

MEMORANDUM

TO: Extension of Time to Avoid Forfeiture of Rt. 65-23017

FROM: Kay Walker *Kay*

DATE: December 16, 2010

RE: Review of Application Form

An application for extension of time to avoid forfeiture of Rt. 65-23017 was submitted due to economic hardship. The applicant states on the form that he cannot afford to plant a crop, service and fuel his machinery and still get by at this time. He requests an extension to allow time before he must resume use and not worry about losing his water right.

The site is located northeast of Crouch on the east side of the middle fork of the Payette River.

Summary of Review

Authority to File:

The applicant is the current right holder of record. He submitted a Notice of Change in Water Right Ownership after purchasing the property in June of 2004.

Water Right Validity:

Right presumed to be valid. The Partial Decree was issued in November of 2000. I reviewed aerial photography of the area (2004, 2006 & 2009) and then asked the applicant to document his water use since the aerial photos did not provide any evidence. Applicant came into the office with seven affidavits stating water was used on the property in 2005. He also brought in an entire photo album with pictures showing the fields being irrigated, mowed and alfalfa being harvested. Although the pictures were not dated, the affidavits submitted documented the use in 2005. Applicant also stated he had applied some water to his fields in 2010 but not to the extent that he did in 2005. When I asked him about the aerial photography not showing any kind of irrigation he stated that it is real hot at his place and the minute he stops irrigating the fields dry up.

Review of the application finds there is no clear inconsistency with criteria of I. C. § 42-222 preventing processing of the application.

Watermaster comments will be solicited.