

MEMORANDUM

Date: July 29, 1997

To: Shelley / file

From: Jim Johnson

Subject: Licensing 45-07567 and 45-07588

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I have some background on the nature of these permits and provide the following thoughts and suggestions.

Annual Volume

Annual volume should remain off of the licenses because a volume limit has not and cannot be determined to reflect the limit of diversion, volume should not be a limiter on the appropriation. The use under the rights have began in the spring as soon as ice conditions will allow diversions from the sources. The diversions would continue until prior rights require water. Diversion late in the irrigation season occurs when prior rights are no longer used.

Season of use Change

Changing the season of use from March 1/July 1 to January 1/December 31 should not be considered an expansion of the right for several reasons. Historic diversion of water under these permits occurred whenever flows became available. Conditions in the spring of the year have varied and continued diversion should be allowed as conditions permits and downstream prior rights are filled. The change in season is needed to better reflect the period when diversions have historically occurred.

Advance in priority

I don't see a need to advance the priority of these rights. Alan M. acknowledged that no benefit would occur if the priorities were advanced.

Using existing amendments for licensing

I see a benefit to using the amendments to reflect changes determined during the field examination. The Department normally does not advertize amendments on permits that have been developed. If there is a need to change an amendment to match the examiner's findings it should be done without the need to re-advertize.

Since I don't see a need to have a permissible season of use I don't believe the permit holder will object to the changes needed for licensing.

A documented phone call should be sufficient to show the changes on the submitted amendment application; sending a new application and getting an additional signature would be redundant and is not necessary.