

MEMORANDUM

DATE: August 24, 2010

TO: Water Right Files 63-3330B and 63-7075B

FROM: Shelley W. Keen 

RE: Applications to lease rights to the Water Supply Bank

This morning I fielded a phone inquiry from David Daniel about his applications to lease Rights 63-3330B and 63-7075B to the Water Supply Bank. I explained to Mr. Daniel that IDWR is currently focusing on WSB rental applications and that lease applications are being processed only as they are needed to satisfy rentals. Mr. Daniel and I also discussed the fact that he is not currently risking forfeiture of the two rights because they were just decreed in April of 2009.

Since I had the files while talking to Mr. Daniel, I decided to review them to determine if the lease applications appeared acceptable. I checked the following items:

Validity of the water rights – Both 63-3330B and 63-7075B were decreed in the SRBA in April of 2009 for the amounts proposed to be leased into the WSB.

Authority to file the lease applications – The decrees were issued to David Daniel and Angela Daniel, the lease applicants.

Overlapping water rights – As decreed, Rights 63-3330B and 63-7075B cover a combined total of 40 acres within a 48-acre permissible place of use. Right 63-33230 covers 4 more acres within the same area, although it is not defined with a PPU. The parent of Right 63-33230, 63-31189, was transferred to the Daniel property in 2001 when the Daniels thought Rights 63-3330B and 63-7075B might be subject to forfeiture. Right 63-31189 was originally recommended with a combined limit with Rights 63-3330B and 63-7075B, but the combined limit was intentionally removed prior to decree. Consequently, Right 63-33230 should not be viewed as overlapping Rights 63-3330B and 63-7075B. New York Irrigation District water is delivered to the area, but the POU for Rights 63-3330B and 63-7075B is uphill from the canal and does not appear to receive surface water. There is no mention of surface water in the SRBA review for Rights 63-3330B and 63-7075B.

Conclusion – Rights 63-3330B and 63-7075B are acceptable for lease to the WSB for a term of five years.