

Memorandum

Date: October 7, 2011

To: File 63-31980

From: Craig L. Saxton

RE: Licensing Review Notes

POU:

Permitted with a defined POU. Field examiner recommended POU be within the Settlers Irrigation District boundary as was decreed for overlapping right 63-11185. I will support this recommendation but the permit holder needs to amend the permit and the right will be limited to the permitted 408.6 acres.

Overlap:

Field examiner reports that 63-31980 is diverted from the same well, through the same system, and to the same POU as 63-11185. Essentially, 63-31980 was filed for the additional diversion rate developed under 63-11185 that exceeded that which was permitted.

However, 63-11185 was originally licensed with a 352 acre limit within a larger (410 acre) POU because despite that a 410 acre place of use was developed, 63-11185 was only permitted for 352 acres. Later, 63-11185 was decreed without the 352 acre limit describing the POU as being within the boundary of the Settlers Irrigation District.

Because 63-11185 was decreed for use within the boundary of the Settlers Irrigation District, and 63-31980 shares the same POU as 63-11185, 63-31980 will be licensed with a place of use described as within the boundary of the Settlers Irrigation District but limited to irrigation of 408.6 acres.

Diversion Volume:

This right is supplemental to surface water and at the diversion rate of 0.56 cfs, can only generate 288.8 af. Because this is supplemental we do not know if that volume was ever diverted and therefore will not add a maximum diversion volume limit. Limit this right and 63-11185 to 4.5 af per acre (1839 AF) for the 408.6 acres that 63-11185 and 63-31980 provide supplemental water to.

Amendment Needed:

Amendment needed to recommend POU as within the boundary of Settlers Irrigation District.