

MEMO

TO: Files 63-12461 and 63-12470

FROM: Cherie Padilla

DATE: July 21, 2010

RE: 63-12461 and 63-12470 Water Right License Processing

Two wells have been constructed in order to serve the new acreage authorized by the subject permits. Well #11 was developed under 63-12461 and well #12 was developed under 63-12470. The wells are interconnected into the entire system at the Twenty Mile Farm.

Rate

CFS	Measured Capacity	Permitted Diversion Rate	Rate Recommended by Field Examiner	Acres
Well 11 (63-12461)	6.69	6.4	4.58	229
Well 12 (63-12470)	5.57	8.99	7.32	366
Combined Total	12.26	9.8	11.9 or 0.02 cfs/acre	595

Note that the mitigation right provides 0.0165 cfs/acre, it should be acceptable to round-up that rate to 0.02 cfs for the rate.

There will be limitations placed on the permit so the two rights will be limited to 9.8 cfs.

POU

The irrigated place under 63-12461 will be licensed as reflected in the field examiners report that was received on 7/16/10. The examiner found that 229 acres were irrigated prior to the submittal of the proof statement.

63-12470 defined two purposes of uses, irrigation and stockwater. The field examiner did not report that stockwater use was developed under the permit and it will be dropped as a use in the license. The field examiner also reported that 366 acres were irrigated by the submittal of the proof statement and provided pictures and aerial imagery as evidence. While 301 acres have clearly been irrigated, 65 acres in the N1/2SW1/4 of Sec 23 1N1E do not appear to have been irrigated. In the supplemental information submitted to the department 6/18, the 65 acres are within the area known as field 431 and is noted that irrigation did not begin until 4/2010 of that field. This field should be considered developed.

Volume

The volume recommended by the field examiner is as follows:

63-12461	1,030.5 af
63-12470	<u>1,647.0 af</u>
	2,677.5 or 4.5 af per acre

Both permits were approved under the assumption that they will be limited to a combined volume of 2317.6 af at licensing or 2317.6 af/595 acres= 3.895 af/acre.

Overlap Analysis

The permitted place of use under both 63-12461 and 63-12470 do not overlap any other rights. 12 wells were identified as being PDs for these rights in addition to 17 other water rights. The system ties together all 12 wells and encompasses 3058 acres in a 3320 permissible POU. Overlapping conditions will be added to the licenses in order to address the overlapped PDs. Also, the licenses will include a permissible POU and limited accordingly. Note that the rights that will become overlapped within the PPU are all additive and will not require further combined limit conditions in these licenses.

Mitigation

Right 2-2268B has been dedicated for the mitigation of both 63-12461 and 63-12470. Pursuant to Administrative Memo Application Processing #71, right 2-2268B should be changed from irrigation to mitigation. After the approval of the licenses, I will change the purpose.

The permits have a condition that states in part "...include documentation that Bell Rapids' diversion rate and volume have been reduced and the acreage associated with the holder's purchased portion of the right has not been irrigated and other expansion of acreage under Bell Rapids' right has not occurred."

In response, in an email, Terry Scanlan of SPF stated that the pump station in connection with 2-2268B was destroyed in a landslide and the land went into CRP and has not been irrigated since. That information should satisfy the condition. In addition, see attached imagery for evidence.

Measuring Device and Reporting

The permit also has a condition that requires the installation of a measuring device or enter into an agreement to use power records and shall annually report the information. In an email, Terry stated that the wells under these permits are equipped with flow meters but, no reporting took place. Terry submitted information in an attempt to show how the city has complied with the conditions. The supplemental information includes volume estimates for 2008 and 2009. The methodology for obtaining the volume estimates does not fit into what the department requested in the condition but, it appears to be sufficient enough to satisfy the requirement.

The requirement to annually report measurement information is to ensure that the new use is being mitigated as planned. The city has not complied with this condition because they did not annually report to the department. At this point it's not critical that the right holder report that information, and the information volume data submitted by Terry will serve as a way to check and make sure mitigation is actually occurring, which confirms that the new use has been mitigated.

Since they already have measuring devices in place, the license will carry the condition but will drop the reporting requirement.

Overlap Analysis--Analysis Includes Water for Irrigation Only						
Row	WR	Priority	Basis	Rate	Volume	Acre Limit
1	63-3013	11/15/1954	Decreed	3.3	1215	270
2	63-3014	11/15/1954	Decreed	2.74	819	182
3	63-7047	2/17/1968	Decreed	2.4	540	120
4	63-7055A	3/29/1968	Decreed	4.36	981	218
5	63-8435	4/13/1977	Decreed	2.84	711	158
Combined Use Limit Subtotal Rows 1-5				13.54	4266	948
6	63-7005B	6/14/1967	Decreed	6.1	1372.5	305
7	63-7042B	12/6/1967	Decreed	6.5	1800	400
8	63-7053	1/10/1968	Decreed	6.1	1372.5	305
9	63-7055C	3/22/1968	Decreed	0.39	189.5	78
10	63-7055D	3/22/1968	Decreed	1.47	328.5	73
11	63-7064A	4/11/1968	Decreed	3.2	720	160
12	63-7064B	4/11/1968	Decreed	3.15	711	158
13	63-7078B	3/18/1968	Decreed	3.4	1647	366
14	63-7755B	3/23/1973	Decreed	4.84	1287	286
15	63-8130B	5/30/1975	Decreed	2.4	540	120
16	63-9243	6/1/1979	Decreed	2.6	778.5	173
17	63-9359	3/19/1980	Decreed	1.17	351	78
Combined Use Limit Subtotal Rows 6-17				37.53	10222.6	2268
Combined Use Limit Subtotal Rows 1-17				51.07	14500	3058
18	63-12461	7/22/1998	License	4.58	1030.5	229
19	63-12470	9/9/1998	License	7.32	1647	366
Combined Use Limit Subtotal Rows 6-17				9.8	2317.6	595
Grand Total rows 1-19				60.87	16817.6	3653

There are a few errors in Terry's table dated 6/16/10. I made some re-calculations to ensure that the new use has been mitigated and get the following results:

2009	Field 251	Field 404	Field 415	Total
af/acre	2.42	2.86	1.46	
acreage	79	13	137	229
Total af	191.2 af	37.2 af	200 af	428.4

* Acreage under 63-12461

2009	Field 131	Field 133	Field 240	Field 342	Field 351	Field 431	Total
af/acre	0.24	0.24	2.3	1.23	1.99	0	
acreage	64	98	6	6	127	65	366
Total af	15.4	23.5	13.8	7.4	252.7	0	313

* Acreage under 63-12470

Between the two permits, 741.4 af was used during 2009. This is well within the volume limit of 2317.6 af.

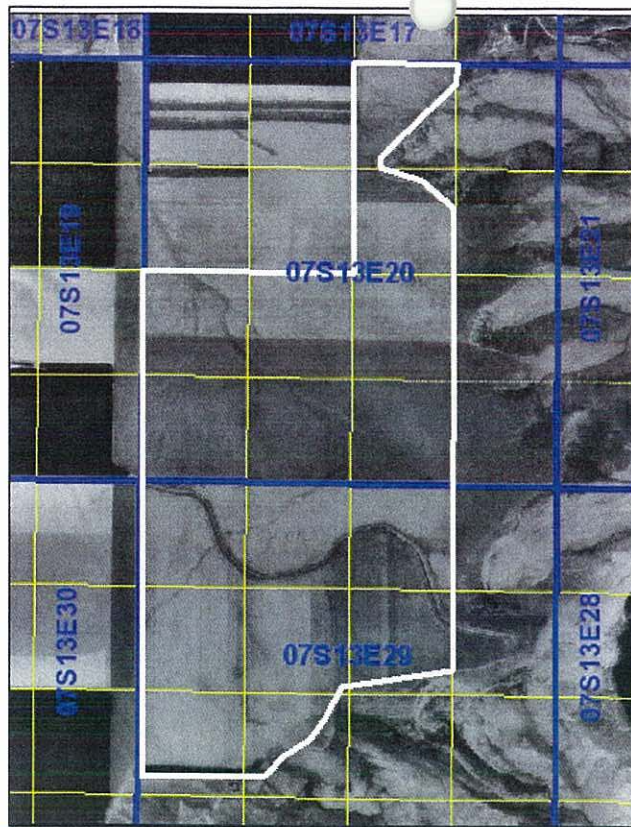


Figure 1: 1992 Imagery of 2-2268B POU

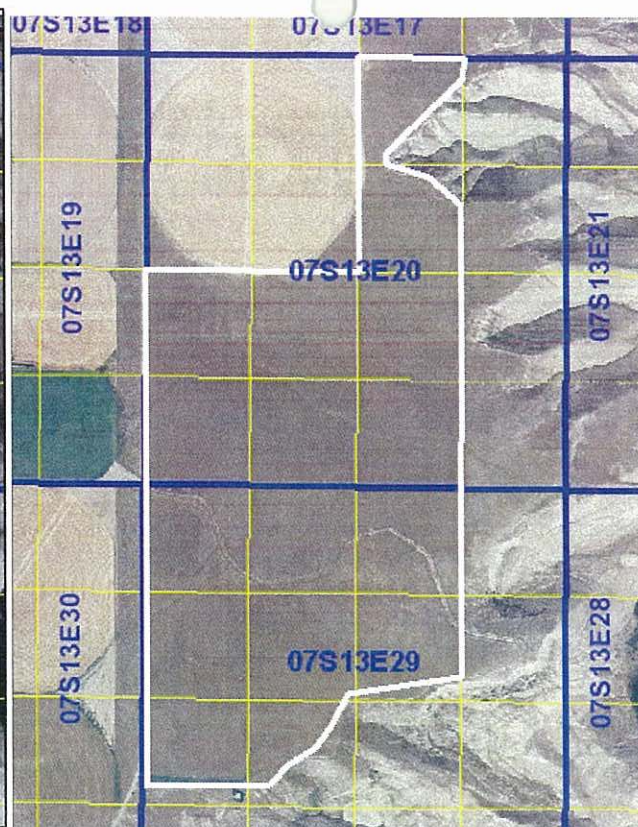


Figure 2: 2004 Imagery
- Not Irrigated



Figure 3: 2006 Imagery
- Not Irrigated

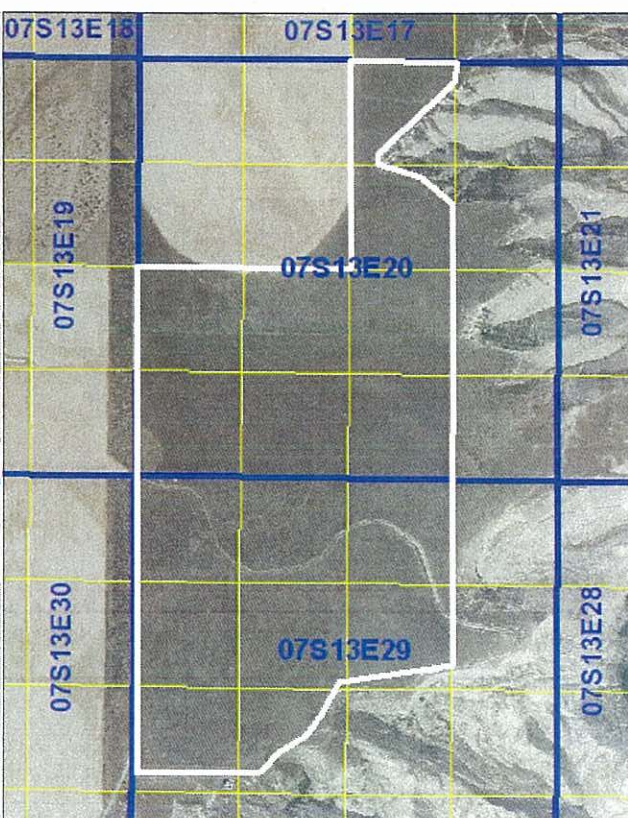


Figure 4: 2009 Imagery
- Not Irrigated

Points of Diversion

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion	
		SE	SW	23	1N	1E	Ada	Well 1	6.5
		SE	NW	25	1N	1E	Ada	Well 2	7.5
		NW	SE	25	1N	1E	Ada	Well 3	6.4
		SE	SW	25	1N	1E	Ada	Well 4	5.06
		NE	NE	36	1N	1E	Ada	Well 5	
		NE	NW	35	1N	1E	Ada	Well 6	5.24
		NW	NW	35	1N	1E	Ada	Well 7	6.2
		SW	NE	34	1N	1E	Ada	Well 8	6.47
		NW	NW	34	1N	1E	Ada	Well 9	2.43
		NE	NE	33	1N	1E	Ada	Well 10	4.64
		NW	SW	27	1N	1E	Ada	Well 11	6.69
		SW	SW	24	1N	1E	Ada	Well 12	5.57

Total capacity = 62.7 cfs
of the system