

MEMO

FROM: Allen Merritt



DATE: December 12, 2008

TO: Permit File 36-8475

SUBJECT: Review of File for Licensing Purposes

The licensing of this permit has been stalled for several years due to its complexity. Recently the lands involved are again being associated with transfers modifying the large PPU with associated well network system. It is prudent to finalize licensing of this permit.

Review of the file finds:

- Permit was issued to J. R. Simplot Co. on 10/8/1991 for 6.40 cfs for irrigation of 320 acres in the N $\frac{1}{2}$ of Section 11, T7S, R23E. from two wells in Section 2, T7S, R23E.

- Proof of Beneficial Use was due on 10/2/1995 and was filed by J. R. Simplot Co. on 10/2/1995. On the proof it was indicated that a well was developed in 1991 for the permit. This well is in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, T7S, R23E.

- The permit was assigned to Steve and Maria Young on 12/1/1997.

- Jim Stanton conducts a field review in 2002 and 2003. In the field report dated 3/18/2003 Jim finds the use is somewhere in a large combined system of numerous rights and 31 wells established by recently approved transfers. He concludes that rate only be licenses since the water rights for the large system is short of capacity of the wells.

- In e-mail of 4/1/2003 Jim documents that he reviewed 1995 FSA slides and finds that a pivot existed in NE $\frac{1}{4}$ of Section 11, T7S, R23E with no corners irrigated. Nothing in NW $\frac{1}{4}$ of Section 11, T7S, R23E was irrigated.

- In e-mail of 4/3/2003, after further analysis Jim concludes that 70 acres is short in the large PPU system and recommends licensing of 70 acres.

Base on my review of the record I find that 132 acres were developed from the well in Section 11, T7S, R23E at the time proof of beneficial use was filed. The connection into the large PPU by Young is irrelevant to the licensing limitations. Review of WIMIS data finds the well in Section 11 has a capacity of 5.36 cfs on 7/10/1997. I recommend allowing a licensing amendment to place the right in the current PPU and 29 interconnected wells. The license should be limited to:

Rate: 2.64 cfs (0.02 cfs per acre)
Volume: 528 afa (4.0 afa/acre based on 132 acres)
Use: Irrigation of 132 acres within the PPU