

MEMORANDUM

TO: File

FROM: Steve Lester 

DATE: February 22, 2011

RE: 65-23017 Resumption of Beneficial Use Date

The extension to avoid forfeiture application was filed in June of the 5th year following last stated beneficial use on the application (2005). The application was therefore filed toward the end of the 5 year forfeiture period.

The irrigation season for this right ends November 1. The applicant asked for 5 years extension. Approval for 5 years following the end of the 2010 irrigation would require a resumption by November 1, 2015. This means irrigation would have to occur in the 4th season following approval, depriving the irrigator of a full year of extension.

SO guidance in these cases is to approve the full 5 years and require irrigation to resume by early July in the 6th year. That results in a more realistic outcome in these cases.

Irrigation should resume by July 1, 2016.