

MEMO

DATE: 4/13/1999

FR: lg

TO: Files 63-07123, 63-04023, 63-04086

RE: Extensions of Time to Avoid Forfeiture

Due to illness and incompetent help, applicant stated that claimed and licensed acres have not been irrigated since 1994 and has requested protection from forfeiture on the above listed rights.

Two licenses and two statutory claims are used for irrigation, with overlapping p/u and p/d's. 510 total acres irrigated was licensed for 63-07123, and capacity of the NENE sec 36 well was calculated at 9.49 cfs, however total system capacity has yet to be determined. The SRBA claims were basically filed as recorded except that the two statutory claims were split to reflect the portion of the farm owned separately by applicant's sister (Helen Weissaupt). License 63-07123 also included the sister's acres but was not split in the SRBA, however the sister's acres were excluded from A63-07123. Applicant's sister owns the NW qtr of section 35 (property west of HWY 55).

Per telecon with Helen (sister) and telecon with Julius 4/13/1999, both stated that Helen's portion did not use ground water. Her irrigation sources are Dry Creek and Spring Creek only. Julius also stated that his property south of Dry Creek road and east of HWY 55 is not irrigated and has not been irrigated for many years. The ground water is only applied to his acres north of the road.

The property north of Dry Creek Road, along with sister's portion west of HWY 55, was clearly irrigated in 1987 per napp photo and also in 1994 per scanned airphoto. The property south of Dry Creek Road and east of HWY 55 did not appear irrigated on both photos, but was listed on license 63-07123 and A63-07123.

Based on this information, I recommend that the acres in the NW qtr, sec 35, be forfeited and that A63-04023A and A63-04086A be disallowed due to ground water non-use (Helen's acres). I also recommend the property licensed on 63-07123, south of Dry Creek road and east of HWY 55, be forfeited and disallowed on A63-07123. The remaining acres (specific amount to be determined in SRBA) should be protected. See attached topo map for visual clarification.

cc: A63-04023A, A63-04086A, A63-07123