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SEP 07 2004

DEPARTMENT OF
WATER RESOURCES

MEMORANDUM

TO: Dan Nelson

COPY: ~~Shelley Keen~~ ^{sent} TO FILE

FROM: Steve Lester 

DATE: September 2, 2004

RE: Field Exam for Permit 63-11060

1989 permit covers a feedlot on Beacon Light Road near Eagle. Gene Gibson called today to ask about licensing status. This is the story that unfolded today, resulting in a need to license this permit in conjunction with Basin 63 Part 2 Director's Report.

Feedlot has 2 b.u. SRBA claims: 63-25981 and 63-25982.

Permit filed around time of claims-taking to cover uses not included in claims &/or to provide insurance if one or both claims are not decreed.

Permit exam mostly completed by temporary examiner Dave Gray in 1991 but exam report remained in the regional file for some unknown reason. Examiner found 3 wells but none could be measured with equipment used at that time.

Craig Saxton has been assigned the adjudication claims. Gene Gibson volunteered to do the adjudication exams and visited the site today with someone from Brockway's office. This led to Gene's call.

Chuck Brockway visited the office today shortly after Gene's call. Brockway represents the water right owner. Chuck has a good understanding of the system layout and use. On behalf of the owner, Chuck asked for the license to be issued to allow its inclusion in the overall picture. IDWR should license 63-11060 in conjunction with adjudication recommendations for Ada County.

Chuck provided this information: dynamic pumping level for all 3 wells is about 35', might be able to do a polysonic measurement on 1 or maybe 2 wells but doubtful, system capacity is about 2 cfs, turbine pump in 1991 exam photos replaced with submersible pump, priority evidence for 63-25981 remains elusive, permit might fill in the gaps if that claim is disallowed.

Today I confirmed with Shelley Keen that permit condition about measurement equipment can be waived – acceptable to use another way such as theoretical to estimate

flow (Brockway has already done that so owner probably will not have a problem with license based on a theoretical). Not necessary for owner to request waiver of condition – just proceed with licensing. License can be conditioned to be tied into adjudication results, can include revising or revoking license if subsequent decrees result in partial or complete overlap of the same system for the same uses.

Please complete the following assignment this September so that 63-11060 can be licensed soon.

1. When exam is forwarded for licensing, alert State Office to license this prior to upcoming Director's Report.
2. Coordinate license recommendations with Craig's adjudication recommendations as much as possible, including any useful information Craig can obtain from adjudication field visit already conducted. Let Craig take the lead in obtaining and summarizing any adjudication data etc. – both of you can figure out what to do with all the information per Western's protocol for water right and adjudication coordination in active basins.
3. It might not be possible to wait for firm adjudication recommendations. It is possible that the full uses licensed will wind up being covered by earlier priority claims. Note the need for a special license condition to address this possibility for partial or full overlap in your field report.
4. Contact Terry Nyborg re proof of b.u. to arrange a field inspection (he is still there per Brockway's information today).
5. Call Chuck Brockway at 208-736-8543 (office) or 308-3641 (cell) to tell him when you will make the field inspection. Chuck will contact owner to see if owner wants Chuck to be present during your visit.
6. It is ok to use a theoretical estimate even though Permit Processing Memo #16 states you should not. State Office has already agreed to accept a theoretical in this case if it is based on reasonable data.

This exam can replace two of the M Well exams if you run short on time this fall. But I hope you have time to do the complete M Well assignment plus this one ... more time in the field!