

MEMORANDUM

Date: December 12, 2006
To: Water Right File 37-8536
From: Shelley Keen *SK*
Re: Licensing Review

Initial licensing review by Michael Ciscell in connection with the SRBA review for the primary surface water rights, 37-562H and 37-617B. License finalized by Shelley Keen.

RATE OF DIVERSION -- The right holder disagreed with the field examiner's findings, but he did not seek another examination when provided the opportunity.

PLACE OF USE -- The recommended place of use is slightly different than reported by the examiner because the GIS tools for calculating acreage are better than the tools available at the time the field report was completed. Note that the place of use includes about 2 acres of land now covered by buildings, etc., in the NENENE. When the right was established, the buildings did not exist. Permits are not subject to forfeiture, so the 2 acres are included on the license. The forfeiture clock for those two acres will start upon issuance of the license.

COMBINED LIMITS -- This right is supplemental to surface water diverted pursuant to Rights 37-562H and 37-617B. The three rights together serve a 108-acre place of use. The combined diversion rate is the sum of the surface rights, 4.89 cfs, because they can be used at the same time and they exceed an inch per acre. The ground water right should not be turned on until the surface water rights are diminished or curtailed.