

Saxton, Craig

From: Luke, Tim
Sent: Tuesday, February 21, 2012 11:56 AM
To: Baxter, Garrick; Saxton, Craig
Subject: RE: Burns gw rt 75-7505

It would have been filed as a supplemental source and right. At the time it was filed there probably was not much certainty as to the extent and priority of the surface water rights but Burns no doubt was diverting water from Carmen Creek for the same land.

Tim

From: Baxter, Garrick
Sent: Tuesday, February 21, 2012 11:15 AM
To: Saxton, Craig
Cc: Luke, Tim
Subject: RE: Burns gw rt 75-7505

I'm pretty sure it was supplemental. If I recall correctly, the total acreage is about 10 acres.

From: Saxton, Craig
Sent: Tuesday, February 21, 2012 11:07 AM
To: Baxter, Garrick
Cc: Luke, Tim
Subject: RE: Burns gw rt 75-7505

We won't issue an overlapping license that adds a restriction onto existing water rights that wasn't already there. However, we probably won't allow for this right to increase the duty of water already established by the surface water flows. My other question is, was this GW right developed as supplemental or primary?

I haven't had a chance to dig into it a lot just yet, but wanted to respond just to let you know I was not ignoring your e-mails.

c

From: Baxter, Garrick
Sent: Tuesday, February 21, 2012 9:55 AM
To: Saxton, Craig
Cc: Luke, Tim
Subject: FW: Burns gw rt 75-7505

Craig,

We have had an issue come up with an outstanding permit in Basin 75. Mr. Fols has pointed out that there is a condition on a permit that suggests that all of Mr. Burns's water rights should be limited to one inch to the acre. Problem is that the Department recommended everyone up there with two inches to the acre. It appears that the field exam has already been done. My guess is that once this is licensed, the condition would be modified so as to not cut back the Carmen Creek rights. How close is this right to being licensed?

Thanks,
Garrick