

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF EXTENSION OF TIME)	
TO AVOID FORFEITURE OF WATER)	SECOND ORDER
RIGHT NO. 61-11963 (PREVIOUSLY)	EXTENDING
KNOWN AS 61-2206) IN THE NAME OF)	RESUMPTION OF
JACK POST AND KARLA POST)	USE DUE DATE
_____)	

This matter having come before the Idaho Department of Water Resources (“Department”), the Department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

On April 21, 2003, the Department granted an extension of time to avoid forfeiture with a condition that resumption of beneficial use (“resume use”) be submitted to the Department on or before October 26, 2005.

On September 22, 2005, the water right holder(s) submitted a written request that the Department grant them an extension of time to resume use because of delays they encountered due to reconstruction of the existing well.

On November 1, 2005, the Department issued an Order Extending Resumption of Use Due Date to July 1, 2006 for water right no. 61-11963. At which time a notice from the right holders, is to be filed with the Department, stating that resumption of use has been completed on or before the due date, or risk forfeiture of this water right to the state.

CONCLUSIONS OF LAW

According to Idaho Code § 42-222(4);

d. In his approval of the application for an extension of time under this section the director of the department of water resources shall set the date when the use of water is to be resumed. Sixty (60) days before such date the director of the department of water resources shall forward to the applicant at his address of record a notice by certified mail setting forth the date on which the use of water is

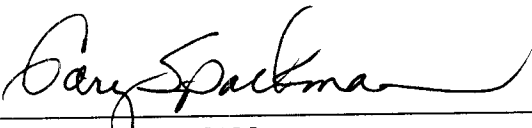
to be resumed and a form for reporting the resumption of the use of the water right.

The Department failed to notify the water right holders sixty (60) days before the July 1, 2006, resumption of use deadline. Therefore, the Department shall grant additional time for serving notice to resume use upon the right holders according to I.C. § 42-222.

ORDER

IT IS, THEREFORE, HEREBY ORDERED, that the time in which to resume beneficial use of water right no. 61-11963 is **September 20, 2006**.

Dated this 18th day of July, 2006.



GARY SPACKMAN