

MEMORANDUM

DATE: July 7, 2017

TO: Water Right File 45-7478

FROM: Shelley W. Keen (SWK)

RE: Meeting with right holder Darrell Funk

Yesterday Manuel Rauhut and I met with Darrell Funk and Jordan Funk and their attorneys Ted Larsen and Rob Williams to answer their questions about the history of Water Right 45-7478. The main purpose of their inquiry is to understand how Rights 45-2275 and 45-4103 came to be decreed in the SRBA with a condition limiting them to 480 acres when combined with Right 45-7478. After reviewing the water right file, I was able to explain that IDWR had considered the existence of Right 45-2275 and Claim 45-4103 in the licensing process, as evidenced by Brenda Chapman's checklist in the water right file. I explained that IDWR would have ignored Claim 45-4103 in the licensing process because it was not a confirmed water right. I further explained that IDWR did not ignore Right 45-2275 because it was a confirmed license. In fact, Condition No. 7 on Water Right License 45-7478 contains a reference to Right 45-2275.

We also discussed the permissible place of use for Right 45-7478. I explained that the license authorizes the supplemental irrigation of 480 acres, the permitted number of acres, within the 1454.7 acres covered by the irrigation system delivering commingled surface water and ground water. I agreed that the approval conditions on Water Right License 45-7478 do not contain a combined acreage limit with Right 45-2275.

I was not able to offer any perspective on why the SRBA partial decrees for Rights 45-2275 and 45-4103 have a condition limiting them to 480 acres when combined with Right 45-7478. I explained that I was not working in the Adjudication Section when those two claims were investigated, and I was not involved in the review.

I also did not know whether it was standard practice for SRBA recommendations and partial decrees to contain combined use limits with water rights not involved in the adjudication, such as Right 45-7478. I suggested that Adjudication Section Manager Carter Fritschle may be able to offer some perspective.

Finally, I explained that IDWR has three paper files relating to Right 45-2275. One is the "new" water right file containing actions since the partial decree. It is stored in the vault in the State Office. Another is the "old" water right file containing pre-partial decree actions. It is at the State Records Center. The third is the adjudication claim file stored at Southern Region. Manuel showed us all how to access the scanned contents of all three files online.