

Yenter, Cindy

From: Yenter, Cindy
Sent: Wednesday, November 13, 2013 11:09 AM
To: 'John Marshall'
Subject: Update on Lambert transfer 78302 - Action Required
Attachments: xfer_gen_info.pdf; Double C 78302 corrections.xlsx; 78302 PPU.jpg

Greetings John – Wanted to give you a progress report on my review of this application. I have found some discrepancies which must be addressed before advertising can occur (Items 1-3). A final Place of Use map will then need to be submitted before transfer approval (Item 4). If this transfer can be submitted to advertising by the end of November, notice would occur during the December. With the holiday pending this month that might not be a reasonable fit in your schedule, but that's my goal at this time. This application will have to be advertised statewide.

I apologize in advance, as there is a lot of information here. Please contact me and we'll go over it. I'm available in the office tomorrow, Nov 14th and Monday Nov 18th. Either of those days would be good times to catch me.

The items are as follows:

Item 1, PPU excluded acres. I have located 52.7 acres in the permissible place of use that do not appear to be owned by the parties. Attached is a list of exclusions I found in 1.B.5, and a map showing the areas. If you and your clients agree please notify me and I can reduce those acres without a formal amendment. If the excluded lands I have described are in fact owned by one of the parties or they have a lease to farm there, then I'll need some documentation to keep the acres on the list. I am using the original tax notices that you submitted in 2006, plus the 2012 taxlot layer. There is a possibility some land ownership has changed and I don't have record of it.

Item 2, PPU total acres. IDWR's transfer application will not display tenths of acres for QQ totals greater than 10 acres. All QQ acre totals will be rounded to whole acres, provided that number of acres in each QQ may be validated. For example, 39.8 will be rounded to 40, 40.6 will be rounded to 41, 41.3 will be rounded to 41, and so forth. This alone is going to throw the total PPU acres off a little bit. Unfortunately I am not able to exactly match the acre calculations on many of the full QQ's, most of which are slightly greater than 40 acres. Some of my QQ totals round to 1 acre more than your list, others 1 acre less. I am very close, but my total, not counting the excluded acres, is still 16 acres less than yours. This would put the total PPU around 7775 acres (7844-53-16) Is this satisfactory? If not, how would you like to handle it? Remember this is the PPU and not the authorized water right acres so we are just trying to identify the area within which irrigation of 6536 acres may occur. If SPF has a shape file that they used to determine QQ acres I can probably work with that, if they are willing to share it. Otherwise if you give me the OK I will go with my numbers.

Item 2, POD. I find what appear to be incorrect legal descriptions on three wells. We have reliable GIS information on many of these wells but not all of them. Unfortunately the POD map accompanying the transfer is too small (and the markers too large) to accurately verify the pod locations in question. The attached list also includes the POD discrepancies and corrections that may need to be made. Please review the POD list, make the necessary corrections and return an amended Exhibit A. A larger pod map or maps would also help confirm location of all the diversions.

Item 3, General Info. On the newer transfer application forms the general information questions about the transfer which were formerly found in Parts 1.B.6 and 2.A, have been consolidated into a single section in Part 1, and a few additional questions are included. Because we are processing the transfer present-day, the additional questions need to be answered. Of particular relevance is a question relating to ownership of PODs. For example, the Land Creek diversion in Section 9 and the Land Ranch Spring diversion in Section 7 are on lands not owned by the parties. I have attached page 4 of the new transfer form which includes all the general info questions. Much of this information can be found somewhere in Exhibit A, but for conformity and clarity I think this completed page should be added to the transfer record. Please complete and submit this form with the above amendments. Don't worry about revising Exhibit

A to remove the questions from other sections, just copy the existing answers over and then respond to any new questions.

Items 1,2 and 3 must be resolved before the application may be advertised.

Item 4, POU. On PPU type transfers where the total water right PPU is significantly larger than the number of authorized acres, IDWR is now requiring a map be submitted, annually or whenever the place of use changes, depicting the actual location of acres to be irrigated each year. The condition which will be applied to the transfer will be similar to the following:

"This right is limited to the irrigation of a specific 6536 acres within the 7844 acre place of use authorized by this right in a single irrigation season. The specific 6536 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 6536 acres to be irrigated within the 7844 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur."

Please submit an initial 6536-acre place of use shape which will be recognized as the authorized place of use for 2014. If SPF creates this shape for you, I would prefer to receive the shape file as opposed to a hard map. This map or shapefile must be received prior to transfer approval. If the authorized place of use will change, within the PPU of record, in subsequent years, a new map must be submitted prior to each irrigation season (another transfer will not be required unless the PPU changes). If a new map is not submitted, the authorized place of use from the prior year will be used.