

APR 15 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. 02-10374 (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 Cindy Whitmill Phone _____
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 unknown
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.

I purchased this home and need the water rights in my name. We are waiting on
the canal company to give us water. I would use it, will use it when its
available.

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

Cindy Whitmill
Signature of applicant or authorized agent

Cindy Whitmill
Print name (and title, if applicable)

4-11-15
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 received by BB Date 10/22/2014 Receipt # W042603

Page _____ of _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 2-10374

Current Owner: CINDY WHITMILL

Priority Date: 1/11/1963

Origin: Water Right

Status: Active

Basis: Decreed

Source

SNAKE RIVER

Tributary

COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.071 CFS	
	<u>Total Diversion</u>	0.071 CFS	

Location of Point(s) of Diversion

SNAKE RIVER
CANYON County

L7(SW1/4SW1/4NE1/4) Sec. 36, Twp 01N, Rge 03W B.M.

Place of Use

IRRIGATION Within CANYON County

T01N R03W S2 SESE 5.00
Total Acres: 5

Conditions of Approval:

1. Rights 2-2172, 2-2177, 2-2184, 2-2185, 2-2191A, and splits of 2-2191B, 2-2192, 2-2193, 2-2194A, 2-2196, 2-2199, 2-2208, 2-2280, 2-2363, 2-2368, 2-2422, 2-7010, 2-7011, 2-7078, 2-7081, 2-10029, 2-10059, 2-10184, 2-10185 2-10218, 2-10219, 2-10220 and 2-10221 when combined shall not exceed a total diversion rate of 74.30 cfs.
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. Rights 2-2172, 2-2177, 2-2184, 2-2185, 2-2191A, and splits of 2-2191B, 2-2192, 2-2193, 2-2194A, 2-2196, 2-2199, 2-2208, 2-2280, 2-2363, 2-2368, 2-2422, 2-7010, 2-7011, 2-7078, 2-7081, 2-10029, 2-10059, 2-10184, 2-10185 2-10218, 2-10219, 2-10220 and 2-10221 are diverted from the point of diversion described above.
4. This right is a split from former right 2-2191B.
5. 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.

Decreed Date: 5/11/2009

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

OCT 22 2014

APPLICATION FOR EXTENSION OF TIME TO AVOID
FORFEITURE OF A WATER RIGHT

WATER RESOURCES
WESTERN REGION

Section 42-222, Idaho Code, provides that a water right shall be lost and forfeited and the water right revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

1. Name of water right holder Cindy Whitmill
2. Mailing address 5139 Sky Ranch Rd. Email CWhitmill@yahoo.co
3. The right was obtained or is evidenced by:
 - a. Decree to Estate of Golda Montemith in Case of SRBA
 - vs. _____, Dated 5/11/09 in _____
(Name of Court)
Court, _____ County _____ of _____ Fully _____ describe _____ decree _____
 - b. License No. _____
 - c. Claim No. 02-10374
 - d. SRBA No. 2-10374
4. Source of water Snake River tributary to Columbia River
(Name of stream or source)
5. Date of priority of right 1/11/63
6. Description of Right:
amount 0.071 for irrigation purposes from 34 to 11-15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
7. Point of Diversion SE 1/4 SE 1/4 of Sec. 2 Twp. 1-N Rge. 3-W County Canyon

8. Lands irrigated or Place(s) of Use:

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>1-N</u>	<u>3-W</u>	<u>2</u>																<u>5</u>	<u>5</u>

Total Acres 5

Superseded by form rec'd 4/15/2015.

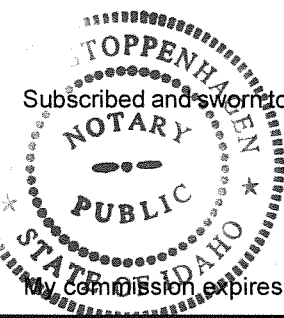
9. Give the last date when water was put to beneficial use Un Known
Length of extension of time requested 5 years years, or until _____ (Date)

10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use I purchase this home and need the water rights in my name. We are waiting on the canal company to give us water. I would use it, will use it when its. Available.

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

Cindy Whitmull
(Signature of Applicant)

Subscribed and sworn to before me this 22nd day of October, 20 14.



Marcia Stoppenhagen
(Notary Public)

Residing at Ada County, Idaho

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:

Signed this _____ day of _____, 20 _____.

Chief, Water Allocation Bureau

FOR DEPARTMENT USE ONLY

Date Received 10/22/14 FEE Received by RSB Date 10/22/14 Receipt # W042603
Preliminary T by _____ Publication prepared by _____ Pub. approved by _____ Date _____
Published in _____ Dates Published _____
Protests filed by _____
Copies of protests forwarded by _____ Hearing held by _____ Date _____
Recommended for - APPROVAL / DENIAL By _____

Sommer, Rachel

From: Sommer, Rachel
Sent: Friday, May 01, 2015 9:23 AM
To: 'LEGALS@IDAHOPRESS.COM'
Subject: Canyon Legal Ad
Attachments: Canyon Cover Letter.docx; Canyon Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ad for publication on 5/7/15 & 5/14/15.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Sommer

Water Resource Agent

Dept. of Water Resources

Western Regional Office

2735 Airport Way, Boise ID 83705

Phone 208-334-2190 | Fax 208-334-2348

Email: rachel.sommer@idwr.idaho.gov

May 1, 2015

LEGAL NOTICE DEPARTMENT
PRESS TRIBUNE
PO BOX 9399
NAMPA, ID 83652

RE: Application For Permit No's: 63-34039, 63-34040
Application for Extension of Time No. 2-10374

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 5/26/2015. Your cooperation is appreciated.

Sincerely,

Rachel Sommer
Administrative Assistant

Enclosures

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

63-34039

JIM CONNELLY
MICHELE CONNELLY
11690 ORCHARD AVE
NAMPA, ID 83651
Point of Diversion SESW S18 T03N R02W CANYON County Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.09 CFS
Total Diversion: 0.09 CFS
Date Filed: 2/19/2015
Place of Use: IRRIGATION
T03N R02W S18 SESW
Total Acres: 3
Water bearing zone to be appropriated is from 12 to 140 feet.

63-34040

STORY FARMS INC
29983 HWY 18
PARMA, ID 83660
Point of Diversion L2(SWNW) S30 T05N R05W CANYON County Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 0.8 CFS
Total Diversion: 0.8 CFS
Date Filed: 2/19/2015
Place of Use: IRRIGATION
T05N R05W S19 L4(SWSW)
T05N R05W S30 NENW L1(NWNW) L2(SWNW) SENW
T05N R06W S25 NENE SENE
Total Acres: 141
Water bearing zone to be appropriated is from 150 to 200 feet. Applicant proposes irrigating 40 acres.

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

Cindy Whitmill of 5139 Sky Ranch Rd., Nampa, ID, 83686, filed an Application proposing an Extension of Time to Avoid Forfeiture of 5 years for Water Right No. **02-10374** with a 1963 priority from the Snake River totaling 0.071 cfs. The right holder proposes nonuse of the right due to delivery issues. The irrigation right was decreed in 2009 and it is unknown when it was last used. The right serves property located approximately 0.9 miles south of Richardson Lane, 0.9 miles east of Pump Rd., north side of W. Stagecoach Rd. and west side of Sky Ranch Rd.

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 rights or proposed extension, please see www.idwr.idaho.gov/WaterManagement/WaterRights/#NewListings. Protests may be submitted based on the criteria of Sec 42-203A and 42-222, Idaho Code. Any protest against the approval of this 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 5/26/2015. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 5/7/2015 and 5/14/2015

MEMORANDUM

TO: File 02-10374

FROM: Kay Walker 

RE: Extension of Time to Avoid Forfeiture

Date: April 16, 2015

.....

In review of this request for extension it was noticed that the form used was an old one so when I had to correspond with applicant regarding the point of diversion they imposed on the form, I requested they file on one of our new extension to time to avoid forfeiture forms.

The applicants purchased this property in November of 2009. The right was decreed in May of 2009 so they either had to use the water by this summer or request an extension of time to avoid forfeiture. They do not know when the property was last irrigated, as stated on the form. However, since the right was decreed in 2009 they are protected from forfeiture this irrigation season. They did submit their request in October of 2014 but it has not been reviewed until assigned to me recently.

When I spoke to the applicant's husband on April 10, he stated that water was to be delivered by Hat Butte irrigation system but they have not received any water from that organization. This is also addressed in process guidelines created by Steve Lester in January of 2013, in regard to "Montierth Splits @ 2-2191B – "Sky Ranch".

I don't see any problems with approval of this request at this time.



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

April 7, 2015

CINDY WHITMILL
5139 SKY RANCH RD
NAMPA ID 83686

RE: Application for Extension to Time to Avoid Forfeiture of a Water Right

Dear Ms. Whitmill:

We are in the process of reviewing the above request and find that the forms used in this process have changed. In order to provide you the best service, we have typed your information on the enclosed form for your signature. Please review the form for any changes you might wish to make, sign the form where indicated, and return it to this office.

Please note on the form you originally submitted (copy included for convenience), you have indicated that your water is to be diverted within the SESE, Sec. 2, Twp. 1N, Rge. 2W. Please be advised that the location of your point of diversion (from the Snake River) is located within Gov. Lot 7(SWSWNE), Sec. 36, Twp. 1N, Rge. 3W. This point of diversion cannot be changed unless a transfer application has been filed and approved. It is also noted that your property is not located on the Snake River so it would be impossible to divert water from the river at the location you provided. The water right you have purchased is for water from the Snake River and you will need to find a way to get the water to your property. This water is not delivered by a canal company as mentioned in your application.

Please return the signed form to this office within the next 30 days so we can prepare the application for advertising. If you have any questions concerning this matter, feel free to contact this office.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Enclosures

4-10
discussed letter
w/ Red Whitmill -
will sign form
& return -
KW
water delivered by Nat Butte



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

October 24, 2014

CINDY WHITMILL
5139 SKY RANCH RD
NAMPA ID 83686

RE: Notice of Ownership Change in Water Right No. 2-10374

Dear Applicant:

The Department acknowledges the receipt of correspondence changing ownership of the above referenced water right to you. The Department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Sections 42-222 and 42-223, Idaho Code.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right, to the Department. Notice of the change must be provided to the Department within 120 days of the change. Change reporting forms are available from any office of the Department, or at www.idwr.idaho.gov.

If you have any questions concerning the enclosed information, please feel free to contact this office at 208-334-2190.

Sincerely,

Rachel Sommer
Administrative Assistant I
Western Regional Office

Enclosures