

Memorandum

To: Nick Van Dyke

From: Tim Luke

Date: November 8, 2010

Re: Flying Joseph Ranch; Water Right Transfer App No. 75708

Since the watermaster, Ted O'Neal, copied me with his comments on the above referenced transfer, I thought I would send a few comments of my own to you because of my involvement with the pond that is subject to the transfer. As you know, we issued a Notice of Violation to FJR last year regarding the unauthorized use of the pond.

It appears that the FJR rights were partially decreed in September, 2010. Please note Condition D09 on the partial decrees about the quantity of water being measured at four separate locations. One of the four locations is a point where water is conveyed to the pond addressed in the transfer. It is important that this condition be maintained on the rights affected by this transfer. The transfer should also include a condition requiring measuring devices and controlling works at each of the four measurement points.

Presently, there seems to be some confusion about where the water from the pond discharges. The transfer application and attachments indicate the water returns to an existing ditch at a point above one of the other diversion ditches and measurement points, but Ted says it returns directly to a diversion ditch. The point of return may not be critical to approval of the transfer, but it can make a difference in how the watermaster measures and administers the FJR rights. For this reason, it is again important to maintain Condition D09 and reinforce the measuring device and controlling work conditions at each of the four measurement points.

Ted's comment about the unauthorized pipe diversion from an unnamed spring probably should be addressed as a separate regulatory matter. My attached e-mail on this matter earlier this year recommended that Ted lock the valve on the pipeline to prevent the flow of water from the spring to the pond. If necessary, we can issue a separate NOV on the pipeline.

Nick

FJR Pond on irrig
rights look like they
need adjustment.

Are they contemplating a
separate transfer?

Tim

