

Memo

Date: August 10, 2011

To: File 45-14178

From: Craig L. Saxton

RE: Overlap analysis – No need for combine use limits for Rate of volume

The Field examiner and IDWR reviewer identified several rights that overlap the POU for 45-14178.

Of those identified, the following rights are for irrigation only and therefore are not candidates for overlapping limiting conditions:

45-2146
45-7004
45-13904

The following rights do identify STOCKWATER as a valid purpose of use:

45-690:

SRBA claim indicates use is for 200 beef cattle. The diversion rate for stock is recommended as incidental to the irrigation (non cumulative flow rate) and for the irrigation SOU.

Limited to 13K GPD with no AFA limit

45-691:

SRBA claim doesn't indicate the number of cattle, but is for the same POU and SOU as 45-690. Stockwater diversion rate of 0.05 cfs is recommended in addition to the irrigation diversion rate 0.80 cfs totaling 0.85 cfs.

Limited to 13K GPD with no AFA limit

45-14182:

Claimed for 200 beef cattle out side the irrigation SOU. This right is meant to be companion to 45-691¹ which should have been recommended with a year round SOU. Cattle claimed under 45-14182 is assumed to be the same cattle as claimed under 45-691

Limited to 13K GPD with no AFA limit

Summary, it is assumed that the stockwater use authorized by rights 45-690, 45-691, and 45-14182 is for the same 200 head of stock.

¹ The proof report for 45-14182 indicates that 45-14182 was filed as a portion of 45-690, but since 45-690 wasn't decreed with an additive stockwater diversion rate and 45-691 was, and they all have the same priority date, it makes more sense to say that stockwater used under 45-14182 represents the winter stockwatering that was originally decreed under 45-691.

45-14178:

The application for permit lists the stockwater use for 600 range cattle. Under item 10 on the application for permit, the applicant is asked to describe any other water rights used for the same purposes. That applicant states, "Surface streams also provide stockwater (ref 45-690, 45-691, et. Al)". So it would indicate that 45-690, 45-691, and 45-14182 were used to water 200 of the 600 cattle described in permit 45-14178.

None-the-less, 45-14178 is from a different source than 45-690, 45-691, and 45-14182 an should be licensed for a volume that would allow for the watering of 600 cattle in case the sources under 45-690, 45-691, and 45-14182 were not available for one reason or another. And because 45-690, 45-691, and 45-14182 don't have a volume limit, adding a combine use volume limit to 45-14178 that included 45-690, 45-691, and 45-14182 would be adding a limitation to the rights that wasn't previously there.

No combine use limit for diversion volume will be added to 45-14178.

45-690, 45-691, and 45-14182 really only authorized year round use of 0.05 cfs for stockwater purposes since the stockwater rate authorized under 45-690 is incidental to irrigation and 45-691 and 45-14182, together, authorize a year round diversion rate of 0.05 cfs.

The standard diversion rate requirement for 600 cattle is 0.14 cfs. The sum of the existing stock rights is 0.05 cfs, as mentioned above, and the rate authorized under permit 45-14182 (0.04 cfs), is less than the standard requirement.

No combine use limit for diversion rate will be added to 45-14178.