

MEMORANDUM

To: Hayden/Mid Crystal Files
Fr: Bryce Contor
Date: 8/3/2001



Re: Office visit with Hans Hayden

Today Hans Hayden visited with me in the office.

1. Attached GIS layout reflects Hans' suggestions for editing the "Summary of Historical POU..." (also attached) as shown by my pink drawing. Hans confirmed my understanding that the licensed POU of 29-2144 does not reflect how water was used by Ben, Russell, or their father after 1926. I conclude that the shape shown is an accomplished transfer of 29-2144 combined with beneficial use claimed under 29-10893 and perfected as evidenced by the Ben and Russell Hayden affidavits in the blue bound book submitted by claimant and filed with 29-10893. Total acres = 118. 29-2144 will be recommended as an accomplished transfer with full licensed acres, 29-10893 will be recommended with (118-acres of 29-2144) as an accomplished transfer of a beneficial use right, priority in accordance with documentation in blue book in file 29-10893.
2. Hans confirmed yellow POU on attached "Summary of Current POU..." is approximately the correct current irrigation. Copy given to Keith Wilson for review of permits 29-7948 and 29-7949.
3. Conversion to sprinklers, accomplished transfer to current POU, occurred late 70's, early 80's? Perhaps 1985?
4. Attached 2000 FSA photo shows current acres.
5. From my interview with Hans it appears the western tracts, labeled "A," "B," and "C" on the "Summary of Current POU..." were put under sprinklers prior to 1987 and therefore can be considered accomplished transfers of the existing rights. The tracts marked "D" and "E" on the east it appears were not irrigated prior to being put into CRP in 1984, and were first irrigated in 1988 as shown by the FSA map. These cannot be accomplished transfers but can be covered by the permits.
6. Tract "C" is shown as SF (summer fallow) on the 1987 FSA map but it apparently was irrigated prior to 1987.
7. I told Hans that I would recommend what I could as accomplished transfer of the original rights, and the rest would be covered under the permits. I have

letters requesting a PPU, I plan to recommend the full current POU with appropriate acreage limitations reflecting pre-1987 accomplished transfers, and let permits 29-7948 and 29-7949 pick up the rest of the acres. The AJ recommendations will list 29-7948 and 29-7949 in the combined limitations. I have notified Keith Wilson that Mr. Hayden requests that the licenses be issued on a PPU basis. I will also prepare a memo for the two permit files describing what was done in the AJ recommendations.

8. Layout "Determination of pre-1987..." attached shows approximately 216 acres in lands that appear to have been irrigated prior to 1987. This acreage may need to be adjusted per FSA photos but appears to be consistent with the acreage in the SW of section 8 under decree 29-480 and various licenses, along with the accomplished transfer of 118 acres of 29-2144 and 29-10893 described in (1) above.
9. Per notarized requests of Hans and Russell Hayden, I plan to recommend all as PPU regardless of ownership. Mr. Hayden and I discussed the difficulty this could create with later selling of part of the lands.
10. I committed to review the Rattlesnake Creek decree and claims, and the information presented in the two-page request dated 7/27/2001 and signed by Hans and Russell, and prepare appropriate claim(s) or amended claims. I told Hans that the 1990 Ft. Hall agreement gave some rights to the tribe and I would not be able to recommend anything that conflicted with that agreement.
11. Per the Russell Hayden affidavit, it appears the five acres in section 3 under 29-2144 have not been forfeited. Hans said that Russell could not affirm that the spring right (29-2498) had been used for irrigation, so I plan to disallow the irrigation portion. The pump house and piping were still in place when I visited the site so I'm comfortable with recommending the domestic portion of that right.
12. I committed to prepare a transfer application to move the five acres of 29-2144 down to the lower place, once it was clear what would be recommended. The intent is to add a five-acre strip to the north edge of whatever POU is recommended as the combined PPU, east of the road in the SW quarter of section 9.
13. This memo accompanies 12 pages of notes, layouts, and FSA maps. These are numbered in the lower right with circled red numbers drawn with a medium tip marker.
14. Hans told me small pump @ max runs 4 lines w/ 3/16" nozzles, large pump @ max runs 6 lines w/ 3/16" nozzles. Bac 8/9/01