

MEMORANDUM

TO: Application for Permit 37-21771 File

FROM: Corey Skinner

DATE: March 30, 2007

SUBJECT: Recommended Rate

Application for Permit 37-21771 proposes appropriating an additional 4.0 cfs for power use in an existing power plant. The penstock leading to the power plant captures water at the tail end of an existing fishpond. Water is diverted from an unnamed stream into the fishpond pursuant to water rights 37-21221, 37-21222, and 37-7218 (*claim filed 8/9/2006*). These three rights allow for the diversion of up to 8.26 cfs for fish propagation use, or up to 4.0 cfs for aesthetic use in the pond. Right 37-7749 currently covers the use of this water through the power plant at an authorized rate of 5.21 cfs. Therefore, since the maximum amount of water diverted into the fishpond is limited to 8.26 cfs, at most there would only be 3.05 cfs ($8.26 \text{ cfs} - 5.21 \text{ cfs}$) available to divert through the power plant without exceeding the rate limits for the existing fish propagation rights (37-21221, 37-21222, and 37-7218). Also note that the 8.26 cfs must be used for fish propagation use, otherwise only 4.0 cfs for aesthetic use authorized by right 37-21221 can be diverted into the pond with the same amount of water being available to be diverted through the power plant which would be within the 5.21 cfs limit of the existing power right, 37-7749.