

Merritt, Allen

From: Merritt, Allen
Sent: Thursday, August 25, 2011 11:16 AM
To: Skaggs, Pam; Saxton, Craig; 'rbrown@spfwater.com'
Cc: Keen, Shelley
Subject: RE: FYI - Petersen Ranch Trust - Transfer 77459 (SW Rt 72-4077) & GW Permit 72-16873

Folks,

I talked to Roxanne and she is going to contact Mr. Petersen with the idea of clearly indicating that the permit is to be mitigated by drying up 20 acres which will have to be clearly identified. Her intent is to have Mr. Petersen submit a letter.

If we get that then I will condition the permit as being mitigated with a portion of 37-4077 and modify the right accordingly. The modification will be included in the T77459 approval.

Roxanne explained that they were going to file another transfer to specifically move a portion of the surface right to the well.... This additional process would be avoided if we go the mitigation route. I believe the results are the same.

Allen

From: Skaggs, Pam
Sent: Thursday, August 25, 2011 10:30 AM
To: Saxton, Craig
Cc: Merritt, Allen; Keen, Shelley
Subject: FW: FYI - Petersen Ranch Trust - Transfer 77459 (SW Rt 72-4077) & GW Permit 72-16873

Craig,

Allen is asking for some help in conditions & resolution of these two applications. More information has been sought from Roxanne at SPF, but she hasn't responded yet. Morgan Case noted that they provided options, but have no requirements for the applicant. They just want to decrease withdrawals from Bayhorse Creek.

Pam

From: Merritt, Allen
Sent: Thursday, August 25, 2011 10:25 AM
To: Skaggs, Pam
Subject: RE: FYI - Petersen Ranch Trust - Transfer 77459 (SW Rt 72-4077) & GW Permit 72-16873

I just dreamed the second one up..... Other eyes on this seems appropriate. No rush since transfer is being held up for comments from WM until 9/2.

Allen

From: Skaggs, Pam
Sent: Thursday, August 25, 2011 10:12 AM
To: Merritt, Allen
Subject: RE: FYI - Petersen Ranch Trust - Transfer 77459 (SW Rt 72-4077) & GW Permit 72-16873

Allen,

I think that the first condition covers the overlap, but allows use as supplemental or primary groundwater as long as the acres are limited to the original rights total. How will you address the supplemental factor if the goal to retire 20 acres under the surface water right isn't clearly addressed as a change to mitigation use?

The second condition is relatively foreign to me. I would need to research a little. Have you used this language on permits before? Do we have other examples?

Perhaps Craig could make some suggestions regarding permit conditions. I still think we need to know & have them document their exact plan since we don't seem to have it clear in the transfer & permit. It would be much easier to condition than trying to cover all options.

Pam

From: Merritt, Allen
Sent: Thursday, August 25, 2011 9:39 AM
To: Skaggs, Pam
Subject: RE: FYI - Petersen Ranch Trust & Gov't Lot

Thanks.... I've made the correction.

After thinking about this for a while what do you think about the following conditions....

This right when combined with right 72-4077 is limited to irrigation of 40.5 acres in any one season.

This right may be diverted out of priority to the extent that right 72-4077 is offered for mitigation or included as part of an IWRB transaction to enhance flows for water right 75-14187.

I've called Roxanne but she has not returned my call.

Allen

From: Skaggs, Pam
Sent: Thursday, August 25, 2011 8:36 AM
To: Merritt, Allen
Subject: FYI - Petersen Ranch Trust & Gov't Lot

Allen,

In looking at these applications, I noted that there is a Government Lot correctly listed on the transfer for SENW, Sec 7 on the transfer but not on the permit.

Pam

Pam Skaggs
WR Supervisor
287-4951