

MEMORANDUM

DATE: 4/29/2026
FROM: Brian Wunsch, Senior Water Resource Agent
TO: Memo to File
RE: BRBA Claim 11-7025

Irrigation season of use: The season of use licensed is 5/15 - 9/15. The season of use claimed is the department standard for this area. Recommending the season of use licensed and adding a shoulder condition without changing the volume component of the water right.

POU: The 6.0 acres licensed in 13S44E15SENE, on the west side of highway 30, are not being claimed in that location. Also, the claimants do not own the property there at the time of recommendation. These 6.0 acres have been claimed as a part of the larger POU on the east side of the highway on land that is owned by the claimant. The claim does not describe the details of this change, but a phone conversation with the claimant confirmed that when the property on the west side was sold, the water use was moved and continued to be used on the east side with the rest of the irrigated POU. There is no competing claim in this area for those acres.

Although the two overlapping water rights have priority dates 38 years apart, it is not possible to see when the “new” portion of the irrigation began because that irrigation had been occurring out of compliance until the lapsed permit was reinstated and the license was issued in 2010. The proof of beneficial use for this acreage was not completed when originally due in 1979.

An analysis of aerial imagery shows that the 6.0 acres on the west side of the highway stopped being irrigated between 2009 and 2012. The 2009 image is representative of prior years, and the 2012 image is representative of more recent years. Because this change in place of use does not involve a change in the legal description list for the irrigation POU, an accomplished transfer does not need to be recommended.

The two overlapping water rights share one POD and are delivered through the same irrigation infrastructure. Both 11-7025 and 11-7051 should be described with one identical POU, each with individual acre limits as licensed.

Although 11-7025 does not describe 13S44E14NENW in the license or claim irrigation POU, it would be impossible to separate the water being delivered to this property from each right. Therefore, this legal description is being recommended as an accomplished transfer of POU for 11-7025.

Lastly, the POU shape being recommended is based on aerial imagery at the time of recommendation. The PLSS and aerial imagery layers are out of alignment when viewed in GIS software. The legal descriptions recommended will not reflect this inconsistency.



Imagery Date: 6/23/2009

Source: Google Earth



Imagery Date: 9/4/2012

Source: Google Earth