

MEMORANDUM

DATE: May 1, 2001
TO: Harold Jones
FROM: Ron Carlson *RDC*
RE: Application for Transfer 69049

I have three questions concerning the above referenced change of water rights.

1. WD1 records show the following rights for the Stewart Ditch:

Roueché & Rice (Supp. Decree)	May 1, 1883	4.00 cfs
S. Stewart Estate	June 1, 1884	5.00 cfs
S. Stewart Estate	April 1, 1898	10.00 cfs
Roueché & Rice (Supp. Decree)	April 1, 1898	8.00 cfs
W.D. Hollist (Supp. Decree)	Dec. 1, 1903	2.08 cfs
	Apr. 1, 1939	<u>30.00 cfs</u>
		59.08 cfs

WD 1 recent compilation of records show the following rights for the Stewart Ditch:

22-00000 (A22-12648)	May 1, 1883	4.00 cfs
22-00000 (A22-12646)	May 1, 1898	8.00 cfs
22-00538 A	June 1, 1884	4.16 cfs
22-00537 A	Apr. 1, 1898	8.31 cfs
22-00632	Dec. 1, 1903	2.08 cfs
22-00657	Apr. 1, 1939	<u>30.00 cfs</u>
		56.55 cfs

A copy of the rights claimed in the adjudication is attached. The total of the claim is 59.08 cfs. The important issue is – the claim was filed as a canal company not as individuals who shared a ditch as common conveyance convenience. It is not clear to me that the Stewart Ditch Co. is the entity initiating this transfer. This should be confirmed.

2. It seems strange that two of the oldest rights were singled out for transfer. I suppose that is OK if there is general agreement.
3. It is not clear that the Wilford Canal has agreed to carry the water being transferred. Will the Wilford Canal be simply carrying the water for Dick Hill and Meloay Barney or will the Wilford issue shares of corporate stock to Hill and Barney? Is the intent of this transfer is to transfer the equivalent of the shares of stock held by these two users to the Wilford, I am not sure this accomplishes that.

It appears that transf #2063 may not have taken place & all the right is back with the Stewart Ditch Company
5-3-01

S	O						
E	First	W	Water	Priority	Total	Use	
L	Name	N	Right No.	Date	Diversion	Code Desc	

STEWART DITCH							
	C A22-00537C	04/01/1898	TETON RIVER		10.000	01 IRR	
	C A22-00538C	06/01/1884	TETON RIVER		5.000	01 IRR	
	C A22-00632	12/01/1903	TETON RIVER		2.080	01 IRR	
	C A22-12646	04/01/1898	TETON RIVER		8.000	01 IRR	
	C A22-12647	04/01/1898	TETON RIVER		30.000	01 IRR	
	C A22-12648	05/01/1883	TETON RIVER		4.000	01 IRR	