

Memo

To: File

From: Kristin Moore

Date: November 6, 2007

Re: Water Right No. 22-13584

On Friday, October 26, 2007, Shelley Keen, Jeff Peppersack, Ernie Carlsen, Pam Skaggs, Roger Warner, Kristin Moore, Ken Chambers, and Jeff Borer met together in person or by teleconference to discuss water right 22-13584, a split right of 22-7690. The issue at hand was to determine if the ground water right was a primary or secondary right. A Due Diligence was performed on this right prior to the meeting. During the research, language was found in the original license 22-7690 indicating that the ground water was secondary to the surface water rights out of South Leigh Creek. Although the well was developed in 1977, an application for the ground water right was not submitted until 1991 by Mr. James Hatch, the previous property owner who developed the well. During the licensing process, it is believed that an assumption was made that the surface water was still in use. The field examiner made no mention of witnessing surface water being used on the property, only that there were surface water rights that were appurtenant to portions of the property. Since the IDWR database shows active surface water rights, a condition was placed on the ground water license 22-7690 indicating that it was secondary in nature. Based on historical irrigation practices Mr. Hatch detailed to Ken Chambers, one of the owners of right 22-13584, the subject ground in the NESW of Section 5 was never irrigated with surface water due to its higher elevation. Surface water was scarce on the entire place of use since it is located near the end of the Bell-McCracken ditch. Delivery of the full surface water rights was difficult and rare. When the well was developed, Mr. Hatch testified that the ground water was used as the primary source of irrigation from then on.

Based on the evidence discussed, it was determined by the group present at the meeting that the water right 22-13584 was a primary right on the subject ground in the NESW of Section 5, T5N, R45E. A decision was not made as to whether the ground water was primary on the remainder of the lands under the original license as it was not discussed in detail.