

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

NOV 29 2007

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

WATER RESOURCES
WESTERN REGION

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 PTC, Inc
2. Mailing address 33 Spring Gulch Road, Garden Valley Email Kanej@frontier.net.net
3. The right was obtained or is evidenced by:
- a. Decree to PTC, Inc in Case of SRBA No. 39576
- vs. TWIN Falls, Dated 2/13/2003 in 5TH Judicial District
(Name of Court)
- Court, County of Fully describe decree
- b. License No. 888888 c. Claim No. _____
- d. SRBA No. 39576
4. Source of water Scraper Creek tributary to Middle Fork, Payette River
(Name of stream or source)
5. Date of priority of right 09/26/1881
6. Description of Right:
amount 9.540 CFS for Irrigation purposes from 4/01 to 11/01
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
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	26																	
10N	04E	27	8	10		12													30

Total Acres 30

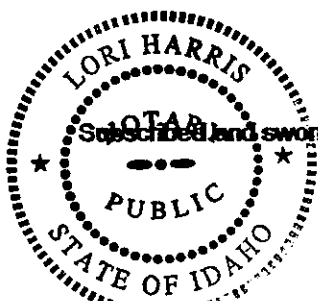
SCANNED
DEC 29 2008

9. Give the last date when water was put to beneficial use 10/01/00
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 focused almost entirely on developing Water Right 65-8290 and Water Right 65-3222. We are now focusing our attention to develop Water Right 65-3223 which lies between Scriver Creek and the bottom of the bluff to the north of Scriver Creek. One of the three irrigators using the water right has already made significant improvements to utilize the water in question and has been doing so for two years. The other two land owners have indicated they will begin making improvements in 2008. Because of its location, it requires each of the three land owners in question to develop separate diversions from the main lateral into gravity feed or pressurized systems to feed water to their portion of the 34 acres below the bluff. If the extension is granted, we are confident that we will have the necessary systems in place to show beneficial use of Water Right 65-3223 by the end of the next five year period.

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

(Signature of Applicant) John F. Harris



Subscribed and sworn to before me this 29 day of November, 2007

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.

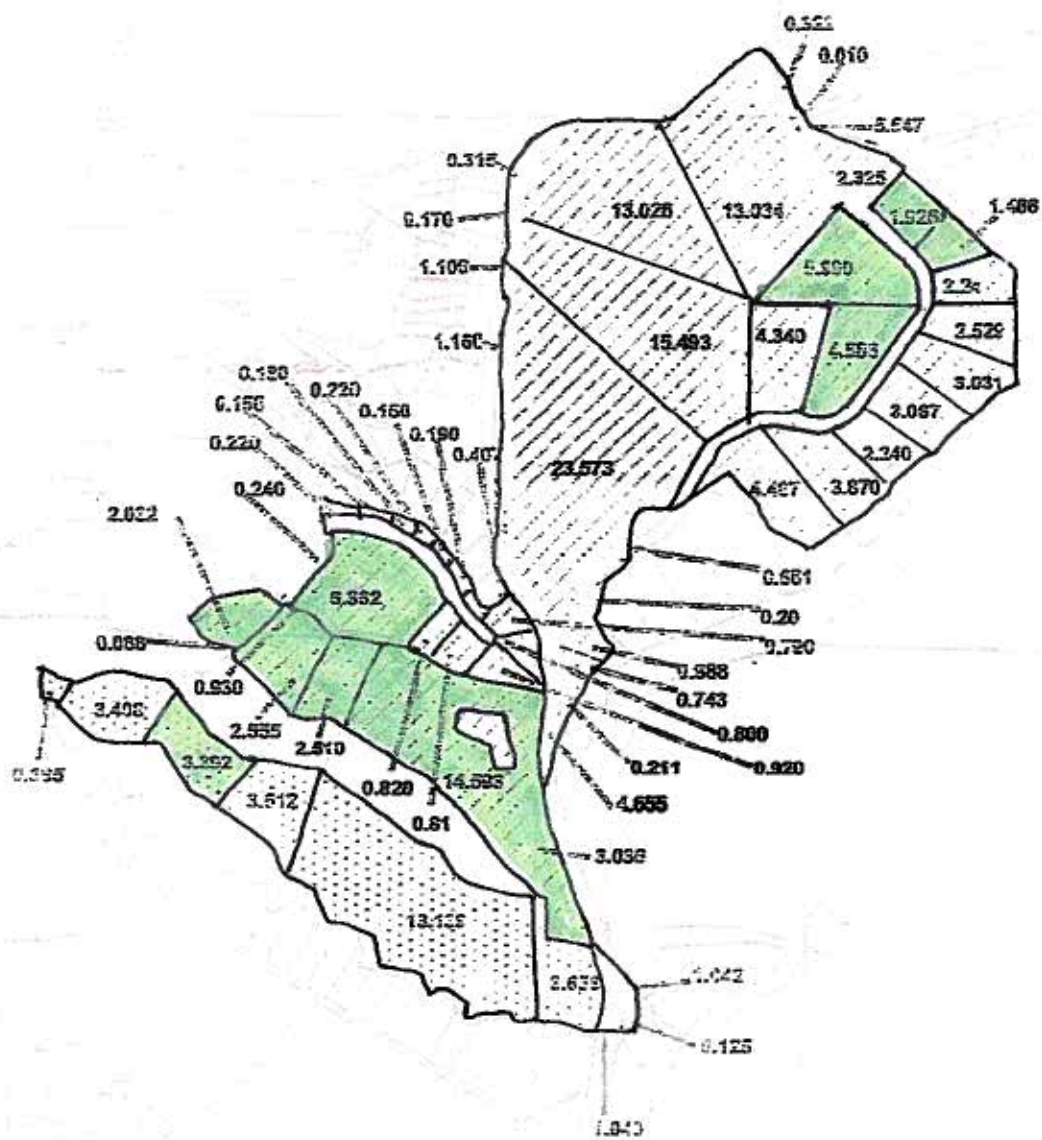
Signed this 31st day of March, 2009

[Signature]
Chief, Water Allocation Bureau

FOR DEPARTMENT USE ONLY

Date Received 11/29/07 FEE Received by SK Date 11/29/07 Receipt # \$100 W036008
Preliminary ☒ by SK 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 _____

SCANNED
DEC 23 2008



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-3223

WATER RIGHT NUMBER: 65-3223

<u>Owner Type</u>	<u>Name and Address</u>
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: 04/01/1882

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
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	0.540 CFS	
	<u>Total Diversion:</u>	0.540 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	26								4.0									4.0
10N	04E	27	8.0	10.0		12.0													30.0

Total Acres: 34

Conditions of Approval:

- THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 65-03222 & 65-08290.
- 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.

Current use
4 Irrigated Acres

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 65-3223

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.

Comments:

1. 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.

Dates and Other Information:

Licensed Date:

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