

**ADMINISTRATIVE MEMORANDUM**  
**Licensing Memo #10**

This Guidance Document is not new law but is an agency interpretation of existing law. For more information or to provide input on the document, please contact the Water Rights Section Manager at 208-287-4800. (Feb.2020)

**DATE:** March 11, 1996

**TO:** Water Allocation Bureau and the Regions

**FROM:** Norman C. Young

**RE:** Verification of Place of Use during Beneficial Use Exams

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Recently the validity of a licensed water right was called into question by a special master working for Judge Hurlbutt in the SRBA because the water right file contained inadequate evidence that the place of use had actually been irrigated. The beneficial use field report contained no aerial photograph of any scale nor any photograph taken by the field examiner to verify the beneficial use of water on the reported place of use.

I want to remind Department field examiners of Beneficial Use Rule 35.1.q, which states:

An aerial photo must accompany field reports involving ten (10) or more irrigated acres unless waived by the director. If existing photos are not available, the director will accept a USGS Quadrangle map at the largest scale available.

The purpose of the aerial photo requirement is to obtain substantial evidence of the extent of beneficial use of water for irrigation at the reported place of use. Traditionally, the Department has seen the requirement met with photocopies of ASCS 8"/mile aerial photos or with USGS 1/24000 orthophoto quadrangles. More recently, infrared photography such as the 1987 NAPP photography used extensively in the SRBA effort has become available. The examiner should use as many of these sources as is necessary to verify the water right.

When aerial photographs are copied, the examiner should note in the field report the type and location of the original photograph, especially if a particular aerial photograph does not copy well.

I also want to strongly encourage the effective use of photographs taken by the examiner to verify the right. If the aerial photography is inconclusive as to the irrigation of a parcel, such as a corner on a tract that has a center pivot, the examiner should use photographs as much as possible to document the irrigation or lack thereof on the parcel. Photographs should always be labeled with the water right number, the date and time taken, the name of the examiner, the location taken, and the direction of the photograph.