

MEMORANDUM

To: 29-2292
29-2419
29-13143
29-13144
Fr: Bryce Contor
Date: 8/23/2001



Re: Amended claims, office visit, intent of recommendations

Today I visited in the office with Lavell Rupp, representative of Veda Rupp and the Harold L. Rupp Trust; and Gordon Jensen, representative of the Melville W. Jensen Trust and the Ora L. Jensen Estate.

Originally Veda and Harold Rupp had filed claims 29-2292 and 29-2419, based upon licenses. Historically the lands had belonged first to Veda Rupp's and Melville Jensen's father, then were jointly owned by Veda Rupp and her husband, and Melville Jensen and his wife. By some oversight, Rupp's omitted Melville Jensen as an owner on claim 29-2292, and both Jensens as owners on claim 29-2419.

Since that time, both Jensens, as well as Harold Rupp, have passed away. Terry Jensen as representative of the Jensen Trust and Jensen Estate filed competing claims 29-13143 and 29-13144. This was not an attempt to claim all of the original rights, but to make sure the Jensen heirs were represented as owners.

In my preliminary investigation I found evidence that there was additional original diversion rate documented in licensing exam 29-2292, but never licensed. I also found that the systems are interconnected, that the diversion rates per acre are not in balance, and that the capacities of the wells are not in balance with the original licenses.

Earlier, by telephone, Lavell Rupp and Gary Jensen had indicated an intent to eventually divide the property, and perhaps to file transfers to change place of use. Letters in the files give some of the history of these conversations.

Based on today's interview Lavell and Gordon, I have done the following:

1. Accepted amended claims on both licenses, to clarify POD and to show Veda Rupp, the Harold L Rupp Trust, the Ora L Jensen Estate, and the Melville W Jensen trust as owners.
2. Accepted amended claims on the two "competing" claims 29-13143 and 29-13144 to change them into beneficial use claims for the additional

diversion rate documented in the licensing exam. These also were adjusted to show the same four owners as the two licenses.

My intent is to recommend these four claims basically as claimed, with appropriate combined use limitations. In doing this, I assert that the original development of 29-2292 was for the 6.06 cfs found, on the original POU. (this is still within 0.02/acre). When adjacent 29-2419 was developed and the mainlines were connected, there was an accomplished transfer to a PPU with the lands of 29-2419 of some of the additional diversion rate.

The beneficial use right did not involve any new acres and there has not been any enlargement of original licensed acres.

To accommodate these accomplished transfers and still allow flexibility for dividing the place, I have amended 29-13144 as the portion of the beneficial use right that overlaps 29-2292 and I have amended 29-13143 as the portion that overlaps 29-2419. Because there are no "new" acres associated with the beneficial use, none of the rights will carry K06, but both pairs (29-2292 and 29-13144, 29-2419 and 29-12143) will carry appropriate combined acreage limitations.