

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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NOV 29 2007

WATER RESOURCES
WESTERN REGION

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.

1. Name of water right holder PTR, Inc
2. Mailing address 33 Spring Gulch Road, Garden Valley, ID 83622
3. The right was obtained or is evidenced by:
 - a. Decree to PTR, Inc in Case of SRBA No. 39576
 - vs. _____, Dated 2/13/2003 in 5th Judicial District
(Name of Court)
 - Court, County of TWIN FALLS. Fully describe decree _____
- b. License No. _____ c. Claim No. _____
- d. SRBA No. 39576
4. Source of water Scriver Creek tributary to Payette River, Middle Fork
(Name of stream or source)
5. Date of priority of right 02/04/1928
6. Description of Right:
amount 0.32 CFS for Irrigation purposes from 4/01 to 11/01
(date) (date)
amount _____ for _____ purposes from _____ to _____
(date) (date)
7. Point of Diversion NW 1/4 SW 1/4 of Sec. 22 Twp. 10N Rge. 04E County BOISE

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	
10N	04E	22															4.0		4.0
10N	04E	23							3.0	1.0	20.0	39.0	29.0	16.0					108.0
10N	04E	26						2.0	1.0										3.0
10N	04E	27	9.0	2.0															11.0

Total Acres 126

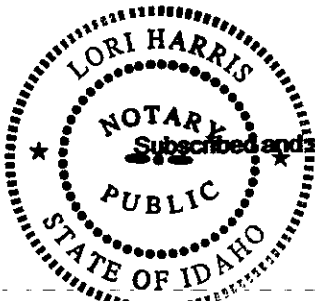
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9. Give the last date when water was put to beneficial use 10/10/07
Length of extension of time requested 5 years, or until N/A (Date)

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 PTR, Inc, Committee No. 2 has struggled over the years to deliver water to its irrigators because of an antiquated delivery system which dates back to the late 1800's. At the close of the 2005 irrigation season, we hired a contractor to renovate the irrigation delivery system at a cost of \$26,000 dollars. The renovation entailed a new diversion; widening and deepening the existing open ditch to accommodate the flood irrigators above the Middle Fork Road; and a transition to a 12 inch pipe which provides pressure irrigation water to the 117 acres below the Middle Fork Road. Currently, we have extended the pressure system to the 13 acreages in the River Ranch Subdivision and will finish the build out of the entire system over the next five years. If the extension of time is granted, PTR, Inc, Committee No. 2 will show beneficial use of the entire water right by the end of the next five year period.

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

John F. Tux
(Signature of Applicant)



Subscribed and sworn to before me this 29 day of November, 20 07

Lori Harris
(Notary Public)

My commission expires 12-12-2012 Residing at Boise, Idaho

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 October 15, 2012.

Signed this 31st day of March, 20 09

[Signature]
Chief, Water Allocation Bureau

FOR DEPARTMENT USE ONLY

\$100

Date Received 11/29/07 FEE Received by SC Date 11/29/07 Receipt # W036008

Preliminary T by AR Publication prepared by DB Pub. approved by _____ Date _____

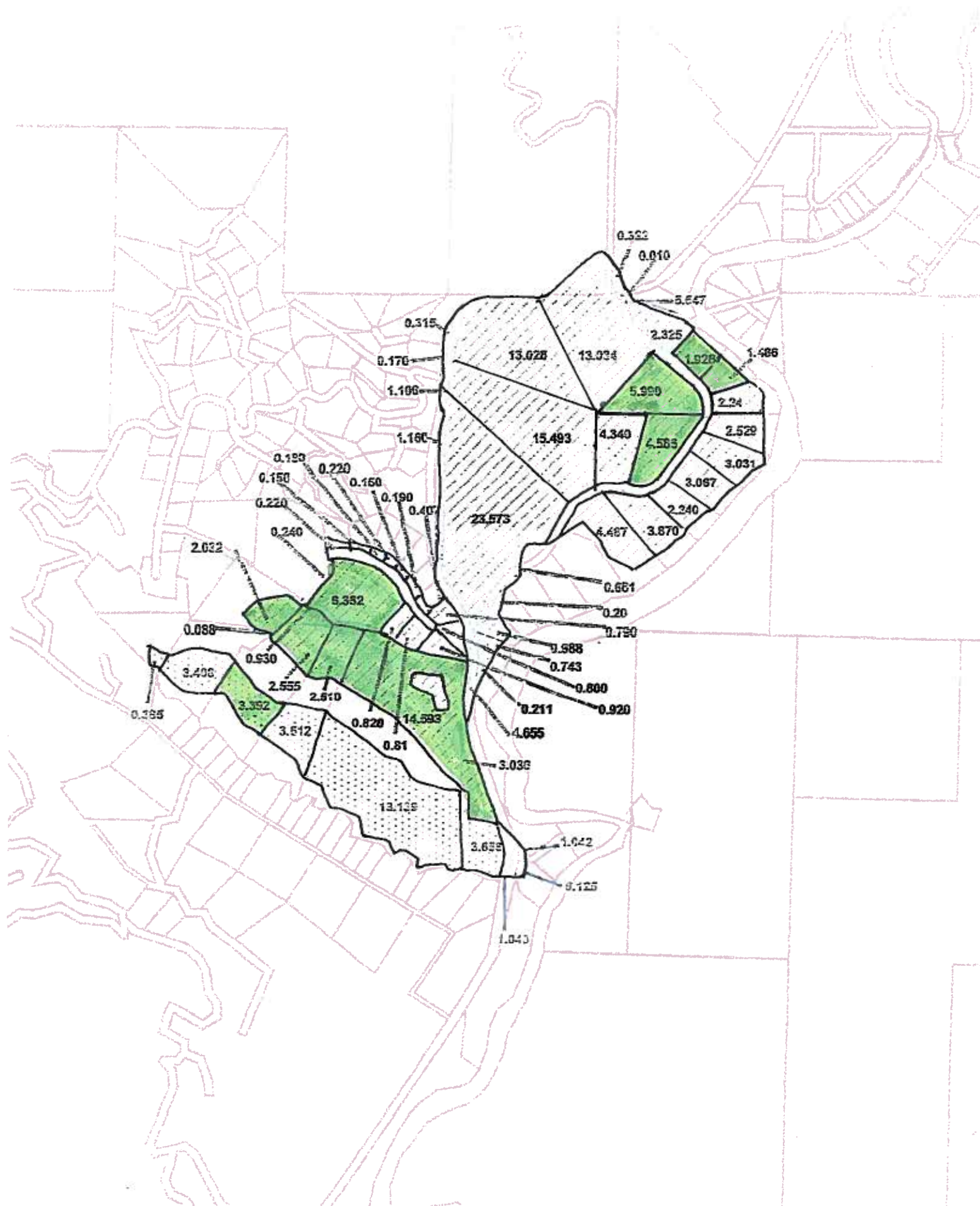
Published in IDAHO WORLD Dates Published FEBRUARY 18 & 25, 2009

Protests filed by _____

Copies of protests forwarded by _____ Hearing held by _____ Date _____

Recommended for - APPROVAL / DENIAL By _____

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DEC 29 2008



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-8290

WATER RIGHT NUMBER: 65-8290

Owner Type Name and Address
 Original Owner PINE TREE RANCH INC

Current Owner PTR INC
 C/O SANDRA L KANE
 33 SPRING GULCH RD
 GARDEN VALLEY, ID 83622
 (208)462-3626

Priority Date: 02/04/1928

Basis: Decreed

Status: Active

Source Tributary
 SCRIVER CREEK MIDDLE FORK PAYETTE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.320 CFS	
	<u>Total Diversion:</u>	0.320 CFS	

Location of Point(s) of Diversion

SCRIVER CREEK NW1/4SW1/4 Sec. 22, Twp 10N, Rge 04E, B.M.
 BOISE County

Place of Use

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	
10N	04E	22															1.0	12.0	13.0
																	L 2	L 1	
10N	04E	23							3.0	1.0	33.0	39.0	29.0	16.0					121.0
10N	04E	26						2.0	1.0										3.0
10N	04E	27	22.0	2.0															24.0

Total Acres: 161

CURRENT USE
 35 Irrigated Acres

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-8290

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHT NO. 65-03222 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 161.0 ACRES IN A SINGLE IRRIGATION SEASON.
2. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 65-03222 & 65-03223.
3. C20 Basin 65 General Provisions No. 3, the Separate Streams General Provision, does not apply to appropriations of water after October 18, 1977.
This water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3. If the holder of this right seeks to change the right pursuant to Idaho Code § 42-222 or successor statute, nothing in this general provision shall preclude any other person or entity from demonstrating that such change in use would cause injury to its water right or from receiving any relief provided by law in the event of injury.
4. 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.

Comments:

1. dgibson 7/12/2005 Exchange of Water Right

Comment: PTR, Inc. filed an application for exchange of water right nos. 65-3222 & 65-8290. On May 17, 2005, a Preliminary Order was issued denying the application

2. dnelson 4/16/2007 Corrections to ArcView and Conditions

Comment TO: FILES 65-3221, 65-3222, 65-3223, 65-3224, 65-3225, AND 65-8290

SUBJECT: CORRECTION OF CONDITIONS AND ARCVIEW SHAPES

All of the above water rights are owned by PTR Inc. PTR Inc. recently filed a transfer to correct the points of diversion created in ArcView, and a condition that tied all the points of diversion to one location. The ArcView shapes for these rights were created during the review of the Snake River Basin Adjudication (SRBA) water right claims. The shape was based on maps created during the Payette River Basin Adjudication (PRBA), and it does not appear as though any field exam was made during the SRBA review. The condition in question was also added during the SRBA review. This condition limits the all of the six rights listed above to the same point of diversion.

The PTR Inc. transfer stated that the points of diversion were incorrectly mapped in the SRBA, and that there are actually 2 points of diversion. The transfer stated that there is one diversion for the north ditch that is used to irrigate the ground north of Scriver Creek, and a second point of diversion that is used to irrigate the ground south of Scriver Creek. Both diversions are still located in the NWSW S22 T10N R4E. A review of the PRBA maps confirms that there were two points of diversion and ditches on that map, and that map is similar to the map supplied in the transfer. I believe that this error occurred because they used the same map for all of the claims, and did not notice that there was actually two separate diversion points. The end result was that the ArcView maps only showed one point of diversion, and an explanatory remark was added that stated that all the above water rights were diverted from a single point of diversion.

I spoke with State Office staff about these issues, and they agreed that this was clearly an error by the reviewing agent. The ArcView maps and the explanatory remark that was added to the water right in the SRBA were not actually included in the decree. In other words, these components were not included on the actual decree issued by the court. State office staff and I agreed that since these components of the water right are not part of the decree, but are tools too be used for administrative purposes, that these tools can be corrected without the need for a transfer if all the components that were decreed are not altered. The legal descriptions on the decree rights will all remain the same after the changes are made, and the condition was not included on the decrees.

The changes proposed by PTR Inc. in the transfer will not change any of the components that were decreed by the SRBA court. Therefore, we made the corrections needed internally without the need for the transfer, departmental order, or other similar type document. The transfer will be returned, and the fees will be refunded. This memo will be used as the explanation of the corrections. A letter will be sent to PTR Inc. explaining this situation and to return the transfer. A request for a refund will be sent to our State Office staff.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 65-8290

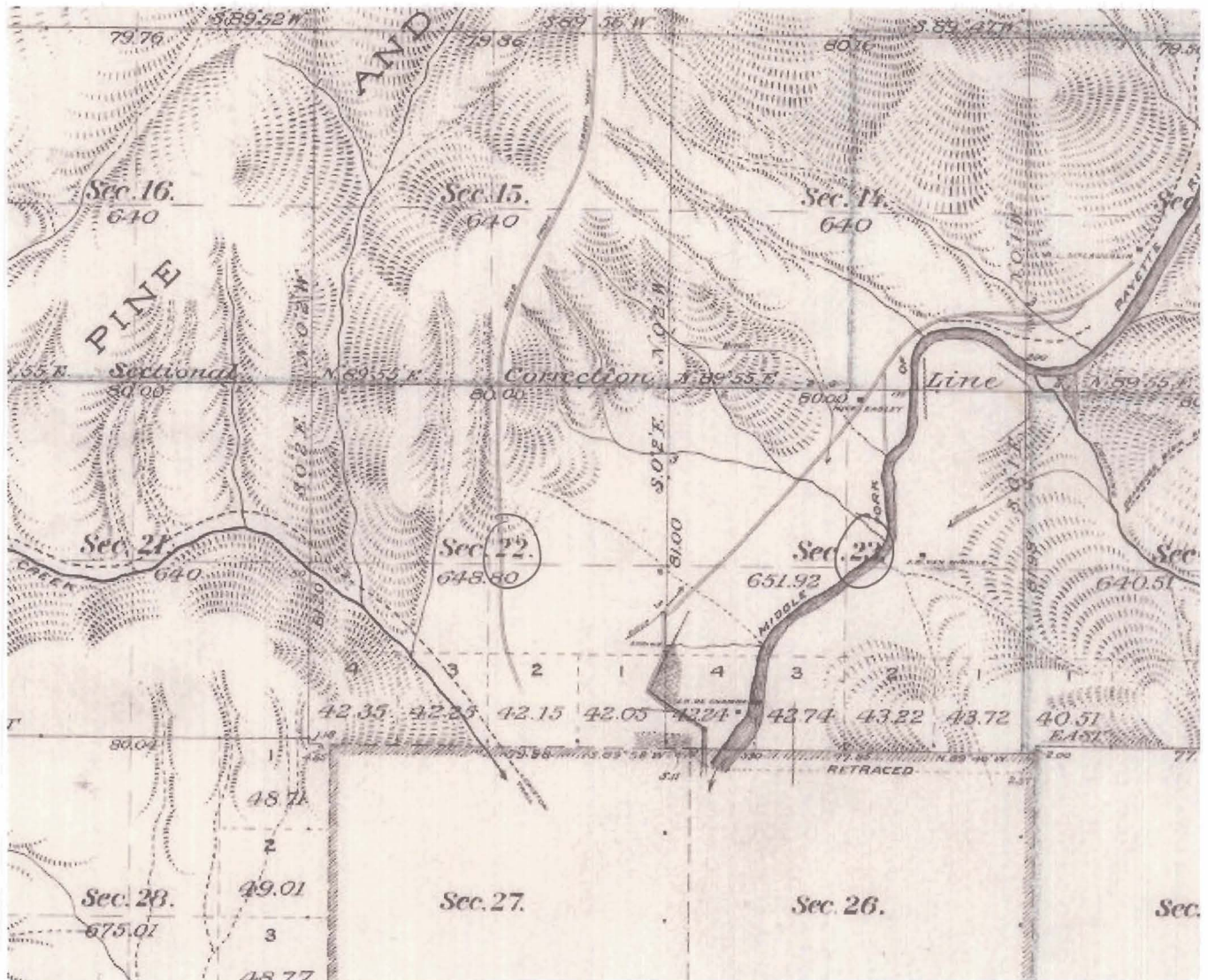
Dates and Other Information:

Decreed Date: 2/13/2003
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number: 65
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:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		161

Combined Water Rights: 65-3222 , 65-8290



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RAE