

FEE \$100.00

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

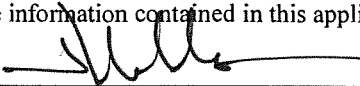
JUL 02 2012

WATER RESOURCES
WESTERN REGIONAPPLICATION 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. 77-02035 (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.
 (206) 793-4077 cell
- Applicant Thomas M. Eiguren Phone (425) 392-1333
- 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 _____ City _____
 State _____ Zip code _____ Email _____
- Give the last date water was beneficially used July 22, 2008
- 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 Exhibit A

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


 Signature of applicant or authorized agent

Thomas M. Eiguren
 Print name (and title, if applicable)

6-27-12
 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 PS Date 7-2-12 Receipt # W040325

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

6/21/2012

WATER RIGHT NO. 77-2035

Owner Type	Name and Address
Current Owner	THOMAS M EIGUREN 3327 261ST AVE SE SAMMAMISH, WA 98075 (206)793-4077
Original Owner	LEWIS C MERRILL BOISE, ID 83703

Priority Date: 11/20/1919

Basis: Decreed

Status: Active

Source	Tributary
PARKS CREEK	EAST FORK SOUTH FORK SALMON RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	0.3 CFS	
DOMESTIC	01/01	12/31	0.02 CFS	
Total Diversion			0.32 CFS	

Location of Point(s) of Diversion:

PARKS CREEK	SWSW Lt 4	Sec. 19	Township 19N	Range 08E	VALLEY County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION VALLEY County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
19N	07E	25		SWNW	8									
				NWSW	8									

Place of Use Legal Description: DOMESTIC VALLEY County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
19N	07E	25		SWNW										

Total Acres: 16

Conditions of Approval:

1.	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.
2.	N14	The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.
3.	N10	The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.
4.		Not to exceed 8 acres of irrigation in the NWSW when combined with 77-2205.

Dates:

Licensed Date:

Decreed Date: 05/11/2007

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

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:

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

EXHIBIT A

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

Applicants: Thomas M. Eiguren

Water Right No.: 77-02035

Water from Parks Creek has not been used since July 22, 2008, because of the difficulty in replacing a diversion structure in Parks Creek at a point on land within the Payette National Forest (PNF) and a conveyance system from the diversion structure also on land within the PNF. The diversion structure and approximately 220 feet of ditch leading from the diversion structure were destroyed by an extremely heavy rainstorm on July 22, 2008.

Parks Creek at the site of the point of diversion is in a steep canyon. Water was diverted at a headgate into a ditch which ran approximately 6,000 feet to the place of use. The flood on Parks Creek removed the old diversion structure and all soil and plants within the Parks Creek Canyon for a distance of approximately 15 feet above the bed of the creek, scouring great portions of the canyon to bedrock. A picture of the area where the old diversion structure was located is attached, along with several photographs taken by the PNF approximately a half mile downstream from the old diversion structure at a point where Parks Creek crossed the Valley County Road proceeding adjacent to the East Fork of the South Fork of the Salmon River. The PNF pictures show the extent of the debris which came down the Parks Creek drainage. It was estimated that the depth of mud and rock on the East Fork of the South Fork of the Salmon River Road at the point where it crossed Parks Creek was ten feet.

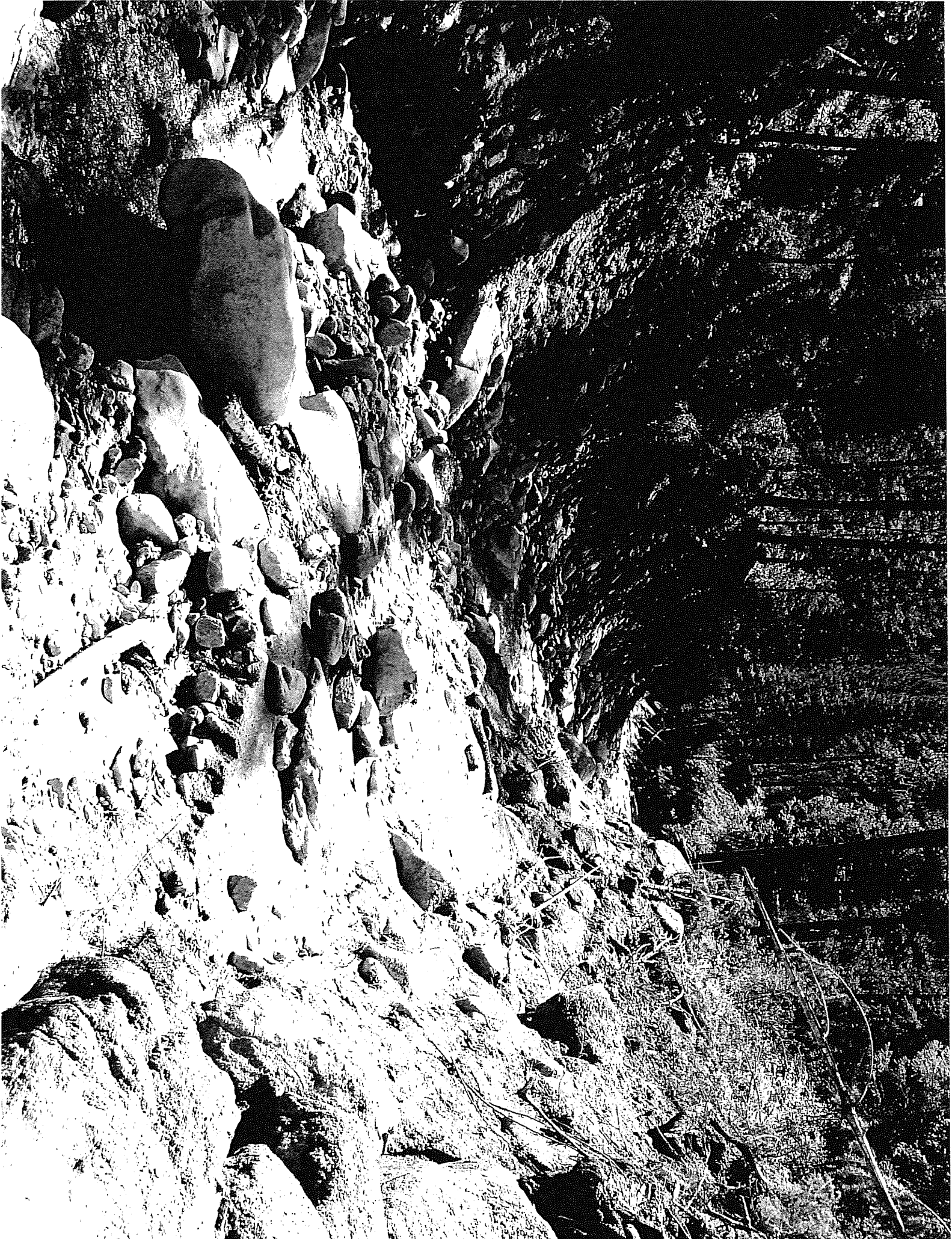
To reinstall a diversion structure and a conveyance system required approval of the PNF. They did that in late 2008, approving only a temporary diversion structure, one which will have to

be relocated as the Creek reestablishes its permanent course, removed each fall and replaced each spring, together with a pipeline of approximately 220 feet, which is required to replace the open ditch since there remains no soil to accommodate a ditch until outside of the scoured zone. Final approval from the PNF of what could be done was also delayed because of the issue of what was being done might affect bull trout, a threatened species.

In 2010, a relocatable diversion structure of approximately 18 inches in width and 12 feet in length was constructed and 220 feet of 12-inch H1-Q pipe and related fittings was purchased. The diversion structure was installed, along with the new pipeline. However, problems occurred in the installation of the structure; and not enough water could be diverted so as to be able to get any water to flow the entire distance to the place of use. This water right is for a total of 0.94 cfs at the point of diversion with a conveyance loss of 0.54 cfs.

In 2011, a new plan was prepared to correct the problems with the installation of the diversion structure; and when men and equipment were available to perform the work, the water in Parks Creek at that point was too high to permit the work to be carried out. There is no road which goes all the way to the point of diversion, which means only hand tools can be used and everything needed must be hand carried.

In the summer of 2012, a second attempt will be made to replace the diversion structure and the pipeline following the new plan of work. The applicant believes that the failure to have applied the water to a beneficial use was reasonably beyond the holder's ability and that the holder has acted responsibly in attempting to reestablish a diversion structure and a conveyance system so as to permit the water to be beneficially used. As a consequence, the holder requests that the Director grant an extension of time within which to resume the use of a water right to July 22, 2018.



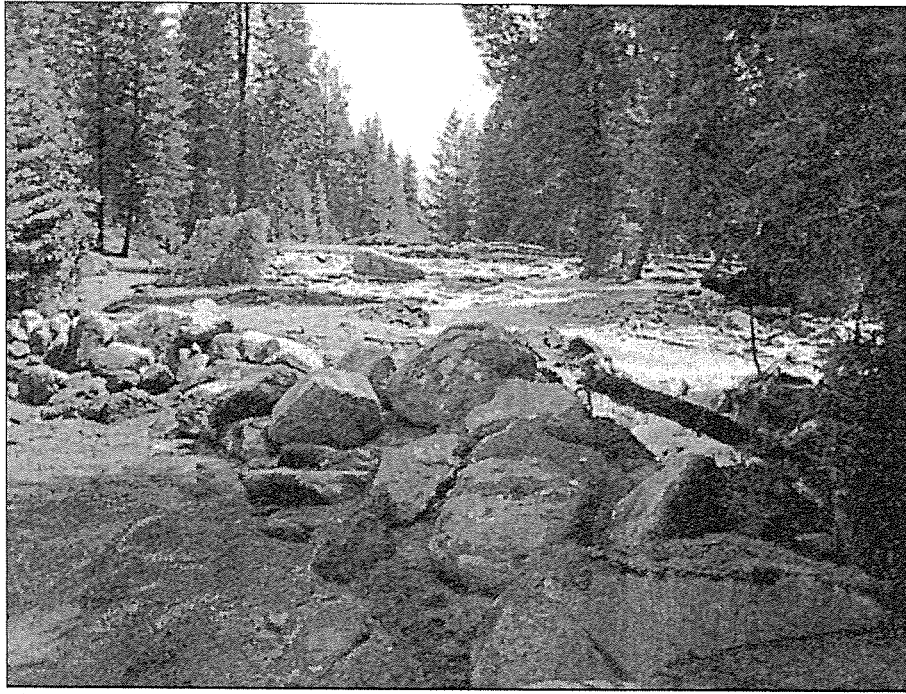


Figure 7.—Site 8, Parks Creek, ground view.

28 July 2008

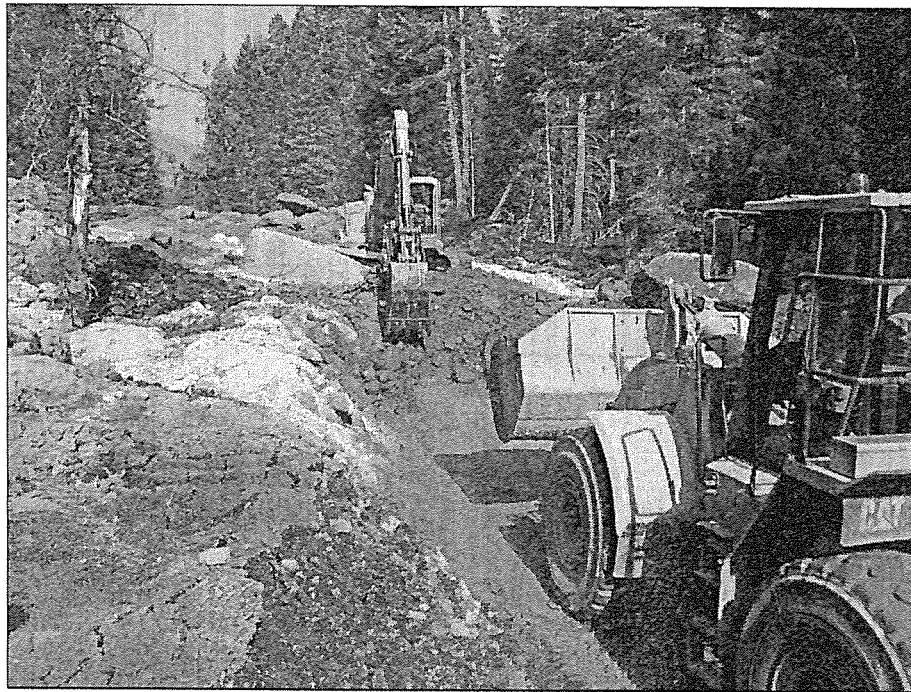


Figure 8.—Opening the road at Parks Creek, Site 8.





Figure 9.—Interior of Parks Creek culvert.

29 July 2008



Figure 10.—Opening the Road at Parks Creek culvert (inlet shown).





Figure 11.—Opening the Road at Parks Creek culvert showing road west of Parks Creek.

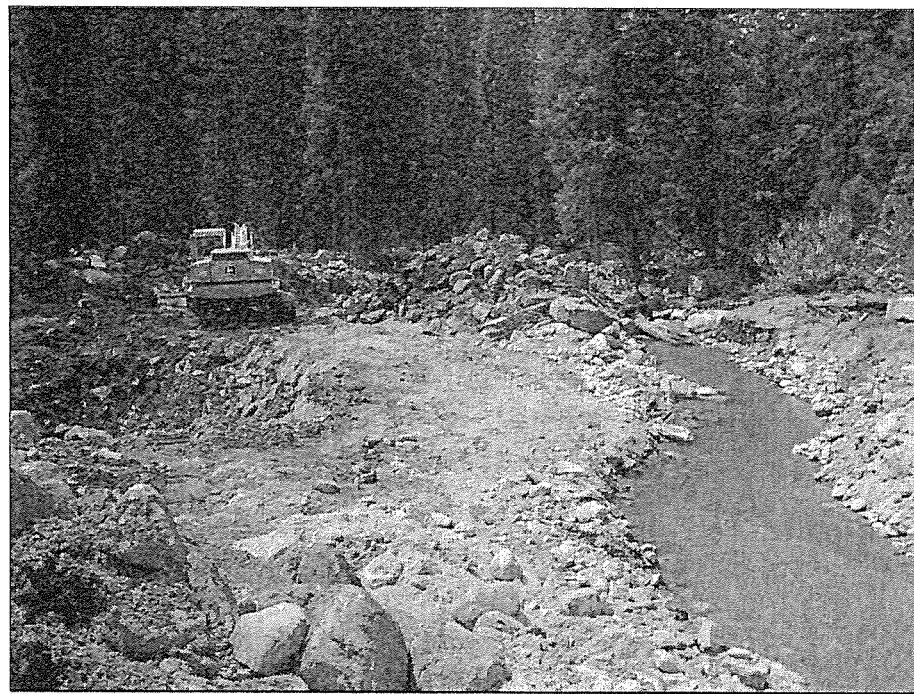


Figure 12.—Parks Creek diversion to allow work at culvert.

