

MEMO

TO: Files 47-7753 and 47-8012

FROM: CPadilla

DATE: August 2, 2010

RE: Licensing Review Memo

Time Line:

47-7753

Application received 9/15/81

Application approved 11/17/1981

Proof Submitted 9/30/1986

Lands Placed in CRP ~1993

Field Examination 7/30/1996

297 acres were found to be irrigated prior to CRP enrollment

One well was found in Sec. 18 with a capacity of 3.71 cfs

47-8012

Application received 7/1/1985

Application approved 12/22/1989

Proof submitted 11/23/1990

Lands Placed in CRP ~1993

Field Examination 7/30/1996

264 acres were found to be irrigated prior to CRP enrollment

The same well above was used for irrigation purposes as authorized by this permit.

These permits were developed on lands that have been enrolled in CRP. The system was developed prior to enrolling lands in CRP. The right holder has made changes to the system per the field examiners notes and has continued to use water on different lands that were originally developed.

I agree with the field examiner that we should license these rights based on irrigation practices as of the field exam and limit the diversion rate and acreage based on what was developed as of the proof due date. The field examiner has good information in the field exam that documents what was actually developed prior to CRP and that information will be used as the basis of these licenses. Note that acreage has been slightly modified from what the field examiner reported. In 2001, the department made some recommendations for right 47-7718 that arranged the POU in Sec. 7 from 6 acres to 3.5 acres in the NENW and 13 acres to 15.5 acres in the NWNW. I concur with the recommendation based on 1987 imagery and DRG maps.

The well in Sec. 12, a PD for overlapping right 47-7718, will be listed on these rights as a PD. Currently, both wells contribute to an interconnected system that provides

water to the entire PPU. The rights will be limited to the capacity under the well located in Sec. 18 since that was the only well utilized at the proof due date.

Licensing these rights with both wells will prevent the right holder from having to submit a transfer on these newly licensed rights to add a PD. However, I recommend that a transfer be filed for right 47-7718 to record the well in Sec. 18 and include the PPU in the irrigated lands for the most flexibility.

POU Overlap Analysis (see attached map)

<i>Right</i>	<i>Acre Limit</i>	<i>Diversion Rate</i>	<i>Volume</i>	<i>PPU</i>	<i>Priority</i>
47-7753	297	1.97	836	636	9/15/1981
47-7718	170	2.6	595	0	1/17/1982
47-8012	264	1.74	739	636	7/1/1985
Totals	561	6.31 (additive)	Supplemental Limited to 2244 (4af/acre)	636	

Note that at the time of this review, adjudication record 47-13645 was disallowed.

New Season of Use

At the time of the field exam, the season of use was 4/1-10/31. Currently, the standard season of use is 3/15-11/15.

Conditioning

Comment	Water Permit Report 47-8012
NA	1. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
Changed to R55	2. 051 Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
NA	3. 01G Prior to the diversion of water under this right a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
Inactive	4. 053 The Director retains jurisdiction over this right and may change, add, or remove any requirement as determined to be appropriate.
Inactive	5. 052 Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
Changed to WB7	6. 03A The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

Combined limits and PPU conditions have been added as well as surface water conditions.

Comment	Water Permit Report 47-7753
NA	1. 01C A flow measurement port or other device as specified by the Department shall be installed by the right holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
Changed to WB7, 065 and 104	2. 225 SHARES SALMON FALLS CANAL WATER

Combined limits and PPU conditions have been added

