

MEMO

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FROM: Jim Stanton

DATE: 3-24-10

TO: File

SUBJECT: App For Extension Of Time To Avoid Forfeiture, 36-7547F, Southfield Properties LLC

I have reviewed the historic use of this right from 2003 through 2009 in connection with App For Transfer 75870. The 3 groundwater rights appurtenant to the NE1/4 Sec. 9 T. 8S R. 14E cover 141 acres, with a limit of 123 acres per year. Wastewater Right 36-4021 also covers this ground, but has not been used for many years and has recently been relinquished by the owner. In 2004, there were 117 acres irrigated under a pivot sprinkler on this property; no other land was irrigated from the decreed pod. More and more of the pivot ground has been converted to a compost yard from 2005 through 2009, with apparently no land being irrigated last year.

In December of last year, the owner applied to put this right into the Water Supply Bank; the right has now been partially accepted into the Bank; 6 acres have not been accepted, and are therefore subject to a finding of forfeiture. Boise has determined that this protects the portion of the right that is in the Bank from forfeiture, so the extension of time is probably not needed. Allen Merritt has decided that we should process the extension anyway, so I recommend that it be approved for 10.5 acres, 42 afa, and 0.24 cfs. This is the junior priority of the three rights, so any forfeiture in the system would be applied to it. This leaves the system rate at just under 0.02 cfs/acre, so it is not necessary to reduce the rate as part of the forfeiture.