

## MEMORANDUM

**Date:** August 19, 2008  
**To:** Water Right Files 63-31177 and 63-31178  
**From:** medl  
**Re:** additional info needed

---

Frisby water rights 63-31177 and 63-31178 have permit conditions requiring ground water use as a supplement to surface water use. The completed exams for 63-31177, 63-31178 and 63-31505 confirm ground water use only. And the report narratives for 63-31177 and 63-31178 state that the conditions for supplemental surface water use should be removed because they are not applicable.

On July 28, 2008, I sent SPF Water Engineering a letter requesting additional information on the surface water use associated with the Frisby water rights. Lori Graves responded with copies of documents that fleshed out the logic for seeking primary ground water on these acres but did not address the permit conditions which tie the ground water use to surface water use.

I suspect that am working at cross-purposes to SPF and the Frisbys because of an information gap in the back-files. I have reviewed the applications carefully, and pieced together the processing timeline for these water rights. I found several points in the process where the Department and permit holder were each characterizing these rights slightly differently.

At the time of the permit application and later when the application was amended, there was confusion about where the surface water rights were applied and/or confusion about how to correctly declare the surface water use in the application.

There also appears to be some confusion about where BCID water is currently applied. The BCID shape in ARCMAP partially overlaps the POU for this water right. However, the consultant states that BCID is not assessing the Frisbys any acreage appurtenant to these rights.

I will not be able to issue licenses on either of these rights until I can clarify the surface water use.

