

MEMORANDUM

DATE: January 2, 2009

TO: Water Right File 36-8752

FROM: Shelley W. Keen *(SWK)*

RE: "Diversion to Storage" Use Added to the Right

The only purpose of use listed on Application for Permit 36-8752 is "wildlife" for 3.0 cfs. However, the applicant also remarked that the water would be used in some existing ponds. IDWR interpreted the remark to be a request for water for storage purposes as well, and the permit was issued for wildlife flow and wildlife storage. The wildlife flow component was limited to the irrigation season because Right 36-8567 already authorized wildlife flow during the non-irrigation season. It is not known why IDWR did not also include a "diversion to storage" flow component, which is a necessary part of an offstream storage right.

In 2006 the permit holder relinquished the wildlife flow component of Permit 36-8752, leaving only wildlife storage on the permit. Because the diversion to storage component is necessary for offstream storage, IDWR is adding it at licensing. To prevent enlargement the diversion to storage rate is limited to the same 3.0 cfs authorized for diversion under Right 36-8567 during the non-irrigation season. In other words, diversion to storage under Right 36-8752 is an alternative use of the water authorized for diversion under Right 36-8567.