

MEMO

TO: File 47-7624

FROM: CPadilla

DATE: July 18, 2011

RE: Licensing Review Memo

Timeline:

Application Received: January 28, 1980

Permit Issued: March 17, 1980

Proof of Beneficial Use: January 3, 1985

Field Examination: August 23, 1985 and May 3, 1995

Background Information: This permit was filed because the right holders were installing additional spas and an RV park at the Nat-Soo-Pah resort which were not covered by existing rights, 47-4147 and 47-4148. This right was filed for commercial use from groundwater and was initially recommended for denial by field examiner Steve Clelland because the existing rights cover the required volume, diversion rate, and uses. On July 18, 2011, Craig Saxton and I had a conversation with Steve to explore licensing this right based on the idea that the springs may not be available at some point and that the groundwater could cover the required elements under right 47-4148 which is from spring water only.

POU: The place of use consists of the pool, spas, campground and RV park at Nat-Soo-Pah resort.

Overlap Analysis of POU: Rights 47-4147 and 47-4148 share the commercial POU.

Summary of Overlapping Rights:

47-4147

Uses: commercial (0.60 cfs/150 af), domestic (0.04 cfs), heating (0.52 cfs/375 af)

Total Rate= 0.60 cfs and there is no total volume (per claim the specific commercial uses include faucets in campground, greenhouse, swimming pool, and snack bar)

Source: Ground water and Nat-Soo-Pah Warm Spring

Priority: 1/1/1951

47-4148

Uses: domestic (0.04 cfs), commercial (0.28 cfs), irrigation (0.28 cfs), stockwater (0.12 cfs)

Total Rate = 0.28 cfs and there is no total volume (per claim the specific commercial uses include swimming pool, snack bar, and campground)

Source: Nat-Soo-Pah Spring

Priority: 12/31/1926

From information within the claim files, it appears that the RV park and spas are not covered by the old decreed rights. However, none of the commercial uses are specified in the conditions on the rights and there is plenty of volume under right 47-4147 for commercial uses (see volume section below). This license will provide ground water if the spring water is not available under 47-4148.

Point of Diversion: The permit was issued for two wells and ultimately only one well had been developed from groundwater via a well. The "old" well that was historically associated with the POU was abandoned. The other PD is from a spring and will be included in this right.

Overlap Analysis of PD: Water rights 47-4147 and 47-10944 are also diverted from the PD that diverts groundwater. The surface and groundwater are comingled beneath the greenhouse. Since the two sources are comingled and are physically connected, the spring will be added to this license. Guidance for this comes from:

Adjudications Memo #12 reads in part as follows:

"If there is more than one spring on the claimant's parcel of land and the use of water for stockwatering was initiated on all of the springs at the same time or as part of the same project, then all of the springs can be claimed as one water right."

Since the spring will be added to the license, right 47-4148 will be added to the overlapping PD condition.

Volume and Diversion Rate: The volume for the RV park, picnic/campgrounds, restrooms, spigots, restrooms and showers was calculated at 3.5 afa and the volume of the pool and spas was calculated to be 19.4 afa. Total volume between all uses is 22.9 afa.

The diversion rate that is required for beneficial uses for this right is 0.73 cfs for the pool and spas and all other uses require 0.12 cfs for a total of 0.84 cfs. Since the existing rights meet the diversion and volume needs of the resort, combined limit conditions will be added to this license. Since this right is meant to supplement right 47-4148 with groundwater, the license will be limited to the same diversion rate for 47-4148, 0.28 cfs.

Note that the system's capacity exceeds what is necessary under the beneficial uses of this right.

Amendment?: No. The permit was approved with two points of diversion from groundwater. The license is clarifying that one of the sources is from a spring, not groundwater; therefore, no amendment is necessary. The POU had been developed as described in the permit.