

MEMORANDUM

DATE: March 12, 2010

TO: Water Right File 45-13788

FROM: Shelley W. Keen *SWK*

RE: Application for Extension of Time to Avoid Forfeiture

Water Right 45-13788 was decreed in the Snake River Basin Adjudication (SRBA) on July 1, 2005. In June of 2007 IDWR approved an application to add a point of diversion to Right 45-13788. In May of 2008 IDWR approved another application to transfer Right 45-13788. In a Request for Extension of Time to Complete Transfer dated October 29, 2009, the right holder reported, "Only a portion of the approved transfer has been completed." There is no description of either the portion completed or the portion not completed. The last date of use for any portion of the right is not clear.

Because it was protected from forfeiture in the SRBA until July 1, 2005, forfeiture of any unused portion of the right, whatever that may be, will not occur until at least July 1, 2010. To give the right holder the maximum benefit based on the limited information available, forfeiture protection for the entire right should be granted until July 1, 2015.

If a portion of Right 45-13788 has been used since July 1, 2005, and the right holder wants an extension beyond July 1, 2015, for that portion of the right, the right holder can provide evidence of the amount and timing of use and make a separate request for extension at a later date.