

MEMO

TO: 37-21338

FROM: Cherie Palmer

DATE: November 29, 2016

RE: Supplemental Information for Field Exam regarding volume and mitigation

This water right was approved to be non-consumptive. However, the permit included a flow-through component that allowed the diversion of Big Wood River water through the Hiawatha canal; the permit did not include any conditions that required the right holder guarantee that the flow through water be returned to the Big Wood River. Because the right holder has not supplied a method or information that confirms that the flow-through water is routed back to the Big Wood River, the diversion under this right only occurs when water is diverted under 37-657B.

Water right 37-657B has been split over time so the condition will include the parent and children which add up to the 2.02 cfs.

The volumetric limit for this water right will be based on the 2009 delivery volume for water right 37-657B since this year is within the development period and has the highest water volume in the development period.

Since the water district doesn't keep records per water right, I'll compute the volume for all water right for all Valley Club water rights, based on priority cuts. See the attached spreadsheet.

The calculations in the below table represents all water rights owned by Valley Club. The annual Water District 37 includes the overall volume for all water rights in given years. I used that data to find a volume used by 37-657B that was within the development period for 37-21338. License 37-21338 must have the same volume limit as water right 37-657B since 37-21338 relies on the diversion of water under the senior right for the diversion rate, which means that the volume should be the same value.

Basin	Sequence	Suffix	Priority Date	Rate	Source List	Total Acres	Acre Limit	Volume in 2009	2009 Cut Off	Calculated Volume for 2010 based on Rate and Days	% of Total	Estimated Volume based on WM records in AF	Current Owner
37	494		5/1/1886	2.00	BIG WOOD RIVER	276.20	133.00		8/3/2009	440.34	0.14	101.44	THE VALLEY CLUB INC
37	495		7/1/1892	2.80	BIG WOOD RIVER	276.20	133.00		7/2/2009	438.75	0.14	101.08	THE VALLEY CLUB INC
37	577	BU	3/24/1883	1.20	BIG WOOD RIVER	276.20	133.00		None	476.04	0.15	109.87	THE VALLEY CLUB INC
37	577	BV	3/24/1883	1.69	BIG WOOD RIVER	276.20	133.00		None	670.42	0.21	154.45	THE VALLEY CLUB INC
37	833	K	11/12/1936	0.75	BIG WOOD RIVER	276.20	133.00		None	297.53	0.10	68.54	THE VALLEY CLUB INC
37	657	B	5/1/1881	2.02	BIG WOOD RIVER	276.20	75.30		None	801.33	0.26	184.61	THE VALLEY CLUB INC
TOTAL				10.46				362.9 second feet delivered per WD #37		3124.41	1.00	719.80	

WATER DISTRICT 37
ANNUAL REPORT
2010

SC 10000
JUL 31 2013

RCD #	DIV #	NAME	CFS 2006	CFS 2007	CFS 2008	CFS 2009	CFS 2010	FIVE YEAR AVERAGE	ESTIMATED SHARE	MINIMUM	COST
088	35	ECCLES, S F/35-A	5.00	10.00	64.00	68.00	32.00	35.8000	26.4869	40.00	40.0000
089	42	GIRTON, RALPH/42 & 42P	7.36	21.95	23.25	14.83	22.99	18.0760	13.3737	40.00	40.0000
090	22	CHESNEL, JEAN-PIERRE/22	10.73	5.32	9.37	8.94	7.13	8.2980	6.1393	40.00	40.0000
091	24	DOUBLE V LLC/0024	211.92	104.45	140.69	345.37	237.11	207.9080	153.8225		144.2639
092	50	FARRINGTON, GARY/50	126.62	172.60	218.90	306.04	234.89	211.8100	156.7094		146.9714
093	20	ENGLE, JAMES F/0020	29.39	18.82	24.87	23.00	25.55	24.3260	17.9978	40.00	40.0000
094	29	FLYNN, RICHARD/0029	229.60	76.65	41.45	112.75	67.31	105.5520	78.0935		73.2408
095	35	BIG WOOD RANCH LLC/35	236.00	128.00	164.00	449.00	253.00	246.0000	182.0051		170.6953
096	45	GOWER, MARK/45	30.12	15.99	18.66	23.88	18.79	21.4880	15.8981	40.00	40.0000
097	18	BARSHICK, RAY/18-B	68.00	103.00	74.00	81.00	84.00	82.0000	60.6684		56.8984
098	29	BIG SKY DAIRY/0029	360.92	240.27	245.71	251.95	231.04	265.9780	196.7860		184.5577
099	45	BARKER, CURTIS D./45	50.91	30.70	33.13	43.07	35.05	38.5720	28.5378	40.00	40.0000
100	50	CARNES, VICKI/50	13.12	17.88	22.67	32.24	24.33	22.0480	16.3124	40.00	40.0000
101	10	CLIFFSIDE HOMEOWNERS/10	129.67	25.47	206.98	265.63	288.80	120.7067	89.3058		83.7564
101	10	CLIFFSIDE HOMEOWNERS/NC	716.00	653.00	556.00	714.00	777.00	683.2000	505.4712		474.0612
102	45	GARDNER, ROBERT/45	3128.66	1826.73	1988.27	2642.28	2087.67	2334.7220	1,727.3634		1,620.0249
103	32	RING, WILLIAM AND WENDY/32-P3	0.00	0.00	0.00	0.00	0.00	0.0000	0.0000	40.00	40.0000
104	22	EMB HAILEY L P/22	660.63	182.96	319.10	315.18	234.44	342.4620	253.3733		237.6287
105	9	GIMLET PROPERTIES/09	432.54	317.46	177.58	1309.52	705.36	588.4920	435.4007		408.3448
106	12	GROVE CREEK ASSN/12	0.00	0.00	0.00	0.00	0.00	0.0000	0.0000	40.00	40.0000
107	36	FORSTMANN, CANDIDA/36	0.00	5.74	7.48	18.33	1.93	6.6960	4.9541	40.00	40.0000
108	49	GLENDAL FARM PART/49	1019.20	825.39	552.88	659.02	596.41	730.5800	540.5257		506.9374
109	5	STACKER & PARSON CO./0005	52.00	48.00	261.00	240.00	0.00	120.2000	88.9310		83.4048
110	22	HENESSEY, DAVID/22	9.52	5.13	9.68	8.98	7.19	8.1000	5.9929	40.00	40.0000
111	22	BRODERICK, TOM/22	24.83	12.16	21.21	20.32	16.19	18.9420	14.0144	40.00	40.0000
112	15	W P LIVING TRUST/15-P1	0.00	0.00	0.00	0.00	0.00	0.0000	0.0000	40.00	40.0000
113	45	EASTFIELD AT BELLEVUE FARMS/45	186.64	109.18	121.62	160.92	126.23	140.9180	104.2593		97.7807
114	39	BARKER, RICHARD C/39-A	97.00	59.00	49.00	122.00	108.00	87.0000	64.3677		60.3679
115	23	HARAD, GEORGE/23-P	0.00	0.00	0.00	0.00	0.00	0.0000	0.0000	40.00	40.0000
116	49	HARDEE, DAN/49	67.19	55.27	37.62	0.00	37.66	39.5480	29.2599	40.00	40.0000
117	25	HARRIS, DALE/0025	57.79	38.91	68.81	70.50	41.64	55.5300	41.0843		38.5313
118	45	HARRIS, MICHAEL/45	955.65	517.39	627.24	774.00	597.89	694.4340	513.7827		481.8562
119	33	HAUGH, CHRIS/33 GW	22.00	15.00	19.00	23.00	20.00	19.8000	14.6492	40.00	40.0000
119	22	KOSS FAMILY PART./22	0.00	0.00	0.00	0.00	33.86	6.7720	5.0103	40.00	40.0000
120	45	STINSON, LES ESTATE OF/45	31.94	17.86	20.74	30.27	20.06	24.1740	17.8853	40.00	40.0000
121	44	ACKER PARTNERSHIP/44	0.00	0.00	0.00	0.00	0.00	0.0000	0.0000	40.00	40.0000
122	11	SIMON FAMILY TRUST/11-B	6.00	0.00	0.00	5.00	6.00	3.4000	2.5155	40.00	40.0000
123	13	HEATHERLAND HOMEOWN/13GW	67.00	52.00	63.00	73.00	62.00	63.4000	46.9070		43.9922
124	45	HENRY, MARK/45	82.86	51.47	53.79	74.78	59.16	64.4120	47.6558		44.6944
125	22	HIAWATHA CANAL CO/22	294.11	158.39	299.26	277.57	222.18	250.3020	185.1880		173.6804
126	22	VALLEY CLUB/22	192.27	146.64	195.63	362.90	145.24	178.1800	131.8279		123.6361
127	49	DAVINA, & HOLLY LP/49	53.61	38.34	25.50	31.98	30.47	35.9800	26.6201	40.00	40.0000
129	3	REINHEIMER FAMILY/03	390.92	319.73	158.42	145.63	156.61	234.2620	173.3207		162.5505
130	45	WHITAKER III, WM/45	38.14	123.69	24.76	0.00	0.00	37.3180	27.6100	40.00	40.0000
131	22	TEST, CORNELIUS/0022	504.70	302.96	540.58	365.35	467.57	436.2320	322.7499		302.6942
132	20	GARCIA, OSCAR/0020	0.00	13.24	39.37	37.81	36.00	25.2840	18.7066	40.00	40.0000
133	22	COTTONWOOD CR INVEST/22	138.01	90.92	140.43	130.25	104.26	120.7740	89.3556		83.8031
134	22	THORSON, JON & LINDA/22	10.73	5.32	9.37	8.94	7.13	8.2980	6.1393	40.00	40.0000
135	33	STEVENS FAMILY RANCH LLC/33	158.69	170.43	211.97	300.30	157.62	199.8020	147.8252		138.6393
136	22	COYOTE BLUFF INC/22	38.07	20.50	38.74	35.93	28.76	32.4000	23.9714	40.00	40.0000
137	20	4 BROS. DAIRY INC/0020	0.00	0.00	122.10	140.55	119.28	76.3860	56.5148		53.0030
137	27	4 BROS DAIRY INC/0027	457.68	208.33	433.39	413.10	261.42	354.7840	262.4899		246.1787
137	19	4 BROS. DAIRY INC./0019	261.10	0.00	0.00	0.00	0.00	52.2200	38.6354	40.00	40.0000
138	13	FLAMMER, JACK/13	0.00	0.00	0.00	0.00	0.00	0.0000	0.0000	40.00	40.0000
139	45	JARMUSZ, DIANE/45	0.00	24.80	27.45	0.00	0.00	10.4500	7.7315	40.00	40.0000
140	20	DONALD, PEAK/0020	79.00	22.00	52.00	55.00	73.00	56.2000	41.5800		38.9962
141	50	KYES, WILLIAM L/50	11.79	18.22	21.57	32.07	24.80	21.6900	16.0475	40.00	40.0000
142	62	THORNTON, LARRY/CW62	172.61	67.77	165.14	70.25	148.76	124.9060	92.4127		86.6702
143	5	GROSSMAN, SAM/005	0.00	86.00	120.00	0.00	0.00	41.2000	30.4822	40.00	40.0000
144	50	WALBERT, MICHAEL E/50	14.65	0.00	26.45	38.73	29.95	21.9560	16.2443	40.00	40.0000
145	22	O'REILLY, TERENCE J./22	22.15	10.83	18.87	18.09	14.41	16.8700	12.4814	40.00	40.0000
146	55	BRUNKER, MICHAEL/55-C	26.39	13.67	21.46	29.42	25.29	23.2460	17.1987	40.00	40.0000
147	27	LEQUINECHE, JOE/0027	269.95	129.75	204.06	239.05	166.13	201.7880	149.2945		140.0173
148	5	KOENIG & GRABHER/05	0.00	0.00	0.00	0.00	0.00	0.0000	0.0000	40.00	40.0000
149	33	NEVINS, JEFF/33	0.00	75.49	99.84	66.64	35.54	55.5020	41.0636		38.5119
150	45	O'GARA, THOMAS M/45	389.28	210.28	233.29	315.29	243.55	278.3380	205.9307		193.1341
151	45	LOGAN, ROBERT/45	0.00	0.00	0.00	0.00	0.00	0.0000	0.0000	40.00	40.0000
152	21	LUFKIN, ELISE/21-P2	95.00	139.00	152.00	356.00	136.00	175.6000	129.9191		121.8459
153	21	RIVERBEND PARTNERS-ONE/21	50.00	70.00	35.00	70.00	70.00	59.0000	43.6516		40.9391
154	55	HOFFMAN, GARY/55C	0.00	33.65	44.59	64.31	52.93	39.0960	28.9255	40.00	40.0000
155	0	MAGIC HYDRO CORP/MRHYDRO	961.00	961.00	961.00	961.00	961.00	961.0000	711.0038		666.8220
156	49	ERWIN, SHANNON/49	0.00	0.00	0.00	0.00	0.00	0.0000	0.0000	40.00	40.0000
157	49	MAJORS, JOHN/49	0.00	0.00	0.00	0.00	51.46	10.2920	7.6146	40.00	40.0000
158	50	BRUNETTO, MIKE/50	14.65	22.00	26.45	38.73	29.95	26.3560	19.4997	40.00	40.0000
159	45	WARD, KENNETH/45	143.74	12.05	90.18	113.06	89.57	89.7200	66.3801		62.2552
160	25	CRUZ, ALFREDO/0025	11.32	6.85	10.97	7.69	6.17	8.6000	6.3628	40.00	40.0000
161	22	MARTIN, KARIN/22	10.73	5.32	9.37	8.94	7.13	8.2980	6.1393	40.00	40.0000
163	49	MANNINO, CHRIS/49	0.00	0.00	0.00	0.00	0.00	0.0000	0.0000	40.00	40.0000
164	45	WALKER, JIMMIE R/45	307.59	176.05	203.25	276.32	198.71	232.3840	171.9312		161.2474
165	39	COLEMAN, GARY/0039	196.25	43.97	196.61	156.54	136.00	145.8740	107.9261		101.2196
166	0	MC CANN, MIKE/O-P1	0.00	0.00	0.00	0.00	0.00	0.0000	0.0000	40.00	40.0000
167	17	THOMAS WILLIAMS, LLC./17	7.00	0.00	6.00	21.25	19.75	10.8000	7.9905	40.00	40.0000
168	4	MC CAW, JOHN/004	0.00	58.00	78.00	0.00	0.00	27.2000	20.1241	40.00	40.0000
169	93	MC DADE, ERNESTY/CW/93	23.57	18.36	24.08	25.66	18.05	21.9440	16.2354	40.00	40.0000
170	45	BARKER, E PATRICK/45	9.49	32.15	34.66	45.05	36.61	31.5920	23.3736	40.00	40.0000
171	57	MC GONIGAL, JOHN/57F	352.00	462.00	537.00	276.00	334.00	392.2000	290.1724		272.1411
171	73	MC GONIGAL, JOHN/73	0.00	0.00	0.00	0.00	0.00	0.0000	0.0000	40.00	40.0000
172	45	SUPER, JAMES/45	47.11	24.94	30.59	37.06	29.36	33.8120	25.0161	40.00	40.0000

Water District 37 & 37M 2009 Priority Cuts

BIG WOOD RIVER ABOVE MAGIC RESERVOIR WATER DISTRICT 37		
Date Priority Cut Made	Date of Priority Cut to and including:	Remarks
April 1, 2009	April 1, 1921	
July 22, 2009	May 15, 1892	
July 29, 2009	June 15, 1891	
July 31, 2009	June 10, 1887	
August 3, 2009	May 15, 1885	
August 5, 2009	October 15, 1884	
August 17, 2009	June 20, 1884	50% Cut

BIG WOOD RIVER BELOW MAGIC RESERVOIR WATER DISTRICT 37		
Date Priority Cut Made	Date of Priority Cut to and including:	Remarks
July 20, 2009	April 2, 1905	
July 21, 2009	June 1, 1890	

SILVER CREEK & LITTLE WOOD RIVER WATER DISTRICT 37M		
Date Priority Cut Made	Date of Priority Cut to and including:	Remarks
July 22, 2009	June 27, 1899	Cottonwood Rights