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AUG 23 2010

DEPARTMENT OF
WATER RESOURCESWater Right No. 22-7336

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SEP 01 2010

Department of Water Resources
Eastern Region

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

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.

- Name of water right holder Julie Butler, Sally Smith, Susann Smith
- Mailing address 512 S. Mill Hollow Rd, Rexburg, ID Email Sally@ida.net
- The right was obtained or is evidenced by:
 - Decree to _____ in Case of _____
 - vs. _____, Dated _____ in _____
 - Court, _____ County _____ of _____ Fully _____ (Name of Court) describe _____ decree _____
- License No. _____ c. Claim No. _____
- SRBA No. 22-7336
- Source of water Ground Water tributary to _____
(Name of stream or source)
- Date of priority of right 10-22-1980
- Description of Right:

amount 1.64 for Irr purposes from 4-1 to 11-1
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
- Point of Diversion NE 1/4 SE 1/4 of Sec. 29 Twp. 6N Rge. 40E County Madison

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	
<u>6N</u>	<u>40E</u>	<u>29</u>			<u>7</u>	<u>27</u>									<u>27</u>	<u>21</u>			<u>82</u>

Total Acres 82

9. Give the last date when water was put to beneficial use 09-2004
 Length of extension of time requested 5 years, or until leased (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 We have applied to lease the water right to the water supply bank-they have indicated it could take quite a long time to process.
The land was sold but we retained the water rights.

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

[Signature] [Signature]
 (Signature of Applicant) Susan Smith

Subscribed and sworn to before me this 10th day of August, 20 10

NICKI L. STEARS
STATE OF IDAHO
NOTARY PUBLIC

[Signature]
 (Notary Public)

My commission expires 1-3-2012 Residing at BEXBURG, ID

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:

Signed this _____ day of _____, 20 _____

 Chief, Water Allocation Bureau

FOR DEPARTMENT USE ONLY

Date Received 8/23/2010 FEE Received by SR7 Date 8/23/2010 Receipt # C091586
 Preliminary T by _____ Publication prepared by _____ Pub. approved by _____ Date _____
 Published in _____ Dates Published _____
 Protests filed by _____
 Copies of protests forwarded by _____ Hearing held by _____ Date _____
 Recommended for - APPROVAL / DENIAL By _____

9. Give the last date when water was put to beneficial use 09-2006
Length of extension of time requested 5 years, or until leased (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 We have applied to lease the water right to the water supply bank-they have indicated it could take quite a long time to process.
The land was sold but we retained the water rights.

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

Sally Smith Julie Butler
(Signature of Applicant) Susann Smith

Subscribed and sworn to before me this 10th day of August, 20 10

NICKI L. STEARS
STATE OF IDAHO
NOTARY PUBLIC

Nicki L. Stears
(Notary Public)

My commission expires 1-3-2012 Residing at BEXBURG, ID

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 November 1, 2018.

Signed this 16th day of December, 20 10

for Shelley W. Keen
Chief, Water Allocation Bureau

FOR DEPARTMENT USE ONLY

Date Received 8/23/2010 FEE Received by SR7 Date 8/23/2010 Receipt # C091586
Preliminary T by _____ Publication prepared by _____ Pub. approved by _____ Date _____
Published in _____ Dates Published _____
Protests filed by _____
Copies of protests forwarded by _____ Hearing held by _____ Date _____
Recommended for - APPROVAL / DENIAL By _____

SCANNED

SEP 08 2010

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

8/9/2010

WATER RIGHT NO. 22-7336

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SALLY SMITH 512 S MILL HOLLOW RD REXBURG, ID 83440 (208)356-7552
Current Owner	JULIE BUTLER
Current Owner	SUSANN SMITH 512 S MILL HOLLOW RD REXBURG, ID 83440 (208)356-7552
Original Owner	A LYLE SMITH
Original Owner	RUTH SMITH 512 S MILL HOLLOW RD REXBURG, ID 83440 (208)356-5678

Priority Date: 10/22/1980

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	11/01	1.64 CFS	287 AFA
Total Diversion			1.64 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SENESE	Sec. 29	Township 06N	Range 40E	MADISON County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION MADISON County

22 - 7336

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	40E	29		SWNE	7		SENE	27						
				NESE	27		NWSE	21						

Total Acres: 82

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.
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Dates:

Licensed Date:

Decreed Date: 11/24/2008

Permit Proof Due Date: 1/1/1986

Permit Proof Made Date: 6/27/1985

Permit Approved Date: 1/9/1981

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: 10/22/1980

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: AND/OR

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

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