

MEMORANDUM

Date: April 10, 2009
To: Water Right File 23-7062
From: Aaron Marshall
Re: Licensing Review

The partial decree issued in the SRBA for this right is based on the permit. The decree is conditioned such that it does not supercede the water appropriation process.

Permit 23-7062 authorized the development of a water right for the use of 0.01 cfs of water from a spring for domestic and stockwater purposes. On the application, the permit holder described the proposed use as domestic use for two homes and stockwater for 200 to 300 cattle. The approved permit limited the use of water to in-house use and watering of household stock.

On November 25, 1983, IDWR received a request for an extension of time. In the request, the permit holder explained that he had completed the excavation, "spring-head pipe", and dam work at the spring and that he had purchased the necessary distribution pipe and water troughs.

The proof of beneficial use statement for this right was submitted on November 14, 1986. The permit holder indicated the use of water for 50 cows and one proposed home.

On August 30, 2007, IDWR personnel conducted a field examination for this permit. The examiner described the use of water for domestic purposes in a cabin and stockwater purposes in two troughs totaling 500 gallons.

IDWR generally recognizes that water for domestic or municipal purposes has been put to beneficial use if the diversion and distribution system is installed when proof is submitted and that each individual home need not be constructed and connected to the system as long as water line stubs are in place at each lot. Although the permit holder admitted that the cabin was not constructed when proof was submitted, the majority of work had been completed and it is likely that the water distribution line was in place. Imagery also indicates that the buildings constructed at the place of use in 1987 are similar to those at the same location in 2006. It is likely that the cabin was constructed and water was used for in-house domestic purposes under this permit soon after proof was submitted. This should suffice as confirmation of beneficial use.

If a license is issued, the annual diversion volume for the in-house domestic use should be 0.6 acre-feet per IDWR policy guidelines. The annual volume for stockwater purposes should be based on the estimate in the IDWR Field Examiner's Handbook for range cattle:
 $(12 \text{ gal/day/cow} \times 50 \text{ cows} \times 365 \text{ days/year}) / 325,850 \text{ gal/acre-foot} = 0.67 \text{ af, rounded to } 0.7 \text{ af.}$

A licensing amendment is necessary to correctly describe the place of use and point of diversion developed under this right as confirmed by the examiner.