

MEMORANDUM

TO: Water Right Permit Files 95-17696 and 95-17699

FROM: Daniel A. Nelson

DATE: March 4, 2020

SUBJECT: Review for In-house Field Examination

I was given the two files shown above for in-house field examinations. There are currently 2 domestic uses described in adjudication recommendations 95-16306 and 95-16307 diverted out of a single well, which is the same well used for these permits. Both the adjudication recommendations and the water right permits state that there are 2 homes, and the places of uses describe 2 parcels. One of the adjudication recommendations and one of the permits describe a single parcel, and the other recommendation and permit described the other parcel.

The adjudication recommendations limit the domestic use when the two recommendations are combined to 0.04 cfs and 2,500 gpd, so I am assuming that these permits were filed to bring the diversion rate up to 0.04 cfs per home and allow a full ½ acre of yard irrigation per parcel. This raises some questions.

The first question is the amount of water actually produced by the well. The recommendations limit the diversion rate to 0.04 cfs when the two rights are combined together, and the permits could authorize an additional 0.08 cfs (0.04 cfs per home X 2 Homes). These two properties could be vacation homes or have storage tanks that would allow a diversion rate of 0.04 cfs to be used with very little or no problems when all of the rights are combined. Without actually measuring or determining the flow rate of the system, it is impossible to determine what the combined flow rate should actually be.

The second issue is the permit currently have combined limits for the water right permits and recommendations for each parcel, but at licensing, we cannot include a combined limit for an adjudication recommendation that hasn't been decreed. The recommendations are not considered valid water rights until the decree is issued. We would generally use condition 928 instead of the X35 condition that provides combined limitations. However, with the proposed water rights on each of the two parcels, any condition that we would include at this time would be very confusing.

With the unknown production of the well and the confusion caused by combined limitation conditions, it may be in the best interest to the permit holder and the Department to hold off processing these two permits until the adjudication recommendations have been decreed. I spoke with our Adjudication Staff, and it appears as though the two adjudication recommendations should receive a partial decree within the next 4 to 6 months. Therefore, I feel it is better to hold off licensing these permits until the recommendations have been issued, and it also would be a good idea to go out and find out the capacity of the well.