

MEMORANDUM

Date: December 22, 2009
To: Water Right File 63-11487
From: Aaron Marshall 
Re: Licensing Review

On August 28, 1991, IDWR issued permit no. 63-11487 to the City of Garden City authorizing development of a water right for irrigation, commercial, municipal, domestic, and fire protection purposes with a maximum diversion rate of 4.50 cfs. On August 19, 1996, IDWR received proof of beneficial use indicating the City completed the development authorized by the permit. On December 12, 1996, an IDWR examiner conducted a field examination to confirm the beneficial use. The examiner reported that water is pumped from the Joplin Well No. 10, under a pressure of 85 psi, into a 12-inch diameter mainline that supplies water to Garden City for municipal use. The examiner reported a theoretical pump capacity of 2500 gpm (5.57 cfs) based on the pump manufacturer's performance curve. The examiner did not conduct a flow measurement or perform a theoretical flow computation. The field examiner recommended the issuance of a license for municipal purposes with a maximum diversion rate of 4.50 cfs based on the best available evidence at the time.

Permit 63-11487 was issued by IDWR 5 years prior to enactment of the 1996 Municipal Water Rights Act. IDWR Administrators Memorandum, Licensing No. 1, dated October 19, 2009, provides guidance for licensing water rights for municipal purposes. Concerning past IDWR policy and practice, the memo provides the following:

"An incorporated city...could perfect a water right based on the maximum instantaneous diversion rate for the pumping system that was installed and operational during the development period of the permit (limited by the permit amount), even if the city did not beneficially use the entire capacity during the development period of the permit. Note that even though a municipal system may have included multiple wells and pumps, the Department typically licensed a water right based on the diversion capacity of an individual well and pump listed as a single point of diversion on the water right. The Department typically did not review the overall system capacity and evaluate the new well as an additional increment of diversion capacity or beneficial use under the entire system due to the point of diversion."

Permit 63-11487 was issued and developed prior to the 1996 Municipal Water Rights Act at a time when IDWR licensed water rights with this perspective. The license for water right 63-11487 should be issued for municipal purposes, with a maximum diversion rate of 4.50 cfs, and a single point of diversion as developed under the permit. The City recently filed an application for transfer to add points of diversion to all of its municipal water rights so that each right may be diverted from any point within the municipal system. This right is included in the transfer application and may be changed upon approval of the transfer to reflect the additional points of diversion within the municipal system.