

MEMORANDUM

Date: August 28, 2007
To: Water Right File 37-22197
From: Aaron Marshall
Re: Licensing Review

Chronology of Events:

Permit 37-7549 approved, March 28, 1977, priority date: January 26, 1977, use: irrigation, 320 acres, 4.0 cfs, June 1 to November 1 (154 days), measuring device, access port, or certified measurement required under conditions of approval.

Proof of Beneficial Use received, March 10, 1980.

Examination Fee Information and appropriate fee (\$175) received, December 8, 1986: indicates the extent of use is 160 acres, requests 3.2 cfs.

Assignment of Permit to McStay, March 2, 2005.

Field Examination completed by Jim Stanton, June 14, 2005. Diversion not measured but should have been as required by permit condition (ref: Rule 035.02.d and Rule 040.04 of Beneficial Use Examination Rules), theoretical capacity of pump calculated at 2.01 cfs, flow calculated based on theoretical sprinkler head capacity at 1.05 cfs, volume recommendation based on 1.05 cfs flow calculation.

Assignment of Permit to Clingerman, et al, November 15, 2006.

Application for Amendment of Permit received, November 15, 2006.

Field Report prepared by Jim Stanton, November 22, 2006, recommends: 141.0 acres, 1.05 cfs, 320.7 AFA.

Processing Notes:

Based on recent conversations with Shelley Keen and Jeff Peppersack, processing will or has proceeded as follows:

- Accepted permit assignments
- Split permit based on assignments
- Split created WR Nos. 37-22197 (McStay) and 37-22198 (Clingerman et al)
- Licensing amendments drafted for WR Nos. 37-22197 and 37-22198 based on field examination since permitted point of diversion differs from developed point of diversion
- Deny Application for Amendment of Permit, transfer application should be submitted instead
- Licenses can be issued without measurements

Licensing Amendments:

37-22197: 22.0 acres (based on satellite imagery)
0.17 cfs (22.0 acres x (1.05 cfs/140.0 acres))
50.4 AFA ((320.7 AFA/140.0 acres) x 22.0 acres)

37-22198: 118.0 acres (based on satellite imagery)
0.88 cfs (118.0 acres x (1.05 cfs/140.0 acres))
270.3 AFA ((320.7 AFA/140.0 acres) x 118.0 acres)