

Review Memorandum

Date: May 15, 2012

To: File 37-7069A, 37-7069B, 37-7142A, and 37-7142B

From: Craig L. Saxton

Re: SRBA claim Review 37-7069B and 37-7142B

At the time of the licensing field exam for 37-7069, the domestic delivery system could provide water for 8 domestic units. The examiners report indicated that 5 of the 8 domestic uses were for homes that were built, and 3 of the domestic uses were for stubbed in lots. The right was split into A and B portions. At the time of the split, evidence indicates that the A portion went to a home built on what was lot 7.

Lot 6 and Lot 7 were combined and modified into what is now Lot 6C. Therefore, I think what is now lot 6C has two domestic uses. One is for a built home and was authorized under 37-7069A (old Lot 7). The other is for the stubbed lot (old Lot 6) and is authorized under 37-7069B and 37-7142B.

37-7069A was not claimed in the SRBA and is not needed because the use is covered under 37-7069B and 37-7142B.

The 7 domestic uses authorized under rights 37-7069B and 37-7142B include:

Lot 1 1 domestic use
Lot 2 1 domestic use
Lot 3 1 domestic use
Lot 4 1 domestic use
Lot 5A 1 domestic use
Lot 6C 2 domestic uses

37-7069B, 37-7142A, and 37-7142B all appear to authorize use on Lot C, Wyndermere Subdivision. Licenses 37-7069B and 37-7142B authorize the domestic use on Lot 6C. There is nothing in the licenses that restrict that domestic use to internal use only. Meaning that the domestic use authorized under licenses 37-7069B and 37-7142B include up to ½ acre of irrigation. Despite that 37-7142A authorizes 3 acres of irrigation and Lot 6C is 3.1 acres, the irrigation portion or the external use portion of the domestic use under 37-7063B will be retained because 37-7063B has an earlier priority date than the irrigation right 37-7142A. Although no combined use condition limiting overall irrigation to 3 acres will be added to the rights, it should be noted that after reviewing the acreage using ArcMap, the most that can be irrigated on Lot 6C is 2.6 acres.