

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

APR 02 2014

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

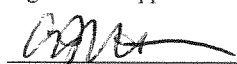
APPLICATION FOR EXTENSION OF TIME TO AVOID
FORFEITURE OF A WATER RIGHT

RECEIVED
MAR 31 2014
DEPARTMENT OF
WATER RESOURCES

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. 63-31348 VI (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 Russell Matson, Amanda Matson Phone 208-573-1388
- 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 5040 S 81 St City Omaha
State NE Zip code 68127 Email Russell@matsonent.com
- Give the last date water was beneficially used August 2013
- Explain your reasons for non-use of the water right and your reasons for requesting an extension of time.
Attach additional documentation if needed.
6 Acres was watered in 2013, 6 Acres were Dry. All 12 Acres are To be watered pasture, But lost work and need more time to get it planted and water lines installed.

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

	<u>Russell Matson</u>	<u>3-18-14</u>
Signature of applicant or authorized agent	Print name (and title, if applicable)	Date
	<u>Amanda J Matson</u>	<u>3-18-14</u>
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 4/1/2019

Signed this 11th day of August, 2014. John Westra
Title: Western Regional Manager

Stamped received ☒ Fee received by ds Date 3/31/14

SCANNED
Receipt # C098600
SCANNED
SEP 11 2014
JUL 11 2014



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

August 13, 2014

RUSSELL MATSON
AMANDA MATSON
5040 S 81 ST
OMAHA NE 68127

RE: Water Right No. 63-31348

Extension to Avoid Forfeiture of Water Right Approval Letter

Dear Water Right Holders:

Enclosed is a copy of an approved Application for Extension of Time to Avoid Forfeiture for the above referenced water right. Please note that resumption of beneficial use for this right shall occur on or before **APRIL 1, 2019**.

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 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:

John Westra
Western Regional Manager

Enclosures

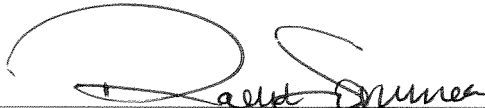
CERTIFICATE OF SERVICE

I hereby certify that on August 13th, 2014, 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.

63-31348

**RUSSELL MATSON
AMANDA MATSON
5040 S 81 ST
OMAHA NE 68127**

A handwritten signature in black ink, appearing to read "Rachel Sommer", is written over a horizontal line.

**Rachel Sommer
Administrative Assistant I**

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.

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
263978	0001149065	LEGAL NOTICE The following applications h	BENTZ	\$129.73	1	77

Attention: RACHEL SOMMERIDAHO DEPT WATER RESOURCE/ WEST
2735 AIRPORT WAY
BOISE, ID 837055082

RECEIVED

JUL 28 2014

WATER RESOURCES
WESTERN REGION**LEGAL NOTICE**

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

✓ 63-33944

JEFFREY BENTZ

CHERYL WAY

3470 S KESTREL CRY LN

KUNA, ID 83634

(2) Points of Diversion L1(NENE)

S5 TO1N R01W ADA County

Source GROUND WATER

Use: IRRIGATION 03/15 to 11/15

0.24 CFS

Total Diversion: 0.24 CFS

Date Filed: 4/18/2014

Place of Use: IRRIGATION

TO1N R01W S5 L1(NENE)

SENE

Total Acres: 12

Water bearing zone to be appropri-

ated is from 39 to 300 feet.

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

✓ Russell & Amanda Matson of 5040 S. 81st St., Omaha, NE 68127 filed Applications proposing Extension of Time to Avoid Forfeiture for Water Right Nos. 63-31346 and 63-31348 with 1963 and 1971 priority dates from ground water totaling 0.20 cfs. The irrigation rights were last used in 2013. The rights serve property located between Robinson Rd. and the Waldvogel Canal approximately 0.75 miles south of Canyon and Ada County lines. The applicant requests the extensions of time to complete installation of water lines to entire property.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region of fice at (208) 334-2190, or for a full description of the right, please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp for specific details of the application provided under the above referenced right number. Protests may be submitted based on the criteria of Sec. 42-203A 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 8/4/2014. The protestant must also send a copy of the protest to the applicant.

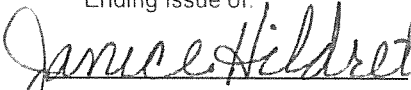
GARY SPACKMAN, Director

Pub. July 17, 24, 2014

0001149065-01

OK
8-5-14
RS

JANICE HILDRETH, being duly sworn, deposes and says: That she the Principal Clerk of The Idaho Statesman, a daily newspaper print and published at Boise, Ada County State of Idaho, and having a general circulation therein, and whi said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive month prior to the first publication of the notice, a copy of which is attached hereto: that said notice was publish in The Idaho Statesman, in confor with Section 60-108, Idaho Code, e amended, for:

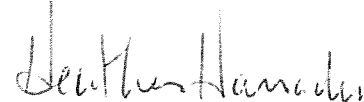
2 InsertionsBeginning issue of: 07/17/2014Ending issue of: 07/24/2014
(Legals Clerk)

STATE OF IDAHO)

SS

COUNTY OF ADA)

On this 24th day of July in the year 2014 before me, a Notary Public, personally appeared before me Ja Hildreth known or identified to me be the person whose name subsc to the within instrument, and being first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Notary Public FOR Idaho
Residing at: Boise, IdahoMy Commission expires: 8/11/15