

Newbry, Ashley

From: Fritschle, Carter
Sent: Friday, April 10, 2015 11:11 AM
To: Newbry, Ashley; Keen, Shelley
Cc: Carter, Meghan
Subject: RE: Sorensen Updated Spreadsheet for Mtg
Attachments: Analysis of Mitch Sorensens Era Flat Ground Water Rights Decreed in the SRBA.docx

Ashley and Shelley,

I have completed and attached an analysis of the timing of the issuance of the partial decrees for 34-2428 and 34-12416, and the filing of NCAPs for the changes made by Transfers 5659 and 5660. (I am sure you already knew all of what is in my analysis, but I needed to do it so I could understand the issues.)

I also discussed the problem with Meghan, and we think the best way to correct the errors in 34-2428 and 34-12416 would be to have Mitch Sorensen submit the error correction request. I also found a small clerical error in 34-7035B, so that right could also be included in the request.

Carter

Analysis of Mitch Sorensen's Era Flat Ground Water Rights Decreed in the SRBA

11/13/2000 – A partial decree was issued for 34-2428 with the following quantity and place of use conditions:

USE OF THIS RIGHT WITH RIGHT NO. 34-12416 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.85 CFS.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.85 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3229.9 AF.
COMBINED RIGHT NUMBERS: 34-7096A, 34-7097A, 34-7223 AND 34-12416.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 945 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00496A, 34-00692D, 34-7096A, 34-7097A 34-7223 AND 34-12416.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 193 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

5/9/2001 – A partial decree was issued for 34-12416 with the following quantity and place of use conditions:

USE OF THIS RIGHT WITH RIGHT NO. 34-02428 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.85 CFS.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.85 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3229.9 AF.
COMBINED RIGHT NUMBERS: 34-2348, 34-7096A, 34-7097A AND 34-7223.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 945 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-00496A, 34-00692D, 34-2428 34-7096A, 34-7097A AND 34-7223.

10/9/2001 – NCAPs for approved Transfers 5659 and 5960 were filed. Transfer 5659 split 34-7035 into 34-7035A and 34-7035B with 34-7035B becoming appurtenant to Mitch Sorensen's Era Flat lands. Transfer 5660 moved the POU for 34-7096A, 34-7097A and 34-7223 from Mitch Sorensen's Era Flat lands to Todd Perkes' Era Flat lands. (Note: Transfer 5661 was also filed on 34-7096A, 34-7097A and 34-7223, and the amended transfer was approved on 11/5/2001)

2/15/2002 – The partial decree for 34-7035B was issued and it included the following quantity and place of use conditions:

USE OF THIS RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.83 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3751.6 AF. COMBINED RIGHT NOS.: 34-2428, 34-7035B AND 34-12416.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 945 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 34-496A, 34-692D, 34-2428, 34-7035B AND 34-12416.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 369.5 ACRES WITHIN THE

PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Transfer 5659 was signed on 8/24/2000, so there was a window of opportunity to file NCAPs for 34-2428 and 34-12416 to modify the combined use limits. However, the need to file NCAPs for 34-2428 and 34-12416 to correct the overlapping combined use conditions was apparently not recognized before the partial decrees for 34-2428 and 34-12416 were issued.

With the approval of Transfers 5659 and 5660, the appropriate quantity and place of use conditions for 34-2428 should be:

USE OF THIS RIGHT WITH RIGHT NO. 34-12416 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.85 CFS.

THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.83 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3751.6 AF. COMBINED RIGHT NOS.: 34-2428, 34-7035B AND 34-12416.

THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 945 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-496A, 34-692D, 34-2428, 34-7035B AND 34-12416.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 193 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

With the approval of Transfer 5659, the appropriate quantity and place of use conditions for 34-12416 should be:

USE OF THIS RIGHT WITH RIGHT NO. 34-02428 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.85 CFS.

THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.83 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3751.6 AF. COMBINED RIGHT NOS.: 34-2428, 34-7035B AND 34-12416.

THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 945 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 34-496A, 34-692D, 34-2428, 34-7035B AND 34-12416.

The partial decree for 34-7035B has a small clerical error in the quantity condition. The NCAP had the condition as follows:

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.83 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3751.6 AF. COMBINED RIGHT NOS.: 34-2428, 34-7035B AND 34-12416.

The preferred condition is shown below, but the one shown above adequately describes the limitations.

THE RIGHTS LISTED BELOW ARE LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.83 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 3751.6 AF. COMBINED RIGHT NOS.: 34-2428, 34-7035B AND 34-12416.