

Memorandum

Date: February 2, 2010

To: Shelley Keen

Cc: Jan Shurte

Nick Spencer

From: Craig L. Saxton

Re: Licensing of 63-33283 and 63-33284: SRBA involvement

After further review of the overlap relationship between draft licenses 63-33283 and 63-33284 and SRBA recommendations 63-32481 and 63-32482, I feel it is prudent to move forward issuing the licenses.

In our last discussion concerning these rights, we concluded that there was a need to review 63-33283 and 33284 and verify that they were truly supplemental to surface water, and that we might need to consider holding off on issuing licensing 63-33283 and 63-33284 until after SRBA action is taken on 63-32481 and 63-32482.

The question of if this right is supplemental is addressed in the memo to the file.

Move forward with the License:

63-8782 was recommended based on permit in the SRBA. In the process of reviewing 63-8782 for licensing, it was determined that 63-8782 should be split into what is now 63-33283 and 63-33284.

Right now the SRBA court is not aware of the split. The hearing scheduled for 2-23-10 is to check on the status of issuing license 63-8782. In addition, the court appears to have identified 63-32481 and 63-32482 as uncontested overlaps with 63-8782.

It appears that the SRBA court is waiting for action to be taken on 63-8287 (63-33283 and 63-33284).

I feel we should move forward with issuing licenses 63-33283 and 63-33284. Once issued, the SRBA staff will update the adjudication recommendation for 63-8782, which will result in splitting the right, and then update the court of this change by submitting an NCAP.

My analysis does indicate that if SRBA recommendations 63-32481 and 63-32482 are partially decreed as currently on record, they will not conflict with licenses 63-33283 and 63-33284 as proposed. However, for clarity, I would suggest that SRBA staff ask the court if changes could be made to the conditions on the recommendations to match better with licenses 63-33283 and 63-33284.

I am attaching the proposed ADR's for 63-32481 and 63-32482

02/02/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-32482

NAME AND ADDRESS: SHIRLEY T JOHNSON FAMILY TRUST
C/O DEBRA BEDONT
C/O DAVID JOHNSON
11481 SPRING STONE DR
SOUTH JORDAN UT 84095

~~SHIRLEY JOHNSON~~
~~11481 SPRING STONE DR~~
~~SOUTH JORDAN UT 84095~~

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.300 CFS
154.70 AFY

~~Right Nos. 63-32481 and 63-32482 are limited to a total combined diversion rate of 0.45 cfs and to a total combined annual diversion volume of 232.07 AF.~~

Right Nos. 63-32482 and 63-33284 are limited to a total combined diversion rate of 1.2 cfs.

PRIORITY DATE: 03/01/1948

POINT OF
DIVERSION:

T03N R02W S4 NESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	0.300 CFS 154.70 AFY

PLACE OF USE: IRRIGATION in CANYON County

T03N R02W S04	SWNE	22.00	T03N R02W S04	SENE	18.00
T03N R02W S04	NESE	17.00			

57 ACRES TOTAL

Rights Nos. 63-32482 and 63-33284 are limited to the irrigation of a combine total of 60 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from Pioneer Irrigation District.

This right is a split from former right 63-5126.

02/02/2010

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-32481

NAME AND ADDRESS: WAYNE L TUFT LLC
C/O CANDY SIMPSON
17581 MADISON RD
NAMPA ID 83687

~~COURTNEY TUFT
17501 NORTHSIDE BLVD
NAMPA ID 83687~~

~~CLAYONE O TUFT
17293 NORTHSIDE BLVD
NAMPA ID 83687~~

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.150 CFS
77.36 AFY

~~Right Nos. 63-32481 and 63-32482 are limited to a total combined diversion rate of 0.45 cfs and to a total combined annual diversion volume of 232.07 AF.~~

PRIORITY DATE: 03/01/1948

POINT OF
DIVERSION:

T03N R02W S4 NESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/01 11/15	0.150 CFS 77.36 AFY

PLACE OF USE: IRRIGATION in CANYON County

T03N R02W S04	SWNE	2.00	T03N R02W S04	NESE	15.00
T03N R02W S04	NWSE	12.00			

29 ACRES TOTAL

Right Nos. 63-32481 and 63-33283 are limited to the irrigation of a combined total of 59 acres in a single irrigation season

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right No. 63-32482 is also diverted through point of diversion described above.

Use of this right is combined with water from Pioneer Irrigation District.

This right is a split from former right 63-5126.