau, ID.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s) or proposed extension(s) please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A and 42-222. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 02/25/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 2/6/2019 and 2/13/2019

January 30, 2019

LEGAL NOTICE DEPARTMENT
OWYHEE AVALANCHE
PO BOX 97
HOMEDALE, ID 83628

RE: Application For Permit Nos: 55-13967, 57-11996
Application for Extension of Time to Avoid Forfeiture of Water Right Nos: 2-2245, 2-2156, 2-7112A, 2-7055, 2-10562

Dear Legal Notice Department:

Please publish the enclosed legal notice 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 before 2/25/2019. Your cooperation is appreciated.

Sincerely,

Anna Kaiser
Administrative Assistant

Enclosures



December 20, 2018

COPY

Angie Grimm
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Application for Transfer, Extension Applications to Avoid Forfeiture (5)

Dear Angie,

Enclosed on behalf of A. Clay and Jacoba Atkins, is an *Application for Transfer* proposing a permissible place of use for six Snake River water rights, all diverted from the same pump station. One of the water rights (2-10562) is owned by their son, John Atkins. John's transfer authorization is included as Attachment 3. Also included are Extensions of Time to Avoid Water Right Forfeiture for five of the six water rights that were decreed in 2012. Water right 2-10318 was decreed in 2009 and is protected until 2020 based on an extension application previously approved by the Department. Please see the explanation attached to the extension applications for further details.

Check No. 13993 for \$2,720 is enclosed for the filing fees (\$2,220 for the transfer and \$500 for the extensions). Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lori Graves", is written over a light blue horizontal line.

Lori Graves
Water Rights Specialist

Cc: A. Clay and Jacoba Atkins
John Atkins

Enclosures

SPF file number: 1165.0010