

Memorandum

Date: March 14, 2013

To: File 75-7654

From: Craig L. Saxton

Re: Supplemental Use conditions

This permit was original issued for supplemental irrigation use for 40 acres. It is unclear as to what surface water it was intended to be supplemental to. The POU developed under the permit does overlap the POU authorized by domestic spring right 75-13315, but I do not believe that this permit was intended to be supplemental to the domestic spring right since this right was issued for 40 acres and the spring right would be limited to $\frac{1}{2}$ acre or less. The majority of 75-7654 would have to have been intended for primary use with only the $\frac{1}{2}$ acre that overlapped 75-13315 being supplemental. This does not make sense.

A search of overlapping surface water rights turned up 75-93A and 75-93B which fall in the same 40 acre tract as permit 75-7654. When 75-7654 was issued in 1997, 75-93A&B were probably active records and it might have appeared that they overlapped the place of use at initial glance. Now we can see that the status of 75-93A is "Superseded by Decree" and 75-73B is "Not claimed". There is no surface water irrigation right that overlaps the place of use developed under permit 75-7654 and it does not appear that there ever was.

I recommend dropping the supplemental use conditions at licensing.