

Memorandum

To: Permits to appropriate water nos. 63-31177 and 63-31178, in the name of Rod and Maureen Frisby

From: Gary Spackman 

Date: October 17, 2008

Re: Condition of permits requiring use of surface water appurtenant to the place of use and prohibition to sale, transfer, or lease of the surface water.

Permit nos. 63-31177 and 63-31178 were sought by Frisbys as a result of restrictions on water use and acres irrigated under the Black Canyon Irrigation District system. During the inventory of irrigated lands under the Black Canyon system while Black Canyon was filing its Snake River Basin Adjudication claims, Black Canyon determined its patrons were irrigating several thousand acres in excess of the acreage amount set forth in its contract with the Bureau of Reclamation. BOR told Black Canyon that it must limit the number of acres irrigated to those identified in the contract or lucrative provisions of the contract would be cancelled and Black Canyon would be required to renegotiate the contract. Black Canyon determined that it wanted to continue the lucrative contract provisions, and required many of its patrons to reduce or cease irrigating lands not originally irrigated at the time the contract was executed.

Frisbys had expanded their irrigation of lands with Black Canyon water. Frisbys irrigated approximately 320 acres located above the Black Canyon canal system with Black Canyon surface water. Black Canyon informed Frisbys they could no longer irrigate these acres with surface water. Frisbys sought permit nos. 63-31177 and 63-31178 to replace the surface water that had been historically been delivered to the lands. At the time the permits were approved and wells drilled, Frisbys discontinued use of the surface water as required by Black Canyon Irrigation District. Frisbys did not sell, transfer or lease the surface water to other lands. They were prohibited from irrigating the lands with surface water by Black Canyon Irrigation District. As a result, Frisbys have complied with the conditions of their permit related to the use of surface water.