

Memorandum – Meeting Summary

Date: May 18, 2012

To: File 73-7124

From: Craig L. Saxton

Re: Permit 73-7124 – Field Exam

I met with Roxanne Brown of SPF Engineering to discuss the status of permit 73-7124. I was informed by Nick Van Dyke that there has been a request from within the department to expedite licensing 73-7124. At that time, it was Nicks understanding that SPF would be conducting the field examination based on a conversation he had back in October of 2011.

Roxanne had actually conducted a field exam around October of 2011 (according to our conversation) but was not able to get a measurement on the well. Roxanne told me that it would be best for the Department to conduct the final exam to obtain the measurement required for licensing. The field exam fees have been paid to the Department so there is no reason we can't conduct an exam.

There are some issues that did come up with licensing 73-7124 that need to be discussed.

Primarily, 73-7124 overlaps decreed surface water right 73-2153 and because of this, contains supplemental language. Roxanne's client argues that it has never been used for supplemental purposes as the surface water can't make it to the place of use. Practically, looking at things now, it is clear that the use of 73-2153 to irrigate the POU doesn't make sense. There is 12 miles of ditch that would need to convey the water to the POU and part of the ditch is paved over.

Roxanne points to notes from the licensing field exam dated September 11, 1968 to support that 73-2153 was never used at the POU:

"Due to water shortage, this water was not used this year. Land was irrigated with subterranean water."

Roxanne was going to contact the ranch manager, John Brown and the permit holders, Tom and Michael Owens, by e-mail and CC me on it to inform them that IDWR would be conducting the field exam. In addition, she would provide the department with her report explaining why 73-7124 should be issued as a primary water right rather than a secondary right.

It should be noted that the permit lists one point of diversion. It is not connected into a system of points of diversion. IDWR will only be able to recognize that POD being used during the development period.