

Saxton, Craig

From: Saxton, Craig
Sent: Wednesday, October 23, 2002 11:31 AM
To: Carlsen, Ernie; Warner, Roger
Subject: 29-02139 and 29-07774

Hey Guys,

I found a couple of things regarding this issue.

PDF files for 29-07774 show that the application for permit mentions 29-02139. Statement is as follows:

*c. Describe any other water rights used for the same purposes as described above. **Answer listed is:** Permit No. 8068/29-2139*

10. "My intention is to increase the system capacity by replacing existing lines and equipment. The existing system needs considerable remedial work due to vandalism and general wear and tear. The additional water quantity included in this permit is currently available at the diversion from the springs in the unnamed gulch. The intended beneficial use is for ----culture".

Lastly, page 14 on PDF file 29-02139 indicates springs as at least feeding the un-named stream.

Short of speaking to the claimant (which I understand Roger is going to do), I would interpret these two rights to be overlapping. I do believe there is probably only one system at this point so both rights should probably list the same source. If my interpretation is correct, I will recommend the source for 29-02139 being "springs" with an accomplished transfer in source occurring around 1985 when the application for 29-07774 was approved.

In addition, I was not able to locate the shape for 29-07774 on SDE. But, none-the-less. I am thinking if both rights are from the same source, we should recommend them as a PPU for 3 acres as licensed in 29-02139. Limit 29-07774 to 2 acres within the defined POU.

Let me know your thoughts on this particularly if Rogers conversation with the claimant reveals different facts.

Sorry it took so long to get back to you on this issue.

Craig

10/23/2002

10/25/00: Eric or Roger did Renew