

MEMORANDUM

Date: November 25, 2005
To: Water Right File 22-7664
From: Shelley Keen
Re: Place of Use

The field examiner for Permit 22-7664 recommended issuing the license for 256.5 acres of irrigation. I am recommending 227.5 acres. The difference stems primarily from the relationship between Right 22-7664 and Right 22-7377.

Rights 22-7664 and 22-7377 share a common well and distribution main. When licensed, Right 22-7377 authorized 40 acres of irrigation in the NWSE of Section 6, and no acres in the NESE of Section 6. To fill in the gaps, the field examiner for Right 22-7664 recommended licensing zero acres in the NWSE and 40 acres in the NESE.

In the SRBA, however, Right 22-7377 is being recommended for decree with 35 acres in the NWSE and 30 acres in the NESE. If 22-7377 were to be decreed as recommended, then licensing 22-7664 as recommended by the field examiner would leave 5 irrigated acres in the NWSE without authorization and 30 acres in the NESE covered by both water rights. To create maximum coverage for the right holder, I am recommending that the license for Right 22-7664 authorize 5 acres of irrigation in the NWSE and 6.5 acres of irrigation in the NESE. By doing so, the right holder will be able to irrigate 40 acres in the NWSE and 36.5 acres in the NESE. (A rock pile of approximately 3.5 acres existed in the NESE through the development period for Permit 22-7664.)

Licensing the place of use for 22-7664 as I am recommending is risky. If, for some reason, Right 22-7377 is not decreed as recommended, then the place of use for Right 22-7664 may not make sense.

Rather than run this risk, I recommend waiting until 22-7377 is decreed to license 22-7664.

*S. Keen
11/25/05*