
MEMORANDUM

TO: WATER RIGHT FILE 73-11973
FROM: DANIELLE BRUNO-FAVREAU
SUBJECT: UNABLE TO COMPLETE IN-HOUSE FIELD EXAM – RECOMMEND FIELD EXAM
DATE: 7/6/2012
CC:

JUSTIFICATION FOR FIELD EXAM RECOMMENDATION

A Preliminary Order was issued for 73-11973 on Oct. 26, 2007.

A described in the Preliminary Order:

- a) 72-16518 (now 73-12174), 73-2209, & 73-11973 have the same point of diversion.
- b) 73-2209 & 73-12174⁴ have a shared delivery system.
- c) 73-11973 is an extension of 73-2209.

Several portions of the Preliminary Order require a field exam to verify.

- Conclusion of Law, Item 4 states “There is sufficient water if the quantity of water previously diverted is not exceeded. No evidence was presented that any additional water is available for appropriation. As a result, IDWR must insure that the quantity of water previously diverted from the spring source under existing water rights is not exceeded.”
- Order, Item 8 states “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 73-2009...”

In addition, 73-2009² has a decreed POD description of 14N21E6NESW. This description is not consistent with the description in the Preliminary Order of 13N21E6SESE (Finding of Fact, Item 3). A verified GPS location of the POD will clarify if an Amendment to Permit or to the Partial Decree is required to correct the error.

Preliminary Order 10/26/07

Finding of Fact

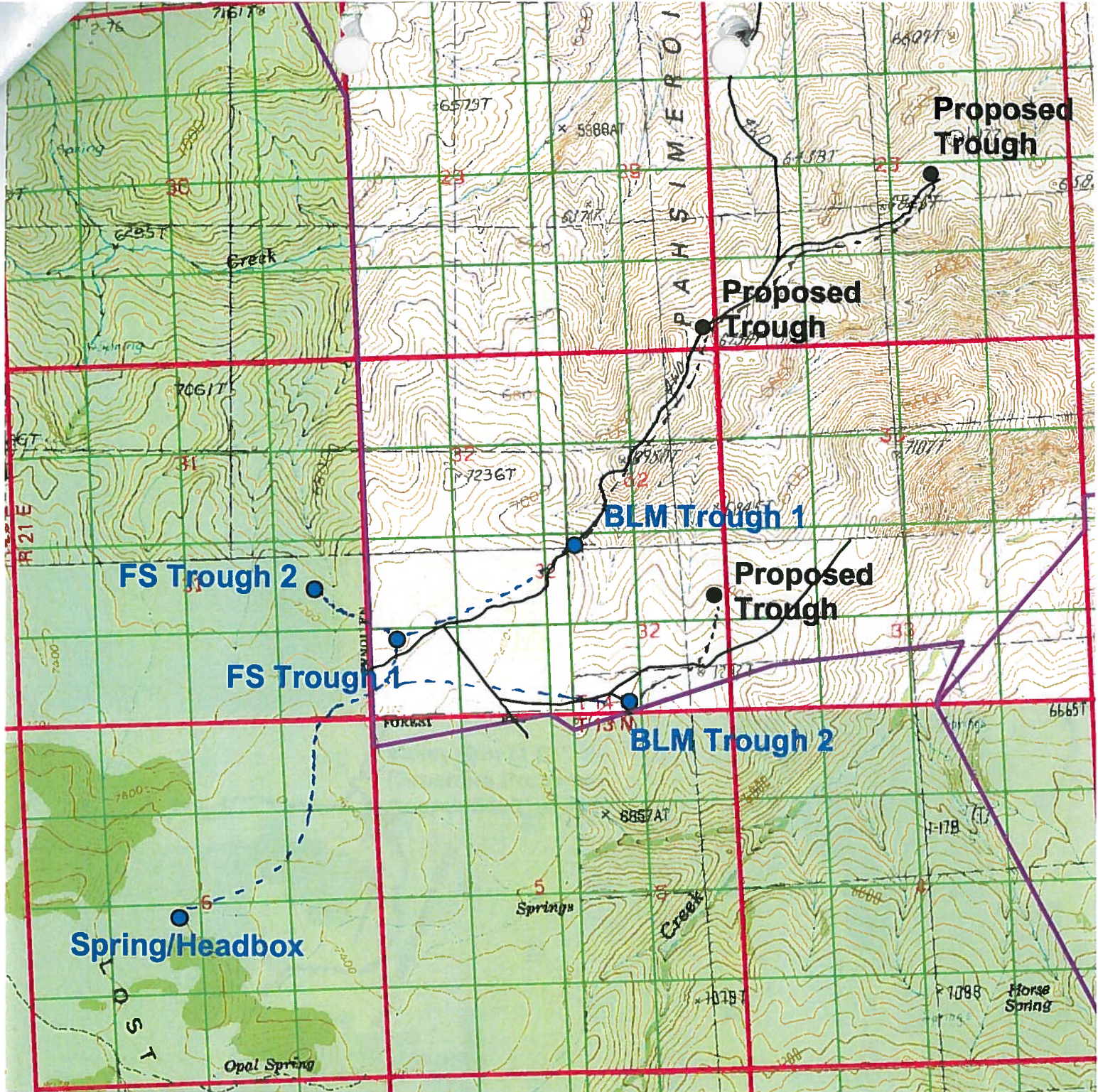
21. BLM 73-11973 - ~~POD~~ near Opal Spring but not Opal Spring as USGS said
31. BLM 73-2209 - same spring source as 73-11973
21. USFS 73-4076 is the same as 72-16518
11. Shared Delivery System
73-2209 & 72-16518
14. 73-11973 - extension of 73-2209/72-16518 to 3 more troughs
19. Flows of water from spring not measured. Water diverted to existing system not measured

Conclusion

3. Dispersion of the same amount of H₂O previously diverted under water rights # 73-2209 to the additional 3 BLM troughs will not injure other water right holders
⇒ Combined Use Limitation

Order: 11/26/07

8. must have float or sensor shut off system on each trough



Legend

- BLM
- PRIVATE
- STATE
- USFS
- Allotment Boundary
- Roads

Opal Spring Pipeline Trail Creek Allotment T13N R21E & T14N R21E

0 0.5 1 Miles

Scale = 1:24,000



No warranty is made by the Bureau of Land Management (BLM) for use of this data for purposes not intended by the BLM

Map created on 3/9/07.
Proposed troughs screen digitized.
All other data is part of BLM corporate data sets.



Challis May

EXHIBIT
Applicant
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