

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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DEC 17 2010

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

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 Alpha Mortgage Fund I
2. Mailing address PO Box 140177 Email stevev@alphalendingllc.com
3. The right was obtained or is evidenced by:
a. Decree to Montierth in Case of _____
vs. _____ Dated 5/11/09 in SRBA
Court, _____ County of _____ Fully describe decree
Property now owned by Alpha Mortgage Fund I via non-judicial foreclosure.
b. License No. _____ c. Claim No. 2-10379
d. SRBA No. _____
4. Source of water Snake River tributary to Columbia River
(Name of stream or source)
5. Date of priority of right 1/11/1963
6. Description of Right:
amount 0.542 for irrigation purposes from 3/01 to 11/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
7. Point of Diversion SW 1/4 Lot 7 of Sec. 36 Twp. 01N Rge. 03W 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	
01N	03W	2					38												38

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WATER RESOURCES
WESTERN REGION

Total Acres 38

SCANNED

JUL 19 2011

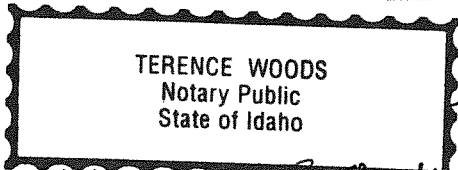
9. Give the last date when water was put to beneficial use Dec 31, 200
Length of extension of time requested 5 years, or until _____ (Date)

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 The property was foreclosed upon by the current owner in May 2008 and placed on the market for sale. The property is bare ground and does not currently have a distribution system in place to utilize the irrigation water. It is anticipated that a purchaser will develop the property & utilize the water right for irrigation purposes. The property remains on the market for sale.

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

5/3/11
(Signature of Applicant)

Subscribed and sworn to before me this 14th day of December, 20 10.



Terence Woods
(Notary Public)

My commission expires 3-3-11 Residing at Eagle

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 September 1, 2016.

Signed this 26th day of August, 20 11

John Wester, Manager Western Region
Chief, Water Allocation Bureau

FOR DEPARTMENT USE ONLY

Date Received 12/17/2010 FEE Received by SR7 Date 12/17/2010 Receipt # C092233
Preliminary T by KW Publication prepared by DB Pub. approved by _____ Date _____
Published in Idaho Press Tribune Dates Published July 21 & 28, 2011
Protests filed by _____
Copies of protests forwarded by _____ Hearing held by _____ Date _____
Recommended for - APPROVAL / DENIAL By _____

SCANNED

JUL 19 2011



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
Interim Director

August 26, 2011

ALPHA MORTGAGE FUND I
PO BOX 140177
BOISE, ID 83714

RE: Water Right No. 2-10379

Extension to Avoid Forfeiture of Water Right Approval Letter

Dear Water Right Holder:

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 of water for this right shall occur on or before **September 1, 2016**.

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

RECEIVED

AUG 05 2011

29512 490757

1 IDAHO DEPT. OF WATER RESOURCES

WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

AFFIDAVIT OF PUBLICATION
STATE OF IDAHO

WATER RESOURCES
WESTERN REGION

County of Canyon

SS.

Corina Buck
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

EXTENSION OF TIME
TO AVOID FORFEITURE
OF WATER RIGHT

Alpha Mortgage Fund I of PO Box 140177, Boise, ID, 83714, filed an Application proposing an Extension of Time to Avoid Forfeiture for Water Right No. 02-10379 with a 1963 priority from the Snake River totaling 0.542 cfs. The irrigation right was last used in 2005. The right serves property located north of Stage Coach Rd., south of Richardson Lane, west of Sky Ranch Rd. and east of Pump Rd. The applicant proposes to resume use of the right by 2015. The applicant requests the extension of time because the property was foreclosed upon and placed upon the market for sale.

Please visit www.idwr.idaho.gov/apps/ExtSearch/Search-WRAJ.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 August 8, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN,
Interim Director

July 21, 28, 2011 490757

1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principle Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 times(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

That said notice was published the following:
07/21/2011 07/28/2011

Corina Buck

STATE OF IDAHO)

County of Canyon)

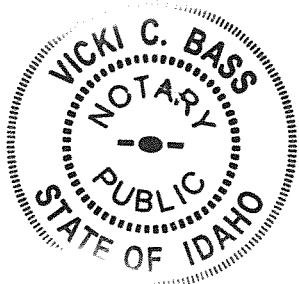
On this 28th day of July in the year of 2011 before me a Notary Public, personally appeared. Corina Buck, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.

Vicki C Bass

Notary Public for Idaho

Residing at Nampa

My Commission expires 04/19/2014



✓ OK DB 8/10/2011

MEMORANDUM

TO: Extension of Time to Avoid Forfeiture 02-10379

FROM: Kay Walker *kay*

DATE: July 5, 2011

RE: Evaluation of Sufficiency of Information Submitted

The application requests an extension of time to avoid forfeiture of Rt. 02-10379. The right was decreed in the SRB A (Snake River Basin Adjudication) in May of 2009. The application states that the property was foreclosed upon by the current owner in May of 2008 and has been placed upon the market for sale.

The site is located north of Stage Coach Rd., east of Pump Rd., south of Richardson Lane and west of Sky Ranch Rd.

Contact person for the applicant is Mark D. Perison, P.A., PO Box 6575, Boise, ID, 83707, at 331-1200.

Deviations from Standards

The application had been signed but we did not know what the persons title within the company was. By e-mail, I found that the person who signed the form is the Vice President of Alpha Lending, LLC, which is the Manager of Alpha Mortgage Fund I, LLC. Therefore the signature on the form is acceptable.

Summary of Information Submitted

Authority to File:

The applicant is the current water right holder and therefore authorized to file this application.

Water Right Validity:

Right presumed to be valid because the partial decree was issued on May 11, 2009, within the past five year period.

Injury to Other Water Rights:

There should be no injury to other water rights. The applicants just want to protect their water right until the property can be sold and the new owners can resume use of the water.

Enlargement of Use:

The application does not request any changes that could enlarge the use of the right. The application states water was last used on the property in 2005. Since the right was decreed in 2009 it has been protected from forfeiture.

Local Public Interest:

It is within the public interest to allow property owners to protect their water rights from forfeiture.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

Review of the application finds there is no clear inconsistency with criteria of I. C. § 42-222 preventing processing of the application.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved.