

MEMORANDUM

TO: Permit 37-8759 File
FROM: Jeff Cooper
DATE: October 19, 2010
SUBJECT: Field Visit

On October 12, 2010, William Mills and I visited the recommended place of use (POU) for water right (WR) 37-496C, located in the SENW of TWP 03N, RNG 18E, Sec. 20. The recommendation allows for up to two acres of irrigation and up to 0.05 cfs to be diverted from a point of diversion (POD) located on the Big Wood River.

According to the stipulations of Permit 37-8759, the water historically diverted under WR 37-496C was to be left in the river for mitigation. An overview of the 2009 NAIP imagery indicated irrigation still occurring within the POU for 37-496C. The purpose of our field visit was to verify how much irrigation was actually occurring on the property and the source of the water being used for that use.

The POU for 37-496C is located across two parcels of 2.2 and 0.5 acres and includes three residential structures (Figure 1).

Outside of structures and hardscapes, the majority of the property was irrigated via an underground irrigation system (Figures 2 & 3). A GPS was used to estimate the total irrigation which was approximately 1.5 acres (Figure 4).

According to the Kevin Lakey, the watermaster for Water District (WD-37), this property was historically irrigated from the Mizer Ditch, which was diverted off the Big Wood River somewhere to the north of the property. A walk through the property revealed no remaining conveyance works from the Mizer Ditch or from anywhere on the river. The Hiawatha Canal runs to the west of the property, but at a much lower elevation. No evidence of pumping works from the Hiawatha was found. Since we could find no evidence of water being diverted from a surface water source and also finding evidence that the watering system utilized groundwater, it was concluded that all of the irrigation was likely occurring from a well located near the main house (residential structure #1) on the south end of the property (Figure 5).

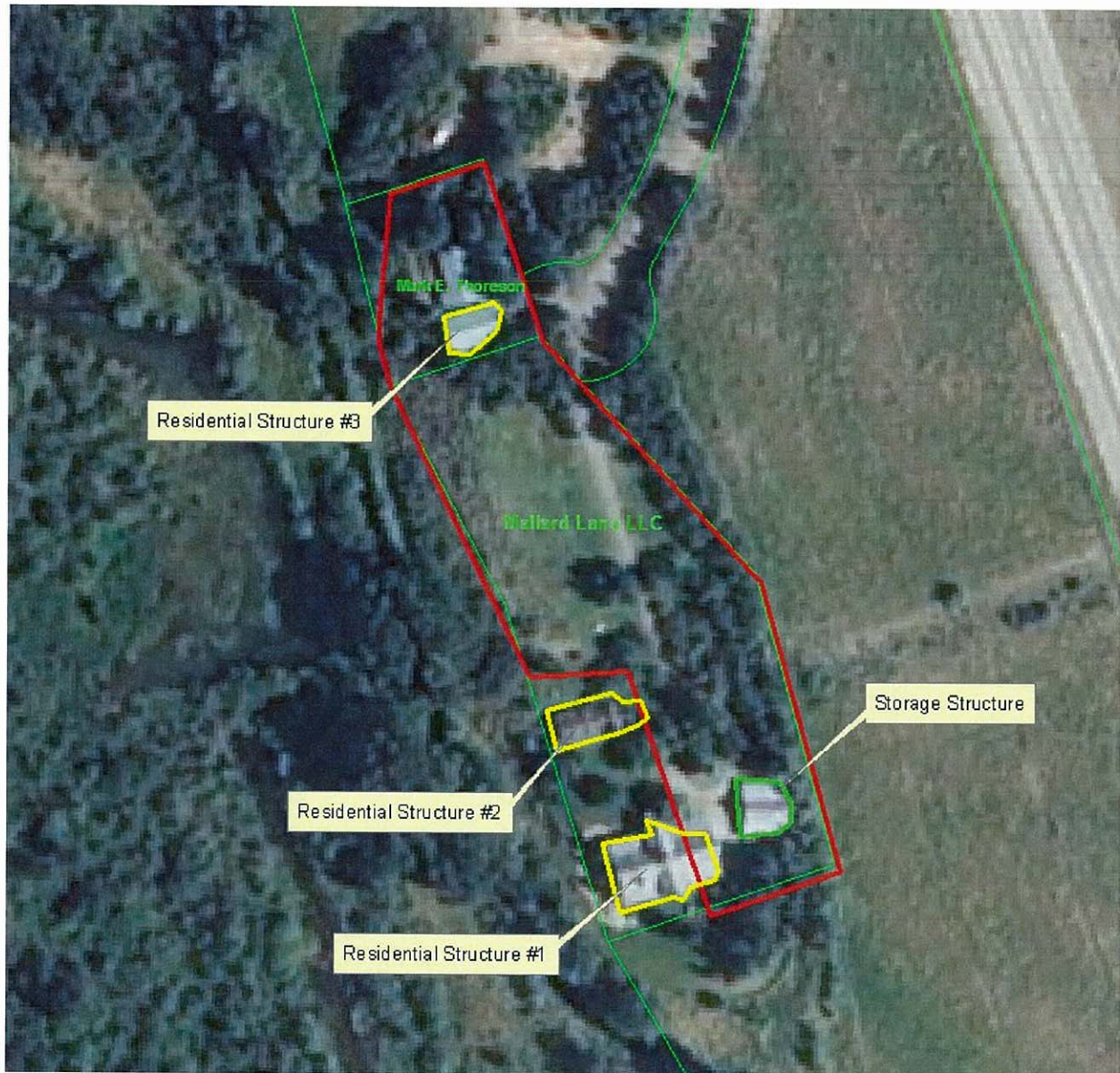


Figure 1. 2009 NAIP aerial photo of the POU for WR 37-496C (red) and the parcels it covers (green).



Figure 2. Several views of irrigated ground located around the POU. View on the north end of the southern parcel (upper left), looking towards the second residential structure (upper right), east side of the property adjacent to the entrance road (lower left), and the west side of property adjacent to the entrance road (lower right).



Figure 3. Sprinkler heads located along the fence line on the east side of the property.

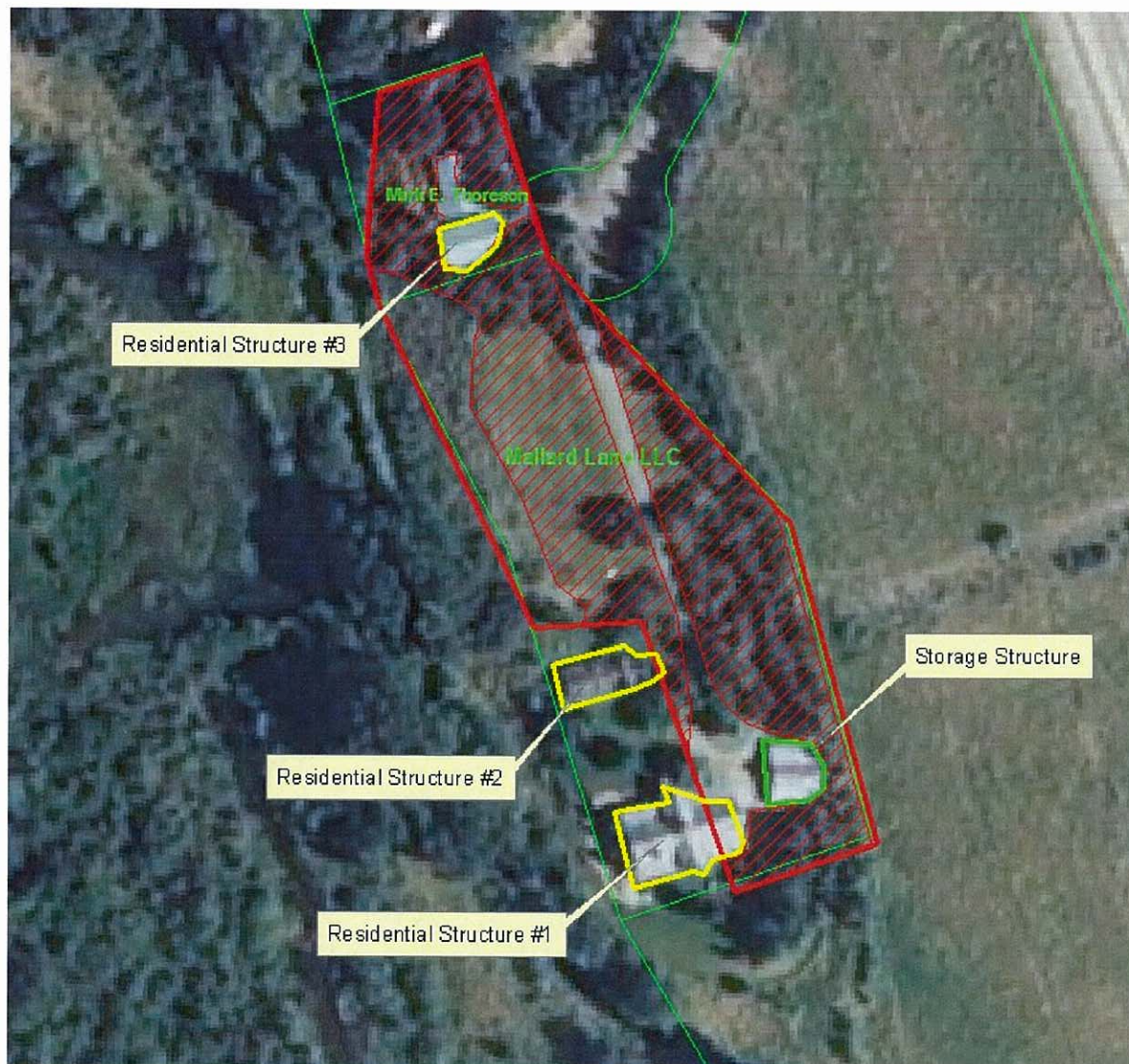


Figure 4. Irrigated areas within the recommended POU for WR 37-496C (red hatch).



Figure 5. Well and irrigation control works located adjacent to the most southern residential structure.

MEMORANDUM

Date: October 15, 2010
To: Water Right File 37-8759
From: medl
Re: mitigation status

Southern Region personnel agreed to inspect the former place of use (the Cook place) on 10/12/2010 for compliance with the mitigation requirement.

I understand from Southern region and State office conference communication that a memo summarizing the inspection results will be added to the file. I understand that they were able to confirm that 37-496C, the mitigation right, is not being delivered to the Cook place, (property is now owned by Mallard Lane LLC of Piedmont CA)

I also understand that the domestic well supplying water to the Cook place is irrigating approximately 2 acres, which is 1.5 acres more than would be authorized by a domestic exemption.

Mr. Speck, representative for the permit holder, has a like understanding that the mitigation has been confirmed and requested a licensing timeline.

I left a voice message with Southern Region this afternoon requesting a copy of the memo.
I also left a voice message with Watermaster B37 office this afternoon requesting verification that the retrofit valves on the Tuttle estate will give the watermaster control over this groundwater diversion.