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

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

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 August 14, 2002 the water right holders, Jack and Karla Post (“Posts”), filed with the Department an application for extension of time to avoid forfeiture (“application”).

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 holders 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.

CONCLUSIONS OF LAW

Under Idaho Code § 42-222, the Department may approve an extension of time to avoid forfeiture of up to five (5) years.

In this case the Department granted a three (3) year extension. Because the extension approval required resumption on October 26, 2005, the extension did not allow three full irrigation seasons before resumption was required.

The Department should allow until July 1, 2006 for full resumption of use.

ORDER

IT IS THEREFORE, HEREBY ORDERED, that the time in which to resume beneficial use of water right no. 61-11963 is **EXTENDED** to **July 1, 2006**.

Dated this 1st day of November, 2005.

A handwritten signature in cursive script, appearing to read "Gary Spackman", written over a horizontal line.

GARY SPACKMAN