

MEMORANDUM

To: File 63-32919, 63-33383, 63-33384, and 63-33949

From: Jean Hersley

Date: November 18, 2014

RE: Annual Feet per Acre

In May, 2013, the Department received a letter from John Marshall Law PLLC, regarding an ownership change split submitted in June, 2010 that split WR 63-32921 into 63-33383 and 63-33384 and the volume limit for water right 63-33384. It was requested to change the annual volume rate from 27.9 afa to 112.5 afa which would require moving 85 afa from 63-33383 to 63-33384. Please see the letter from John Marshall Law PLLC. After reviewing this request, the Department concurs with Mr. Marshall's finding.

Water right 63-33383 is provided the full 4.5 af with water right 63-32919, a derivative of 63-3589, overlapping 76.3 acres. When these rights were split, the full 4.5 af should have stayed with property in Township 02N, Range 03W, Section 15. If you review previous ownership splits, this is consistent with how they were split.

A transfer was filed in April, 2014. Water right 63-32919 was split into 63-32919 and 63-33948. Water right 63-33383 was split into 63-33383 and 63-33949. The volume for 63-33383 and 63-33949 will be removed. The rights, 63-33948 and 63-33949, when combined shall provide no more than 0.03 cfs per acre or more than 4.5 afa per acre.

The volume for 63-33384 will be updated to 112.8 afa. A letter will be sent to the water right holders for explanation.

Future transfers to update POD will need to define the relationship between water rights.