

Memorandum

Date: May 25, 2011

To: Cherie Padilla

From: Craig L. Saxton

Subject: Overlap Review 65-13738 and 65-23452

I made a bunch of suggestions and I want to explain what I was thinking.

First of all, we had 65-13738 as the right for the initial fill of the pond, and 65-23452 as the right covering evaporation and seepage losses. The thing that didn't sit right with me was that the right authorizing replacement losses had a senior priority date to the right authorizing the initial fill. So I changed the conditions and limits so that the right with the senior priority date would be the initial fill (65-23452) and the right with the junior priority date would be for replacement losses. This means that we are going to identify part of the annual volume for 65-13738 as being used for replacement of evaporative losses which directly conflicts with one of the permit conditions, but I don't think that condition makes sense now that it was developed without surface water.

I know we had spoke about leaving Recreation Storage off of 65-13738 previously, but after thinking about it, I think we need to keep it. The reason is because 65-13738 is going to authorize evaporation and seepage losses for all uses. It seems odd to leave one off. And I don't think we need a combine use limit which I think was at least my original thought when proposing to leave that off.

The fact that 65-13738 was developed without the use of surface water changes the conditions on the right significantly. I do think we are going to need an order or something to figure out how to change those but we should probably bring it up on Thursday with Shelley to see what he thinks.