

RECEIVED
JAN 27 2017
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
JAN 23 2017
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. 2-10525 (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 Dan Lafferty Phone 208-536-6547
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 See attached email to and from Shelley Keen
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 email to and from Shelley Keen.

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

Signature of applicant or authorized agent

Print name (and title, if applicable)

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 VC Date 1/23/17 Receipt # C102935

From: [Keen, Shelley](#)
To: [Lori Graves](#)
Cc: [Skaggs, Pam](#); [Buyer, Remington](#); [Webster, Clay](#)
Subject: RE: Water Bank Lease?
Date: Wednesday, January 11, 2017 3:32:52 PM

Lori,

As long as the right is intended to mitigate for a permit still in its development phase, it's hard to imagine IDWR pursuing a forfeiture finding. I suppose, however, that someone else could pursue it for some reason. If your client wants to take some action, there are a couple of options that might accomplish the objective. The first would be to apply for an extension of time to avoid forfeiture. The extension could last up to five years, and it would allow resumption of use at any pace. In this case, resumption of use could be "non-use" to mitigate for the permit development that has occurred. Another option would be to lease a portion of the mitigating right into the Water Supply Bank and to simultaneously rent it for "Mitigation by Non-Use" for the remainder of the permit development period. Under this option, the mitigating right would be protected from forfeiture due to being in the WSB, and it would be available for the required mitigation as the permit is developed.

Regards,

Shelley

Shelley Keen
Water Rights Section Manager
Idaho Department of Water Resources
Shelley.Keen@idwr.idaho.gov
208-287-4947

From: Lori Graves [<mailto:LGraves@spfwater.com>]
Sent: Tuesday, January 10, 2017 3:12 PM
To: Keen, Shelley <Shelley.Keen@idwr.idaho.gov>
Cc: Scott King <SKing@spfwater.com>
Subject: Water Bank Lease?

Shelley,

The attached right mitigates permit 36-17055 that was recently approved in 2016 and has a 5-year development period. The permit allows irrigation of 7 acres. The applicant will get most, but not all of that developed in 2017. Do we need to protect the amount of mitigation water associated with the acres that won't be developed in 2017? The reason I'm asking is because there is little wiggle room on the mitigation right regarding the forfeiture clock. Thanks Shelley.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 30, 2017

DAN LAFFERTY
PO BOX 16
WENDELL ID 83355

Application for Extension of Time to Avoid Forfeiture of a Water Right No. 2-10525

Dear Applicant(s):

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 MOUNTAIN HOM NEWS on 4/5/2017 and 4/12/2017. 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,

Rachel Neely
Administrative Assistant

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, March 30, 2017 9:47 AM
To: 'Swenson, Stacy'
Subject: Elmore Legal Ad
Attachments: Elmore Cover Letter.docx; Elmore Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ads for publication on 4/5/2017 & 4/12/2017.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

March 30, 2017

MTN HOME NEWS
PO BOX 1330
MTN HOME ID 83647

RE: Application for Extension of Time to Avoid Forfeiture of a Water Right No. 2-10525

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 4/24/2017. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

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

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

Dan Lafferty of PO BOX 16 Wendell, Idaho 83355 filed an application on 01/23/17 proposing an Extension of Time to Avoid Forfeiture of 5 years for Water Right No. 2-10525 with a 08/23/1968 priority from the Snake River totaling 0.12 cfs and 31.5 af. The right holder proposes nonuse of the right due to a mitigation by non-use beneficial use. Water right no. 2-10525 mitigates water permit no. 36-17055 that is still in development. The right historically served property located on the north side of CJ Strike Reservoir between the reservoir and State Highway 5, about 8 kilometers northeast of Bruneau, Idaho.

For additional information concerning the property location, please 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 § 42-222. Any protest against the application(s) must be filed with the Director, IDWR Western Region, 2735 Airport Way, Boise ID 83705-5082, together with a protest fee of \$25 for each application on or before 4/24/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/5/2017 and 4/12/2017

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, March 30, 2017 1:13 PM
To: Whitney, Rob
Subject: Applications for Transfer Nos. 81499, 80776, Application of Extension of Time to Avoid Forfeiture of Water Right No. 2-10525
Attachments: Watermaster Recommendation Form_F.pdf; Application for Transfer No. 80776.pdf; Application for Extension of Time to Avoid Forfeiture of a Water Right No. 2-10525.pdf; Application for Transfer No. 81499.pdf

March 30, 2017

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

RE: Applications for Transfer Nos. 81499, 80776, Application of Extension of Time to Avoid Forfeiture of Water Right No. 2-10525

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right applications. Copies of the applications are enclosed with this email for your reference. Please review the applications, complete the attached recommendation form, and submit your reply, if any, to this office by April 24, 2017.

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,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov



SPF WATER
ENGINEERING

January 19, 2017

RECEIVED

JAN 23 2017

DEPARTMENT OF
WATER RESOURCES

RECEIVED
FEB 02 2017
WATER RESOURCES
WESTERN REGION

Shelley Keen
IDWR State Office
PO Box 83720
Boise, ID 83720-0098

Subject: *Extension of Time to Avoid Forfeiture, Water Right 2-10525*

Dear Shelley,

Per your first option described in the email attached to the application, enclosed on behalf of Dan Lafferty is an *Application for Extension of Time to Avoid Forfeiture* for water right 2-10525. Check No. 10569 is enclosed for the \$100 filing fee.

Please let me know if there are any questions. Thanks for your help Shelley.

Sincerely,

A handwritten signature in black ink, appearing to read "Lori Graves".

Lori Graves
Water Rights Specialist

Cc: Dan Lafferty

Enclosures

SPF file number: 1138.0010