

MEMORANDUM

TO: Remington Buyer
FROM: Steve Lester 
DATE: December 18, 2013
RE: WSB Lease Application 63-33867 and 63-33868

Both supplemental irrigation rights have well(s) in 4N 1W S.26 within the restricted shallow ground water (less than 200 ft. deep) zone upstream from Star Bridge ("Star"). That boundary originated in early 2008 under Appl Memo #59 (amended). This could be a factor if someone applies to rent under 63-33868 as follows.

1940s

Both rights originated from **63-2656**, Hudson (old right # 19986). That scanned file describes an original artesian well @ 750-1000 ft. deep with casing perforated in bottom 200 ft., see 1948 report of engineer & associated proof/affidavit filings from 1940s.¹ The right was developed for use of deeper water.

1987 +

Split portions A thru C resulted from SRBA claims by different owners.

2003

Drilling permit application for Goldsmith (Farwest) involved shallow ground water in 4N 1W S.26, confirmed by well log that year. The application referenced **63-2656A** and **63-2656B**. The approved drilling permit required abandoning a well or filing a transfer to add a well to a water right(s).

2005

Transfer 71989 authorized adding that 2003 well to **63-2656A**. This recognized use of shallow and deeper water under 63-2656A since the new well pre-dated the 2008 shallow ground water determination.

No action found to authorize shallow ground water for **63-2656B**.

SRBA Claim **63-2656C** for Nelson led to the 6/3/2004 staff memo outlining Nelson's use of a domestic well instead of the Hudson well. The memo emphasized the need for a transfer to cover this.² A transfer has not been filed for this situation.

¹ No well log found.

² Scanning profile "Notice of Claim 63-2656C"; see pages 18-19, document date 6/3/2002.

2013

Ownership change resulted in two companies holding the two rights now involved with WSB lease application. Ownership change for **63-2656A** and **63-2656C** generated right nos. **63-33867** and **63-33868**, respectively.

Conclusions

Right **63-33867** allows use of shallow and/or deeper ground water under approvals pre-dating the 2008 shallow ground water boundary upstream from Star. This right includes the following:

- Can be used to rent shallow or deeper ground water upstream or downstream from Star.

Right **63-33868** authorizes use of the original Hudson well for ground water deeper than 200 ft. upstream from Star unless shown otherwise. This right includes the following:

- Cannot be used to rent shallow ground water upstream from Star unless mitigated.
- Can be used to rent deeper ground water upstream from Star.
- Can be used to rent shallow or deeper ground water downstream from Star.

This memo should be scanned to these active records:

- **63-2656A**
- **63-2656B**
- **63-2656C**
- **63-33867**
- **63-33868.**