

MEMO

TO: File 65-23037

FROM: CPadilla

DATE: November 30, 2010

RE: Licensing Review Memo

Time Line:

Application for Permit Received: 2/16/06

Permit Approved: 3/18/08

Proof of Beneficial Use Received: 5/22/08

Field Exam Conducted: 11/29/10

Conditioning: A combined use condition will not be added to the license with 65-13886 for the following reasons: 65-13886 has two separate PODs and 65-23037 only includes one of those PODs. If a limit is added it will unduly limit 65-13886. Also, the irrigation under 65-23037 takes place in the evening, the irrigation use and domestic use under 65-13886 will never overlap.

Comment	Water Permit Condition Report
Carry to license.	01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
Carry to license.	020 The diversion and use of water described in this right may be subject to additional limitations agreed to by the protestant and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.
Changes to 103 at licensing.	121 The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
Update to include both 65-13886 and 65-23037	F06 The following rights are diverted through point of diversion described above: 65-13886
Doesn't carry to license	046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
Carry to license with updated language.	Place of use is Shadow Butte School.

POU Overlap Analysis: There is one other right that covers the school, 65-13886. At this time 65-13886 is a permit for domestic use in the school and fire protection. This is within the Emmett Irrigation District but the school does not utilize surface water as there is not a conveyance system in place.

PD Summary: The POD is used for domestic use and irrigation use.

Tag #	Location	Rights that Use PD	Capacity	Uses
D0009711	SWSW Sec 34 7N 2W	65-13886 65-23037	0.21 cfs	Domestic and Irrigation for school

Volume and Diversion Rate: The standard volume and rate applies, 0.02 cfs/acre and 4.5 af/acre. 8 acres were found to be irrigated for a total of 0.16 cfs and 36 afa.

Amendment Needed?: NO