

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 25 2015

DEPT OF WATER RESOURCES  
SOUTHERN 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. 37-444 (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 H. Philip CASH Phone 808-764-2323  
Cell 916-207-2463

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 607 E 200 S City Fairfield  
State Id. Zip code 83327 Email AMT HPC @ AOL.COM

5. Give the last date water was beneficially used 2015

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.

H. Philip CASH  
Signature of applicant or authorized agent

H. Philip CASH  
Print name (and title, if applicable)

09-24-15  
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 P. SKINNER Date 9/25/15 Receipt # 5035033

Explanation for extension

Water right # 37-444

Water right # 37-7636 A

**RECEIVED**

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**DEPT OF WATER RESOURCES  
SOUTHERN REGION**

The continuation of drought and financial considerations for the final development of irrigation system on undeveloped acres. When irrigation system plan is finalized, the # of acres and place of use will be determined.

#1 That portion of water right # 37-444 , place of use, TIS, R15E. , S28, SWNE, NWSE consisting of 33 acres. (sec. attached IDWR map)

#2 All acres south of Camas Creek TIS, R15E, S27, and S28 consisting of 282 acres

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Water Right Report

2/23/2015

WATER RIGHT NO. 37-444

| <u>Owner Type</u> | <u>Name and Address</u>                                                  |               |
|-------------------|--------------------------------------------------------------------------|---------------|
| Current Owner     | H PHILIP CASH<br>607 E 200 S<br>FAIRFIELD, ID 83327<br>(208) 764-2323    | H Philip Cash |
| Original Owner    | THOMAS MARREN<br>, ID                                                    |               |
| Original Owner    | BARBARA A WATTS<br>RT 1 BOX 1092<br>FAIRFIELD, ID 83327<br>(208)764-2323 |               |

Priority Date: 07/15/1887

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| CAMAS CREEK   | BIG WOOD RIVER   |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/15       | 10/31     | 4 CFS                 |               |
| STOCKWATER            | 01/01       | 12/31     | 0.02 CFS              |               |
| Total Diversion       |             |           | 4 CFS                 |               |

Location of Point(s) of Diversion:



37-444

CAMAS CREEK NWNW Sec. 27 Township 01S Range 15E CAMAS County

IRRIGATION Use:  
Acre Limit: 314

Place(s) of use:

Place of Use Legal Description: IRRIGATION CAMAS County

| Township | Range | Section | Lot | Tract | Acres | Lot          | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|--------------|-------|-------|-----|-------|-------|-----|-------|-------|
| 01S      | 15E   | 27      |     | NENW  | 20    | <del>X</del> | NWNW  | 31    |     | SWNW  | 24    |     | SENW  | 33    |
|          |       |         |     | NESW  | 40    | <del>X</del> | NWSW  | 35    |     |       |       |     |       |       |
|          |       | 28      |     | NENE  | 39    |              | NWNE  | 40    |     | SWNE  | 31    |     | SENE  | 22    |
|          |       |         |     | NESE  | 33    |              | NWSE  | 25    |     | SWSE  | 35    |     | SESE  | 37    |

Place of Use Legal Description: STOCKWATER CAMAS County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 01S      | 15E   | 27      |     | NENW  |       |     | NWNW  |       |     | SWNW  |       |     | SENW  |       |
|          |       |         |     | NESW  |       |     | NWSW  |       |     |       |       |     |       |       |
|          |       | 28      |     | NENE  |       |     | NWNE  |       |     | SWNE  |       |     | SENE  |       |
|          |       |         |     | NESE  |       |     | NWSE  |       |     | SWSE  |       |     | SESE  |       |

Total Acres: 445

Conditions of Approval:

|    |     |                                                                                                                                                                                                                                                       |
|----|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | X27 | This right is limited to the irrigation of 314 acres within the authorized place of use in a single irrigation season.                                                                                                                                |
| 2. | X35 | Rights 37-444, 37-2541, and 37-7636A when combined shall not exceed the irrigation of 445 acres.                                                                                                                                                      |
| 3. | N05 | The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.                                                                                                                                                    |
| 4. | R05 | Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 37. |
| 5. | R43 | The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).                                            |
| 6. | T07 | The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.                                                                                                                                |
| 7. | T08 | Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.                                                                                                             |

Licensed Date:

Decreed Date: 09/24/2010

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:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 445

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

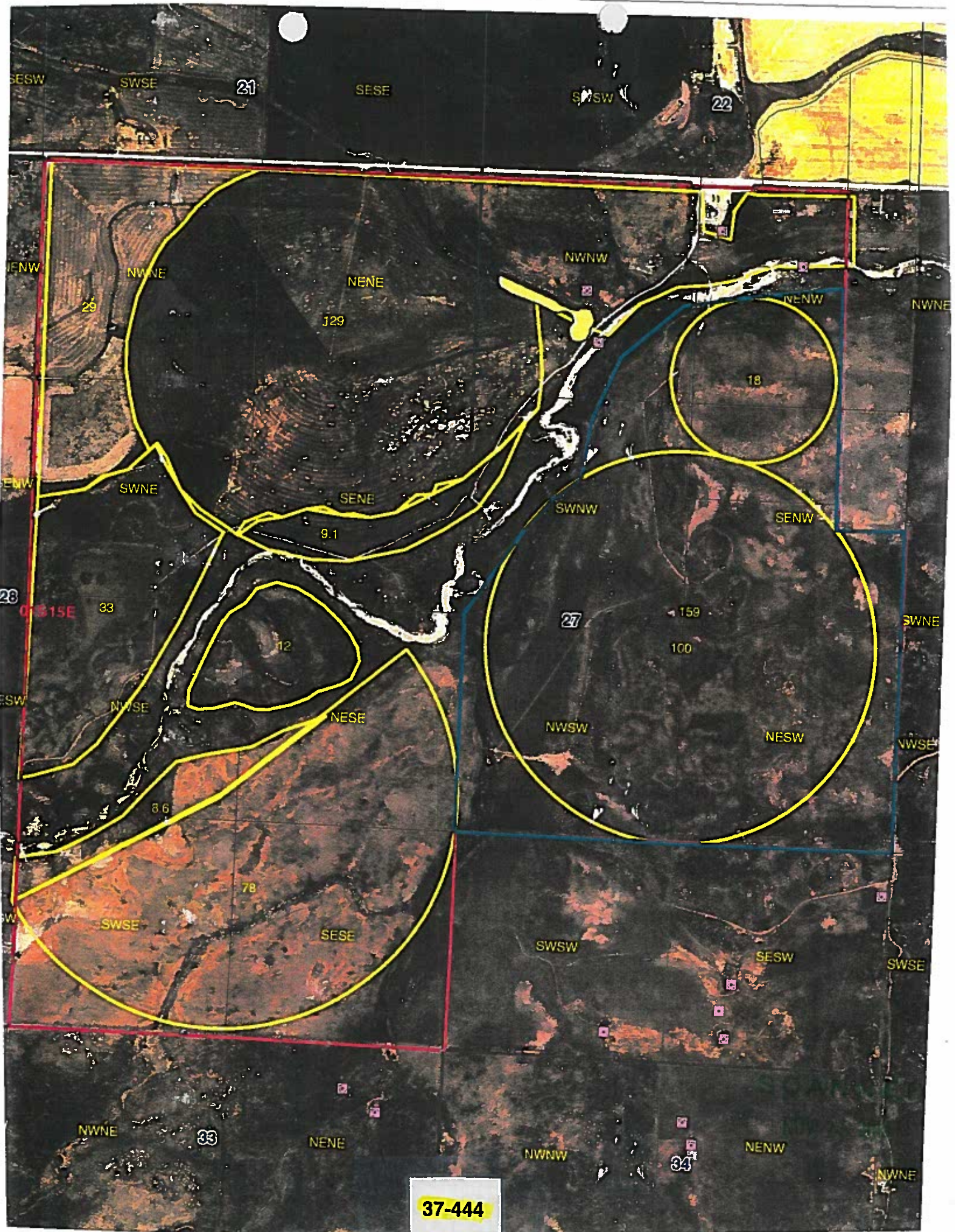
Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close





State of Idaho

## DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

November 25, 2015

H PHILIP CASH  
607 E 200 S  
FAIRFIELD, ID 83327

RE: Extension of Time to Avoid Forfeiture of a Water Right No. 37-444 & 37-7636A

Dear Applicant(s):

The Department of Water Resources has received your Applications for Extension of Time to Avoid Forfeiture of a Water Right. Please refer to the water right 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 **CAMAS COURIER** on **12/2/2015** and **12/9/2015**. Protests to this application may be submitted for a period ending ten (10) days after the second publication (**December 21, 2015**).

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 document.

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

Sincerely,

Denise Maline  
Administrative Assistant

## Maline, Denise

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**From:** Maline, Denise  
**Sent:** Wednesday, November 25, 2015 9:09 AM  
**To:** Camas Courier  
**Subject:** LEGAL NOTICE  
**Attachments:** Camas Courier Cover Letter.docx; Camas Courier Ad.doc

Attached please find (1) legal notice being submitted for publication on December 2<sup>nd</sup> & 9<sup>th</sup>, 2015. Please feel free to contact me if you have any questions, or if you are not able to run the ad on the dates requested.

Thank you in advance and Happy Thanksgiving,

Denise Maline  
Administrative Assistant I  
Idaho Dept of Water Resources, Southern Region  
650 Addison Ave W, Ste 500  
Twin Falls, ID 83301  
(208) 736-3033  
[denise.maline@idwr.idaho.gov](mailto:denise.maline@idwr.idaho.gov)



**State of Idaho**

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**C.L. "BUTCH" OTTER**  
Governor

**GARY SPACKMAN**  
Director

November 25, 2015

**LEGAL NOTICE DEPARTMENT**  
**CAMAS COURIER**  
**PO BOX 339**  
**FAIRFIELD, ID 83327**

RE: Application For Permit No.(s): 37-22981, 37-22982

RE: Extension of Time to Avoid Forfeiture of a Water Right No(s): 37-444, 37-7636A

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 December 21, 2015. Your cooperation is appreciated.

Sincerely,

Denise Maline  
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

**37-22981**

STATE OF IDAHO

DEPT OF LANDS

300 N 6TH ST STE 103

PO BOX 83720

BOISE, ID 83720-0050

Point of Diversion SWSWSW S36 T01S R16E CAMAS County Source GROUND WATER Tributary

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

Total Diversion: 0.04 CFS

Date Filed: 9/30/2015

Place Of Use: STOCKWATER

T01S R16E S36 SWSW

Application for permit seeks to divert 0.04 cfs for stockwater use from an existing well located approximately 14.0 miles east and 3.9 miles south of the intersection of Soldier Road and U.S. Highway 20 in Fairfield. Water will be pumped to a storage tank and two nearby troughs.

**37-22982**

STATE OF IDAHO

DEPT OF LANDS

300 N 6TH ST STE 103

PO BOX 83720

BOISE, ID 83720-0050

Point of Diversion SWSWSW S16 T01S R16E CAMAS County Source GROUND WATER Tributary

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

Total Diversion: 0.04 CFS

Date Filed: 9/30/2015

Place Of Use: STOCKWATER

T01S R16E S16 SWSW

Application for permit seeks to divert 0.04 cfs for stockwater use from an existing well located approximately 11.0 miles east and 0.9 mile south of the intersection of Soldier Road and U.S. Highway 20 in Fairfield. Water will be pumped to a storage tank and two nearby troughs.

**Extension of Time to Avoid Forfeiture**

H. PHILIP CASH, 607 E 200 S, FAIRFIELD, ID 83327 filed an Application for Extension of Time to Avoid Forfeiture of a Water Right for part of water right 37-444, with a 7/15/1887 priority date from Camas Creek, in the amount of 4.0 cfs for irrigation of 314 ac and stock water purposes. It is unknown when the last time the full acreage of irrigation under the right was used, but the Extension of Time to Avoid Forfeiture to protect 0.89 cfs and 158.4 acres of the right was filed before 5 years elapsed after the SRBA decree was issued. The private property to which the water right is appurtenant is located approximately in the West half of Sec.27 and East half of Sec.28, T01S, R15E, Camas County. The applicant proposes to resume the use beginning in May 2020. For additional information, contact Southern Region at (208) 736-3033, or search under [www.idwr.idaho.gov/apps/ExtSearch/WRA.JSearch/WRAD.JSearch.aspx](http://www.idwr.idaho.gov/apps/ExtSearch/WRA.JSearch/WRAD.JSearch.aspx), for documents provided under water right number 37-444.

**Extension of Time to Avoid Forfeiture**

H. PHILIP CASH, 607 E 200 S, FAIRFIELD, ID 83327 filed an Application for Extension of Time to Avoid Forfeiture of a Water Right for part of water right 37-7636A, with a 6/24/1977 priority date from Ground Water, in the amount of 2.4 cfs and 918 acre feet for irrigation of 306 ac. It is unknown when the last time the full acreage of irrigation under the right was used, but the Extension of Time to Avoid Forfeiture to protect 373 acre feet of water and 150.4 acres of the right was filed before 5 years elapsed after the SRBA decree was issued. The private property to which the water right is appurtenant is located approximately in the West half of Sec.27 and East half of Sec.28, T01S, R15E, Camas County. The applicant proposes to resume the use beginning in May 2020. For additional information, contact Southern Region at (208) 736-3033, or search under [www.idwr.idaho.gov/apps/ExtSearch/WRA.JSearch/WRAD.JSearch.aspx](http://www.idwr.idaho.gov/apps/ExtSearch/WRA.JSearch/WRAD.JSearch.aspx), for documents provided under water right number 37-7636A.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Southern Region office at (208) 736-3033; or for a full description of the right(s), please see [www.idwr.idaho.gov/WaterManagement/WaterRights/#New Listings](http://www.idwr.idaho.gov/WaterManagement/WaterRights/#NewListings). Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Southern Region, 650 Addison Ave W, Ste 500, Twin Falls, ID 83301 together with a protest fee of \$25.00 for each application on or before December 21, 2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director  
Published on December 2<sup>nd</sup> & 9<sup>th</sup>, 2015



State of Idaho

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C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

November 25, 2015

RUSTY KRAMER  
WATER DISTRICT #37B  
PO BOX 591  
FAIRFIELD, ID 83327

RE: Application For Permit No.(s): 37-22981, 37-22982

RE: Extension of Time to Avoid Forfeiture of a Water Right No.(s): 37-444, 37-7636A

Dear Mr. Kramer:

A copy of the above referenced application is enclosed. Please review the application, then complete the enclosed recommendation form as necessary, and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR's regional offices can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Sincerely,

Denise Maline  
Administrative Assistant

Enclosure(s)

# MEMORANDUM

**To File:** 37-444, 37-7636A

**Date:** 11/24/2015

**From:** Douglas Jones

**RE:** Extension of Time to Avoid Forfeiture Review and Recommendations

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## SUMMARY

Water rights were decreed in the SRBA on 9/24/2010. The applicant filed Extensions of Time applications on 9/25/2015 to protect part of the rights, while continuing to use the balance of the rights on lands that the irrigation systems have been upgraded. Applicant states that the drought and financial limitations in upgrading the rest of the system prevents full use.

During review it was found that the applicant is irrigating on acres not covered under their water rights, but the acres are within the described PLS tracts on the rights. The applicant has been informed, but will need to be reminded, that a Transfer of Water Right application will be required to achieve his long term goal of upgrading the delivery system as proposed and shown on the maps in the files.

Overlapping the two rights are some shares in Twin Lakes Irrigation Company that provide a brief and variable quantity of water and a small ground water right 37-2541 for 10 acres and an 8/6/1953 priority date. These two rights will continue to be used the shares as available and the small ground water right to its full extent. The three private rights have a combined use limit condition of 445 acres.

## ANALYSIS

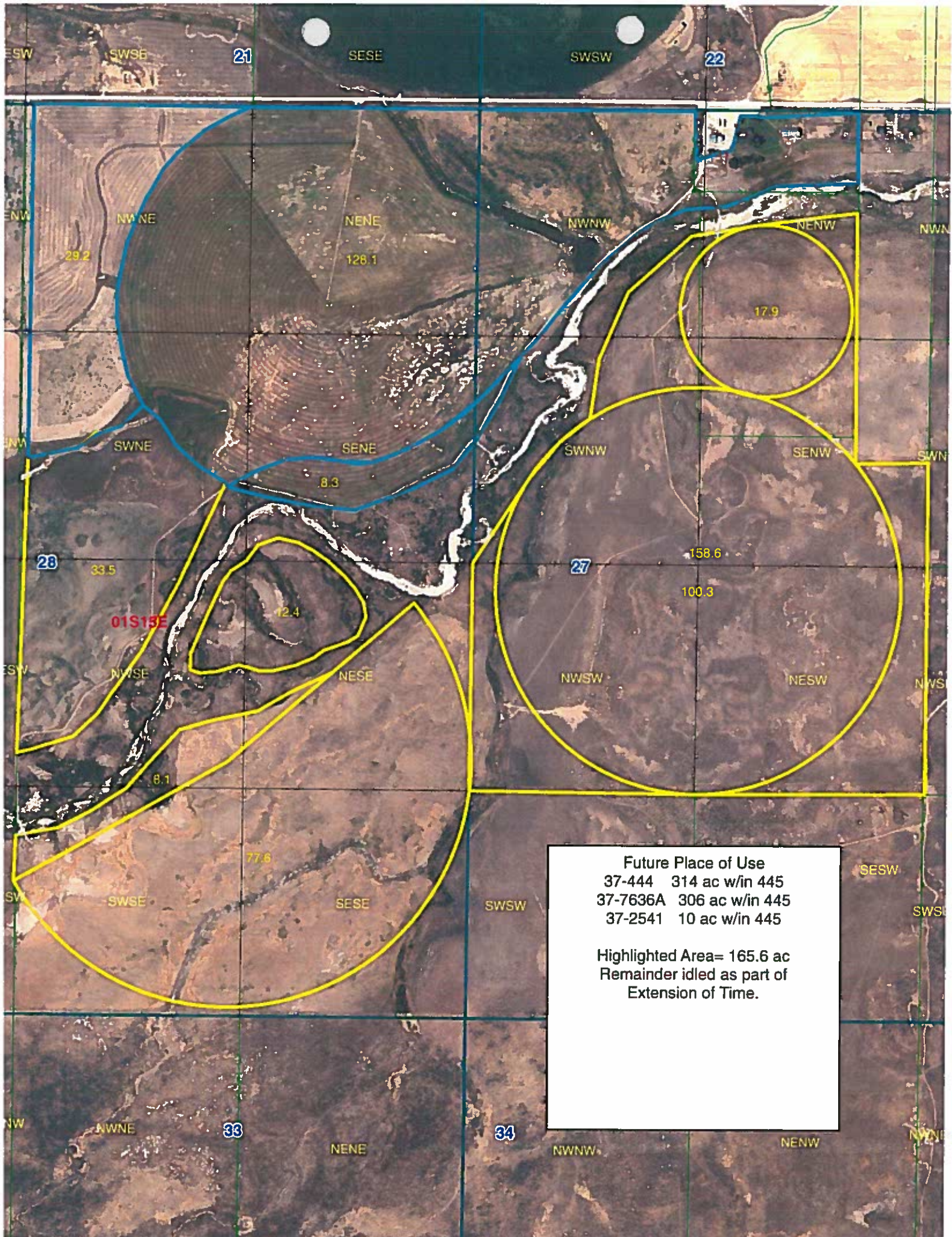
The area that will continue to be irrigated is located north of Camas Creek and contains 165.6 acres. Because the small well water right will be used the area that will continue to be irrigated under the two rights contained in the Extensions will be 155.6 acres.

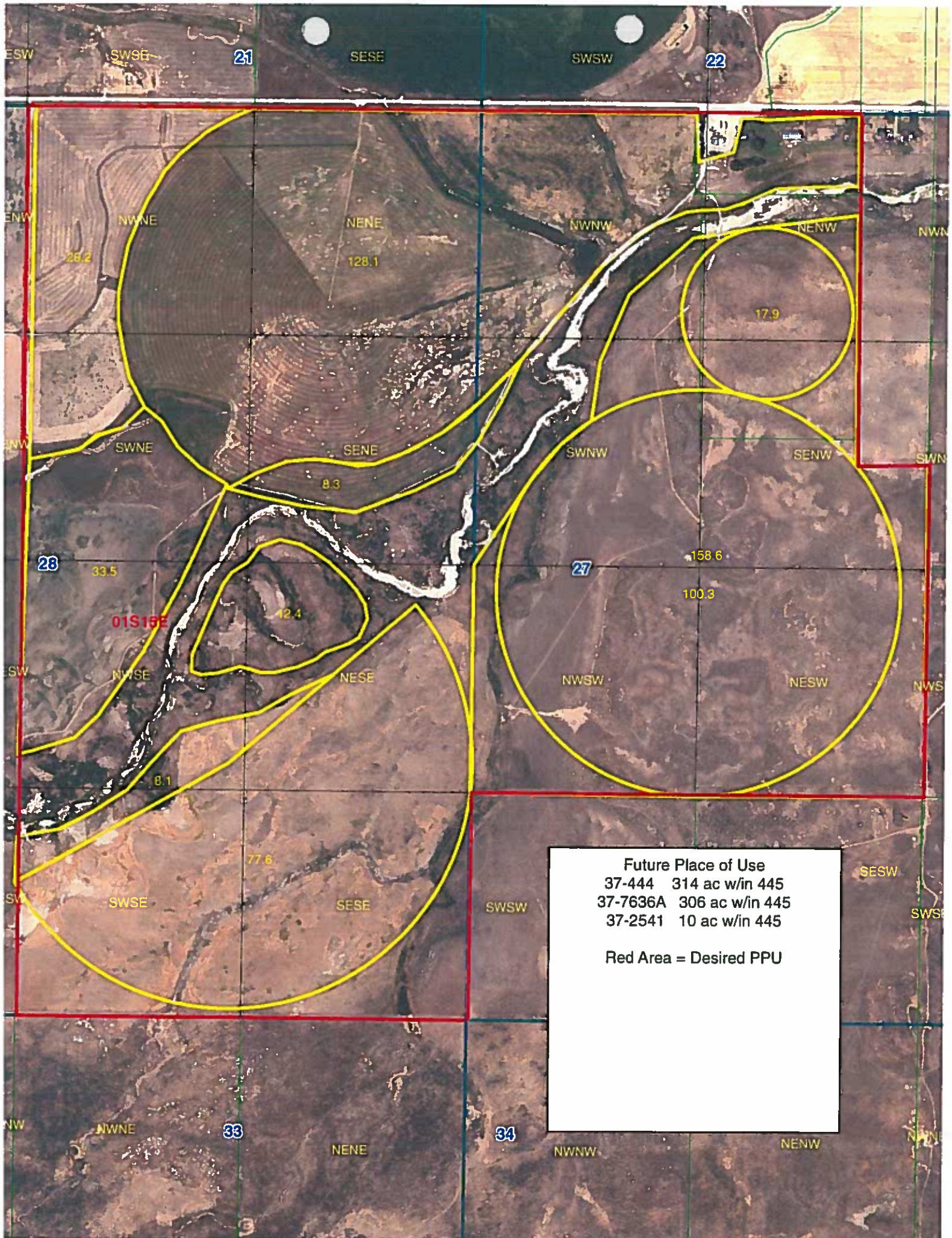
Right 37-444 is limited to use on 314 acres, so forfeiture protection is needed on  $314 - 155.6 = 158.4$  ac; the flow rate needing protection is calculated as  $4.0 - (155.6 * 0.02) = 0.89$  cfs.

Right 37-7636A is limited to use on 306 acres, so forfeiture protection is needed on  $306 - 155.6 = 150.4$  ac; the flow rate needing protection is calculated as  $2.4 - (155.6 * 0.02) = < 0.0$  cfs, therefore no flow rate needs to be idled. However, with the fewer acres being irrigated then a volume needs protection and is calculated as  $918 - (155.6 * 3.5) = 373.4$  AF.

## RECOMMENDATION

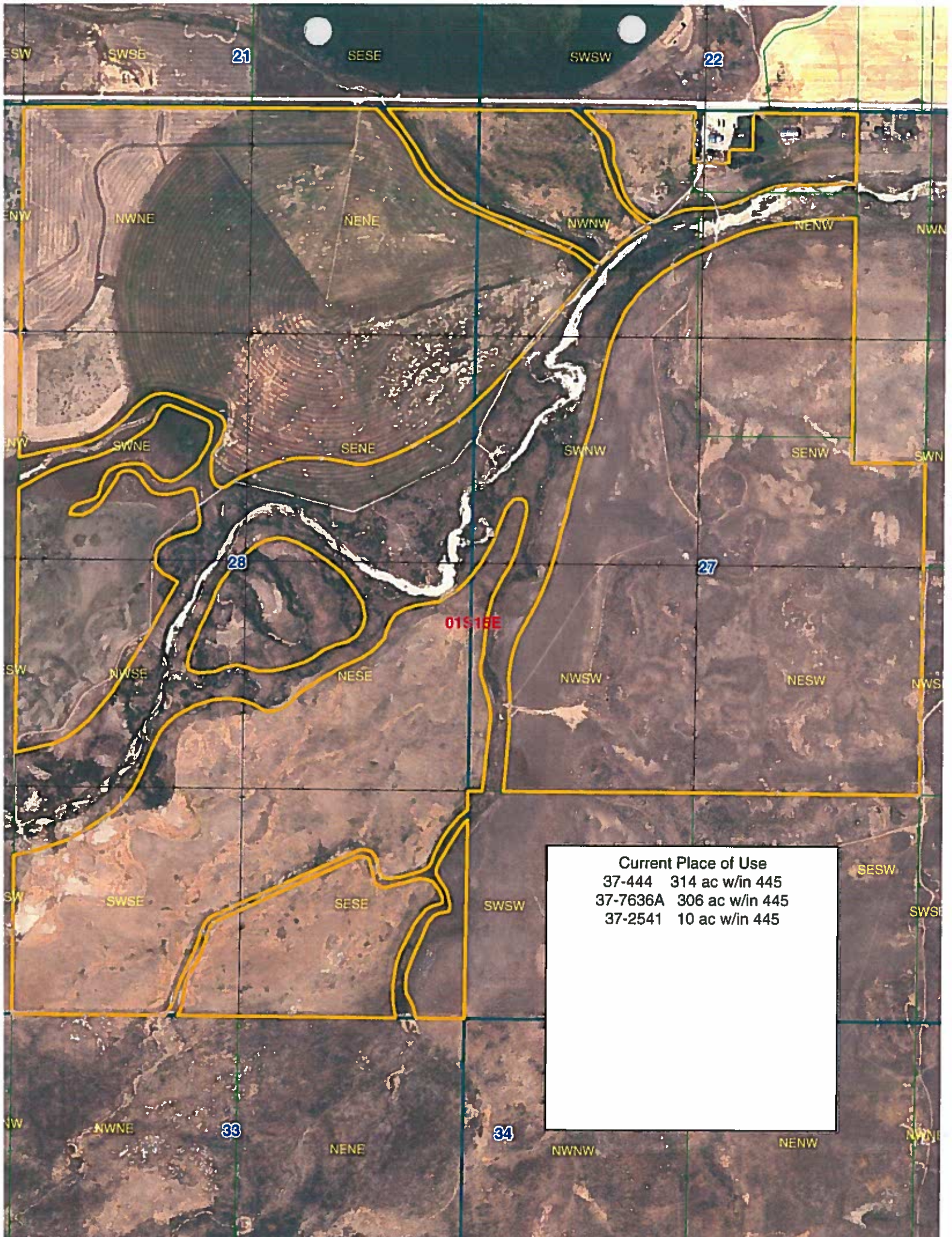
Extension requests can be approved with appropriate conditions and notice provided to applicant that a transfer must be filed to correct place of use discrepancies and in anticipation of further system modifications.





Future Place of Use  
37-444 314 ac w/in 445  
37-7636A 306 ac w/in 445  
37-2541 10 ac w/in 445

Red Area = Desired PPU



**Current Place of Use**

37-444 314 ac w/in 445  
37-7636A 306 ac w/in 445  
37-2541 10 ac w/in 445