

29-00173 DECEASED

Pg. 1 of —

6/28/01 I. WATER IS DELIVERED THROUGH W. DEMPSEY ^{DITCH} CANAL TO A 'REDIVERSION' OFF THE DITCH TO A GRAVITY SYSTEM OF SPRINKLERS. BOTH 29-172 AND 173 ARE DELIVERED TOGETHER UNTIL PRIORITY CUTS IN. MR. ARCHIBALD SEEMS TO HAVE DIFFICULTY UNDERSTANDING THE PRIORITY CONCEPT OF "FIRST IN TIME IS FIRST IN RIGHT." I TRIED TO EXPLAIN HOW PRIORITY WORKS IN RELATION TO HIS RIGHTS AND OTHERS RIGHTS WITH AVAILABLE WATER IN DEMPSEY CR.

II. 29-173 IS CLAIMED AS 2.4 cfs AS IS 29-172. 29-173 HOWEVER WAS DECEASED @ 0.80 cfs (ERROR ON WR DATA BASE SHOWS 0.80 cfs DIVERSION RATE BUT TOTAL DIV. RATE AS 0.80 cfs - ISSUE ADDRESSED TO HAROLD JONES - ALLOCATIONS). EXPLAINED THIS TO MR. ARCHIBALD - HE INSISTS HE HAS TWO RIGHTS. SO I TRIED TO EXPLAIN THE PRIORITY, DATES AND CFS DIFFS IN RELATION TO ACRES. GOD IS NOT WITH ME TODAY. RECOMMEND 29-173 AS 0.80 cfs ON 40 AC w/ 112[±] AC, PPU w/ 29-172 (@ 2.4 cfs ON 112[±] AC - SOME CFS TO COVER LOSS - ALL w/ DECEASED POH QD. ∴ NO CFS. 12[±] MORE AC (PPU) THAN ASCS SHOWS

ESA (OLD ASCS) PHOTO SHOWS A TOTAL OF 110[±] AC IRRIGATED. 29-172 AND 173 CLAIM 160[±] AC AS 40 AC w/ EACH QD OF 52 IN AND N² SW. SEC. 35, 95/388.

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SEE WR PROOF RPT.
ATTACHED.

III. THERE ARE 3 POD'S DECEASED HOWEVER, ALL THREE ARE NO LONGER USED. MR. ARCHIBALD GETS HIS WATER VIA THE W. DUMPSY CANAL (DITCH) @ 10538B SEC. 4 N55W5W AND A SMALL PUMP IN A POND OFF-STREAM FROM MAIN DUMPSY CR. WHICH MR. ARCHIBALD BEGAN USING AFTER HIS PURCHASE OF THIS PROPERTY WHICH IS POST 1987. ∴ ONLY THE W. DUMPSY CANAL (DITCH) POD WILL BE RECOMM.

TX REQ'D

* → MR. ARCHIBALD WILL NEED TO FILE A TX TO ADD THE POND/PUMP POD. AND CHANGE ACROSS FROM NW CORNER (WHICH NEW HOUSES ARE) TO LANDS ON MESA'S ABOVE HIS HOUSE.

29-00173 CONTINUED

8/21/01 THERE EXISTS EVIDENCE (FROM NEIGHBORS WHICH ARE LIFE LONG RESIDENTS) THAT DISCOUNTS IRRIGATION ON THE 'MESA' AT NESENW AND 'MESA' AT E²NE5W BOTH OF SEC. 33 T9S R38E. IN ADDITION, THE CIRCA 1987 FSA (OLD ASCS) PHOTO SHOWS ONLY DRY FARM USE ON BOTH PARTS. THEREFORE, THESE ACRES WILL NOT BE RECOMMENDED AS IRRIG ACRES.