

Memorandum

Date: March 9, 2010

To: Monica

From: Craig

Subject: License Review (73-7113) 73-12171 & 73-12172

I started scribbling on the licenses and thought it might be easier if I outlined my rambling thoughts in a memo.

Supplemental and volume Discussion:

Since these are supplemental rights, we don't assign them a set volume because the idea is since they are supplemental, the full diversion volume that would be recommended for a primary right has never been used. That said, we do need some sort of volume associated with the right. So we condition the right to limit the volume.

In this case, we could add the WB7 conditions that says this right is limited to 0.02 cfs and a specific volume. For 73-12171 you have identified it should be 1485.6 and for 73-12172 it should be 1489.3.

This brings me to significant figures. Application processing memo #6 says we limit rates and volumes to 3 significant figures. That would make our volumes for 73-12171 and 73-12172 be 1490 af. Admittedly, in most cases I wouldn't do that, rather I would just drop the decimal and limit volume to 1486 af (73-12171) and 1489 af (73-12172).

That, however, is a difference of a whopping 3 acre feet. So I think IN THIS CASE, I would cite Application Memo #6 and consider the max volume for each right to be 1490 af. If we do this, then you already have a condition on both rights that limit use of both rights to 1489 af...I think I would just change that to 1490 af.

Because the limit between 73-12171 and 73-12172 is going to be the same as the combine limit, I don't think we need to add the WB7. It seems unnecessary.

OK...After all that, let me summarize what I am suggesting.

- 1) Drop individual maximum diversion volume limits for both 73-12171 and 73-12172
- 2) Change the combine use diversion volume limit for 73-12171 and 73-12172 to be 1490 af

73-12171 Tributary:

Need to add tributary so source is Ground Water trib to Pahsimeroi River.

73-12172 Licensing Amendment:

It looks like we are recommending one of the POD's in a different QQ than permitted. If I am reading that correctly, we need to send them a licensing amendment and charge them \$50.

Overlap:

My initial analysis indicates that these two rights overlap partially or in full, 8 different rights that have outstanding objections filed against them.

Because we are going to have to do an overlap analysis and add the appropriate conditions, I think we are going to have to wait till we get some closure in the SRBA. I think you are going to need to sit on these.

Flying Joseph Ranch LLC was Don's that is now Carters. Since I gave him the files yesterday, I doubt if he knows what is going on with the objections yet. I haven't looked into it either. Perhaps the objections are of the nature that the outcome either way would not affect the recommendations enough to change any overlap analysis we conducted now and we could move forward with the licenses.

But for now, you might want to put a reminder on your calendar to ask Carter what the situation is with the overlapping objections sometime after April 15th which is when the next hearing date is.