

MEMORANDUM

TO: Water Right Permit File 37-22769

FROM: Daniel A. Nelson

DATE: November 22, 2019

SUBJECT: Teleconference with G. Erick Powell, Brockway Engineering

On this date Angie Grimm and I met with G. Erick Powell concerning the field report submitted by Mr. Powell. During this meeting, we discussed the irrigation use for this property.

I informed Mr. Powell that I couldn't proof any irrigation during the 2016 irrigation season and that there was not any real difference in the plant growth when reviewing the 2015 and 2017 aerial imagery. I also stated that there was no showing of any kind of cultivation or anything that would suggest that irrigation occurred.

Mr. Powell stated that the pictures show the irrigation system in operation in 2016, and that the metric data also shows an increase of 1.74 af for this area. Mr. Powell and I discussed the accuracy of metric data on such a small scale, and we both agree that it is was really designed for this small of place of use.

Mr. Powell also stated that this was wildland pasture, so there would be no cultivation. Mr. Powell stated there are no statutes or rules that give an actual definition of irrigation. He stated it would be a matter of interpretation. Mr. Powell stated that he didn't work for the Department and he worked for his client. He also stated that it was his job to give his interpretation of what was developed, and it is the Department's job to make a determination based on his recommendations for licensing.

Ms. Grimm confirmed my concerns, and asked Mr. Powell what he felt was the definition of irrigation. Mr. Powell didn't provide any real answers to this question other than he reiterated that there was not a legal definition of irrigation, and it was the Department's job to determine whether or not we want to follow his recommendations. Ms. Grimm suggested that he contact the permit holder and have the permit holder provide information that would help us determine the expectations for the irrigation in 2016. I added that it would be best to include the amount of time they irrigated the ground and how often they irrigation the ground in 2016.

The meeting ended with an expectation that Mr. Powell would provide some type of documentation or information that would help confirm his recommendation for the irrigation portion of the permit.