

MEMO

TO: File 21-7587

FROM: CPadilla

DATE: April 8, 2011

RE: Licensing Review Memo

Time Line:

Application for Permit Received: 1/4/99

Permit Approved: 3/2/99

Proof of Beneficial Use Received: 5/1/99

Field Exam Conducted: 9/17/07

POU Overlap Analysis: There are no other water rights that cover the live flow in the channel during the winter months (aka non-irrigation season).

PD Summary: This right and decreed rights 21-135 and 21-12927 all share the same point of diversion. The point of diversion is simply the diversion structure, or headgate, on Henry's Fork that feeds into the channel. The decreed rights use water in the irrigation season and this right uses water in the non-irrigation season so no limiting conditions will be added to this right.

Volume and Diversion Rate: The diversion rate is confirmed up to 10 cfs based on the diversion rate on the decreed irrigation rights that are diverted at the same point. Those rights divert 35 cfs between them, and based on that the field examiner concluded that 10 cfs for this right is possible in the winter season.

Volume is calculated by multiplying the diversion rate by the number of days in the season by a diversion factor. I confirmed on USGS's website that water in excess of 100 cfs is always flowing in Henry's Fork, so a constant rate of 10 cfs is possible.

Nature of Use: Wildlife cannot be added in addition to recreation use to the license as recommended by the field examiner without enlarging the right. The use established under this right is for fish and wildlife seems to depict the beneficial use better than recreation use.

Amendment Needed?: The POU needs to be amended to add the NENW of Sec 20 and the nature of use will be more accurately described as wildlife instead of recreation.

00060, Discharge, cubic feet per second,												
YEAR	Monthly mean in cfs (Calculation Period: 1999-01-01 -> 2010-09-30)											
	Period-of-record for statistical calculation restricted by user											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1999	649.7	742.3	744.5	727.6	1,464	1,844	898.3	807.2	736.4	660.4	705.1	652.5
2000	658.8	661.7	579.0	666.5	992.7	817.6	1,281	1,045	492.3	355.6	232.7	298.0
2001	399.9	473.9	343.5	358.4	616.7	1,095	1,416	1,312	502.9	178.5	125.2	128.4
2002	119.4	112.4	110.3	153.2	776.1	729.4	1,115	1,072	724.0	237.9	165.4	119.8
2003	101.9	98.2	99.5	268.2	356.9	669.6	1,414	1,335	634.1	134.2	2.98	44.7
2004	205.2	192.6	198.0	188.5	272.6	961.4	1,217	1,163	692.6	260.2	250.4	211.3
2005	213.1	234.0	232.8	234.2	680.9	981.7	1,350	826.2	590.4	310.8	276.4	276.4
2006	336.8	385.2	381.9	582.2	1,590	1,072	1,141	1,021	591.4	327.5	315.2	380.7
2007	402.6	408.5	477.7	565.2	611.3	1,026	1,336	897.4	789.7	182.8	79.4	80.6
2008	225.7	222.3	228.8	227.9	703.5	1,090	983.2	1,006	664.2	302.7	216.1	296.7
2009	341.2	343.8	353.1	517.4	1,173	764.7	977.1	842.5	561.6	344.6	219.0	388.1
2010	390.1	388.6	325.5	267.6	515.2	896.7	1,069	1,013	478.1			
Mean of monthly Discharge	337	355	340	396	813	996	1,180	1,030	621	300	235	262
** No Incomplete data have been used for statistical calculation												

USGS point near PD for 21-7587