

MEMORANDUM

Date: December 14, 2005
To: Water Right File 77-7083B
From: Shelley Keen *SWK*
Re: Licensing Amendment is Required

Permit 77-7083 authorizes the development of a single point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 23, Twp 26N, Rge 06E, B.M. The field examiner stated that there are two points of diversion, both of which are probably better described as being in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 23, Twp 26N, Rge 06E, B.M. Normally, the permit would have to be amended to add a point of diversion and to change the legal description for the authorized point of diversion before a license could be issued for this right. In this instance, however, the area where the points of diversion are located is unsurveyed. Neither IDWR nor the right holder could be certain which quarter-quarter tract the permit would really be within if this area were surveyed. Moreover, the right holder clearly put one point of diversion more or less in the location anticipated when the application was filed. Therefore, an amendment is required to add a point of diversion, but it will not be required for the clarification of the location of the point of diversion.