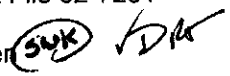


MEMORANDUM

Date: April 28, 2006
To: Water Right File 32-7261
From: Shelley Keen 
Re: Licensing Review

Permit 32-7261 was issued in 2000 for water use that was established before 1987. Before the permit was issued, the applicant submitted information showing that the diversion system capacity was approximately 1.40 cfs. After the permit was issued, and after proof of beneficial use was submitted, the well collapsed. The permit holder then began diverting water from two other wells while re-drilling the original well. In 2005 IDWR issued Transfer 72204 authorizing the right holder to divert water for Rights 32-7025 and 32-10127, which serve the same place of use as this right, from any of the three wells. Because this right provides additional diversion rate for the same lands and same irrigation system as Rights 32-7025 and 32-10127, the right holder wants the same three points of diversion for this right.

There are two possible vehicles for adding the two other points of diversion to this right. One vehicle would be to license the right as permitted and then to require the right holder to file an application for transfer. Normally IDWR prefers this method because it protects against enlargement of the right after proof of beneficial use was submitted. However, in this case the documentation submitted with the application confirmed the diversion rate, and the place of use is well established.

The second vehicle for adding points of diversion, amendment of the permit prior to licensing, is more appropriate in this case. Adding new wells will not give the applicant the opportunity to enlarge the right because the diversion rate and acres irrigated were confirmed prior to the change. Moreover, Transfer 72204 provided adequate notice that the 405-acre place of use would be irrigated from three wells.