

MEMO

TO: File 63-33295

FROM: CPadilla

DATE: November 2, 2010

RE: Licensing Review Memo

Time Line:

Application for Permit Received: 11/9/2009

Permit Approved: 5/20/2010

Proof of Beneficial Use Received: 8/24/2010

Field Exam Conducted by SPF Engineering: 8/5/2010

POU Overlap Analysis: There are a couple of decreed domestic beneficial use rights but shouldn't have any impact to these rights.

<i>Right</i>	<i>Cattle</i>	<i>Diversion Rate</i>	<i>Volume</i>	<i>Priority</i>
63-11131	1530	0.24	21.0	1/29/1990
63-33295	1220	0.36	16.4	11/9/2009
<i>Totals</i>	<i>2750</i>	<i>0.36</i>	<i>37.4</i>	

Conditioning

Comment	Water Permit Condition Report
Carry to license	004 This right does not grant any right-of-way or easement across the land of another.
Doesn't carry to license	26A Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
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.
# of cattle confirmed to be 1220. Doesn't carry to license.	X02 Stockwater use is for 1470 range cattle.
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.

PD Summary

Tag #	Location	Rights that Use PD	Uses
Well #1 No Tag	5N5W Sec 25 NENE	65-11131 and 65-33295	Stockwater
Well #2 No Tag	5N5W Sec 25 NWNE	65-11131 and 65-33295	Stockwater
Well #3 D0019471	5N5W Sec 25 NENE	65-11131 and 65-33295	Stockwater

Volume and Diversion Rate: I believe that the diversion rate figures for all three wells are correct. I put together some independent calculations of the hp equation and my figures are right in-line with the field examiners findings.

The field examiner recommended 19.8 afa based on 1470 cattle. However, at this time E.G. Johnson only has a total of 2750 cattle or an additional 1220 cattle (2750 cattle – 1530 cattle authorized under 65-11131). The field examiner recommended the volume based on 12 gpd/cow. I checked the table, Water for Livestock Out of Stream Diversion for Range Cattle and found that 16.3 afa is recommended based on 1220 cows x 0.0134. Rounding up to 16.4 af is acceptable based on 12 gpd/cow.

According to CAFO documents submitted by E.G. Johnson, they plan to operate a maximum of 3000 cattle. They will need to submit a new application for permit whenever the herd is increased.

Amendment Needed?: NO