

From: [Merritt, Allen](#)
To: ["John Marshall \(E-mail\)"](#)
Cc: [Peppersack, Jeff](#); [Spackman, Gary](#); [Tuthill, Dave](#)
Subject: Problems found during evaluation of Lambert transfer 72456
Date: Wednesday, February 15, 2006 11:32:10 AM
Attachments: [T72456 Lambert analysis.xls](#)

John,

I have created the attached spreadsheet to aid in evaluation of the pending transfer. During the evaluation there were identified a couple of issues that need to be resolved involving the way the rights were decreed.

As shown on the spreadsheet rights 45-2519 and 45-4048G are limited to 5.65 cfs. Individually right 45-4048G is for 1.24 cfs, 800 afa and irrigation of 200 acres. The problem is that 1.24 cfs will not physically produce 800 afa during the irrigation season.... it will only mathematically produce 605 afa. It appears there has been a mistake and the 1.24 should have been 2.33 based on my review. To correct this error I understand the partial decree needs to be corrected by the court. Otherwise in the transfer process approval for that right it may be limited to 605 afa. There is a similar problem with rights 45-2630 and 45-4013A. Please advise how you want to proceed.

There is also a potential problem of enlargement with rights 45-2254B and 45-11239 in the transfer. They were decreed in a common PPU of 1068 acres but limited to 1.71 cfs and 600 afa. The enlargement potential exists when you take this limited amount of water with a relatively large acreage and place it in a PPU with other better rights that will essentially be used to irrigate these "excess acres". It is impractical to irrigate 1068 acres with 1.71 cfs and 600 afa. You need to somehow address this enlargement issue by either convincing the Department there is no enlargement, come up with some sort of reasonable limit to these rights, remove these rights and acres from the transfer or propose something else to eliminate the enlargement issue.

Please contact me as soon as possible so we can discuss these matters in more detail.

Allen

Analysis of Lambert Produce Transfer 72456 by ADM 2/9/2006									
Water Right N	Source	Rate (cfs)		Volume (AF)	Acre Limit	Combined Limit	Combined Limit	Combined Limit	REMARKS
45-13455	Willow Cr	1.81			201.9	321.9	1011.9	**Groundwater overlaps Surface Water	
45-169	Willow Cr	1.06			154				
			2.87						
45-695	Land Cr	3.2			160				
45-696	Land Cr	1.6			80				
45-4258A	Land Cr	4.2			210				
			9						
45-2053	Land Cr	3.2			160				
45-701	Land Ranch Spr	1.57			80				
							1011.9		
45-2254A	Groundwater	2.6		880	220				
45-2520	Groundwater	5.92	5.92	1920	480				
45-4048F	Groundwater	5.92		969	360				
45-2526	Groundwater	4.55		1280	320				
45-2579	Groundwater	2.58		1148	287				
45-2630	Groundwater	2.4		1280	320	320			2.4 does not produce 1280 afa but 2.92 does
45-4013A	Groundwater	2.92			320				
45-2657	Groundwater	2.96		1476	369				
45-4009A	Groundwater	3.16		1542	636	636			
45-4011A	Groundwater	1		488	572				
45-13777	Groundwater	11.22			1953.9				Enlargement right.
			28.09	10983		4951.9	4951.9		
45-2519	Groundwater	5.65	5.65	1140	285				
45-4048G	Groundwater	1.24		800	200				1.24 does not produce 800 afa (only 605 afa) but 5.56 does produce 1940
45-2254B	Groundwater	1.71		600	150				
45-11239	Groundwater	1.41			918				Enlargement right **600 afa to irrigate total of 1068 acres??? Potential Enlargement if transfer does not limit acres.
			7.36	2540	1553				
Total Groundwater Limits		35.45		13523			6504.9		