
Memorandum

Date: December 5, 2013

To: File 37-20837

From: Craig L. Saxton

Re: Overlap review

The place of use for 37-20837 overlaps the POU for surface water irrigation rights 37-22061 (Lot 1, Blk 1, Timberview Terrace Sub) and 37-22062 (Lot 2A, Blk 1, Timberview Terrace Sub).

On 11/25/2002, in the comments for application 37-20837, Cory Skinner identified that there was an overlapping surface water right (37-30030 – Parent right to 37-22061 and 37-22062), but that it would be transferred away through pending transfers 70090 and 70109. Because of this, I believe that the thought was that if 37-20837 was approved, it would not overlap with any other rights.

In reality, TR 70090 and TR 70109 only moved a portion of 37-30030 off of the POU that is overlapped by what is now permit 37-20837. Therefore, when permit 37-20837 was issued, there were pre-existing surface water irrigation rights applicable to Lot 1 and Lot 2A of Blk 1, Timberview Terrace Sub.

It is unclear as to if the irrigation portion of the domestic use authorized under 37-20837 actually overlaps surface water irrigation rights 37-22061 and 37-22062.

GIS indicates that there is 4.1 acres of ground that appears to have been, or is currently, irrigated within Lot 2A. Surface water right 37-22061, applicable to Lot 2A authorizes 3.2 acres of irrigation. 3.2 acres of SW irrigation combined with the 0.5 acres of irrigation authorized under the domestic portion of 37-20837 totals 3.7 acres of ground that could be irrigated. It would appear that combined use limit is not necessary for irrigation on lot 2A.

GIS indicates that there is over 1.5 acres of ground that appears to have been or is currently irrigated within Lot 1. Surface water right 37-22062, applicable to Lot 1 authorizes 1 acre of irrigation. 1 acre of SW irrigation combined with the 0.5 acres of irrigation authorized under the domestic portion of 37-20837 totals 1.5 acres of ground that could be irrigated. It would appear that combined use limit is not necessary for irrigation on lot 2A.

Since permit 37-20837 was not issued for supplement use to surface water rights, or with any indication that it would be used in conjunction with overlapping SW rights, and because both SW irrigation and 37-20837 could be used side by side within the authorized lots without overlapping, combined use conditions limiting irrigated POU acreage should not be included on license 37-20837.

For: 37-20837 Licensing Review
By: Sandy Hemenway
Date: 12/4/2013

Pedigree Search (History of Water Right Number Splits)

37-30030 Application ID: 70090 Status: Closed Date Approved: 6/19/2003 0.36 cfs, 84.0 AF, 24.0 acres

|-----37-20748 Application ID: 70090 Status: Closed Date Approved: 6/19/2003, 0.34 cfs, 80.5 AF, 23.0 acres

*|-----37-20750 Application ID: 70109 Status: Closed Date Approved: 6/20/2003 0.21 cfs, 49.7 AF, 14.2 acres

*|-----37-22060, Golden Eagle Ranch HOA, 0.127 cfs, 30.4 AF, 8.7 acres (*east of 37-20837*)

*|-----37-22061, Barber *Lot 2 Timberview Terrace HOA*, 0.048 cfs, 11.2 AF, 3.2 acres

*|-----37-22062, Adare Trust *Lot 1 Timberview Terrace HOA*, 0.02 cfs, 4.6 AF, 1.3 acres

*|-----37-22063, Timberview Terrace HOA, 0.15 cfs, 3.5 AF, 1.0 acre (*north of 37-20837*)

*|-----37-20751 Application ID: 70109 Status: Closed Date Approved: 6/20/2003 (T3N R18E Sec 29 SESE)
Rinker 0.13 cfs, 38.8 AF, 8.8 acres

|-----37-20749 Application ID: 70090 Status: Closed Date Approved: 6/19/2003, 0.02 cfs, 3.5 AF, 1.0 acre (*south of 37-20837*)

*May be affected by an agreement between protestant of T4823 and the right holder. Their objection is that the combined use of these right along with other rights from the same place of use should be limited to one inch or 0.02 cfs per acre, rather than the quantities in the recommendation. Total volume of water delivered to this property from all water rights shall not exceed 3.5 AF per acre.