

Bird, Cindy

From: Carlsen, Ernie
Sent: Thursday, February 28, 2002 9:31 AM
To: Bird, Cindy
Subject: RE: cond/remarks on approved license

Cindy

My recommendation is to carry forward condition 800 as Explanatory but don't include R30.

Ernie

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

From: Bird, Cindy
Sent: Wednesday, February 27, 2002 4:04 PM
To: Carlsen, Ernie
Subject: cond/remarks on approved license

Hi Ernie,

Approved license 29-7392 had several remarks and conditions for the approval of the license.

Do I need to add the remarks concerning the use of the surface water and when combined no more than 0.02cfs per acre nor more than 3.5 afa for the lands?

Thanks
cindy

The only Condition I could find the delt with
the use of surface water first is.
General Condition 065

Bird, Cindy

From: Bird, Cindy
Sent: Monday, February 11, 2002 4:18 PM
To: McHugh, Candice; Carlsen, Ernie
Subject: Another Bancroft-Lund Claim

*Application
- Ing. Report.*

29-7392.

2/19/02.

Hi Candice and Ernie,
Another Bancroft-Lund Claim: A29-7392.

➤ The license was approved by the department in January 1994 for 1.65 cfs and 162 acres. The 38 acres in the NENE of section 21 isn't owned by Stan Wistisen and wasn't owned by him in prior to 1987.

In the Bancroft-Lund Adjudication Stan Wistisen claimed 3.44 cfs and 172 acres, the 40 acres in the NENE of section 21 is not owned by Stanley Wistisen. Stan rents the 40 acres from the owner of the property.

In the SRBA Stan Wistisen has claimed 3.44 cfs on 172 acres, 40 which he doesn't own.

1. Which diversion rate/acre do I base the SRBA claim on?

2. Does the owner of the 40 acres in the NENE need to file an SRBA claim on his land to retain the water right? The land has continued to be irrigated from the renter of the property.

How has this occurred that these licenses are being approved on land that is not owned by the person? I have several of these. Would the license stay with the property when the renter leaves or can the renter transfer the water someplace else if they leave?

thanks
cindy

Per Ernie & Candice 2/19/02.

#17 finding - if permit - not decreed.

- guided by ownership.

** appurtenant to the land
they would need - Stan Wistisen can't transfer the water without
Newell Jenkins' permission.*

- per 1994 license. (basis).

*- a leasee can file for a water right on property that they
are working but once the w/r is perfected the w/r stays with the
property.*