

Memo to File

Date: August 19, 2011

From: Craig L. Saxton

RE: Summary of Riley Creek licensing recommendations: Buckeye Farms Inc
36-7741, 36-8729, and 36-8785

36-7741: Amended permits for licensing purposes were sent to the right holder in 2002 to change the POU. Amended permit 36-7741 was paid for under receipt C061971, but never signed. Even if it was signed and I just can't find the signature page, a new one needs to be signed anyway because I have changed the diversion volume amounts.

36-8729: An amended permit for 36-8729 for licensing purposes was signed and submitted in 2002, but the POU is wrong so we need a replacement amended permit.

36-8785: Permit 36-8785 appears to have been filed for diversion rate and volume in addition to existing water rights. So the 16 cfs permitted was in addition to previously established diversion rate limits. However, this permit was conditioned to limit use of 36-8785 and all other Buckeye rights from Riley Creek to 38.45 cfs.

The origin of the 38.45 cfs limit is by adding the combine use limit of previous permits, to the permitted rate for 36-8785:

The amended application for permit 36-8729 received in May 2002, limited overall diversion rate of 36-01, 36-02, 36-7741, and 36-8729 to 22.45 cfs.

Permit 36-8785 was issued in 2005 with a diversion rate of 16 cfs.

The sum of the previously established combine use limit for 36-01, 36-02, 36-7741, and 36-8729 of 22.45 cfs and the new 16 cfs permitted under 36-8785 is how the overall combine rate limit of 38.45 cfs was established ($22.45 \text{ cfs} + 16 \text{ cfs} = 38.45 \text{ cfs}$).

This is important because despite that 36-01, 36-02, 36-7741, and 36-8729 had a diversion rate limit of 22.45 cfs, the Department agreed to allow diversion of 24 cfs under right 36-7741 and 36-8729 outside of the irrigation SOU.

To satisfy the condition in 36-8785 limiting use with all other rights to 38.45 cfs, we need to add combine use limits volume as well to 36-8785.

Limit diversion volume of 36-7741 and 36-8758 to 27900 AF. The condition placed on permit 36-8785 limits use of all Buckeye Farms Riley Creek rights to 38.45 cfs. $(38.45 \text{ cfs})(365 \text{ days})(1.9837) = 27837 \text{ AF}$ – round to 3 significant figures = 27800 AF

WR #	Process	Priority Date	Diversion Rate	SOU	# Day's	Vol Calc	3 sig fig	Volume	Source List	Water Use List	Total Acres	CFS	CFS	CFS	AF
Combine use limit:												38.45	24	22.45	27800
36	1 Water Right	5/1/1883	12.00						RILEY CREEK IRRIGATION		761.0	x	x	x	x
36	2 Water Right	10/1/1908	10.45						RILEY CREEK IRRIGATION		761.0	x	x	x	x
36	7741 Water Right	8/1/1977	24.00	11/16 - 3/14	119	5,665	5,670	5,700	RILEY CREEK FISH PROPAGATION				x		
			22.45	3/15 - 11/15	246	10,954	10,900	10,900	RILEY CREEK FISH PROPAGATION					x	
			24.00			16,619	16,570	16,600				x			x
36	8729 Water Right	9/24/1987	22.45	3/15 - 11/15					RILEY CREEK DIVERSION TO STORAGE					x	
			24.00	11/16 - 3/14					RILEY CREEK DIVERSION TO STORAGE				x		
									748.0 RILEY CREEK AESTHETIC STORAGE						
									748.0 RILEY CREEK RECREATION STORAGE						
									748.0 RILEY CREEK WILDLIFE STORAGE						
			22.45									x			x
36	8785 Water Permit	10/29/1998	16.00	1/1 -12/31	365	11,584	11,600	11,600	RILEY CREEK AESTHETIC,						
			16.00	1/1 -12/31	365	11,584	11,600	11,600	RILEY CREEK FISH PROPAGATION						
			16.00	1/1 -12/31	365	11,584	11,600	11,600	RILEY CREEK RECREATION						
			16.00	1/1 -12/31	365	11,584	11,600	11,600	RILEY CREEK WILDLIFE						
			16.00									x			x
			Total =			84.90		28,200							
			Combine use limit total =			38.45	1/1 -12/31	365	27,837	27,800	27,800				

* The reason that 36-8785 has a combine use limit for diversion rate and volume is because of the agreement to allow diversion of 24 cfs outside the irrigation SOU and that 36-8785 was conditioned with a diversion rate limit of 38.45 cfs. That difference between the 22.45 and the 24 cfs is what is preventing 36-8785 from being totally cumulative without rate or vol limits.