

Memorandum

Date: 9/19/2024
From: Justin Shearer
To: Water Right File 15-7007
Subject: Licensing Review of Certified Water Right Examiner Report

Water right permit 15-7007 authorized 3.0 cfs from groundwater for the irrigation of 160 acres in Oneida County. The permit was issued on March 14, 1972, and proof of beneficial use was due on March 1, 1977. However, the permit lapsed because IDWR did not receive acceptable proof of beneficial use or extension request. The field exam for this right was performed by Certified Water Right Examiner Rick Rumsey, on June 23, 2023. On June 30, 2023, Flying R Trust filed an acceptable Request to Reinstate a Permit Lapsed more than 60 days, Proof of Beneficial Use, a Beneficial Use Field Report prepared by a Certified Water Right Examiner, and a Notice of Change in Water Right Ownership. The purpose of this memo is to review the recommendations made in the field exam report submitted June 23, 2023, and supplemental documentation submitted by Flying R Trust demonstrating the permit was developed during the beneficial use period of 1972-1977.

Ownership:

On June 30, 2023, Ownership change was filed by Ron and Shirlee Blaisdell to place permit 15-7007 in their name. Later, email correspondence on August 8, 2023, authorized the ownership of 15-7007 to be in the name of Flying R Trust, the appurtenant landowner. Were amendments recommended? Does the CWRE have authority to request amendments?

Overlap:

Overlap analysis shows that there are no overlapping rights at the point of diversion (POD), nor over the confirmed irrigated place of use (POU) for water right permit 15-7007.

Point of Diversion and Place of Use:

In Mr. Rumsey's submitted field report, he describes the POD as being from a ground water well in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Twp 14S, Rge 35E, Sec 14. This is contrary to the permit's description of the POD being in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Twp 14S, Rge 35E, Sec 14. I am recommending that an amendment for licensing purposes be filed to correct the POD description on the license after the permit has been reinstated. The field exam in 2023 confirmed 113 acres as being developed for irrigation within the 160-acre permitted POU legal description at the time of the exam. These 113 acres are accurate to what I was able to identify and measure using imagery and

resources available to me at IDWR. Mr. Rumsey describes the conveyance system as 8 inch and 6-inch PVC mainlines delivering water from a well pump to a total of 5-wheel lines, with 4-wheel lines operating under normal operating conditions. Such a system seems capable of delivering the recommended rate and volume to 113 acres reasonably.

Diversion Rate and Volume:

Flow rate was measured under normal average operating conditions with 4 wheel lines operating. The measured flow rate was 785 gpm, or 1.75 cfs using a Hidroconta Nautilus ultrasonic flow meter. This is an installed closed conduit flow meter on IDWR's list of approved spooled ultrasonic flow meter. A quick theoretical exercise shows that the 125 hp pump in place would be very capable of delivering this amount of water. The quantity of water being recommended is 1.75 cfs and 395.5 acre-feet. This amount is less than the permitted rate amount of 3.0 cfs and the volume recommendation of 395.5 af is consistent with department standards of 3.5 af/acre.

Conditions:

The reviewer did not have any recommendations of removal/application of conditions. At the time of permit approval in 1972 it was conditioned that a measuring device of a type approved by this department shall be permanently installed and maintained as part of the diverting works. Mr. Rumsey indicated in his report that this measuring device installation requirement had been met and is evidenced by the measurement provided by said device on which he bases his recommendation.

Discussion:

In addition to the CWRE filed by Mr. Rumsey which demonstrates current beneficial use taking place, it was necessary to determine beneficial use taking place during the beneficial use period from 1972 to 1977. To satisfy this requirement, Aerial imagery from U.S. Bureau of Land Management dated August 7, 1976, was provided by the current permit owner. In addition, the permit owner also provided deed history for the years of 1968-1979 and relevant affidavits from Mark Colton and Ken Edwards who testify as having either been owners themselves, or direct relatives of the owners of the land during the beneficial use period and attest to the land being irrigated during that time.

Recommendation:

Taking all evidence presented to me in both Mr. Rumsey's CWRE report, aerial imagery, deed history, and affidavits into consideration, I am recommending that water right permit 15-7007 be reinstated. Subsequently, following the required 57-day hold period succeeding reinstatement I am recommending an amendment for licensing purposes to correct the POD from the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of 14S, Rge 35E, Sec. 14 to the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of 14S, 35E, Sec. 14 as confirmed by Mr. Rumsey's field report, and that a license be issued for water right 15-7007 for 1.75 cfs and 396 af for the irrigation of 113 acres.