

Wydell Johnson came to the office today to discuss claim 1-226B. Claim 1-226B was filed on 6/20/2002 and was disallowed in the Director's Report. On 12/29/2006 Ernie Carlsen assisted the claimant in the preparation of an amended claim. On 1/8/2007 the claimant filed a motion to amend his claim and an objection to the Director's Report.

The claim was recommended to be disallowed because, according to Water District 1 records, this right has always been delivered via the Kite and Nord Canal, but there was no way to irrigate the claimed place of use from that canal. Also the claimed place of use was not consistent with the place of use as described on Transfer 912, which is the basis of this claim.

The O. J. Nord vs. Lynn Crandall decree gave 1.60 cfs to Nord for use on the NESE of section 19. The water was diverted from the Kite and Nord ditch. Transfer 912 (1-226B) moved 0.20 cfs of right 1-226 to the NWNE of section 30 with no change in the point of diversion.

In his objection to 1-226B Wydell stated that the place of use should be 10.5 acres in RP04N40E300620A. This parcel is located within the decreed place of use and is consistent with his amended claim. If the court accepts the late claim, it appears to me that IDWR should recommend 1-226B as described in the amended claim with the exception of the number of acres irrigated. The total parcel size is 10.5 acres, but only 8.6 acres are being irrigated.

If 1-226B is recommended to the claimant, Kite and Nord's water right no. 1-10022 would need to be reduced by 0.20 cfs since water right 1-226B was included along with other rights in the Director's Report for 1-10022. During the preparation of amended claim 1-226B, several representatives of the Kite-Nord Canal Co. were present. They seemed to be in agreement with the claimant that 1-226B rightfully belonged to the claimant, even though it is carried through their canal system.

Mr. Johnson stated that the claimed place of use was irrigated from the Kite-Nord Canal until about 3 or 4 years ago. Since then he has been irrigating the property out of the north branch of the Rudy Canal.