

MEMORANDUM

Date: September 24, 2018

To: Water Right File 43-300, 43-2573 (split 43-13799), 43-4233 (split 43-13800), and 43-10123 (split 43-13801)

From: Michele Edl

Re: ownership change split conditions

An ownership change acted on 43-300, 43-2573 (split 43-13799), 43-4233 (split 43-13800), and 43-10123 (split 43-13801). This list of rights have six different combined limits. I have updated the combined limits tables, but because this is an ownership change not a transfer, I did not update all of the conditions.

The reduced remainder rights will have conditions that are inconsistent with the limits shown in their respective combined limits tables.

Basin	Sequence	Priority	Diversion	Volume	0.90404	Water Use	Basin	Sequence	Priority	new split%	0.09356	Water Use	
			Ratio	After Split-Original Remainder		List				Ratio	Volume		
43	300	4/1/1906	0.76	152.0	396.0	IRRIGATION	43	300	4/1/1906	0.760	152.0	396.0	IRRIGATION
	301	4/1/1913	0.80	260.0	396.0	IRRIGATION							
43	2573	5/22/1963	2.712	603.899	358.0	IRRIGATION	43	13799	5/22/1963	0.288	64.101	38.0	IRRIGATION
43	4232	4/1/1931	0.500	260.0	396.0	IRRIGATION	43	13801	4/1/1931	0.169	33.778	38.0	IRRIGATION
43	4233	4/1/1955	1.591	318.4	358.0	IRRIGATION	43	13801	4/1/1955	0.134	23.030	38.0	IRRIGATION
43	4240	3/1/1949	2.32	464.0	396.0	IRRIGATION	43	13801	3/1/1962	1.351	272.999	69.1869	IRRIGATION
	TOTAL		9.189	216.970	358.0	IRRIGATION		TOTAL		0.760	152.0	38.0	IRRIGATION
	LIMIT		7.160	1,432.0	358.0	4		LIMIT		0.451	120.9	31.2	4
	old limit		7.920	1,584.0	396.0	4							
This is SK's group 3													
43	2573	5/22/1963	2.712	603.899	358.000	IRRIGATION	43	13799	5/22/1963	0.288	64.101	38.000	IRRIGATION
43	4233	4/1/1955	1.591	318.400	358.000	IRRIGATION	43	13801	4/1/1955	0.169	33.778	38.000	IRRIGATION
	TOTAL		4.303	922.299	79.556	IRRIGATION		TOTAL		0.457	97.879	24.470	IRRIGATION
	was 3.3 cfs for 255 ac		3.3	220.530	0.01866667	4.00077117		LIMIT		0.317	97.9	24.5	4
	LIMIT		2.93	922.3	220.5	4.00077555							
This is SK's group 2													
43	2573	5/22/1963	2.712	603.9	150.975	GROUND WATER	43	13799	5/22/1963	0.288	64.1	16.0	GROUND WATER
43	4233	4/1/1955	1.591	318.4	79.6	GROUND WATER	43	13801	4/1/1955	0.169	33.8	8.4	GROUND WATER
43	10123	3/15/1962	1.266	217.0	63.3	GROUND WATER	43	13801	3/15/1962	0.134	23.0	6.7	GROUND WATER
	TOTAL		5.569	1,139.289	293.8	3.8752815		TOTAL		0.591	120.9	31.2	3.87692308
	LIMIT		4.700	4.249	293.8	0.01461538		LIMIT		0.451	120.9	31.2	3.87692308
				1,139.289		3.8752815							
Group 5													
43	10123	3/15/1962	1.266	217.0	63.3	GROUND WATER	43	10123	3/15/1962	1.266	217.0	63.3	GROUND WATER
43	13533	3/15/1962	1.360	272.0	68	GROUND WATER	43	13801	3/15/1962	0.134	23.0	6.7	GROUND WATER
	TOTAL		2.626	489.070	63.283	IRRIGATION		TOTAL		1.360	272.0	68.0	IRRIGATION
	LIMIT							LIMIT		1.400	512.000	444.000	IRRIGATION
											512.0	464.0	IRRIGATION
This is SK's group 4													
43	301	4/1/1913	0.800	396.0	65.0	CASSIA CREEK	43	301	4/1/1913	0.800	280.0	396.0	IRRIGATION
43	4232	4/1/1931	0.500	396.0	65.0	CASSIA CREEK	43	4232	4/1/1931	0.500	260.0	396.0	IRRIGATION
43	10123	3/15/1962	1.266	217.0	63.3	GROUND WATER	43	13801	3/15/1962	0.134	23.0	6.7	GROUND WATER
	TOTAL		2.566	358.0	193.3	0.01322105		TOTAL		1.434	543.030	136.7	IRRIGATION
	LIMIT		2.566	358.0	128.3	0		LIMIT		1.434	71.7	0.02	0
	my correction to limit		1.803	90.4	0.02	0		my correction to limit		0.192	9.6	0.02	0
This is SK's group 1													
43	2573	5/22/1963	2.712	603.899	358.0	IRRIGATION	43	13799	5/22/1963	0.288	64.1	16.0	GROUND WATER
43	4240	3/1/1949	2.32	464.0	116.0	CASSIA CREEK	43	4240	3/1/1949	2.32	464.0	396.0	IRRIGATION
43	10123	3/15/1962	1.266	217.0	63.3	GROUND WATER	43	13801	3/15/1962	1.400	23.0	6.7	GROUND WATER
	TOTAL		6.298	330.3	0.01906291	0		TOTAL		4.006	472.000	136.7	IRRIGATION
	LIMIT		6.600	330.0	0.02	0		LIMIT		6.600	330.0	0.02890766	0
	my correction to limit		4.1756	216.869897	0.019245	0		my correction to limit		0.4432	23.03	0.019245	0
created by Michele Edl for Branch-Gardner oc													
created on 9/24/2018													

43-301/43-4232 and 43-10123 overlapped ac
There were only 240 unique acres in this group not 330
This group's limits should have been 4.62 cfs for 240 ac

43-301/43-4232 and 43-10123 overlapped ac

There were only 240 unique acres in this group not 330

This group's limits should have been 4.62 cfs for 240 ac

use these number combos for both remainder & split

**Analysis dated March 5, 2018
provided by S Keen
for Branch-Gardiner
ownership change and splits**

Analysis:

questions: Will the original owner enlarge their ground water use because they have given up the most senior surface water right?

Will an abandonment be sufficient for the current owners' reductions?

Need to confirm the basic premise that all rights are limited to 0.02 cfs per acre.

The ownership change for Right 43-0300 can occur without a split because at least 38 acres can be covered with surface water alone. (396 total acres minus 325 GW acres leaves 71 SW acres.) However, because the new owners acquired only 35 acres of the 396-acre PPU, a transfer will be needed before the place of use can be split.

Group 1 – The proposed split peels some of the GW away from this group and places with a more senior surface water right. The result should actually be less GW usage. If the parties are trying to do away with the combined use limit, the combined rate for the GW portions going to the new owners will have to be reduced accordingly so it doesn't exceed 0.02 cfs per acre. A transfer or abandonment will be necessary to accomplish the permanent reduction.

Group 2 – The three GW rights can be split proportionally, as stated in the deed. Because the new owners' portions will sum to 31.2 acres, which is less than the 35-acre portion of the POU they acquired, the place of use can be split.

Group 3 – Two of the three GW rights make up this entire group. Because the GW rights are being split proportionally, the proportional combined rate limit in this group can be carried forward into the split portions.

Groups 4 and 5 – Because none of the 65 acres of SW right is changing hands, all of the SW rate stays with the current owner. Keeping the GW to the deeded percentages creates a disproportional split of the group rate. An abandonment or transfer will be necessary to reduce the current owner's GW portion to 0.02 cfs per acre.