

MEMORANDUM

Date: February 20, 2013
To: Water Right File 31-7338
From: James Cefalo
Re: Licensing Review

Well/pump to pivots and wheel lines. 50HP GE motor / 50HP lincoln booster pump. Point of diversion regulated and periodically measured by Water District 110. Highest measurement occurred in 2007. Well produced 1420 gpm (3.16 cfs). Right 31-7338 shares a combined place of use with rights 31-11604, 31-11688, and 31-11689.

Gundersons water rights, including 31-7338, used to overlap a water right owned by Don Bybee (31-7199) in the NWSW of Section 25, T07N, R35E. Gunderson owns the NWSW of Section 25. The water right backfile documents a dispute between Gunderson and Bybee caused by the overlapping water rights. Ultimately, it was determined that Bybees water right was superior to Gundersons.

All of Gundersons water rights, including Permit 31-7338, carried conditions stating that if Bybee ever transferred right 31-7199 from the NWSW of Section 25, Gundersons water rights would be reduced by 33 acres. Bybee transferred 31-7199 in 2005. The final order from that transfer (70627) reduced all of Gundersons water rights to a combined total of 119 acres. The license for 31-7338 was limited to 119 acres to comply with the permit condition and the Final Order from Transfer 70627.

The authorized diversion rate for all rights is limited by the total number of irrigated acres: 119 acres x 0.02 cfs per acre = 2.38 max cfs. Existing senior water rights authorize the diversion of 2.35 cfs, leaving 0.03 cfs available under license 31-7338. In combination, rights 31-11604, 31-11688, 31-11689 and 31-7338 are limited to 2.38 cfs, 416.5 afa, and the irrigation of 119 acres.