

Ridgeway, Renea

From: Conrad, Vic E [Vic.Conrad@simplot.com]
Sent: Thursday, January 21, 2010 11:21 AM
To: Jones, Doug
Cc: Ridgeway, Renea; Fredric_Price@blm.gov
Subject: RE: ADR's for 47-39B and 47-44B
Attachments: Place of Use discrepancies.xlsx

Doug,
Attached is a list of the discrepancies. The ones shown in purple are contained on the Amended Claim and the ADAR that you have prepared – but are not contained on the BLM GPS data. Those that are listed on green are not contained on the Amended Claim or the ADR, but are contained on the BLM data.

It would be wonderful if you can take a peek at aerial imagery to see if there are any visual clues that can further reduce this list. I have a call into Fred to see if he has a shape file that he would be willing to share with us.

Thank you for all the help. Let me know what you think after you receive this list.

From: Jones, Doug [mailto:Doug.Jones@idwr.idaho.gov]
Sent: Thursday, January 21, 2010 9:56 AM
To: Conrad, Vic E
Cc: Ridgeway, Renea; rondadcr@att.net
Subject: RE: ADR's for 47-39B and 47-44B

1) No additional fees are needed.

2) Let's see if I understand the POU situation. BLM has a list of places that they GPSed. This list has places that you don't have on the Amended Claim (or in this version of the recommendations). You presently have a list of places that is slightly DIFFERENT than the Amended Claim and recommendation and slightly different than the BLM's list. If I had a short list of the discrepancies by QQ I could look on the 2009 imagery and see if there is any visual clues to resolve it. Then again, BLM's list may not have examined the IDL issues. Just a thought.

I have another day before I would like to proceed to filing the ADRs so let me know. Maybe we should have Fred send me his shape file and I can overlay the two and look for visual clues that way?

Doug

Ridgeway, Renea

From: Jones, Doug
Sent: Thursday, January 21, 2010 9:56 AM
To: Conrad, Vic E
Cc: Ridgeway, Renea; rondadcr@att.net
Subject: RE: ADR's for 47-39B and 47-44B

1) No additional fees are needed.

2) Let's see if I understand the POU situation. BLM has a list of places that they GPSed. This list has places that you don't have on the Amended Claim (or in this version of the recommendations). You presently have a list of places that is slightly DIFFERENT than the Amended Claim and recommendation and slightly different than the BLM's list. If I had a short list of the discrepancies by QQ I could look on the 2009 imagery and see if there is any visual clues to resolve it. Then again, BLM's list may not have examined the IDL issues. Just a thought.

I have another day before I would like to proceed to filing the ADRs so let me know. Maybe we should have Fred send me his shape file and I can overlay the two and look for visual clues that way?

Doug

From: Conrad, Vic E [mailto:Vic.Conrad@simplot.com]
Sent: Thursday, January 21, 2010 9:30 AM
To: Jones, Doug
Cc: Ridgeway, Renea; rondadcr@att.net
Subject: RE: ADR's for 47-39B and 47-44B

Doug and Renea,

Thank you for the good work. Fred Price and I have exchanged places of use that we independently identified using GPS. There are a handful of POU's that are contained on the BLM data that are not contained on ours; and similarly, there are also a handful of POUs contained on our data that are not contained on the BLM data. Ultimately, it is my impression we will need to field verify the locations of these discrepancies. The problem is that due to road conditions, we will not be able to get to these locations until March or April. Unfortunately, I think we need to proceed with the POU's as identified in the ADRs, as this is the best information available to the claimants at this time.

I advised Fred that we are facing a January 31, 2010 deadline for filing the Amended Director's Reports, so he knows that it is coming. During our Initial Hearing in November, with Garrick, we acknowledged our acceptance of preserving the current Objections to apply to the ADR's and there would be no need for the current Objectors to re-file new Objections to the ADRs. However, the current Objectors, will need to independently determine if this is satisfactory – or if they want to re-file.

Am I correct in assuming that based on Doug's description below, that no additional fees are necessary?

From: Jones, Doug [mailto:Doug.Jones@idwr.idaho.gov]
Sent: Wednesday, January 20, 2010 4:52 PM
To: Conrad, Vic E
Cc: Ridgeway, Renea
Subject: RE: ADR's for 47-39B and 47-44B

Vic,

Try these on for size. I couldn't get the specifics of the fees, but a crude recalculation of what I would have charged for claims back then yields a fee total close to what was paid if these were NOT de minimis. I have removed the stockwater de minimis language.

It would be good if you can correct the POU descriptions that are wrong - especially if you and the Gov't entities agree - before these are submitted to the court.

As I understand it we do NOT file sf-5 at this point. IDWR appears to have been instructed to submit, perhaps the word is, "Corrected" Director's Reports to the court, with copies to the present objectors. Everyone then has a chance to object again - yippee. At least these will be closer to the mark than the original recommendations.

By cc, and if you "reply to all", Renea will know these are pending and if an "Acceptable" is given by you then she will commence to get a cover page put together and get them to the court. Once you say OK then I'll finish updating the electronic record because these last few edits have only been done in Word.

Thanks - wishing us all good luck....

Doug

From: Conrad, Vic E [mailto:Vic.Conrad@simplot.com]
Sent: Thursday, January 14, 2010 4:58 PM
To: Jones, Doug
Subject: RE: ADR's for 47-39B and 47-44B

Thank you Doug. Please let me know if additional fees are necessary and we will immediately send the checks.

From: Jones, Doug [mailto:Doug.Jones@idwr.idaho.gov]
Sent: Thursday, January 14, 2010 4:56 PM
To: Conrad, Vic E
Subject: RE: ADR's for 47-39B and 47-44B

- 1) The transfer for 39B WAS approved in 1/1984 - no accounting for the record discrepancy.
- 2) The differences between the transfers and the Amended Claims would indicate that the 42-1425 conditions belong on BOTH rights. House Creek was added as another source and POD - different than the approved transfers and other trough locations were clarified as having been built - post transfer and pre-SRBA.
- 3) At one time we could look at receipt data that had the fee per claim, but I haven't been able to for quite some time. I'll look around a little, ask Jeanie, etc and get back to you. Yes, we could accept the fee shortfall at this time and not hold the rights as de minimis.

Doug

From: Conrad, Vic E [mailto:Vic.Conrad@simplot.com]
Sent: Thursday, January 14, 2010 4:46 PM
To: Jones, Doug
Cc: rondadcr@att.net
Subject: RE: ADR's for 47-39B and 47-44B

Doug could you check on something for me. Ronda Macaw and Simplot became involved with the specific details of these water right claims long after they were filed in 1989. I do not know for sure how much was paid at the time they were originally filed.

The receipt no. for 47-44B was S005838

The receipt no. for 47-39B was S005838 (which seems odd that it is the same receipt no. as 47-44B)

Do your records indicate how much was paid under this receipt no.? Assuming \$43.00 per claim is the shortfall, would you accept that now for each claim if the amount indicated under this receipt no. wasn't adequate?

From: Jones, Doug [mailto:Doug.Jones@idwr.idaho.gov]

Sent: Thursday, January 14, 2010 4:34 PM

To: Conrad, Vic E

Subject: RE: ADR's for 47-39B and 47-44B

oops, you're right, a transfer apparently was processed, but it was never embedded in the electronic record. There was a difference of opinion between Tews and IDWR as to the particulars and I wonder if the order was ever finalized. I assumed the claim was an accomplished transfer since the water right record did not reflect a transfer as did the record for 44B.

Each claim would be short of fees by \$43 (\$25 flat fee shortage + \$18 variable fee) if only de minimis fees were paid.

Doug

From: Conrad, Vic E [mailto:Vic.Conrad@simplot.com]

Sent: Thursday, January 14, 2010 4:14 PM

To: Jones, Doug

Cc: rondadcr@att.net

Subject: RE: ADR's for 47-39B and 47-44B

Doug,

These are decreed rights, so I don't know if that influences the fee factor? If additional fees are necessary, please let me know.

47-39B was a 42-222 transfer; I believe it was IDWR Transfer No. 2664 (I think I have a copy of the approved transfer somewhere if you need me to round it up). The transfers for both rights were filed at the same time. 47-39B was intended to cover the use during the "summer" and 47-44B was intended to cover the use during the "winter". Combined, these portions of the two decreed water rights were intended to provide year-round use for livestock water.

From: Jones, Doug [mailto:Doug.Jones@idwr.idaho.gov]

Sent: Thursday, January 14, 2010 4:03 PM

To: Conrad, Vic E

Subject: RE: ADR's for 47-39B and 47-44B

... except it was previously concluded that de minimis fees were paid and I carried that forward. If you have information to the contrary then please fill me in.

The 47-39B conditions were added because that right was not transferred by 42-222 as 47-44B was.

One element that I changed and that you did not comment on, but that I would wish to point out, was the season of use. 47-44B's season was set in the transfer and 39B's was set for the remainder of the year.

Thanks a million for your prompt and astute feedback. Always a pleasure.....
Regards

Doug

From: Conrad, Vic E [mailto:Vic.Conrad@simplot.com]
Sent: Thursday, January 14, 2010 3:55 PM
To: Jones, Doug
Cc: rondadcr@att.net
Subject: RE: ADR's for 47-39B and 47-44B

Doug,
Attached are my proposed revisions. Fred Price (BLM) exchanged places of use and we are close, but there do appear to be a view discrepancies between GPS data we collected for the places of use and the GPS data collected by the BLM. Fred and I will get together to arrive at a game plan for verifying the locations. This may require some field work when we can get access to the system again later this spring.

On 47-44B the "Explanatory Material" does not contain some of the statutory references for the authority of the accomplished changes. I don't know if this is important to the IDWR, but you may want to consider adding those contained on 47-39B onto 47-44B; or deleting those contained on 47-39B so it is consistent with 47-44B as attached.

The most substantive change I made is to delete the de minimis volume limit. The system is too large; and too many cattle rely on this system to fit within this threshold.

From: Jones, Doug [mailto:Doug.Jones@idwr.idaho.gov]
Sent: Thursday, January 14, 2010 2:44 PM
To: Conrad, Vic E
Subject: ADR's for 47-39B and 47-44B

<<47-39Badr.doc>> <<47-44Badr.doc>>
Vic,

Here the two ADRs that the court set a deadline for filing by the end of the month.

Could you take a look at them and let me know if you see a bust?

Thanks Vic.

Doug