

Carlson, Dave

From: Carlsen, Ernie
Sent: Tuesday, July 03, 2001 3:52 PM
To: Carlson, Dave
Subject: FW: 29-7406 license amendment

Dave, I believe this is the answer you are waiting for concerning 29-7406. Allocations says we can move acres within the QQ.

Ernie

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

From: McHugh, Candice
Sent: Friday, June 29, 2001 11:11 AM
To: Carlsen, Ernie; Tuthill, Dave
Cc: Keen, Shelley
Subject: 29-7406 license amendment

Ernie --

I forwarded your request to Dave to have this license amended since the acres in the 1/4 1/4s appeared to be in error. I spoke with Shelley Keen per Dave's request and he informed me that no transfer is needed to change the number of acres within the 1/4 1/4 so long as the correct 1/4 1/4s are identified and the total number of acres are not exceeded. It appears that the license identifies the correct 1/4 1/4s but just gets the number of acres in each one wrong. Thus, I believe the adjudication can recommend the correct number of acres within the 1/4 1/4s and although it appears to "change" the license really doesn't (kind of a fiction).

Shelley, apparently adding the number of acres within the 1/4 1/4s in the first place was precipitated by adjudication statute 42-1411 which requires listing the number of acres in each 1/4 1/4 and thus allocations adopted this method for consistency even though the statutes do not appear to require this in our licenses.

And, Ernie, we cannot reduce the number of acres from 119 to 106 unless the claimant (for some unknown reason) would consent.

If you have any other questions, let me know. Thanks

Candice

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Carlsen, Ernie

From: Carlsen, Ernie
Sent: Wednesday, May 02, 2001 4:20 PM
To: McHugh, Candice
Subject: 29-7406

Candice, here is another second opinion issue. In June 1980, an agent did the licensing field investigation on permit 29-7406. The field report was finished and reviewed at Eastern in 1986 and forwarded to the state office. In September 1991 the license was issued. During the interim, May 1990, the SRBA claim was filed to reflect the permit. Other than it taking ten years to issue the license no problem. Unfortunately, in doing the field inspection for the SRBA it is discovered there are some major issues with the license. The licensing field inspection only has a sketch of the place of use, no aerial photo, and looks like the sketch was done upside down. Consequently, the licensed legal description for the point of diversion and the acres licensed in each 1/41/4 are wrong. Because the system was in place prior to 1987, I want to use the accomplished change provision to correct the legal descriptions and acres each 1/41/4. The dilemma is fewer acres have historically been irrigated than the 119 listed on the license. The irrigated acreage is closer to 106 acres if you leave the roads in. Since the 119 acres was never irrigated I want to reduce the acreage to 106 because that is the extent of the beneficial use. Can we recommend the 106 acres? It will not require a reduction in diversion rate.

Ernie