

MEMORANDUM

Date: October 18, 2007
To: Water Right File 37-7638
From: jharris
Re: license approval

Permit for this license was issued in 1977, the applicant William Sweet stated on the application the water was to supplement existing irrigation shares during low water years and to make the system more economical. Proof was submitted in 1982 by Mr. Sweet but the examination fee was not paid causing a delay in the beneficial use field exam. Idaho State Bank took possession of the land in 1987, paid the fee and a field exam took place in 1989. The examiner reported 463 acres were being flood irrigated by ground water with a rate of 4.87 cfs, no mention of surface water being used. Ambrose farms took possession of the land sometime before 1995 when another field exam took place to clarify the POU and it was reported that 140.6 acres with a rate of 2.45 cfs were being irrigated. The examiner also found surface water to be co-mingled with the groundwater before being pumped into a sprinkler system.

In 1999 the law firm Beeman & Hofstetter representing the current owner called and requested the license review not be conducted on the permit until the SRBA resolved some issues. No further correspondence was reported until 2005 when an application for amendment was received over a discrepancy regarding the location of the POD, it was also requested that the supplemental conditions be removed claiming groundwater was the primary source used during the development period. An affidavit from William Sweet was received in 2006 describing what he developed under the permit and submitted proof for. Mr. Sweet describes 260-270 acres being developed using groundwater as the primary source. He included a 1984 FSA map depicting the acres. This seems to provide the most accurate information as to what was put to beneficial use during the development period of the permit. The supplemental conditions will be removed for the license and the POU will match the 270 acres described in the affidavit. The rate will be the capacity that was found in the first field exam at 4.87 cfs.