

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
DEC 30 2015
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. 2-10318 (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 A. Clay and Jacoba Atkins Phone (208) 845-2931
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 2009
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 is used in conjunction with water rights 2-2156, 2-2245A, 2-7055, and 2-7112A. This right was
decreed in 2009. All companion rights were decreed in 2012. Mr. Atkins has been in poor health and unable to
manage the property. The property is now leased to a third party. Mr. and Mrs. Atkins are currently working with the
lessee and SPF Water Engineering to correctly describe irrigated areas and file a transfer application to represent current use.

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

<u>Jacoba Atkins</u> Signature of applicant or authorized agent	<u>Jacoba Atkins</u> Print name (and title, if applicable)	<u>12-21-15</u> Date
<u>A. Clay Atkins</u> Signature of applicant or authorized agent	<u>Clay Atkins</u> Print name (and title, if applicable)	<u>12-21-15</u> 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 AO Date 12/30/15 Receipt # C101369



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

January 27, 2016

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

RE: Extension of Time to Avoid Forfeiture of a Water Right No. 2-10318

Dear Applicant(s):

The Department of Water Resources has received your Extension of Time to Avoid Forfeiture of a Water Right application.

A legal notice of the application has been prepared and is scheduled for publication in the OWYHEE AVALANCHE on 2/3/2016 and 2/10/2016. 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 approval.

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

Sincerely,

Jean Hersley
Technical Records Specialist

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, January 27, 2016 3:19 PM
To: 'JENNIFER@OWYHEEAVALANCHE.COM'
Subject: Legal Notice Correction for Extension of Time to Avoid Forfeiture
Attachments: Legal Notice.docx

This is a corrected legal notice that I just sent. The water right number was incorrect on the first one. Please use the attached legal Notice. If you have any questions, please contact me. Thank you.

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*

Hersley, Jean

From: Hersley, Jean
Sent: Wednesday, January 27, 2016 3:08 PM
To: 'JENNIFER@OWYHEEAVALANCHE.COM'
Subject: Legal Notice for Extension of Time to Avoid Forfeiture
Attachments: Legal Notice.docx

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, State Office, PO Box 83720, Boise, Idaho, 83720-0098, along with the publication bill. Please send the affidavit and bill to this office before 2/22/2016. Your cooperation is appreciated. If you have any questions please contact me at (208) 287-4942.

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*

NOTICE OF APPLICATION FOR EXTENSION OF TIME TO AVOID FORFEITURE

A CLAY ATKINS AND JACOB S ATKINS, PO BOX 276, BRUNEAU ID 83604, have filed an Extension of Time to Avoid Forfeiture for water right 2-10318, with a priority date of 9/3/1964 from the Snake River a tributary of the Columbia River in the amount of 5.55 cfs and 1455.0 af for 291.0 acres. Water right 2-10318 was partially decreed on June 15, 2009. The extension is requested to avoid loss of the water right due to non-use and will eventually be part of a transfer to more accurately reflect how it is used. Water right 2-10318 is appurtenant to 291.0 acres of land located in Township 06S, Range 05E, Section 2 in Owyhee County. For additional information concerning the property location, contact IDWR State Office at (208) 287-4800, or search under <http://www.idwr.idaho.gov/apps/ExtSearch/WRAJSearch/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 Department of Water Resources, State Office, 322 E Front St., PO Box 83720, Boise, Idaho, 83720-0098 together with a protest fee of \$25.00 for each application on or before 02/22/2016. The protestant must also send a copy of the protest to the applicant.

Gary Spackman, Director

Published on Feb 3, 2016 and February 10, 2016

January 20, 2016

CLAY ATKINS
JACOBA ATKINS
PO BOX 276
BRUNEAU ID 83604

Re: Water Right No. 2-10318 Application for Extension of Time to Avoid Forfeiture

Dear Mr. and Mrs. Atkins:

On December 30, 2015 the Department received your Application for Extension of Time to Avoid Forfeiture for water right 2-10318. On your application you mention that this right is used in conjunction with rights 2-2156, 2-2245A, 2-7055 and 2-7112A. These five rights share a point of diversion and if I understand this correctly you plan to continue to use the other rights at their authorized places of use?

I have enclosed a map that shows the point of diversion and the place of use for right 2-10318. It appears that much of the place of use under this right was irrigated in 2013 and 2015. Is it your intent to protect the pivot corners and other areas that haven't been irrigated? Will you continue to irrigate the existing pivots? Any information that you can provide will help with your application.

You may reach me at (208)287-4881 or at sandra.thiel@idwr.idaho.gov

Sincerely,

A handwritten signature in cursive script, appearing to read "Sandra Thiel".

Sandra Thiel
Sr. Water Right Agent

Enclosures