

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 06 2016

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. 65-07206B (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 Christopher J. Owen and Anthony E. Owen Phone 323-377-3644
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 204 N. Cobblestone Lane City Eagle
State ID Zip code 83616 Email discountpiano@yahoo.com
5. Give the last date water was beneficially used August 1, 2013
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.
Lease holder of greenhouse where water right was used did not renew lease and no other substitute tenant has been found. Reason for seeking extension is to give water right holder time to either find a substitute tenant for the greenhouse or another use for the water right such that a transfer application can be filed.

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

Christopher J. Owen
Signature of applicant or authorized agent

Christopher J. Owen
Print name (and title, if applicable)

9-02-16
Date

Anthony E. Owen
Signature of applicant or authorized agent

Anthony E. Owen
Print name (and title, if applicable)

9-02-16
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 12/31/2023

Signed this 14th day of November, 2016

[Signature]
Title: Manager, Lower Western Region

Stamped received ☒ Fee received by RN

Date 9/6/2016

Receipt # WG44594



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

November 14, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

CHRISTOPHER J OWEN
ANTHONY E OWEN
204 N COBBLESTONE LANE
EAGLE ID 83616

RE: Water Right No. 65-07206B

Extension to Avoid Forfeiture of Water Right Approval Letter

Dear Water Right Holders:

Enclosed is a copy of an approved Application for Extension of Time to Avoid Forfeiture for the above referenced water right. Please note that resumption of beneficial use for this right shall occur on or before **December 31, 2023**.

Please notify the Department as soon as you resume use of water under this right. 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.

Section 42-248, Idaho Code, requires water right owners to maintain current ownership and address records on file with the Department. Please refer to www.idwr.idaho.gov or contact any office of the Department for the proper form to file a change of ownership of water right and/or a change in address of the owner.

Please contact this office at 208-334-2190 if you have any questions on this matter.

Sincerely,

Nick Miller
Manager, IDWR Western Region

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on November 14th, 2016, I mailed a true and correct copy, postage prepaid, of the foregoing EXTENSION OF TIME TO AVOID FORFEITURE to the persons listed below:

RE: WATER RIGHT NO.

65-07206B

**CHRISTOPHER J OWEN
ANTHONY E OWEN
204 N COBBLESTONE LANE
EAGLE ID 83616**



**Rachel Neely
Administrative Assistant I**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held.
- ii. The final agency action was taken.
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

The Idaho World

P.O. Box 220
Idaho City, ID 83631
(208) 342-3399

State of Idaho)
County of Boise)

RECEIVED

NOV 02 2016

Eileen Capson, being duly sworn, deposes and says: that she is the Publisher of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with 10/5, 2016 and ending with the issue of 10/12, 2016.

State of Idaho)
County of Boise)

On this 27 day of oct. in the year 2016, before me, a notary public, personally appeared Eileen Capson (known) or identified to me to be the person whose name subscribed to the 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.

Shirley A. George
Notary Public for Idaho
Residing at Idaho City, Idaho
Commission Expires 10-23-2017

65-23641 ✓OK RN 11/3/16
JESSE LLC
C/O STEVE LOOMIS
7154 W STATE ST #187
BOISE, ID 83714
Point of Diversion SWSE S16
T06N R02E BOISE County Source
COTTONWOOD CREEK Tributary
SHAFFER CREEK
Use: AESTHETIC STORAGE 01/01
to 12/31 7.6 AF
Use: STOCKWATER FROM
STORAGE 01/01 to 12/31 5.4 AF
Use: STOCKWATER STORAGE
01/01 to 12/31 13 AF
Total Diversion: 13 AF

Date Filed: 4/8/2016

Places of Use: AESTHETIC
STORAGE, STOCKWATER STORAGE,
STOCKWATER FROM STORAGE
T06N R02E S16 SWSE

65-23642 ✓OK RN 11/3/16
JESSE LLC
C/O STEVE LOOMIS
7154 W STATE ST #187
BOISE, ID 83714
Point of Diversion SWNE S16
T06N R02E BOISE County Source
COTTONWOOD CREEK Tributary
SHAFFER CREEK
Use: AESTHETIC STORAGE 01/01
to 12/31 6.4 AF
Use: STOCKWATER FROM
STORAGE 01/01 to 12/31 4.2 AF
Use: STOCKWATER STORAGE
01/01 to 12/31 10.6 AF
Total Diversion: 10.6 AF

Date Filed: 4/8/2016

Places of Use: AESTHETIC
STORAGE, STOCKWATER STORAGE,

R RESOURCES
TERN REGION

65-23650 ✓OK RN 11/3/16
SANDS LLC
C/O STEVE LOOMIS
7154 W STATE ST #187
BOISE, ID 83714
Point of Diversion NWNWNE S20
T06N R02E BOISE County Source SPRING
Tributary SINKS
Use: STOCKWATER STORAGE
01/01 to 12/31 2 AF
Total Diversion: 2 AF

Date Filed: 4/29/2016

Place of Use: STOCKWATER
STORAGE

T06N R02E S20 NWNE

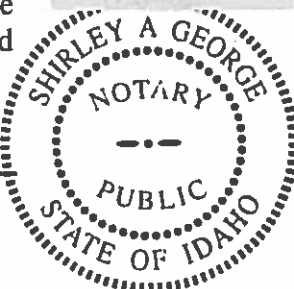
65-23651 ✓OK RN 11/3/16
SANDS LLC
C/O STEVE LOOMIS
7154 W STATE ST #187
BOISE, ID 83714
Point of Diversion NESW S17 T06N
R02E BOISE County Source UNNAMED
STREAM Tributary COTTONWOOD
CREEK

Use: STOCKWATER FROM
STORAGE 01/01 to 12/31 1.4 AF
Use: STOCKWATER STORAGE
01/01 to 12/31 3.1 AF
Total Diversion: 3.1 AF

Date Filed: 4/29/2016

Places of Use: STOCKWATER FROM
STORAGE, STOCKWATER STORAGE

T06N R02E S17 NESW



65-23652
SANDS LLC

✓OK RN 11/3/16

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

STOCKWATER FROM STORAGE

C/O STEVE LOOMIS

7154 W STATE ST #187

BOISE, ID 83714

Point of Diversion NWNE S20 T06N

R02E BOISE County Source UNNAMED
STREAM Tributary COTTONWOOD
CREEK

Use: STOCKWATER FROM
STORAGE 01/01 to 12/31 1 AF

Use: STOCKWATER STORAGE
01/01 to 12/31 3.1 AF

Total Diversion: 3.1 AF

Date Filed: 4/29/2016

Places of Use: STOCKWATER FROM
STORAGE, STOCKWATER STORAGE
T06N R02E S20 NWNE

65-23656

✓OK RN 11/3/16
CHRISTY A WOLSLEBEN

PO BOX 595

HORSESHOE BEND, ID

83629

Point of Diversion NWSWSW S27
T08NR02E BOISE County Source SPRING
Tributary BROWNLEE CREEK

Use: STOCKWATER 01/01 to 12/31
0.03 CFS

Total Diversion: 0.03 CFS

Date Filed: 5/25/2016

Place of Use: STOCKWATER

STOCKWATER

T08NR02E S27 SWSW

65-23639

✓OK RN 11/3/16
STEVE LOOMIS

SUSAN HOLLAND

7154 W STATE ST #187

BOISE, ID 83714

Point of Diversion SWNE S8 T06N
R02E BOISE County Source UNNAMED
STREAM Tributary ROBBS CREEK

Use: AESTHETIC STORAGE 01/01
to 12/31 4.5 AF

Use: STOCKWATER FROM
STORAGE 01/01 to 12/31 3 AF

Use: STOCKWATER STORAGE
01/01 to 12/31 7.5 AF

Total Diversion: 7.5 AF

Date Filed: 4/8/2016

Places of Use: STOCKWATER
STORAGE, AESTHETIC
STORAGE

T06N R02E S8 SWNE SENW

Place of Use: STOCKWATER FROM
STORAGE

T06N R02E S8 SWNE

65-23640

✓OK RN 11/3/16
SANDS LLC

C/O STEVE LOOMIS

7154 W STATE ST #187

BOISE, ID 83714

Point of Diversion NWSESW S8
T06NR02E BOISE County Source SPRING
Tributary HOME LAKE

Use: DOMESTIC 01/01 to 12/31
0.06 CFS

Use: STOCKWATER 01/01 to 12/31
0.04 CFS

Total Diversion: 0.1 CFS

Date Filed: 4/8/2016

Place of Use: DOMESTIC

T06N R02E S8 SENW NESW

Place of Use: STOCKWATER

T06N R02E S8 SFSW

T06N R02E S16 SWNE

65-23646

✓OK RN 11/3/16
SANDS LLC

C/O STEVE LOOMIS

7154 W STATE ST #187

BOISE, ID 83714

Point of Diversion SESESW S17
T06NR02E BOISE County Source SPRING
Tributary COTTONWOOD CREEK

Use: STOCKWATER 01/01 to 12/31
0.06 CFS

Total Diversion: 0.06 CFS

Date Filed: 4/29/2016

Place of Use: STOCKWATER

T06N R02E S17 SESW

65-23647

✓OK RN 11/3/16
SANDS LLC

C/O STEVE LOOMIS

7154 W STATE ST #187

BOISE, ID 83714

Point of Diversion SESWSW S17
T06NR02E BOISE County Source SPRING
Tributary SINKS

Use: STOCKWATER 01/01 to 12/31
0.06 CFS

Total Diversion: 0.06 CFS

Date Filed: 4/29/2016

Place of Use: STOCKWATER

STOCKWATER

T06N R02E S17 SWSW

65-23648

✓OK RN 11/3/16
SANDS LLC

C/O STEVE LOOMIS

7154 W STATE ST #187

BOISE, ID 83714

Point of Diversion NENWNE S20
T06NR02E BOISE County Source SPRING
Tributary COTTONWOOD CREEK

Use: STOCKWATER 01/01 to 12/31
0.06 CFS

Total Diversion: 0.06 CFS

Date Filed: 4/29/2016

Place of Use: STOCKWATER

STOCKWATER

T06N R02E S20 NWNE

65-23649

✓OK RN 11/3/16
SANDS LLC

C/O STEVE LOOMIS

7154 W STATE ST #187

BOISE, ID 83714

Point of Diversion NWSESW S17
T06NR02E BOISE County Source SPRING
Tributary COTTONWOOD CREEK

Use: STOCKWATER 01/01 to 12/31
0.06 CFS

Total Diversion: 0.06 CFS

Date Filed: 4/29/2016

Place of Use: STOCKWATER

T06N R02E S17 SESW

65-23671

✓OK RN 11/3/16
STEVE SWEENEY

ROSEMARY SWEENEY

2512 E ASHBROOK CT

EAGLE, ID 83616

Point of Diversion L1(SESE) S27
T09NR04E BOISE County Source SOUTH
FORK PAYETTE RIVER Tributary
PAYETTE RIVER

Use: IRRIGATION 03/15 to 10/31
0.78 CFS

Total Diversion: 0.78 CFS

Date Filed: 9/12/2016

Place of Use: IRRIGATION

T09N R04E S27 L1(SESE)

Total Acres: 40

✓OK RN 11/3/16
EXTENSION OF TIME TO AVOID
FORFEITURE OF WATER RIGHT

Christopher J Owen and Anthony E
Owen of 204 N Cobblestone Ln, Eagle ID
83616 filed an application on September
6, 2016 proposing an Extension of Time
to Avoid Forfeiture of 5 years for Water
Right No. 65-7206B with a 1971 priority
from Warm Springs totaling 0.13 cfs. The
right holder proposes nonuse of the right
due to time needed to allocate a lessor for
the greenhouse. The Commercial use was
last used in 2013. The right serves property
located East of Banks Lowman Rd on S Fork
Rd and Riverview Way.

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/WaterManagement/WaterRights.
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 10/24/2016.
The protestant must also send a copy of the
protest to the applicant.

GARY SPACKMAN, Director
Published in the Idaho World on
10/5/2016 and 10/12/2016