

Grimm, Angie

From: Luke, Tim
Sent: Thursday, December 11, 2014 2:43 PM
To: Grimm, Angie
Subject: RE: Blue Gulch CGWA POU

I spoke with Pam and we agreed that it would be best to at least create PLS shapes for these rights were the active right currently has no shape file. She found for example that 51-7018 recommendation v 1 did at least have a PLS shape and she thought that we should use that until a transfer is filed. This would be preferred because we can't predict when a transfer will be filed or approved.

Based on your memo, I see no need for Rob or I to follow up with any NOV or similar enforcement letter. I have not begun drafting any notices or correspondence in other areas relative to expansion rights but I hope to do so in a few weeks. Maybe I will just send Big Sky a letter in a few weeks with a copy of your memo notifying them of the need to file a transfer, and then I can include language about the expansion right.

So, if you will take care of the shapes then I will send the letter explaining the need for transfer and discuss the expansion right.

Does that sound like a deal?

Tim

From: Grimm, Angie
Sent: Thursday, December 11, 2014 1:41 PM
To: Luke, Tim; Whitney, Rob
Cc: Lester, Steve
Subject: RE: Blue Gulch CGWA POU

Tim,

I did find there are shapefiles that are completely missing or incorrect. The area I designated on the map attached to the memo is representative of the QQs covered by the POU's of the rights listed for each of the three systems, not the shapes. I was initially thinking the best avenue to correct the error in shapes would be to wait for a transfer filing to avoid duplication of effort. If however we need the shapes based on the adjudication records I can do more research to re-create them. It's unclear to me what happened to the shapes when the rights were migrated from adjudication recommendation records to decreed water right records. I'm guessing a glitch in the database system? Kay worked with Kelly on licensing some of the rights in System 1, I'm sure she can help me recreate the work if I have questions. However, if you think we can hold off having shapes until a transfer is filed, I prefer that approach.

I wasn't sure if the letter was something you and Rob would follow up on per your statement "Rob or I can follow-up with actual NOV and compliance conference etc but involve you or your person as much as you would like" in your previous email... If it's decided the letter should come from the region rather than the compliance bureau I'd be willing to take a stab at drafting one, just let me know. I'm not 100% sure on what exactly the owner needs to do with regard to the expansion right though. Perhaps Rob, you, I, and Steve (if he'd like) can meet to discuss conceptually what Big Sky Dairy should be doing with regard to the expansion right before a letter is drafted? If there's something a transfer could do to help address the expansion right situation (perhaps transfer un-used acres from System 3 to System 2 for instance), I think it'd be best to let the owner know when we request the POU correction. What do you say?

Angie

From: Luke, Tim
Sent: Thursday, December 11, 2014 1:12 PM
To: Luke, Tim; Grimm, Angie; Whitney, Rob
Cc: Lester, Steve
Subject: RE: Blue Gulch CGWA POU

BTW – I do agree with you that we can discuss the expansion right issues with Big Sky at the time they file a transfer. The recommendation you have in your memo on this point is spot on. The recommendation for need of a transfer is also good. Will you be sending Big Sky a letter advising them of a need for a transfer?

Tim

From: Luke, Tim
Sent: Thursday, December 11, 2014 1:07 PM
To: Grimm, Angie; Whitney, Rob
Cc: Lester, Steve
Subject: RE: Blue Gulch CGWA POU

Angie,

Thanks for working on this and providing the research and clarification. The memo looks good but for benefit of my own sanity – didn't you tell me that GIS shape files did not exist for several of the water rights and that is why it appeared that there were potential unauthorized use issues when I stumbled on to this in GIS?. I took a look at my ArcMap project today and still don't see the shapes for several water rights. Your map still does not look like what I show in ArcMap. Am I missing something? Is one of your findings/recommendations that you found shape files missing and those will get updated in accordance with partial decrees, even before a transfer is filed? Perhaps it would be helpful to update the memo to that affect if my understanding is correct. The memo could then be profiled to the water right files (probably all of the rights identified in your memo). I can have Sarah profile the memo to the rights if you forward an updated memo.

Thanks again,

Tim

From: Grimm, Angie
Sent: Thursday, December 11, 2014 10:15 AM
To: Luke, Tim; Whitney, Rob
Cc: Lester, Steve
Subject: RE: Blue Gulch CGWA POU

Rob & Tim,

Good morning! After much research, I've finally written up a memo summarizing the water right review for Big Sky Dairy property in the Blue Gulch CGWA. I hope this summary is helpful. Overall, I'm not sure this is worth an official enforcement effort, however a transfer (possibly more than one depending on system design) should be filed to correct POU discrepancies. Also, Tim with your work you mentioned on expansion rights, perhaps it'd be best to discuss that issue with the owner at the same time? I've got more detailed information as far as acreage irrigated per QQ vs. WR POU acres per QQ that will be helpful in filing a transfer, but I didn't think you needed that much detail at this point. Let me know if you have any questions and how I can be of further assistance.

Thanks,
Angie

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From: Lester, Steve
Sent: Friday, November 21, 2014 3:59 PM
To: Luke, Tim
Cc: Grimm, Angie
Subject: RE: Blue Gulch CGWA POU

Tim:

Angie agreed to be Western's assistant for this. She will be a good contact person as this effort expands in Western. So Rob or whoever you have on this can work directly with her.

This type of experience will be good as we get farther along for Bs 61 water district.

Steve

From: Luke, Tim
Sent: Thursday, November 20, 2014 9:24 AM
To: Lester, Steve
Subject: RE: Blue Gulch CGWA POU

Thanks Steve. I know you are short handed right now. If you want to involve someone there on this matter, it would help us a ton if they did the water right and total irrigated area review/calculations based on imagery review to determine excess acres. We could also do that eventually if you are really shorthanded. Rob or I can follow-up with actual NOV and compliance conference etc but involve you or your person as much as you would like.

Tim

From: Lester, Steve
Sent: Tuesday, November 18, 2014 8:14 AM
To: Luke, Tim
Subject: RE: Blue Gulch CGWA POU

Tim:

We're not aware of any problem but almost never hear anything from that area. I do have someone here in mind to help with that, will get back to you on that soon.

SL

From: Luke, Tim
Sent: Monday, November 17, 2014 8:59 AM
To: Lester, Steve

Cc: Whitney, Rob
Subject: Blue Gulch CGWA POU

Steve,

While doing some research and familiarizing myself with the Blue Gulch Critical GWA, I stumbled upon some irrigated areas that don't seem to have any overlapping water rights. Attached is a pdf showing the areas. All of the areas without water rights are owned by Big Sky Dairy.

I'm just giving you a heads up now and curious if you or any staff there may be aware of a potential problem here. I think this is one that we should further investigate through coordination with Rob but wondering if there is someone there who may want to work on this one? I will soon be embarking on a project to begin addressing expansion rights in CGWAs now that the SRBA is completed. As part of that effort, we probably should start being proactive on potential unauthorized irrigation in CGWAs, so we probably want to make this Big Sky issue a priority this winter.

Tim