

RECEIVED

FEB 17 2015

Form 42-222(4) Rev. 06/12 WATER RESOURCES  
FEE \$100.00 WESTERN REGIONSTATE OF IDAHO  
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.

- Water Right No. 03-10264 (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.
- Applicant City of Weiser, ID Phone 208-414-1965
- 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.
- Mailing address ☒ Same as water right record -- OR -- complete the following information:  
 Address Please send copies to McHugh Bromley, 380 S. 4th St., Ste. 103 City Boise  
 State ID Zip code 83702 Email cmchugh@mchughbromley.com
- Give the last date water was beneficially used 9-29-2010 to the full extent, October 2014 to a lesser extent.
- 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 City has changed its irrigation practice at its airport and thus has not fully used this water right for irrigation. The City is exploring options to transfer or otherwise use this water right so that it will be fully used.

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

Diana L. Thomas  
Signature of applicant or authorized agent

Diana Thomas, Mayor  
Print name (and title, if applicable)

2/3/15  
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 APPROVE said application, subject to the following conditions or reasons:

The right holder shall resume beneficial use of water on or before DECEMBER 31, 2020.

Signed this 17<sup>th</sup> day of APRIL, 20 15.

[Signature]  
Title: Interim Manager, Western Region

Stamped received ☒ Fee received by [Signature]

Date 2/17/15

Receipt # W042823

SCANNED

FEB 27 2015



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](http://www.idwr.idaho.gov)

April 24, 2015

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

CITY OF WEISER  
55 W IDAHO ST  
WEISER ID 83672

RE: Water Right No's: 3-7009, 3-7034, 3-10198, 3-10264, 67-2320, 67-4412, & 67-10975.

### Extension to Avoid Forfeiture of Water Right Approval Letter

Dear Water Right Holders:

Enclosed are copies of approved Applications for Extension of Time to Avoid Forfeiture for the above referenced water rights. Please note that resumption of beneficial use for this right shall occur on or before **December 31, 2020**.

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](http://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 concerning this matter.

Sincerely,

  
For:

Jeff Peppersack  
Interim Manager, Western Region

Enclosures

Cc: Candice M McHugh, McHugh Bromley.

## **CERTIFICATE OF SERVICE**

I hereby certify that on April 24, 2015, 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'S:**

3-7009, 3-7034, 3-10198, 3-10264, 67-2320, 67-4412, & 67-10975.

CITY OF WEISER  
55 W IDAHO ST  
WEISER ID 83672

MCHUGH BROMLEY  
C/O CANDICE M MCHUGH  
380 S 4<sup>TH</sup> ST STE 103  
BOSIE ID 83702

A handwritten signature in cursive script, reading "Rachel Sommer", is written over a horizontal line.

**Rachel Sommer**  
**Water Resource Agent**

## **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.

**AFFIDAVIT OF PUBLICATION****RECEIVED****MAR 30 2015****WATER RESOURCES  
WESTERN REGION**STATE OF IDAHO )  
County of Washington ) ss.Sarah Boles being duly sworn,  
deposes and says:

That she is the clerk of  
THE WEISER SIGNAL AMERICAN, a weekly newspaper  
published at Weiser, in the County of Washington and State of  
Idaho; that said paper has been and is in general circulation in  
the county aforesaid, and in the vicinity of Weiser; that the ad-  
vertisement, a copy of which is attached hereto, was published in  
said newspaper once a week for two consecutive weeks in  
the regular and entire issue of said paper during the period and  
time of publication, and was published in the newspaper proper  
and not in a supplement; that said paper has been established  
and regularly published for more than seventy-eight consecutive  
weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with  
March 4, 2015 and ending  
with the issue of March 11, 2015  
Sarah Boles

Fees, \$ 139.55

Subscribed and sworn to before me this 11  
date of March 2015

Stephanie McDaniel  
Notary Public, residing at Weiser, Idaho.

My commission expires 09-14-18

No.  
**EXTENSIONS OF TIME TO AVOID  
FORFEITURE OF WATER RIGHTS**

The City of Weiser of 55 W. Idaho St., Weiser, ID, 83672,  
filed seven Applications proposing an Extension of Time to  
Avoid Forfeiture for Water Rights. The rights are recorded  
as:

No. 03-7009 with a 1972 priority from the Snake River total-  
ing 0.65 cfs.

No. 03-7034 with a 1984 priority from the Snake River total-  
ing 0.38 cfs.

No. 03-10198 with a 1907 priority from the Snake River to-  
taling 3.76 cfs.

No. 03-10264 with a 1907 priority from the Snake River to-  
taling 0.22 cfs.

No. 67-2320 with a 1964 priority from ground water totaling  
0.55 cfs.

No. 67-4412 with a 1954 priority from the Weiser River total-  
ing 0.40 cfs.

No. 67-10975 with an 1887 priority from ground water total-  
ing 0.24 cfs.

The municipal, irrigation, domestic and fire protection rights  
were last used in 2010. The rights serve property located  
within the service area of the City of Weiser.

For additional information concerning the property loca-  
tion, please contact Western Region office at 208-334-2190  
or see [www.idwr.idaho.gov/apps/ExtSearch/SearchWRAJ.  
asp](http://www.idwr.idaho.gov/apps/ExtSearch/SearchWRAJ.asp) for specific details of the application provided under the  
above referenced right number. Protests may be submitted  
based on the criteria of Sec 42-222, Idaho Code. Any protest  
against the application must be filed with the Director, IDWR  
Western Region, 2735 Airport Way, Boise ID 83705-5082,  
together with a protest fee of \$25 for each application on or  
before 3/23/2015. The protestant must also send a copy of the  
protest to the applicant.

GARY SPACKMAN, Director  
Published on 3/4/2015 and 3/11/2015

9-2S



✓  
4-6-15  
PS