

MEMORANDUM

TO: Water Right File 37-20742

FROM: Corey Skinner *CS*

DATE: December 2, 2016

SUBJECT: Condition Clarification

This day I received a telephone call from Charles E. Brockway relating to a particular condition on water right 37-20742. Note that I had sent Mr. Brockway and Jim Speck a copy of the proposed 37-20742 license via e-mail on November 25, 2016 (before the license was signed and mailed on December 1, 2016). Mr. Brockway requested clarification on the first condition on the license that reads....

Use of water under this approval shall be non-consumptive. The right holder shall not divert ground water under this right unless the same or a larger amount of water is simultaneously discharged to the original Eagle Creek Irrigation Company return flow recharge site identified in the application.

A condition very similar to this version of the condition was placed on permit 37-20742 upon approval...

Use of water under this approval shall be non-consumptive. The right holder shall not divert ground water under this right unless the same or a larger amount of water is simultaneously discharged to the recharge site identified in the application.

The license condition indicated above was carried forward on the license from the permit except that an effort was made to more accurately describe the return flow recharge site.

After review, the intent of this particular condition is to emphasize that the use of water under 37-20742 must be non-consumptive (as stated in the first sentence of the condition). The second sentence indicates that whatever amount of water is being diverted pursuant to 37-20742 (from the well) has to be discharged to the recharge site (from the pond). If 2.0 cfs is being diverted from the well, then at least 2.0 cfs has to be discharged from the pond to the recharge site. Basically, water diverted under 37-20742 (from the well) cannot be used to provide storage water in the pond.