



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

September 20, 2010

*no response
Kw 10/26/10*

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

MARION D AND JUDY L GROOTHUIS
3490 SADDLEMAN PL
EAGLE ID 83616

RE: Applications for Extension of Time to Avoid Forfeiture of Water Rights

Dear Mr. and Mrs. Groothuis:

On May 31, 2007, you submitted two applications for extension of time to avoid forfeiture of Water Right Nos. 63-32403 and 63-32412. We have held these applications in abeyance since the water rights could not be found forfeited as long as they were pending in the Snake River Basin Adjudication (SRBA). It has come to our attention that these water rights were decreed on June 15, 2010. As of that date, you have an additional five year period to utilize the water rights before they can be found forfeited. Due to this, we would request that you withdraw the applications for extension of time and request a refund of the filing fees that you submitted.

Rights 63-33244 and 63-33247 were decreed in the SRBA on January 15, 2009. If you recall, these are the water rights for the 7.9 acres that were not within Bull Development's original place of use. The five year period to avoid forfeiture on these rights will be in 2014.

The prior right holder, Bull Development, had previously been granted an extension of time to avoid forfeiture of these rights in January of 2002 through June 1, 2007. Idaho Code, Section 42-222, limits us to approval of one extension of time to avoid forfeiture per water right and since the rights have already been granted one approval, we cannot approve your extension requests. At this time we suggest that you withdraw the applications you have submitted, and request a refund the filing fees.

Your written response, or a request for more time to seek information, must be received within the next thirty (30) days. Without a timely reply, the Department will issue a preliminary order to reject or deny the applications. The application fees will not be refunded for rejected/denied applications. Department forms and other information are available on the internet at www.idwr.idaho.gov. Please contact this office at 334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,

KAY WALKER
Sr. Water Resource Agent

Kw:k