

Yenter, Cindy

From: Yenter, Cindy
Sent: Monday, December 20, 2010 3:18 PM
To: 'Greg Sullivan'
Cc: Walker, Benny; Merritt, Allen
Subject: Roth transfer 76617

Greg – This is the transfer which reorganizes the remainder of 36-7349 / 15222 after the finalization of the conversion transfer 76184. After the protest was resolved on 76184 the file came to me for watermaster review. During that review I looked at the original pou of the irrigation rights and found some fairly significant excess irrigation under the rights, which has been occurring for the past several years. Benny pointed out that the companion transfer reduced the place of use of the remainder and he thought resolved the excess irrigation issue.

I did a brief review of 76617 (the application has not yet been processed pending the approval of the first transfer) and I found that while the proposed pou does in fact reduce remainder acreage to 220, there is an ownership issue which could still derail the whole process. Both 7349 and 15222 include in their pou, 25 ac in NENW and 34 acres in NWNW Section 4. A portion of these acres belong to Walter Prentiss. Roth only owns approximately 22 acres in each of those QQ tracts, meaning that up to 15 acres of these rights may be appurtenant to land owned by Prentiss. Unless Roth can show quitclaim or some other proof of ownership, the entire rights may not be available for transfer.

There is also potential for an NOV here, if the second transfer cannot be approved as proposed, and if excess acres continue to be irrigated. Before I send notice to the water right holders, however, I thought I would see if you can provide any additional information.

Thanks,

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