

MEMORANDUM

TO: File 57-7549

FROM: Daniel Nelson – Staff Hydrologist

DATE: June 12, 2013

SUBJECT: Reasons for Second Amendment

The field exam for this permit was done with a combination of field examiners. I completed the field exam in February of 2000 based on the information supplied by the previous examiners. This field exam was held for several reasons, one of which was to ensure the overlapping water rights were decreed. I wrote an early memo discussing several aspects of the file, but there still appears to be some confusion about the ownership, diversion rate, and place of use, which will require a second amendment. This memo will just discuss these topics.

The first amendment was sent out and signed by Christine Collett. The ownership documentation also includes her name on the change of ownership. The amendment was only in the name of Brian Collett, so we will need to add both names onto the amendment and have it re-signed.

A second issue arose concerning the diversion rate volume. The diversion rate used for this water right was the system capacity minus the existing ground water right 57-2195. By recommending this license in this manner, it would create a greatly reduced rate per acre for the second water right. Administration decided that we would increase the diversion rate for this water right to match water right 57-2195's rate per acre, and include a combined diversion rate and volume when the two water rights are combined. Therefore the diversion rate will be limited to 1.65 cfs ($1.57 \text{ cfs} / 81 \text{ ac from } 57-2195 \times 85 \text{ from } 57-7549 = 1.65 \text{ cfs for } 57-7549$). The volume amount will be removed from the face of the water right, since a portion of this right is supplemental. The volume limitations for this right will be added into the conditions.

The final issue is the acre descriptions between the decreed water rights and the acres described in this water right. The mapping capabilities at the time that these water rights were decreed were poor at best. Modern mapping techniques show that 166 acres were not listed in proper 40 acre tracts in the decreed water rights. I created the maps for this license based on the 1998 aerial photography. When water rights 57-86, 57-2127, 57-5195, 57-7549, and 57-10898 are combined they are limited to a total of 166 acres. The surface water rights and the ground water rights are bound together and cannot be split or changed. There is concern that a claim could be made to ask for additional acres due the updated description of the combined place of use described in this water right. It is imperative that these water rights when combined do not allow more than 166 acres of irrigation.