

MEMORANDUM

TO: File

FROM: Monica Van Bussum

DATE: April 30, 2007

RE: Objection to recommendation for SRBA claim 67-452A

This memo serves as a record of my understanding of objection 67-452A.

Place of Use

Claim lists 6.2 acres in SESE of Sec 10. Agent doing the recommendation found 4.8 acres in SESE, which is the entire Mc Crumb taxlot in SESE. However, part of taxlot goes into SWSE and the taxlot as a whole is 6.3 acres. Presumably, it was the intent of the claimant to claim their entire taxlot, including SESE and SWSE, as irrigated ground.

Quantity

The claimed quantity is 0.41 cfs. Agent recommended 0.08 cfs per Roger Meyer's records. Roger was the Little Weiser River Water Master until 2006. The entire decreed amount for parent right 67-452 was 1.0 cfs. 0.86 cfs was recommended to 67-452B. If we add up claims to 67-452, 0.86 cfs (B) + 0.08 cfs (A) = 0.92 cfs, which leaves 0.08 cfs of the original decreed amount un-recommended.

Roger Meyer's records list Jim Hust and Joe Adams as receiving part of 67-452 (according to Roger's records, 67-452C and 67-452D, respectively) for 3 acres each. Delivery records show 0.04 cfs to Hust and Adams, accounting for the 0.08 cfs un-recommended. Jim Hust and Joe Adams did not file an SRBA claim at all. Also, Jim Hust and Joe Adams did not receive second round service advising them they might have a claim to part of 67-452.

Other elements

The other elements listed in the objection are all recommended as the claimant requested. Also, an NCAP was prepared on 4/6/2007 for the change of address mentioned.

Summation

If the Mc Crumbs want to pursue the additional acreage in SWSE, they will need to amend the claim. SWSE is within the decreed POU and is irrigated according to available imagery. It was presumably the intent of the claim to cover the whole Mc Crumb taxlot and POU.

I do not see a compelling reason to increase the quantity for 67-452A, particularly since the recommended 0.08 cfs would mimic the duty of water under Muir v. Allison (0.08 cfs gives 6.4 acres of water at 5/8 miner's inch per acre) and Water Master delivery records confirm this cfs.