

MEMORANDUM

To: Files 36-07739, 36-08335, 36-07741 and 36-08729

From: Kay Walker *KW*

RE: License Recommendations

Date: February 20, 2002

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In review of these permits for licensing, we found that the SRBA decreed rights on the same sources of water had specific limits in regard to combined Rts. 36-00001, 36-00002 and 36-00003H. The SRBA limits all 3 rights when combined to 28.55 cfs. We tried to figure out where this limit came from but only determined that it was done during a settlement conference of the SRBA.

We discussed this with Steve Clelland, as the agent who recommended these claims for decree. Steve stated that he was not included in the settlement conference and when he received the partial decrees issued for these rights, he tried to find out where the 28.55 cfs derived from, and he never got an answer. Steve believes that the right holders received more than an inch per acre under these rights. In review of the rights I found the following:

Rt. 36-00001	Riley Creek	12.00 cfs
Rt. 36-00002	Riley Creek	10.45 cfs *
Rt. 36-00003H	Billingsley Creek	<u>11.90 cfs</u> **
	TOTAL =	34.35 cfs

*Includes 5.96 cfs for conveyance loss

**Includes 6.10 cfs for conveyance loss

These rights are used conjunctively on a 761-acre place of use. If you subtract the conveyance losses from them it leaves 22.29 cfs for 761 acres, which comes out to be 0.029 cfs per acre that is consistent with Steve Clelland's thought on this matter.

Since the limitation of 28.55 cfs appears to only deal with the irrigation of the place of use identified under these rights, we are not including this limitation on the proposed licenses. We are convinced, through our review, that the right holders are making beneficial use of the 34.35 cfs that they have been diverting since the New International Mortgage Bank vs. Idaho Power Company decree.