

MEMORANDUM

TO: File 02-7273 – Licenses 02-10289, 02-10290 and 02-10291

FROM: KAY WALKER

RE: Place of Use

Date: December 27, 2005

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While preparing this permit for licensing, I found that the regional staff had split the system into 3 separate proposed licenses, based on ownership of the lands. The examination recommended splits of the permit as follows:

License **02-10289 to David O. Miller** for the irrigation of 9.5 acres of land. This permit was claimed in the SRBA as **02-7273D**. There are no place of use overlaps for this 9.5 acres.

License **02-10290 to Roger J. Meyers** for the irrigation of 89.7 acres within a ppu of 1205.7 acres. This permit was claimed in the SRBA as **02-7273C**. The 89.7 acres of new development are spread throughout the farm so examiner recommended ppu to cover the irrigation place of use. This property has existing water rights appurtenant to it which have been recommended in the SRBA as Rights: 02-2182A, 02-2281, 02-2282, 02-2094A, 02-2375A, 02-2284A, and 02-2285.

License **02-10291 to Gingerich Brothers Farming** for the irrigation of 49.8 acres within a ppu of 1318.8 acres. This permit was claimed in the SRBA as **02-7273B**. The 49.8 acres of new development are dispersed around the farm so examiner recommends a ppu to include new acres. This property has existing water rights appurtenant to it which have been recommended in the SRBA as Rights: 02-2181, 02-2094B, 02-2182B, 02-2183, 02-2284B, and 02-2375B.

Proposed place of use under licenses 02-10290 and 02-10291 did not "match" the recommendations as far as number of acres in each 40-acre tract. Some of the recommendations provided for 42 acres in some of the 40 acre tract descriptions. In discussion with Don Shaff regarding the licensing of these splits of Permit 02-7273 we determined that the ppu recommended under the proposed licenses will be used on the recommendations once the licenses are issued. The SRBA staff will prepare SF5's and change the recommendations once amendments are submitted and licenses issued. That way, when the recommendations are updated to match the licensed ppu all the rights will have the same number of acres showing in each 40 acre tract.

All the overlapping water rights used on these farms were issued at an inch to the acre or close to an inch to the acre so the splits of this permit have been recommended at an inch to the acre for consistency.

Overlapping Rights as *Recommended* for Meyer (02-10290)

02-2094A	1.79 cfs		93.0 acres
02-2182A	2.32 cfs		121.0 acres
02-2281	3.54 cfs	885.0 af	177.0 acres
02-2282	3.38 cfs	845.0 af	169.0 acres
02-2284A	3.84 cfs	960.0 af	192.0 acres
02-2285	5.68 cfs	1420.0 af	284.0 acres
02-2375A	1.60 cfs	400.0 af	80.0 acres
02-10290	1.79 cfs		89.7 acres
23.94 cfs		1205.7 acre PPU = 0.0198 cfs/acre	

Overlapping Rights as *Recommended* for Gingerich (02-10291)

02-2094B	3.51 cfs		182.0 acres
02-2181	5.80 cfs		301.0 acres
02-2182B	3.76 cfs		196.0 acres
02-2183	6.06 cfs		315.0 acres
02-2284B	1.24 cfs	310.0 af	69.0 acres
02-2375B	4.26 cfs	1065.0 af	213.0 acres
02-10291	0.79 cfs		49.8 acres
25.42 cfs		1318.8 acre PPU = 0.0192 cfs/acre	

Capacity will be exceeded when the parts of the permit are licensed. Each split of the permit should have a system capacity limitation as recommended by field examiner.

	Acreage	Rate	Volume
Pedigree for Permit 02-7273	655	8.00	n/a
Rt. 02-10289	9.5	0.19	38
Rt. 02-10290	89.7	1.79	359
Rt. 02-10291	49.8	1.00	199
Children Totals=	149	2.98	596

Licensing the "children" will not cause an expansion of the proposed development of permit *kw*