

Memorandum

Date: September 1, 2010

To: File 22-7114

From: Craig L. Saxton ✓✓✓

RE: Licensed diversion rate of 2.94 cfs

On January 22, 2010, Earnest Carlsen, IDWR and Robert L. Harris, Attorney for Northwest Farm Credit Services ACA and Steveco Canyon Farms Inc, signed a "Resolution of Protest Against Voiding Permit 22-7114". The parties agreed that the Department should reinstate permit 22-7114, which in this case meant withdrawing the preliminary order to void permit 22-4117, and then issue a license with a diversion rate of 2.94 cfs from Canyon Creek.

The agreement further stated that there should be a condition limiting the total combined diversion rate to 12.94 cfs from Canyon Creek and irrigation of 1720 acres when it is diverted in combination with decrees 22-7067 and 22-7103.

It is important to clarify where the 2.94 cfs of development in excess of that already licensed under 22-7069 and 22-7103 came from:

Field Exams were conducted for the following rights:

- 22-7069: Exam conducted on July 20, 1978 (Canyon Creek)
- 22-7103: Exam conducted on July 20, 1978 (Canyon Creek)
- 22-7230: Exam conducted on June 21, 1979 (Ground Water)

Per the licensing field exam for 22-7230, ground water is diverted into Canyon Creek, and then the water is pumped from Canyon Creek using the same pumps and delivery system as used by 22-7069 and 22-7103.

During the July 20, 1978 licensing field exam for 22-7069 and 22-7103, the delivery system for was found to have a capacity of 12.94 cfs. This field exam was conducted within the authorized development period for 22-7230 which ended on August 1, 1980.

- 22-7069 was permitted and licensed for 2 cfs.
- 22-7103 was permitted and licensed for 8 cfs.
- 22-7230 (ground water) was licensed and permitted for 3.48 cfs.

All three rights, when used in combination, are limited to the capacity of the diverting works which was 12.94 cfs.

If ground water right 22-7230 is not being diverted, only 10 cfs, of the 12.94 cfs capacity developed, can be diverted from the Canyon Creek source under decreed rights 22-7069 & 22-7103. The remaining 2.94 cfs of diversion capacity from the Canyon Creek diversion that was not licensed/decreed under 22-7069 & 22-7103, can be considered to have been developed under 22-7114 during the authorized development period.

The following rights are diverted from the Canyon Creek delivery system that has the capacity to divert 12.94 cfs:

22-70 ⁶ ~~8~~ 9	2.00 cfs	Canyon Creek
22-7103	~~8.10~~ 8.10 cfs	Canyon Creek
22-7230	3.48 cfs	Ground Water
22-7114	2.94 cfs	Canyon Creek

Limited to 12.94 cfs.

SCANNED

SEP 08 2010

Draft License for 22-7114

Priority Date: 11/20/1974

Source: Canyon Creek

Use: Irrigation

Season: 04/01 to 10/31

Rate: 2.94 cfs

Volume: 1,247.9 ($2.94 \times 1.98347 \times 214$ days)

Acres: 2,725.4

Combined Use Limits

22-7069, 22-7103, 22-7114, 22-7230

12.94 cfs, 3,892.2 af, 2,725.4 ac

* Brief Jeff on our plan

~~* Meas. dev.~~

— contact WD 01

— then, if nec., call Rob H

Joe Kaufman
measuring devices installed &
good on both mainlines

SHELLEY

~~0412~~



1. Acknowledge IPWR's error in not serving Rob Harris
2. Reset the clock to when he was served.
3. Acknowledge his "Protest" as both a petition for reconsideration + a request for hearing
4. Rescind the Void order
5. Issue the license
6. Preserve Rob's opportunity for a hearing if the revised license is not acceptable to his client