

MEMORANDUM

To: Jeff Peppersack
From: Scott King 
Date: December 8, 2003

Subject: 2-2345

The above referenced right is an old permit that has not yet been licensed. I have reviewed the rights claimed by South Elmore Irrigation Company and have prepared recommendations for the director's report. These other rights include 2-2210, 2-2269, 2-2367, 2-7255, 2-7263, and 2-7317. This memo briefly outlines my findings for 2-2345, and makes a plea to complete processing of this permit.

The permitted place of use included 320 acres in the E1/2 of Section 22, T05S R06E. This same place of use is included in licenses 2-2269 & 2-2367 and these licenses completely cover the developed place of use. The company has since submitted amended claims for 2-2269 & 2-2367 shifting some of the acres in Section 22 to other lands, and my recommendations address this change as an accomplished transfer. These licenses remain claimed in full.

The licensing examiner in a 1984 exam for 2-2345 found 160 acres in the W1/2 of E1/2 of Section 22. The SRBA claim included only the 160 acres found during the licensing exam. Per a 1985 memo to file, it appears the company disagreed with our findings and requested that we hold licensing as they were going to submit additional information. Nothing additional was submitted in a timely manner. The only additional information that I see is a 1995 affidavit from Terry Ketterling stating that the actual developed place of use for this permit included the SW1/4 Section 14, and SE1/4 Section 10, T5S, R6E. This location does not match the location submitted in the proof of beneficial use. In addition, these other lands are licensed in 2-2269.

Proof of beneficial use was due 1/21/1976. If you require additional aerial photos for investigation into this matter, the following are identified:

- August 1974 black & white orthophotograph located in adjudication and used for the 'little' Snake River adjudication
- U2 color infrared imagery from 1975, 1977, and 1980 located upstairs near the GIS area.

In my review, it appears that there was no additional development by permit 2-2345 over the existing rights, although the permit may offer a little earlier priority date for the same lands developed in 2-2367. The company has been given ample opportunity to offer additional information. Please resume processing of this permit.