

MEMORANDUM

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AUG 11 2010

WATER RESOURCES
WESTERN REGION

Date: August 10, 2010
To: Steve Lester 
From: Pam Skaggs 
Re: Request for Extension of Time to Complete Transfer 72596 &
Extension of Time to Avoid Forfeiture of the same rights

On 08-09-2010 the right holder's representative submitted a Request for Extension of Time to Complete Transfer 72596 & Applications for Extension of Time to Avoid Forfeiture of a Water Right for Rights 63-4695, 63-17863, 63-31312 & 63-31313. These rights are the same rights under approved Transfer 72596.

Transfer 72596 was approved on 08-15-2007 and allowed three years in which to accomplish the changes to the water rights. The right holder has provided reasonable cause for the delay in completing the changes. Normal processing would allow for the extension of 2 more years to 08-15-2012, or a total of 5 years. The 5 year limit is reflective of concerns associated with forfeiture of water rights after a period of 5 or more years.

The change to these water rights represent a subdivision development on the originally irrigated lands, so water is not being used at a different location pending completion of the transfer changes. The standard transfer extension approval to 2012 would be in conflict with the Applications for Extension of Time to Avoid Forfeiture of a Water Right for the same rights. The information provided on the Extension to Avoid Forfeiture applications identify the last year of use as 2006 and request an extension to 2016.

Since the purpose of limiting the Extension of Time to Complete Transfers is to avoid forfeiture of water rights, and the Extension of Time to Avoid Forfeiture would protect the rights to a later date, I recommend that these applications be processed together with a common resumption and completion date. If advertising and processing of the Extension of Time to Avoid Forfeiture applications does not result in the requested resumption date, the Extension of Time to Complete Transfer 72596 should be limited to the approved resumption date or 08-15-2012, whichever is greater.

The applications are being forwarded to Western Region for advertising and processing.

Copy to water right file 63-132.