

Memorandum

Date: February 16, 2011

To: Shelley Keen
From: Craig L. Saxton

Re: License Review 34-7585

This is one you reviewed and gave back so we could identify the overlapping rights that 34-7585 is supplemental to.

Conditions:

-We added the surface water right numbers to supplemental conditions 104 and 065;

104: Surface water rights 34-583C, 34-584F, 34-773, 34-774, 34-775, 34-10567, and 34-10568 are abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

065: The right holder shall make full beneficial use of surface water rights 34-583C, 34-584F, 34-773, 34-774, 34-775, 34-10567, and 34-10568, for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

-Overlapping rights already had a combine use limit that 34-7585 was added to. See 34-775:

X35: Rights 34-00583C, 34-00584F, 34-00773, 34-00774, 34-00775, 34-07044, **34-07585**, 34-10562, 34-10567 and 34-10568 when combined shall not exceed the total combined diversion rate of 11.56 cfs, a total combined annual diversion volume of 1435.0 af at the field headgate, and irrigation of a combined total of 410.0 acres.

-Need to R59 to clarify that they cannot put all of the authorized volume on a portion of the authorized acreage, thus increasing the volume to more than 3.5 AFA.

R59: This right when combine with all other rights shall provide no more that 3.5 afa per acre at the field headgate for irrigation of the place of use.

-WB7 would be a standard condition on this type of right but **was not added** as the volume limit is already stated in other conditions, and the limit of 0.02 cfs per acre could restrict historical irrigation practices.

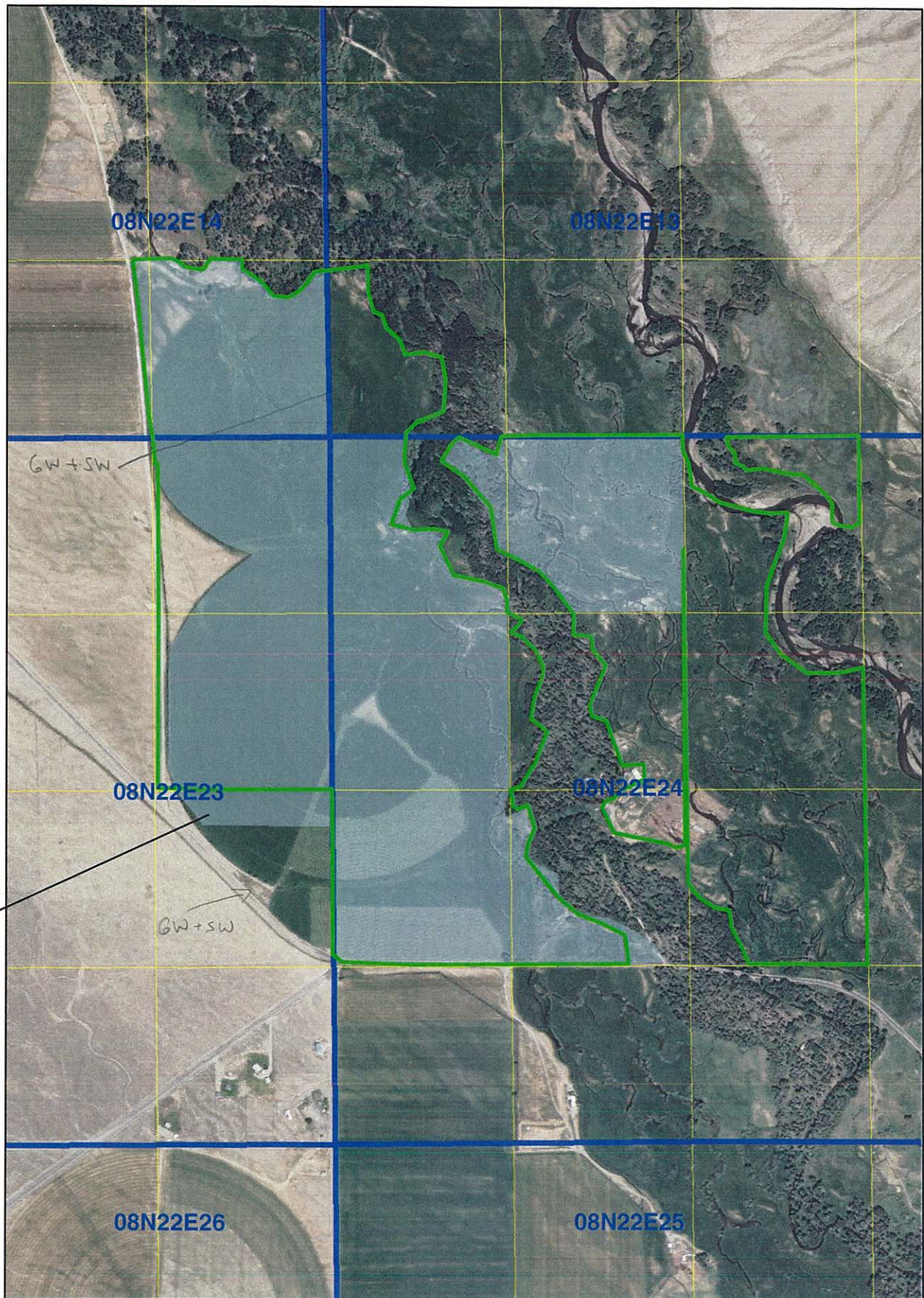
WB7: This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 1435 af at the field headgate for the place of use.

The sum of the overlapping rights are limited to 11.56 cfs on 410 acres results in a duty of 0.028 cfs per acre. None of the overlapping rights identify that the above standard diversion rate per acre was authorized to account for conveyance losses or other losses that would occur before water reached the field headgate*.

Transfer 4087 does not limit use of the surface water rights 34-583C, 34-584F, 34-773, 34-774, 34-775, 34-10567, and 34-10568 to 0.02 cfs per acre when used in combination.

In addition, about ½ the authorized PPU appears to be flood irrigated. SRBA claim 34-10567 and 34-13567 that share this POU identifies the diversion works as flood irrigation. Use of more than 1 inch per acre could be the historic practice.

*Note that the delivery ditch is over 8 miles long, but the ditch carries 64 water rights, according to a search in ArcMap, so any conveyance loss would be shared among the 64 rights.



Also
SW on this
acres;
34-774
34-583C
34-10567
34-775
34-10568
SW-34-7044
SW-34-10562

Green outline - surface water rights
Grey shaded area - groundwater rights

Map created
by CPadilla