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Form 2-222

12/99

FEE \$100.00

Department of Water Resources  
Southern Region

Water Right No. <sup>36</sup> 37-7847

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.

1. Name of water right holder MAGIC VALLEY DAIRY SUPPLY

2. Mailing address 304 S. 230 W. JEROME, IDAHO 83338

3. The right was obtained or is evidenced by:

a. Decree to \_\_\_\_\_ in Case of \_\_\_\_\_

vs. \_\_\_\_\_, Dated \_\_\_\_\_ in \_\_\_\_\_

Court, County of \_\_\_\_\_. Fully describe decree \_\_\_\_\_ (Name of Court)

LIC. # 36-7847 \_\_\_\_\_ b.

d. SRBA No. 36-7847

4. Source of water GROUNDWATER tributary to \_\_\_\_\_  
(Name of stream or source)

5. Date of priority of right MARCH 28, 1979

6. Description of Right:

amount 0.56 CFS for IRRIGATION purposes from 3/15 to 11/15  
(cfs/ac-ft)

amount 112.0 ACFT. for IRRIGATION purposes from 3/15 to 11/15  
(cfs/ac-ft)

7. Point of Diversion NW 1/4 NE 1/4 of Sec. 18 Twp. 08S Rge. 15E County GOODING

8. Lands irrigated or Place(s) of use:

| TWP         | RNG        | SEC       | NE              | NW          | SW          | SE          | TOTAL ACRES |
|-------------|------------|-----------|-----------------|-------------|-------------|-------------|-------------|
|             |            |           | NE NW SW SE     | NE NW SW SE | NE NW SW SE | NE NW SW SE |             |
| <u>8S</u>   | <u>15E</u> | <u>18</u> | <u>2.0 26.0</u> |             |             |             | <u>28.0</u> |
|             |            |           |                 |             |             |             |             |
|             |            |           |                 |             |             |             |             |
|             |            |           |                 |             |             |             |             |
| Total Acres |            |           | <u>28.0</u>     |             |             |             |             |

9. Give the last date when water was put to beneficial use OCTOBER 1, 2001

Length of extension of time requested 5 years, or until \_\_\_\_\_  
(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 LAND USED FOR HAY STORAGE

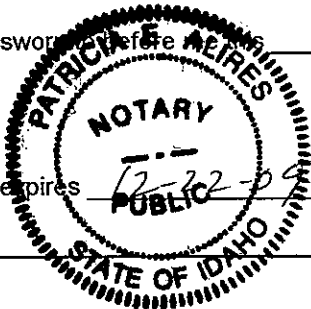
The information contained in this application is true to the best of my knowledge.

[Signature]  
(Signature of Applicant)

Subscribed and sworn to before me this 5 day of October, 2004

[Signature]  
(Notary Public)

My commission expires 12-22-09 Residing at Ivan Falls



#### 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 1, 2009.

Signed this 23<sup>rd</sup> day of November, 2004

[Signature]  
Chief, Water Allocation Bureau

CARY SPACKMAN

#### FOR DEPARTMENT USE ONLY

Date Received 10/6/2004 FEE Receipted by C. SKINNER Date 10/6/2004 Receipt # 5027103

Preliminary T by C. SKINNER Publication prepared by TMB Pub. approved by \_\_\_\_\_ Date \_\_\_\_\_

Published in Shoshone Co. Leader Dates Published 10/21 & 10/28/04

Protests filed by \_\_\_\_\_

Copies of protests forwarded by \_\_\_\_\_ Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Recommended for 9 APPROVAL / 9 DENIAL By AD

SCANNED  
OCT 18 2004

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09/16/2004

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 36-7847 V1

WATER RIGHT NUMBER: 36-7847 V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                           |
|-------------------|-----------------------------------------------------------------------------------|
| Current Owner     | MAGIC VALLEY DAIRY SUPPLY INC<br>304 S 230 W<br>JEROME, ID 83338<br>(208)324-4381 |
| Current Owner     | WAYNE HAWKINS<br>302 S 230 W<br>JEROME, ID 83338<br>(208)324-4382                 |
| Current Owner     | DEAN HAWKINS<br>304 S 230 W<br>JEROME, ID 83338<br>(208)324-4381                  |

Priority Date: 03/28/1979

Basis: Decreed

Status: Closed

Source

GROUND WATER

Tributary

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 3/15 to 11/15           | 0.560 CFS             | 112.00 AF            |
|                       | <u>Total Diversion:</u> | <u>0.560 CFS</u>      | 112.00 AF            |

Location of Point(s) of Diversion

GROUND WATER

GOODING County

NW1/4NW1/4NE1/4

Sec. 18, Twp 08S, Rge 15E, B.M.

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE  | NW   | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
|-----|-----|-----|-----|------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| 08S | 15E | 18  | 2.0 | 26.0 |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 28.0   |

Total Acres: 28

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.

Remarks:

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IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 36-7847 V1

Comments:

1. SHAFF 1/18/1991 RECORD MAINTENANCE

Comment: This right was claimed in total as A36-07847A by Magic Valley Dairy Supply/Hawkins. .56 cfs., 28 ac.

2. AJU10-DS 12/22/1999 AJU10 CONDITION UPDATE

Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates and Other Information:

Decreed Date: 1/2/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number: 39576

Judicial District: FIFTH

Notice of Error Flag: NONE RECEIVED

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verfier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|----------------|---------------|
|----------------|---------------------------|-----------------|---------------------------|----------------|---------------|

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u> |
|----------------|------------------------|-----------------|-----------------|
|----------------|------------------------|-----------------|-----------------|