

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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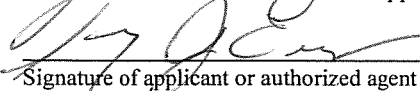
WATER RESOURCES
WESTERN REGION

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. 77-14347 (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 Terry J. Eiguren Phone (208) 382-5400
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 July 22, 2008
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 Exhibit A

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


Signature of applicant or authorized agent

Terry J. Eiguren
Print name (and title, if applicable)

6/25/12
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

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 77-14347

WATER RIGHT NUMBER: 77-14347

<u>Owner Type</u>	<u>Name and Address</u>
Previous Owner	JOHN B EIGUREN PO BOX 3238 BOISE, ID 83703 (208)343-0483
Current Owner	TERRY J EIGUREN PO BOX 732 CASCADE, ID 83611 (208)382-5400
Original Owner	JULIO JAMES EIGUREN 7964 CAMAS EMMETT, ID 83617
Previous Owner	TOM M EIGUREN 5430 TURRET WAY BOISE, ID 83703 (208)343-1998
Previous Owner	EIGUREN RANCH INC PO BOX 732 CASCADE, ID 83611

Priority Date: 04/26/1966

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
PARKS CREEK	EAST FORK SOUTH FORK SALMON RIVER
UNNAMED STREAM	EAST FORK SOUTH FORK SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.040 CFS	1.20 AF
IRRIGATION	04/01 to 10/31	0.040 CFS	6.00 AF
<u>Total Diversion:</u>		0.040 CFS	7.20 AF

Location of Point(s) of Diversion

UNNAMED STREAM	SE1/4NE1/4	Sec. 26, Twp 19N, Rge 07E, B.M.
VALLEY County		
PARKS CREEK	L4 (SW1/4SW1/4)	Sec. 19, Twp 19N, Rge 08E, B.M.
VALLEY County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE	NW	SW	SE	Totals
19N	07E	26	NE	NW	SW	SE	X

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IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
19N	07E	26													2.0				2.0

Total Acres: 2

Conditions of Approval:

1. R29 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for irrigation of the lands above.
2. X01 Domestic use is for 2 homes.
3. B01 Unnamed stream is locally known as Whiskey Creek..
4. U42 Place of use does not include federal public lands.
5. The rate of diversion of 0.04 cfs includes allowance for conveyance losses from the source to the place of use.
6. 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.

Remarks:Comments:

1. jhersley 7/13/2011 split right

Comment: This water right is the result of split from 77-2205 due to change in ownership.

2. jhersley 7/13/2011 9:40:42 AM POD

Comment: Updated Shape

3. jhersley 7/13/2011 9:41:51 AM POD

Comment: Updated Shape

4. jhersley 7/13/2011 9:47:36 AM POU

Comment: Updated Shape

5. jhersley 7/13/2011 9:48:36 AM POU

Comment: Updated Shape

6. jhersley 7/13/2011 9:49:29 AM POU

Comment: Updated Shape

7. jhersley 7/13/2011 11:41:01 AM POU

Comment: Updated Shape

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 77-14347

Dates and Other Information:

Licensed Date:
Decreed Date: 5/11/2007
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: Or
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

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.

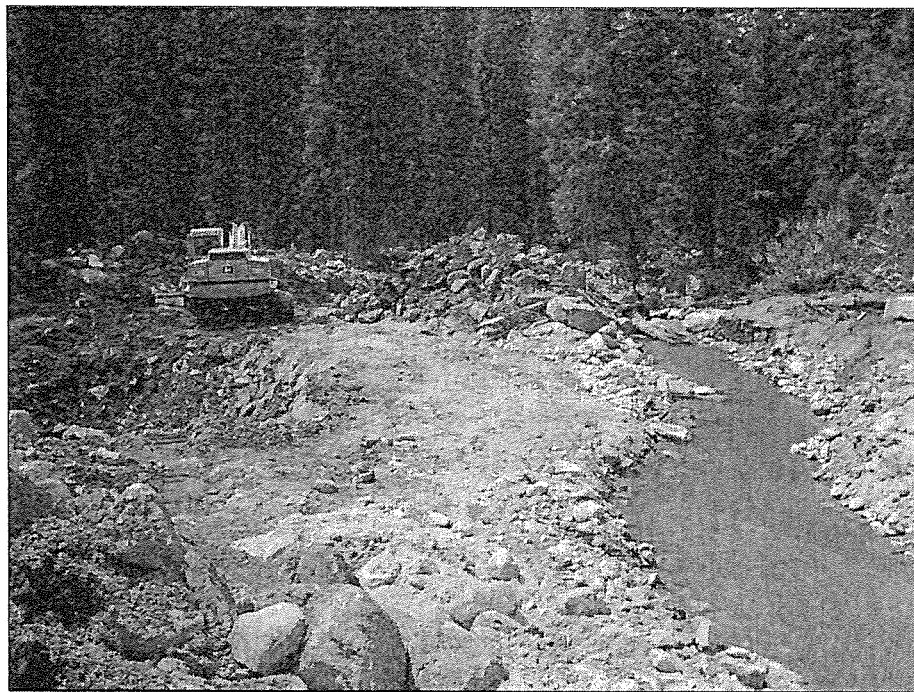


Figure 12.—Parks Creek diversion to allow work at culvert.

