

Luke, Tim

From: Luke, Tim
Sent: Friday, February 17, 2012 12:04 PM
To: Fritschle, Carter; Ciscell, Michael; Cefalo, James
Cc: Saxton, Craig; Taylor, Greg
Subject: FW: Burns gw rt 75-7505

Gents,

In responding to an e-mail inquiry regarding certain water rights on Carmen Creek, I found that several active decreed rights do not appear to have shape files in the active water right place of use layer, but shapes may exist for closed recommendations. I believe POD shapes may have the same problem. The rights in question are 75-69A, 75-70A and 75-14248 owned by John Burns. I know that rights 75-69A and 70A were among those former exchange rights that were part of the Fols-Burns group dispute in which IDWR went through several recommendation iterations. In all of that confusion, perhaps shapes did not properly get moved over to the active decreed rights? My point is that in addition to fixing these three rights, someone may need to conduct a broader or more thorough review of the shapes for the other exchange rights on Carmen Creek (those small rate rights with priorities of 5/1/1875 and 5/1/1882). Last summer I found the same thing with several of the McFarland rights which I believe Michael has since fixed. I believe the McFarland rights included both exchange and some non-exchange rights. Perhaps some broader review to assure that active shapes exist for all Carmen Creek and tributary decreed rights?

James,

The inquiry in the e-mail thread below relates to ground water permit 75-7505. A field exam was conducted by Eastern Region in 2000 but has not yet been licensed. I'm not sure if the region or state office will do this so I've also cc'd Craig. In any case, I suggest that staff review the recommended irrigated acres and check whether the license should be issued for 11.5 acres or the 10.9 acres that are on the decreed Carmen Creek rights.

Tim

From: Luke, Tim
Sent: Friday, February 17, 2012 11:49 AM
To: 'Albert Fols'
Cc: Baxter, Garrick
Subject: Burns gw rt 75-7505

Mr. Fols,

I received your e-mail this morning. My review shows that Mr. Burns has five separate rights from Carmen Creek as shown in the table below, including the one right that you referenced and attached to your e-mail. My review of the surface rights show that they are all appurtenant to 10.9 acres belonging to Mr. Burns. The five rights in combination are limited to the 10.9 acres. There are no conditions on the five Carmen Creek rights that limit the rate of diversion, so if all of five Carmen Creek rights are deliverable, then up to 0.433 cfs, or up to 0.04 cfs/acre can be delivered from the creek.

From my review of a 2000 field exam on the ground water permit, the proposed irrigation place of use for the Burns ground water permit is 11.5 acres. The 0.02 cfs condition is a standard type condition put on most ground water rights. The 0.02 cfs/acre (or 1 inch/acre) condition applies to the field head gate, or the actual application of water to the land. If the combination of the deliverable surface water rights provides for application of an inch/acre then the ground water right should not be necessary and the source should not be used on the same 10.9 acres. In this case, it appears that the ground water permit may be for an additional 0.6 acres of irrigation, so theoretically the ground water right could be used as the only source for the additional 0.6 acres while the surface rights are used for the remaining 10.9 acres. I

suspect that 10.9 acres may be the maximum irrigable acres for the property and that the ground water permit, when licensed, should perhaps be limited to the same 10.9 acres as the surface water rights.

If in your example only the 1875 priority right is deliverable (right 75-10061A for 0.059 cfs), then that right would only provide 0.005 inch per acre or about one-quarter inch per acre from the point of diversion at the creek. In this case, Burns could use the ground water right to bring the total combined water source land application rate to 0.02 cfs per acre. In other words, the ground water right theoretically would be limited to a total of about 0.16 cfs (0.015 cfs per acre on 10.9 acres), assuming that the total place of use is only 10.9 acres. This example of course does not address potential ditch losses associated with the delivery of the surface water right between the creek and the field head gate.

I hope this addresses your question.

Basin	Sequence	Suffix	Process	Basis	Priority Date	Diversion Rate	Source List	Water Use List	Total Acres	Current Owner
75	10061	A	Water Right	Decreed	5/1/1875	0.059	CARMEN CREEK	IRRIGATION	10.9	BURNS, JOHN
75	10062	A	Water Right	Decreed	5/1/1882	0.027	CARMEN CREEK	IRRIGATION	10.9	BURNS, JOHN
75	69	A	Water Right	Decreed	5/1/1888	0.054	CARMEN CREEK	IRRIGATION	10.9	BURNS, JOHN
75	70	A	Water Right	Decreed	5/1/1892	0.073	CARMEN CREEK	IRRIGATION	10.9	BURNS, JOHN
75	14248		Water Right	Decreed	4/1/1915	0.220	CARMEN CREEK	IRRIGATION	10.9	BURNS, JOHN
						0.433				

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-----Original Message-----

From: Albert Fols [<mailto:afols@centurytel.net>]
Sent: Thursday, February 16, 2012 6:03 PM
To: Luke, Tim
Subject:

Mr. Luke,

I have recently noticed that Water Permit Report for WATER RIGHT NO. 75-7505 (John and Ruth Burns) has Conditions of Approval: #2. 03A The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

During all previous irrigation seasons the Burnses have used the 0.02 cubic feet per second per acre of ground water in the permit along with the 0.04 cubic feet per second per acre decreed in their surface water rights (copies attached). Are the Burnses allowed to use 0.06 cubic feet per second per acre or are they allowed only the "0.02 cubic feet per second for each acre"

limited by Water Permit NO. 75-7505? It seems odd that IDWR has found no beneficial use for more than 0.04 cubic feet per second per acre for water users in District 75D and that the conditions of the Permit are not being enforced.

Your response is welcomed,

Al Fols