

Memorandum

Date: 7-9-12

To: File 73-11973

From: Craig L. Saxton

Re: Field Exam Required

In the process of reviewing BLM permit 73-11973 for licensure, IDWR uncovered a couple of discrepancies in the overlap review of the POD. The POD appears to be shared by the BLM and USFS.

A preliminary order "*In The Matter of Application to Appropriate Water No. 73-11973 in the Name of USDI Bureau of Land Management*", issued on October 25, 2007 (see backfile for permit 73-11973), found in the **Findings of Fact** section, that the spring source proposed under application 73-11973 (now permit 73-11973) is the same spring source/POD decreed under right 73-2209 and the same spring source as described by USFS statutory claim 73-4076 and water right 72-16518 (renumbered to 73-12174).

However, the POD legal descriptions do not agree with this finding:

73-11973 (BLM):	Permitted POD Location:	NESW	S.6,	T13N,	R21E
73-2209 (BLM):	Decreed POD Location:	SESESE	S.6,	T13N,	R21E
73-4076 (USFS):	Claimed POD Location:	NESW	S.6,	T13N,	R21E
73-12174 (USFS):	Decreed POD Location:	SWSW	S32,	T14N,	R21E

If the spring is actually shared by the above rights/claims, BLM and USFS might want to take action to correct the POD location for 73-2209 and 73-12174 respectively.

Condition number 8 on permit 73-11973 requires:

A float or sensor shut-off system shall be installed on each of the water troughs described as a place of use by right nos. 73-11973 and 73-2209. When the water level in the water trough reaches a level considered full but not overflowing, the float or sensor associated with each water trough shall activate the necessary mechanism to close a valve in the pipe delivering water to the trough.

IDWR needs to confirm that the development permitted under 73-11973 has occurred and that condition 8 has been complied with. In addition, IDWR needs to verify the POU and POD and overlapping rights.