

Ruberry, Allen

From: McHugh, Candice
Sent: Thursday, June 21, 2001 9:25 AM
To: Music, Vicky; Ruberry, Allen
Subject: RE: Decree 29-B-1

I agree with Vicky. We do not recommend year-round irrigation but there is likely year-round domestic. The irrigation season, if the decree does not specify an irrigation season, should be our standard for that area. If the claimant insists, however, that he/she should have a longer irrigation season then we would need compelling evidence of beneficial use and historical practice to deviate from our standard. The quantity to recommend should be a proportionate share of the 8 cfs, it appears that there is less than 400 acres between the two claimants and 8 cfs is an inch/acre if there is 400 acres so we may have to do a Hubbell analysis if the claimants want more than an inch per acre. The only other question I have is how you were planning to address the rotation system: were you planning to recommend the rotation system or let the claimants work out an agreement between themselves to memorialize the practice set forth in the decree?

Let me know.

ADDRESS BY REMARKS - GENERAL - BUT STIPULATION

Candice

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-----Original Message-----

From: Music, Vicky
Sent: Tuesday, June 12, 2001 2:53 PM
To: Ruberry, Allen
Cc: McHugh, Candice
Subject: RE: Decree 29-B-1

Hey Al. CMM is gone for the rest of the week, so here is my 2 cents.

Due to other language in the decree, I interpreted the "...absolute and unrestricted ...at all times..." language to not mean year round irrigation. See paragraph 4- last 2 lines which state "...that it will require all of the waters of said Robbers Roost Creek **during the whole of each and every irrigating season** ..." [emphasis added]. It appears that this refers to a definite though unspecified irrigation season, not year round. Also, how does this "absolute and unrestricted" language translate in the real world? I cannot imagine it means no domestic/stockwater use for 5 days, so assumed it meant irrigation water.

Also, in paragraph 3, it states that the land is arid in nature and requires 1 inch/acre to raise a profitable crop. How do we reconcile that with the high water language? Do we have historical info re when do they get high water?

Bye now.

-----Original Message-----

From: Ruberry, Allen
Sent: Tuesday, June 12, 2001 2:01 PM
To: Music, Vicky; McHugh, Candice
Subject: Decree 29-B-1

Re: 29-00260 and 29-00261.
This is the Decree for Robber's Roost Creek in Basin 29.

Vicky, as you detailed on your decree outline there is no Season of Use mentioned, rather, the decree states "absolute and unrestricted right at all times" ... also discusses "all of the waters of (Robber's Roost Creek) said stream" and ... "varies from 2 (cfs) to 6 (cfs) or 8 (cfs)... during high water".

Questions:

1. Season of Use to recommend? 1/1 to 12/31 'at all times'; 4/15 to 9/15 (1932 Union Grain... decree [does not

include Robber's Roost Creek]); or, IDWR standard for BU claims as 4/1 to 10/31?

2. How much CFS to recommend, 2 or 8? These two claims (29-00260 and 29-00261) are on a court recognized stipulation of rotational use so who gets what is not the issue. One get it all for 2.5 days the other gets all for 5 days: so decreed, nuff said.

Your thoughts please,

later.....al