

## **MEMORANDUM**

TO: Files

FROM: Steve Lester 

DATE: March 8, 2011

RE: 63-320B and 63-15428 Resumption of Beneficial Use Date

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These rights have been used to operate a small business. Both rights were decreed in April 2003. The original 5 year "validity period" ended in 2008. Although information is vague and hard to verify, it appears both rights were last used sometime in 2007 – see Vicky Music's thorough review memo dated 1/20/2011.

The applications were filed in 2010, requesting extensions for 5 years until 2015.

The second validity period covers 2009-2013. The rights must be used or otherwise protected during this period. A more conservative view would approve the extensions through the end of the second validity period, 2013. A more liberal view would approve the extensions for 5 years following the end of the second period, 2018.

Approving the extensions for 5 years to 2015 strikes a good balance between those two views. A mid-year date would accommodate differences between the irrigation and commercial seasons of use.

Use should resume by July 1, 2015 for both rights.