

Memorandum

Date: March 3, 2015

To: File 35-2115 and 35-2875

From: Craig Saxton

RE: Proposed implied diversion volume on 35-2115

I was asked to take a quick look at the error correction form for 35-2115 and 35-2875, specifically regarding the ownership. In that process, I ran across the addition of a diversion volume for 35-211 of 298 acre-feet that was not listed on TR 4070.

It is my recommendation to change the individual volume limit to **340 AF** (4 AF/acre) for the corrected record for 35-2115.

The reasoning behind this is that the field head gate requirement for the area is 4.0 AF/acre. When 35-2115 and 35-2875 are used in combination, they are limited to essentially 3.5 AF/acre. However, 35-2115 has the senior priority date of the two rights. If priorities were cut and diversion could only occur under 35-2115, up to 4 AF/acre or a total of 340 AF¹ could be diverted under 35-2115.

Currently, under TR 4070, there is nothing limiting diversion of up to 4 AF/acre under 35-2115 when used independently from 35-2875.

Background:

Transfer 4070 Identifies a volume for 35-2875 but not for 35-2115

<u>WR#</u>	<u>Rate</u>	<u>Volume</u>
35-2115	1.7 cfs	
35-2875	3.66 cfs	966.0 AF

The transfer limits both rights to diversion of 3.66 cfs and 966. AF when used in combination. In addition, although it is not called out in conditions, both rights list the same place of use of 274 acres essentially limiting use of both rights to 274 acres when used in combination.

The limit 966 AF is taken directly from the original license 35-2875 which limited both 35-2115 and 35-2875 to 966 AF for use on 276 acres. The volume was based on a field headgate requirement of 3.5 AF per acre: 3.5 AF/ac * 276 ac = 966 AF. Despite that the transfer reduced the overall PPU from 276 acres to 274 acres, the volume limit stayed the same which is roughly 3.5 AF/acre.

Transfer 4070 stayed consistent with the original license 35-2115 and did not assign an individual volume limit for 35-2115. In addition, it included the standard condition limiting overall diversion volume on the POU to 4 afa:

This right when combined with all other rights shall provide no more than 0.20 cfs per acre nor more than 4.0 afa per acre for the lands above.

¹ 85 acre limit * 4 AF/acre = 340 AF