

MEMORANDUM

DATE: July 15, 2009

TO: Water Right File 22-7786

FROM: Shelley W. Keen *SWK*

RE: Phone conversation with Kristin Moore

This morning I spoke with Kristin Moore about the questions raised in her 7/13/2009 email. We concluded that it will be important to complete a beneficial use field report and issue a water right license for this right as soon as possible. The field examiner should evaluate whether the Teton Creek well can be added to the permit with a licensing amendment or if it will have to be added through the transfer process after licensing. The decision should be based on whether the field examiner confirms the addition of the well to the system as follow:

- If the field examiner does not confirm addition of the Teton Creek well to the system, it can be added as an alternative point of diversion after licensing through the transfer process.
- If the field examiner confirms that the Teton Creek well was used as a point of diversion for this right before proof of beneficial use was due in September of 2007, it should be added to the right through the licensing amendment process. Because proof was submitted late, it is the proof due date, not the proof made date, that is key.
- If the field examiner confirms that the Teton Creek well was added to the system after proof was due in 2007, can still be added as an alternative point of diversion through the licensing amendment process, but its contribution to the system capacity should not be considered when determining the diversion rate and annual volume that can be licensed. Reducing the number of transfer application is a current goal of IDWR's. This option will allow the addition of the point of diversion without having to employ the transfer process.

Kristin indicated that Rocky Mountain Environmental may attempt to speed the licensing process by conducting the field examination even though the permit holder paid an examination fee to IDWR. I asked Kristin to coordinate with Ernie Carlsen in Eastern Region so that IDWR and Rocky Mountain both don't conduct an examination.