

ADMINISTRATOR'S MEMORANDUM

TO: WATER ALLOCATION BUREAU AND REGIONS

FROM: GLEN SAXTON *GS*

RE: CLAIM TO WATER RIGHT OVERLAPS

DATE: December 27, 1989

LICENSING PROCESSING NO. 7

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During the review of field examinations you will at times find that the right holder has already filed a claim to a water right for the same lands covered by the permit.

Since a claim to a water right filed under Section 42-243, Idaho Code, has not been confirmed in a court of law, and since no field inspection of the place of use or measurement of the diverting system has been made, no adjustments to the right being examined should be made to reflect the overlapping claim, other than adding special condition(s) on the license when it is issued depending on type of overlap.

1. FOR POINT OF DIVERSION OVERLAP USE THE FOLLOWING CONDITION

The maximum combined rate of diversion under this right with all other rights shall not exceed _____ cfs.

The cfs amount should be the amount measured during the examination.

For example, if you measured 3.10 cfs during your exam and an existing claim showed 4.0 cfs from the same well do not use the 4.0 cfs as the capacity of the well, use the amount measured (3.10 cfs).

2. FOR PLACE OF USE OVERLAPS USE THE FOLLOWING CONDITION

<<R05>> The rate of diversion of water for irrigation under this license and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

3. FOR PLACE OF USE AND POINT OF DIVERSION OVERLAPS USE BOTH OF THE ABOVE CONDITIONS