

Memo To File

Date: July 26, 2011

To: Cherie Padilla

From: Craig L. Saxton

Re: Adding NAT-SOO-PAH SPRING as a Source and POD on 47-7624

It seems that including NAT-SOO-PAH SPRING as a Source and POD to 47-7624 is not really necessary as it does not provide any additional beneficial use, and in my opinion, it complicates things. If we eliminate the spring as a source, I think a lot of grey area questions are avoided.

Your review indicates that we don't need an amendment because we are just clarifying the source name and it was developed as permitted. I don't disagree with you, but I do think it could go either way. I think an argument can be made that perhaps if this were advertised with the spring as a source, someone might have viewed the application differently. A 400 foot well (according to the well log) seems to be a significantly different source than a spring.

Eliminating the spring would keep this right out of future issues with limiting diversion volume for the sources. It is just one less thing to complicate if there is a volume limit on the springs or not.

If the well were to end up being replaced and the replacement well no longer uses the same delivery system as the spring, having only a ground water source listed on the right would prevent any question of if the right should be split due to two separate systems.

Again, none of these issues really force use to drop the spring from the license, I just think it seems cleaner to do so. This subject is certainly open for discussion if you have strong feelings otherwise.

7/27/11

I will modify the license based on Craig's recommendation.

-cp