

MEMORANDUM

TO: Water Right No. 67-15155

FROM: Phill Hummer

DATE: 12/05/2016

RE: Evaluation of Extension of Time to Avoid Forfeiture

On 05/05/2016 Leonard and Sandra Mason (applicants) filed a notice of change in water right ownership (ownership change) for a portion of water right no. 67-206. The applicants also submitted an application for an extension to avoid forfeiture of a water right (extension) for water right no. 67-206. The extension was filed prior to the processing of the ownership change so a new water right number had not been created for the applicant's portion. The extension application lists water right no. 67-206 but the intent of the extension is to protect the applicant's portion. The ownership change has now been processed and the applicant's portion is now water right no. 67-15155.

The partial decree for water right no. 67-206 was issued on 05/13/2009. The right is assumed valid until 12/31/2015 per multiple programs memorandum no. 2. A review of satellite imagery and landsat imagery of the property shows no beneficial use had occurred within that deadline. However, the applicant's purchased their portion of the water right on 09/09/2013 (according to the deed received with the ownership change). Non-use by the previous owner is beyond the control of the applicant. For this reason water right no. 67-15155 is considered valid at this time. The extension should approved, provided there are no protests, with 12/31/2020 as the deadline to resume beneficial. This deadline was calculated by adding 5 years to the original 5 year post decree date deadline (12/31/2015) on the parent water right.

Additionally, while reviewing the water right back file an error was discovered in the way water right no. 67-206 was split. The deed submitted with the application indicates Leonard and Sandra Mason only own the property north of Mill Creek Road and west of Brownlee Road (State Highway 71). The right was incorrectly split giving the applicants all of the authorized acres and associated cfs within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of section 32, township 16N, range 04W. The correct split would allocate 0.9 acres to the Mason's with the remaining 2.7 acres in that QQ staying with water right no. 67-206 as indicated in the attached map and split tree. This error will be fixed during the processing of the extension of time to avoid forfeiture. A copy of the corrected water rights will be sent to each owner along with a map showing the correct place of use.