

MEMORANDUM

TO: 34-7247 Water Right File

FROM: Angela Grimm

DATE: April 20, 2021

RE: License Recommendations

Timeline of Events:

- 11/30/1999 - Approved permit.
- 11/9/2001 - Proof received.
- 7/10/2012 – Certified Water Right Examiner (CWRE) beneficial use field report and Permit Amendment Application received.
 - Permit Amendment Application proposed to change the specific 200-acre place of use (POU) originally permitted to a 945-acre permissible place of use (PPU) based on system development.
- 11/20/2012 – Sandy Hemenway (IDWR) completed an Overlap Review.
- 12/3/2012 – Craig Saxton (IDWR) memo regarding overlap with Permit 34-7430.
 - Permit 34-7430 subsequently voided in 2015.
- 12/17/2012 – Craig Saxton memo regarding acreage recommendation and annual volume.
- 3/20/2015 - Overlap & Conveyance Loss Analysis memo
 - Identified inconsistencies in combined limits on partial decrees.
 - Concluded 30% conveyance losses in not unreasonable for the system.
- 5/12/2015 – Letter sent to Mr. Sorensen (permit holder/water right owner) identifying combined limit errors.
 - Requested Mr. Sorensen respond by 6/12/2015 if he would like to pursue corrections. No evidence of a response.
- 3/5/2021 – Transfer 84270 issued.
 - Authorized diversion of eight (8) ground water rights on five (5) wells.
 - Authorized use of 12 water rights to irrigate a total of 1,721 acres within a 2,478-acre PPU.
 - The 2,478-acre PPU includes the 945-acre PPU proposed in the Permit Amendment Application for 34-7247.

License Recommendations:

- Rate 4.38 cfs
 - CWRE recommended 168.4 acres (168 acres per IDWR rounding standards).
 - Conveyance loss of 30% reasonable based on IDWR 3/20/2015 analysis noted above.
 - $0.02 \text{ cfs} \times 168.4 \text{ acres} = 3.368 \text{ cfs} \times 1.3 \text{ (30 \% increase for conveyance)} = 4.38 \text{ cfs}$

- Combined Rate Limit Condition
 - During the development period of Permit 34-7247 (1999 to 2001), 34-2428 (base right) and 34-12416 (enlargement right) were the only two water rights authorized for diversion from the single point of diversion authorized under Permit 34-7247.
 - Permit 34-7247's point of diversion is known as the "Middle" well (SENE Sec 5, T04N, R26E) per 3/5/2021 Preliminary Order Approving Transfer 84270.
 - 34-2428 and 34-12416 were decreed with a combined rate limit of 3.85 cfs (addition of individual rates of these two rights totals 7.70 cfs).
 - $4.38 \text{ cfs (34-7247)} + 3.85 \text{ cfs (34-2428 \& 34-12416)} = 8.23 \text{ cfs}$ – recommend for combined rate limit for diversions from the "Middle" well (SENE Sec 5, T04N, R26E) during the development of Permit 34-7247.
- Combined Volume Limit Condition
 - 12/17/2012 memo concludes 34-7247 does not authorize additional volume beyond the volume already authorized under other overlapping water right authorizations.
 - The Preliminary Order Approving Transfer 84270 states diversion of eight¹ water rights from the "Middle" well should be limited to a total of 1,953 ac-ft/year to avoid injury concerns of Transfer 84270 protestants.
 - 1,953 ac-ft/year appears to be based on 558 acres (total acres authorized for irrigation under 34-2428 + 34-12416) x 3.5 ac-ft/ac (headgate standard for area) = 1,953 ac-ft/year.
 - Since the Preliminary Order Approving Transfer No. 84270 memorializes implementation of the settlement agreement, to honor this agreement and order, recommend the combined volume limit of 1,953 ac-ft/year for the eight water rights and 34-7247 be included on the Permit Amendment Approval and License of 34-7247.
 - WMIS data² states less than 1,953 ac-ft/year was diverted during the development period of Permit 34-7247 (1999 to 2001), which supports the above recommended combined volume limit.
- Combined Acre Limit Condition
 - Permit 34-7247 authorized a specific 200-acre POU.
 - CWRE submitted a Permit Amendment Application requesting a 945-acre PPU.
 - During the development period of Permit 34-7247, water rights 34-496A, 34-692D, 34-2428, 34-7035B, and 34-12416 authorized irrigation of the 945-acre PPU³.

¹ The transfer approval document attached to the Preliminary Order Approving Transfer No. 84270 appears to have mistakenly omitted water right 34-7035B from the list of eight water rights the order includes in the Analysis Injury to Existing Water Rights section (pg 5). Right 34-7035B will be included in the combined volume limit condition on the license and permit amendment approvals for 34-7247.

² See March 20, 2015 Ashley Newbry Memo Re: Proposed Licensure of WR 34-07247 attachments.

³ According to the partial decrees issued for water rights (see attached overlap tables for additional details). Also Permit Amendment Application for 34-7247 states 34-496A, 34-692D, 34-2428, 34-7035B, and 34-12416 were decreed with a PPU that includes most of the POU covered by Permit 34-7247.

- Transfer 84270 authorized a 2,478-acre PPU that is only partially covered by irrigation authorized by water rights inside the transfer (1,721-acre combined irrigation limit within 2,478-acre PPU). Transfer 84270 application states the applicant proposes combining currently separate systems after the transfer approval.
- Confirmed the 945-acre PPU proposed by the Permit Amendment Application for 34-7247 was irrigated during the development period of Permit 34-7247.
- Recommend condition on the Permit Amendment Application approval and license for 34-7247 limiting water rights 34-496A, 34-692D, 34-2428, 34-7035B, 34-7247, and 34-12416 to the irrigation of 945 acres within the 945-acre PPU requested for the Permit Amendment and license of 34-7247.

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
34-496A	3N	25E	2					39	39	40	40								
								L3	L4										
			3	39	38														
				L1	L2														
	4N	25E	34	39	38	40	40									40	40	40	40
			35					38	38	40	40	20	40	39	20				
																			828

34-496A, 34-692D, 34-2428, 34-7096A, 34-7097A, 34-7223, and 34-12416 limit 945 acres.

Decreed 5/22/2001

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
34-692D	3N	25E	2					39	39	40	40								
								L3	L4										
			3	39	38														
				L1	L2														
	4N	25E	34	39	38	40	40									40	40	40	40
			35					38	38	40	40	20	40	39	20				
																			828

34-496A, 34-692D, 34-2428, 34-7096A, 34-7097A, 34-7223, and 34-12416 limit 945 acres.

Decreed 5/22/2001

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
34-2428	3N	25E	2					39	39	40	40								
								L3	L4										
			3	39	39														
				L1	L2														
	4N	25E	34	39	38	40	40									40	40	40	40
			35					38	38	40	40	20	40	39	20				
	4N	26E	5				39									39			39
																			945

34-496A, 34-692D, 34-2428, 34-7096A, 34-7097A, 34-7223, and 34-12416
limit 945 acres

34-2428 and 34-12416 limit 3.85 cfs

34-2428, 34-7096A, 34-7097A, 34-7223, and 34-12416 limit 8.85 cfs
and 3229.9 af

Decreed 11/13/2000

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
34-12416	3N	25E	2					39	39	40	40								
								L3	L4										
			3	39	39														
				L1	L2														
	4N	25E	34	39	38	40	40									40	40	40	40
			35					38	38	40	40	20	40	39	20				
	4N	26E	5				39									39			39
																			945

34-496A, 34-692D, 34-2428, 34-7096A, 34-7097A, 34-7223, and 34-12416
limit 945 acres

34-2428 and 34-12416 limit 3.85 cfs

34-2428, 34-7096A, 34-7097A, 34-7223, and 34-12416 limit 8.85 cfs
and 3229.9 af

Decreed 5/9/2001

RIGHT NO				NE				NW				SW				SE				
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
34-7035B	3N	25E	2					39	39	40	40									
								??	??											
		35E	3	39																
				??																
	4N	25E	34	39	38	40	40									40	40	40	40	
			35					38	38	40	40	20	40	39	20					
																				828

34-496A, 34-692D, 34-2428, 34-7035B, and 34-12416 limit 945 acres

34-2428, 34-7035B, and 34-12416 limit 8.83 cfs and 3751.6 af

Decreed 2/15/2002

RIGHT NO				NE				NW				SW				SE				
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
34-7096A	3N	25E	1	33	33	33	33													
				L1	L2															
	4N	25E	25					33	33	33	40	40	33	33	39	33	40	39	33	
																				561

34-7096A, 34-7097A, and 34-7223 limit 5.0 cfs and 878.5 af

Decreed 2/15/2002

RIGHT NO				NE				NW				SW				SE				
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
34-7097A	3N	25E	1	33	33	33	33													
				L1	L2															
	4N	25E	25					33	33	33	40	40	33	33	39	33	40	39	33	
																				561

34-7096A, 34-7097A, and 34-7223 limit 5.0 cfs and 878.5 af

Decreed 2/15/2002

RIGHT NO				NE				NW				SW				SE				
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
34-7223	3N	25E	1	33	33	33	33													
				L1	L2															
	4N	25E	25					33	33	33	40	40	33	33	39	33	40	39	33	
																				561

34-7096A, 34-7097A, and 34-7223 limit 5.0 cfs and 878.5 af

Decreed 2/15/2002