

MEMORANDUM

TO: Water Right Files 37-8220
FROM: Sandra Thiel
DATE: January 5, 2018
SUBJECT: Heatherland's 2.5 acre common area

A condition on amendments for permits 37-8220, 37-8686 and 37-8831 includes a shared diversion with existing water right 37-159B. The amendment for 37-8220 did not originally include the 2.5 acres. All four rights share two points of diversion and a common system. The three permits were not considered supplemental to 37-159B. Consequently, all four rights were treated as though they were from the same source. However, right 37-159B was originally diverted from the East Fork Big Wood River and delivered through the Cramer Ditch.

In 1995, the Department approved a transfer to split 37-159B from 37-159. The transfer changed the point of diversion and place of use from the East Fork to ground water. In 2011 the Snake River Basis Adjudication court issued an amended partial decree for 37-159B for ground water. Right 37-159B includes the following condition:

Diversion of groundwater is limited to those times water is available for diversion under this right and priority from the East Fork of the Wood River.

At some point during the transfer process the documents were scanned and profiled to right 37-159D. The water right report for 37-159B includes comments referring to 37-159D. The image below provides evidence of irrigation of the common in area in 1987, before the transfer from the East Fork to ground water.

