

MEMORANDUM

Date: March 30, 2009
To: Water Right File 35-7246M, 35-7632A, and 35-13609
From: Aaron Marshall
Re: Water Supply Bank Lease Application

On June 19, 2008, IDWR received an application from Reid Stewart to lease all of water rights 35-7246M, 35-7632A, and 35-13609 to the Water Supply Bank from March 10, 2008 through November 1, 2008. The signature date on the application is March 10, 2008.

The applications were not processed prior to the end of the proposed lease period. On March 3, 2009, IDWR received a request to amend the original application and lease all three rights to the Bank indefinitely.

Water right 35-7246M was decreed in the SRBA on June 2, 2003. Based on available satellite imagery, the land covered by this right was last irrigated circa 1987. Based on copies of CRP contract reports provided with the lease application, a portion of the land may have been enrolled in CRP from 10/31/1989 to 09/30/1999. Nevertheless, this right has not been used for more than five consecutive years prior to receipt of the lease application. IDWR generally considers that the decree date marks the beginning of the "forfeiture clock" for a water right since this is the date the right was confirmed. On this basis, the lease application was received with an accrued 5 years and 17 days of nonuse under the right. This right is **not eligible** for acceptance into the Bank.

Water right 35-7632A was decreed in the SRBA on February 19, 2002. Imagery suggests that the land covered by this right was last irrigated circa 1987. This right is **not eligible** for acceptance into the Bank since it has not been used for more than five consecutive years since the partial decree was issued and the applicant did not provide a defense to forfeiture.

Water right 35-13609 was created through a split of water right 35-7246F under Transfer 73345. Right 35-7246F was appurtenant to lands enrolled in CRP from 10/01/1998 to 09/30/2008. Right 35-13609 was removed from these CRP enrolled lands on August 31, 2007, when the approved transfer moved the place of use for this right. Right 35-7246F was decreed on February 19, 2002, while the appurtenant lands were enrolled in CRP. The effective forfeiture clock for right 35-13609 began on August 31, 2007. Since a five consecutive year period of nonuse has not occurred under this right, it is **eligible** for acceptance into the Bank.