

WITHDRAWN

Form 42-222(4) Rev. 06/12
FEE \$100.00

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 28 2015

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. 63-20589 (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 Donnis Marlene Mager (Seal) Phone 208-866-8123
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 4090 S. McDermott Rd. City Nampa
State Idaho Zip code 83687 Email phantom462@yahoo.com
5. Give the last date water was beneficially used _____
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.
The property had been sold under the Seal Family Trust and the water rights had not been purchased due to the new landowners dis-interest in them for his purposes. It was only discovered later that the water rights had remained with the Seal Family Trust and those rights fall to Donnis Mager and now the applicant wishes to put the rights to use.

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

Donnis Mager
Signature of applicant or authorized agent

Donnis Marlene Mager
Print name (and title, if applicable)

12/28/2015
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 received by [Signature] Date 12/28/15 Receipt # WD43770

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

12/28/2015

WATER RIGHT NO. 63-20589

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HAZEL L SEAL
Current Owner	MARLIN C SEAL
	1047 CENTRAL SUGAR AVE
	NAMPA, ID 83687
	(208)466-1342

Priority Date: 09/23/1947

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	0.22 CFS	49.5 AFA
STOCKWATER	01/01	12/31	0.02 CFS	
DOMESTIC	01/01	12/31	0.02 CFS	
Total Diversion			0.28 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NENW|Sec. 26|Township 03N|Range 02W|CANYON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CANYON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03N	02W	26		NENW	11									

Place of Use Legal Description: STOCKWATER CANYON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03N	02W	26		NENW										

Place of Use Legal Description: DOMESTIC CANYON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03N	02W	26		NENW										

Total Acres: 11

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. |
| 2. X01 | Domestic use is for 1 home and does not include irrigation. |
| 3. X02 | Stockwater use is for 10 range cattle. |
| 4. N09 | The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use. |
| 5. N14 | The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day. |
| 6. W51 | Use of this right is supplemental to water from Nampa Meridian Irrigation District. |

Dates:

Licensed Date:

Decreed Date: 04/03/2009

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: OR

Water District Number:

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

Close

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-20589

NAME AND ADDRESS: HAZEL L SEAL
MARLIN C SEAL
1047 CENTRAL SUGAR AVE
NAMPA, ID 83687

SOURCE: GROUND WATER

QUANTITY: 0.28 CFS
49.50 APY

The quantity of water under this right for domestic and
stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 09/23/1947

POINT OF DIVERSION: T03N R02W S26 NENW Within Canyon County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.22 CFS
			49.50 APY
	Stockwater	01-01 TO 12-31	0.02 CFS
	Domestic	01-01 TO 12-31	0.02 CFS

Domestic use is for 1 home and does not include irrigation.

PLACE OF USE:	Irrigation		Within Canyon County
	T03N R02W S26	NENW 11.0	
	11.0 Acres Total		
	Stockwater		Within Canyon County
	T03N R02W S26	NENW	
	Domestic		Within Canyon County
	T03N R02W S26	NENW	

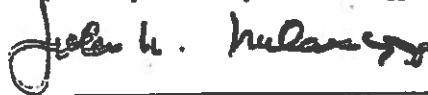
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for domestic
use and stockwater use is not a determination of historical
beneficial use.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

State of Idaho
Department of Water Resources

Water Right
63-20589

DOMESTIC

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.

02W



- ⊙ Point of Diversion
- Place Of Use Boundary
- ▬ Townships
- ▬ PLS Sections
- ▬ Quarter Quarters

0 0.045 0.09 0.18 Miles



LAST WILL AND TESTAMENT

IN THE NAME OF GOD, AMEN: I, HAZEL L. SEAL, of Canyon County, Idaho being of sound and disposing mind and memory, and mindful of the uncertainty of this life, and acting herein solely of my own free will and volition, and not under any duress, menace, threat and/or undue influence of any person whomsoever, do hereby make and declare this to be my LAST WILL AND TESTAMENT, in manner following, that is to say:

FIRST: I direct that the personal representative of my estate shall, out of my estate coming into hand, pay all my just debts, the expenses of my illness, funeral and burial, and all costs of administration of my estate.

SECOND: In the event that I predecease my husband, Marlin C. Seal, then I hereby give, devise and bequeath all of my property, either real or personal, sole and separate property or community property, wheresoever situated, of which I die seized, to my husband, Marlin C. Seal, to hold as his sole and separate property. In making this gift, devise and bequest, I well understand that I have three children living at the time of the execution of this will, to-wit: LaVern D. Seal, Gary W. Seal, and Donnis M. Mager. It is my express intention to omit these said children, and all of my lineal descendants from any inheritance in the event that I predecease my said husband.

THIRD: In the event that my said husband, Marlin C. Seal, predeceases me, I do hereby give, devise and bequeath all of my property, either real or personal, sole and separate property or community property, wheresoever situated, of which I die seized, to my said husband, Marlin C. Seal, to hold as his sole and separate property.

2.

of death, then I hereby give, devise and bequeath all of my property, either real or personal, and wheresoever situated, of which I die seized to my said children, equally, share and share alike. In the event that any of my said children do predecease me or die within sixty days of the date of my death, then said deceased child's share shall pass to his issue by right of representation, per stirpes.

FOURTH: I hereby nominate and appoint my husband, Marlin C. Seal, personal representative of my estate, and request that he be appointed without any requirement of bond. In the event that for any reason the said Marlin C. Seal cannot qualify or act as said personal representative of my estate, I nominate and appoint my daughter, Donnis M. Mager, as personal representative of my estate, and request that she be appointed without any requirement of bond.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, this 22 day of January, 1973.

Hazel L. Seal (SEAL)

State of Idaho X
 : ss.
County of Canyon X

We, Hazel L. Seal, Norma E. Saines and Jacqueline C. Ficklin, the testatrix and witnesses, respectively, being first duly sworn, do hereby declare to the undersigned authority that the testator signed and executed the

3.

instrument as her last will and that she had signed willingly and that she executed it as her free and voluntary act for the purposes therein expressed; and that each of the witnesses, in the presence and hearing of the testatrix, signed the will as witness, and that to the best of their knowledge, the said testatrix was at that time an adult, of sound mind and under no constraint or undue influence.

Hazel L. Seal
Testatrix

Dorlene E. Laines
Witness

Jacqueline C. Ficklin
Witness

Subscribed and sworn to and acknowledged before me by

Hazel L. Seal, Dorlene E. Laines and

Jacqueline C. Ficklin, the witnesses, this 22nd
day of January, 1973.

John E. Williams
Notary Public for Idaho
Residing at Nampa, Idaho

(SEAL)



Order No.: C034679

REQUEST
TYPE: 002 FEE: 6.00

TIMEONE
C NOEL HALLS
CANYON CNTY RECORDER

2003 DEC 31 PM 3 45

RECORDED

200379648

WARRANTY DEED

FOR VALUE RECEIVED,

HAZEL L. SEAL, AS SURVIVING TRUSTEE OF THE HAZEL FAMILY TRUST, AND HAZEL L. SEAL, AN UNMARRIED PERSON

The Grantor(s), do(es) hereby grant, bargain sell and convey unto
BRET ABRAMS, AN UNMARRIED MAN

whose current address is 47 S. SUGAR AVENUE NAMPA, ID 83687

the Grantee(s), the following described premises, in Canyon County, Idaho, TO WIT:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances EXCEPT: Subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility easements (if any) for the current year, which are not due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: 12/30/03

Hazel L. Seal
HAZEL L. SEAL, SURVIVING TRUSTEE

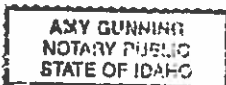
Hazel L. Seal
HAZEL L. SEAL

Surviving Trustee
STATE OF IDAHO
COUNTY OF ADA

ON THIS 31ST DAY OF DECEMBER, 2003, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE PERSONALLY APPEARED HAZEL L. SEAL, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AS SURVIVING TRUSTEE OF THE SEAL FAMILY TRUST, AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME AS SURVIVING TRUSTEE.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC
RESIDING AT: EAGLE, ID
MY COMMISSION EXPIRES ON: 6/19/06



STATE OF IDAHO
COUNTY OF ADA

ON THIS 31ST DAY OF DECEMBER, 2003, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE PERSONALLY APPEARED HAZEL L. SEAL, KNOWN OR PROVEN TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME.

NOTARY PUBLIC
RESIDING AT: EAGLE, ID
COMM. EXP: 6/19/06

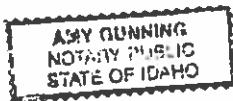


EXHIBIT "A"

All of the Northeast quarter of the Northwest quarter of Section 26, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho, lying East of the Drain Ditch described in the easement recorded on Page 139, Book 6 of B&A, records of Canyon County, and South and West of Indian Creek more in particular described as follows:

Beginning at the Southeast corner of the Northeast quarter of the Northwest quarter of the aforesaid Section 26 and running West 1026.8 (1069.4) feet more or less along the South boundary of the Northeast quarter of the Northwest quarter of the aforesaid Section 26 to the intersection of the Northeast boundary line of the Public highway, thence

North 46°49' West 16 feet along the Northeast boundary line of the Public highway, to the intersection of the East boundary line of the right of way of the O.S.L. Drain, thence

North 43°1' East 18 feet; thence

North 3°0' East 726.8 feet along the East boundary line of the right of way of the O.S.L. Drain; thence

South 63°10' East 561.8 feet along Indian Creek; thence

South 49°24' East 701.7 feet to the intersection of the East boundary line of the Northeast quarter of the

Northwest quarter of the aforesaid Section 26; thence

South 58.4 feet to the POINT OF BEGINNING.

Exhibit "A"

Legal Description

MEMORANDUM

TO: 63-20589
FROM: Rachel Sommer
DATE: September 26, 2016
RE: Application for Extension of Time to Avoid Forfeiture

On December 28, 2015, Donnis Marlene Mager (Seal) submitted an Application for Extension of Time to Avoid Forfeiture of a Water Right with the correct fee of \$100.

On September 26, 2016, the applicant was contacted requesting additional information. The applicant stated the property had been sold and documentation showing interest in the water rights was not available. The applicant requested the application be withdrawn and returned with a refund of \$100 to the address listed below.

DONNIS MARLENE MAGER
4090 S MCDERMOTT RD
NAMP ID 83687

RECEIPT ID: W043770