

Memorandum

Date: May 10, 2012

To: File 85-7317A, 85-7317B, 85-15413, 85-15725, 85-15727, 85-15729 and 85-15740

From: Craig L. Saxton

Re: Summary of water rights diverted from shared well in the SESE of Section 4, T33N, R04W

The following rights are diverted from a shared well/POD located in the SESE of Section 4, T33N, R04W: 85-7317A, 85-7317B, 85-15413, 85-15725, 85-15727, and 15740.

Originally, permit 85-7317 was issued for development of domestic use for 9 lots to be diverted from one well which was developed in the SESE of Section 4 on what is now Carla Koegen's property (PIN: RP33N04W049100). A field exam was conducted in accordance with permit 85-7317 in 1990 and the examiner reported development of domestic use for 3 homes with a maximum diversion rate of 0.03 cfs. The examiner reported that the water was pumped to 9 lots, but only three were in use. Because of the low diversion rate, license 85-7317 was issued for domestic use for three homes with a diversion rate of 0.03 cfs.

License 85-7317 was eventually divided into three parts:

85-7317A	Stewart	0.01 cfs	PIN: RP33N04W090010	1-30-1983
85-7317B	Gruell (<i>now Benson</i>)	0.01 cfs	PIN: RP33N04W046175 RP33N04W049075 RP33N04W046160	1-30-1983
85-15413	Koegen	0.01 cfs	PIN: RP33N04W049100	1-30-1983

85-15413 really shouldn't have been given part of that original water right because there was and still is not any domestic use occurring at that parcel. It was mistakenly given a portion of the original license because the well happens to fall on that parcel.

When Mary Carter discovered there was not a water right applicable to her parcel, despite being one of the original three home using water when 85-7317 was licensed, she filed SRBA Claim 85-15725 which was decreed by the SRBA court. 85-15725 was decreed a diversion rate that is the measured capacity of the system.

85-15725	Carter	0.03 cfs	PIN: RP33N04W090003	7-31-1990
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Around the time Mary Carter was working with the court to get 85-15725 decreed, the other users that were already hooked up to the delivery system diverting water from the shared well realized that they didn't have water rights from the well so they filed applications for permit. Licenses will be issued with a diversion rate of the capacity of the system:

85-15727	Ridgway	0.03 cfs	PIN: RP33N04W090452 RP33N04W102753 RP33N04W091800 RP33N04W103750	4-29-2010
85-15740	Darrow	0.03 cfs	PIN: RP33N04W049005	11-1-2011

Note: Permit 85-15740 was issued as not to include external use (1/2 acre of irrigation).

85-15727 and 85-15740 will be issued with a combined use condition limiting their use along with use of all the other rights from the shared well, to the capacity of the system = 0.03 cfs.

To my knowledge there is one other domestic user hooked up to the system and using water from the shared well. Bovil Smith: RP33MN04W102426. There does not appear to be any water right filing for the Smith property at this time.

Finally, permit 85-15729 proposes tapping into the shared well system for domestic and stock water use. At the time the permit was issued, it was not connected to the system. Proof is due in 2015.

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