

## Saxton, Craig

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**From:** Saxton, Craig  
**Sent:** Monday, March 09, 2015 12:55 PM  
**To:** 'ig.n0\_37@yahoo.com'  
**Subject:** RE: Adjudication Claim 93-7655

Dear Ms. Olsen,

I wanted to send you a quick note as I have not received any information from you regarding claim 93-7655. I didn't know if you had a chance to, at a minimum, submit the evidence of priority letter that we spoke about.

When I spoke with you I told you that we had a lot of time as IDWR wouldn't be submitting our recommendations to the Court until June. Since that time, I have learned that we plan to submit the recommendations for the late claims in April. At this point I need either evidence of priority like we spoke about, or an amended claim changing the purpose of use to Domestic, in order to move forward in making a recommendation.

Please feel free to drop me a line if you have any questions.

Respectfully,

Craig L. Saxton  
Adjudication Technical Analyst  
[Craig.saxton@idwr.idaho.gov](mailto:Craig.saxton@idwr.idaho.gov)  
208.287.4916

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**From:** Saxton, Craig  
**Sent:** Tuesday, February 24, 2015 8:09 AM  
**To:** 'ig.n0\_37@yahoo.com'  
**Subject:** Adjudication Claim 93-7655

Dear Ms. Olsen,

There is a long e-mail with a lot of information. I will call you today and go over it with you so you don't have to read through the whole thing if you don't want to. I just thought I would send it to you so you could review it if you wanted to.

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Thanks for speaking with me yesterday about claim 93-7655. I have looked into it a little further and done a little math and I have an option I wanted to share with you.

93-76355 claims irrigation of 20 acres based on beneficial use. I asked for evidence supporting the 1964 priority date and information on the pump so I could do a theoretical calculation to figure out how much water you are diverting.

However, when we spoke on the phone, it was my understanding that you don't actually irrigate a full 20 acres of ground (like you would if you were sprinkler irrigating a hay field), rather you water a large number of trees within an estimated 20 acre boundary. If my understanding is correct, then it is possible that your water use could be small enough to meet the definition of "domestic" use described in Idaho Code 42-111. If we could describe your water use as a Domestic use, you would not need to provide me with evidence of priority. The statutory definition of Domestic use includes up to ½ acre of irrigation not to exceed diversion of 13,000 gallons per day.

So I tried to figure out if your water use is small enough to qualify for a Domestic use.

You mentioned that you might irrigate 250 trees in a single irrigation season. I thought I would see how many acres you would be actually irrigating if you were irrigating 250 trees with a wetted area extending about 2 feet out from the tree (this would mean a 4 foot diameter circle around each tree).

Surface area of a circle =  $\pi r^2$

$r$  = radius = 2 feet out from the tree

$\pi$  = 3.14

The irrigated area per tree is =  $[(\pi)(2 \text{ feet})^2] = 12.5$  square feet.

If we multiply 12.5 square feet by 250 trees, we end up with **0.07 acres**. This is well within the domestic definition. So I doubled the number of trees and extended the wetted area around the tree. Let's say you irrigated 500 trees with a 3 foot radius (6 foot diameter circle with the tree in the middle). You would be irrigating **0.32 acres**. This is still well within the domestic definition.

#### **Option 1:**

I think we could recommend 93-7655 as a *deferrable* "domestic" use. Where the domestic use is for irrigation of trees. The right would be limited to 13,000 gallons per day. The use is small enough that it is deferrable in the CSRBA – meaning you don't have to file on it (However, I think it is good you did).

If you choose to go this route, I will still need:

- The map where you draw in the overall boundary of the area containing trees you water.
- Amended claim (we will discuss on the phone)

#### **Option 2:**

We could recommend this as a *non-deferrable* "domestic" use. This would remove the 13,000 gallon per day limitation. But means we would need more information to support the claim like we discussed on the phone:

- A statement, from yourself, explaining how you know that the water right was established in 1964.
- Any pump information. Horsepower specifically
- Pictures of the gator with the tank.
- The map where you draw in the overall boundary of the area containing trees you water.
- Amended claim (we will discuss on the phone)

#### **Option 3:**

We could recommend this as a *non-deferrable* "irrigation" use which is what you originally claimed. This would remove the 13,000 gallon per day limitation but means we would need more information to support the claim like we discussed on the phone. The difference between this option and Option 2 is that with this option, we need to actually show exactly where the trees are that are irrigated.

- A statement, from yourself, explaining how you know that the water right was established in 1964.
- Any pump information. Horsepower specifically
- Pictures of the gator with the tank.
- The map where you draw in where the irrigated trees are located.

Like I said above, I will try to give you a call this morning, but feel free to call me if that is easier (208.287.4916).

Respectfully,

Craig L. Saxton  
Adjudication Technical Analyst

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208.287.4916