

Partial-Forfeiture Recommendation Statement for Claim 11-349

Background & Legal Basis

Under Idaho Code § 42-222(2), water rights are subject to forfeiture if not put to beneficial use for five consecutive years. Partial forfeiture applies to a portion of a right that has been unused during that period.

Assessment of Forfeiture

- **Historical Use:**

Analysis indicates that, of the original 25-acre decree, only 11 acres have been continuously used, with no five-year period of non-beneficial use observed (highlighted in gold).



 POU  Recommend Area



0.1
Miles

- **Unused Portion:**

The remaining 14 acres decreed has not been used since 1999, exceeding the statutory five-year threshold.



 POU  Recommend for Forfeiture



0.1
Miles

- **Partial Forfeiture Applicable:**

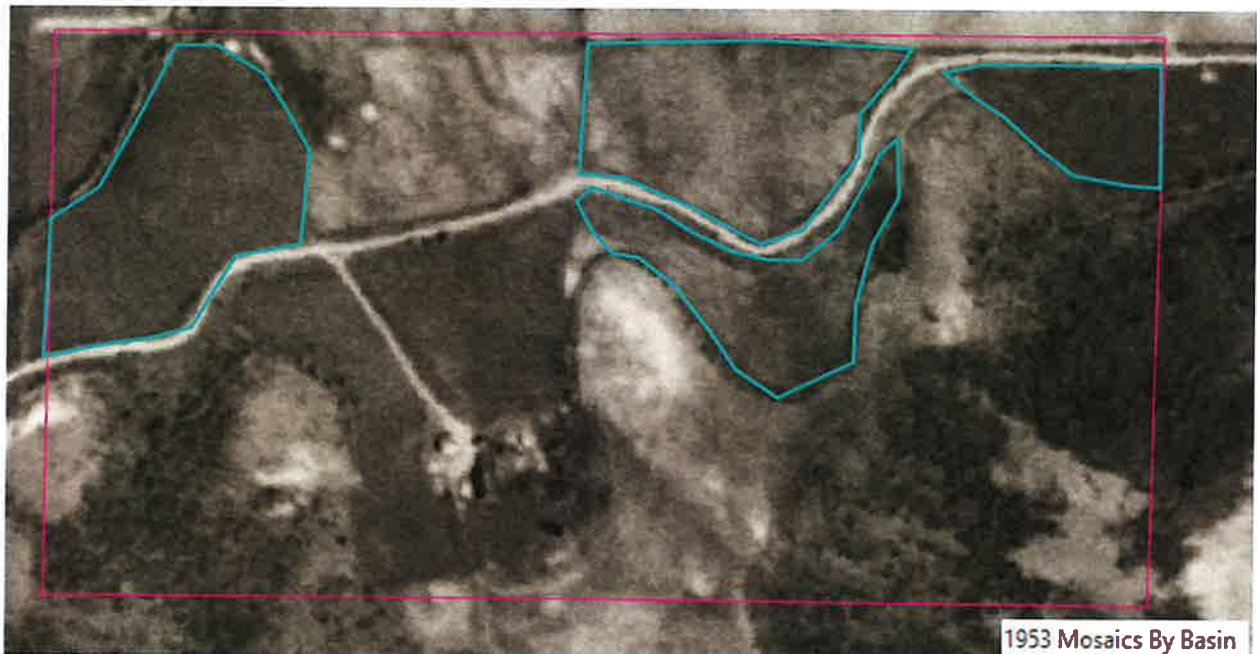
The unused portion qualifies for partial forfeiture under established IDWR policy, as described in guidance document, Multiple Programs Memo No. 2: "Forfeiture of a portion of a water right may occur if beneficial use is reduced for the statutory period"

Recommendation

Based on the foregoing:

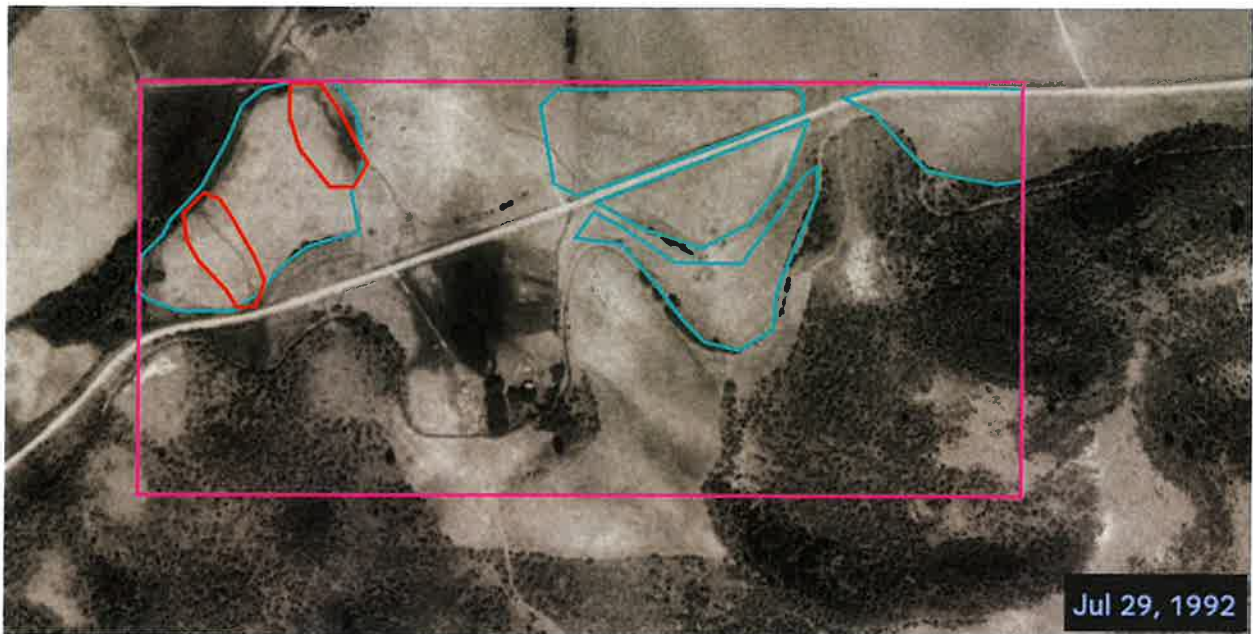
- **Forfeit the unused portion** of the water right effective July 25, 1999.
- **Retain the active portion:** 11 acres with a 0.22 cfs to reflect the decreed rate of 0.02 cfs per acre [$0.5 \text{ cfs} / 25 \text{ acres} = .02 \text{ cfs} \rightarrow .02 * 11 = 0.22 \text{ cfs}$].

Supporting Documentation

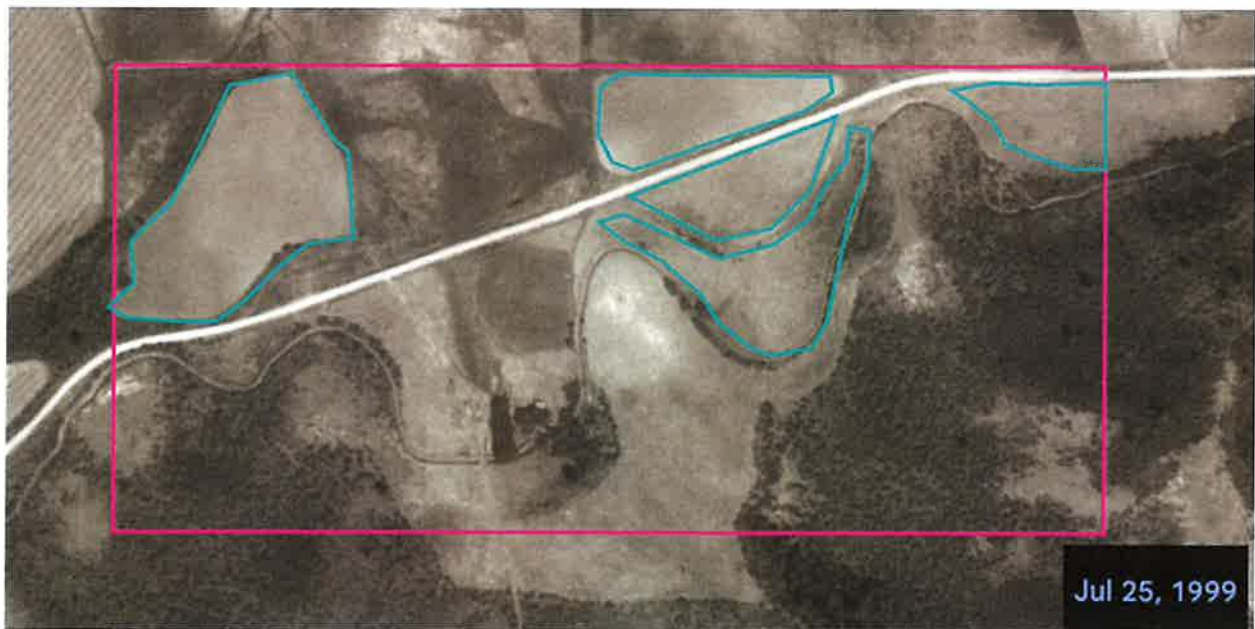


1953 imagery from USGS irrigation actively used in the proposed forfeiture areas (outlined in blue).

Between 1953 and 1976 imagery from USGS show alterations to the roadway. Irrigation channel seen in bisected field (outlined in red) within the proposed forfeiture areas (outlined in blue).



1992 imagery from Google Earth shows lack of irrigation in the previous bisected field and other proposed forfeited areas (outlined in blue) on the eastern half of the parcel shows lack of irrigation. Irrigation channels seen (outlined in red) within the proposed forfeiture area on the western half of parcel.



1999 imagery from Google Earth shows lack of irrigation in all proposed forfeited areas (outlined in blue) within parcel. The following images continue to show the lack of irrigation use in the proposed forfeited areas within the parcel.









Conclusion

Implementing this recommendation will align the water right with Idaho law, ensuring efficient use of public water resources and accurate representation of current beneficial use.

Respectfully submitted,

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