

## Memorandum

November 9, 2010

To: Michele Edl

From: Craig L. Saxton

Re: Question about reopening license 37-7861

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Michele,

37-1244 and 37-4389 were reported to the SRBA court on November 1, 2005 with the remark limiting use of both rights to 0.714 cfs. No objections were filed at that time. Both rights were partially decreed in September 2006.

License 37-7861 is the same source (Stoddard Creek Spring), and agreed to be the same water as partially decreed under 37-1244. In 2009 when the license for 37-7861 was licensed, IDWR had to limit 37-7861 and 37-1244 to 0.714 cfs. Since 37-1244 and 37-4398 were already limited to 0.714 cfs, the license had to be issued with a condition that limited all three rights to 0.714 cfs.

This was not an error in licensing. The partial decree was issued before the license was issued and because Mr. Mecham never filed an objection with the court, there was no indication that Mr. Mecham felt that there was an error in the recommendations.

If Mr. Mecham feels that water from Stoddard Creek Spring (37-1244 & 37-7861) and water from Lower Waddington Spring (37-4389) should not be limited to 0.714 cfs, then he will need to address the error through the SRBA court by filing a motion to set aside the partial decree for 37-1244 & 37-4398. If the court determines that the limiting condition on 37-1244 and 37-4398 is incorrect, then upon written request, Water Rights can look into the request to correct license 37-7861.