

MEMORANDUM

TO: File 02-2345

FROM: KAY WALKER *Kay*

RE: Place of use to be licensed

Date: November 15, 2005

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In review of this file for licensing I found the following information regarding the place of use to be licensed.

In September of 1984, John Noyes conducted a field examination of this system. He found that this right should be licensed for 160 acres within the **W $\frac{1}{2}$ E $\frac{1}{2}$, Sec. 22, Twp. 5S, Rge. 6E**. IDWR prepared and sent out licensing correspondence pursuant to his recommendations in April of 1985. In June of 1985, IDWR was contacted by South Elmore's attorney requesting additional time to review and submit the licensing amendment that had been requested.

In November of 1986, IDWR received correspondence from Sherl Chapman regarding the place of use for the proposed license. Mr. Chapman stated that the license should be issued for 320 acres within the **E $\frac{1}{2}$, Sec. 22, Twp. 5S, Rge. 6E**. In review of prior licenses for South Elmore Irrigation Company I found the lands in E $\frac{1}{2}$ E $\frac{1}{2}$, Sec. 22 (158 acres) had been included under License 02-2269 when it was issued pursuant to a field examination conducted in 1973. Lands in W $\frac{1}{2}$ E $\frac{1}{2}$, Sec. 22 (160 acres) had been included under License 02-2367 when it was issued based on 1973 field examination. A review of these licenses and permit 02-2345 is listed below:

	Priority Date	Rate	Volume	Acres
Rt. No. 02-2269	2-19-1964	87.11 cfs	25,402.5 af	5645
Rt. No. 02-2367	3-22-1965	12.92 cfs*	2907.0 af	646
Permit 02-2345	1-15-1965	6.40 cfs		318

> 6291 ac.

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*When Rt. 02-2367 was licensed the license limited 02-2269 and 02-2367 to a combined total of 87.11 cfs.

In 1996 the Department approved Transfer No. 4881 (on Rts. 02-2269 and 02-2367) that included the 318 acres previously licensed in Sec. 22 and incorporated them into a place of use of 6291 acres and 87.11 cfs when combined. In light of this, there were no new lands developed under this permit and we should probably have voided the permit for no beneficial use. However, this permit has an earlier priority date than Right 02-2367 so IDWR should issue a license for the lands as permitted (and subsequently licensed under 02-2269 and 02-2367 – 318 total acres) with a combined use limit of 87.11 cfs and 6291 acres when all rights are combined.