

MEMORANDUM

TO: Files

FROM: Steve Lester 

DATE: January 26, 2012

RE: 63-12527 and 63-33266 Overlap

These rights share a well for separate acres under one ownership at this time. The rights serve a subdivision lot in the Eagle Foothills. QA license review revealed a few unusual items that are explained in this memo in case of future questions/problems.

The well is used to irrigate 7.4 acres. During the field exam of 63-12527, the examiner found excess acres needing another water right, which resulted in 63-33266. Neither right was intended or developed as a PPU. There would be no practical value in encouraging the owner to create a PPU by filing a transfer, adding yet another twist to a long, complicated story ("Irving Ray" mitigation history exhaustively documented in 63-12527; the new right does not require mitigation due to 2008 policy changes, Application Memo #59). Instead, the senior right covers 5 acres while the junior right covers the other 2.4 acres.

However, each shape covers all the irrigated acres, implying a PPU. The same shape was created because it was not possible to show which 5 acres were irrigated first under an older priority and which 2.4 acres were irrigated later under a new priority. IDWR can work with the owner in the future if it is necessary to make that distinction (example: 7.4 acres split, who gets what since both rights not appurtenant to the entire acreage?).

Condition R69 for 0.03 cfs/acre remains appropriate since each right does not exceed 5 acres. The 7.4 acre combined use data is correct, although this is incorrectly shown as 7.3 acres in condition X35. Note that 7.4 is the sum of the rights instead of a limit less than the sum (so not really a limit in the sense we usually mean in conditions of approval). Re-issuing the licenses to correct this minor typo is not necessary now that it is documented in the files for future reference.