

MEMORANDUM

Date: December 22, 2004
To: Water Right File 22-2139
From: Shelley Keen
Re: Licensing Review

PLACE OF USE

The permit was amended in April of 1952 to authorize the irrigation of 280 acres. In 1952 the first in a series of Department field examiner found 241 acres irrigated. In 1986 a Department field examiner reported the irrigation of 201 acres. In 1989 an IDWR field examiner reported that approximately 223 acres were being irrigated. Using the map from the 1989 field report, I digitized the place of use in ArcView and calculated that 216 acres were being irrigated. The long period between development and licensing has made it difficult to discern exactly what was irrigated during the authorized development period for this permit. However, the earliest field report suggests it may have been as many as 241 acres, so I do not think issuing the license for 216 acres would result in an enlargement of the right, even if fewer than 216 acres may have been irrigated for a time. While the configuration of place of use found in 1989 may also differ from what was irrigated during the authorized development period for this right, it is the clearest depiction of the water distribution from North Twin Creek on this farm. In the interest of seeing that this right finally gets licensed, I recommend allowing the right holder to amend the permit to authorize the 1989 place of use.

SEASON OF USE

The irrigation season of use will be recommended as the current standard season -- 4/15 to 10/31.

OVERLAPPING RIGHTS

The place of use for this right is overlapped by irrigation Rights 22-28, which is also diverted from North Twin Creek, and 22-2213, which is diverted from ground water. Both rights have been claimed in the SRBA. Right 22-28 is for the irrigation of 40 acres and is completely overlapped by this right. Right 22-2213 is for the irrigation of 399 acres, which includes all the land irrigated by this right except the eight acres in the NENE of Section 2. It is the addition of these eight acres to the 399 acres from Right 22-2213 that results in the combined acreage limit of 407 acres.

ANNUAL VOLUME

The combined annual volume of 230 AF is the result of diverting 0.58 cfs continuously for 200 days.

AMENDMENT OF PERMIT

Before the right can be licensed, the permit must be amended to add the additional points of diversion and to authorize irrigation within the south half of the SW quarter of Section 35 and in the NENE of Section 2. In 1985 the permit holder filed an application for amendment that IDWR has not processed. Because the 1985 amendment does not conform to the findings of the field examiner, I will recommend that the permit holder withdraw the 1985 amendment and substitute a new one.