Skinner, Corey

From: Skinner, Corey
Sent: Tuesday, March 13, 2007 10:55 AM
To: 'jimspeck@cox-internet.com'
Subject: Basin 37 Water Right Transfers

Jim,

I have been reviewing and working through my backlog of water right transfer applications and have came across a few involving Basin 37 rights where you are listed as the attorney &/or the contact. I want to inquire about the status of these pending transfers with regards to the ongoing SRBA process. Basically, should we attempt to proceed with these transfers now that we have SRBA recommendations filed with the court, or in particular if objections to SRBA recommendations will be filed, should we hold off on processing these transfers until the SRBA objections are resolved? If objections are to be filed, I would suspect that you &/or your clients would want to hold off on the transfers so that the SRBA objection resolution process is not messed up by possible transfer approvals.

The transfers are as follows...

- Transfer # 5852 filed in the name of **Charles Thomas & Kathleen Maher Foley** involving SRBA recommendations **37-2686B** and **37-7598B.** You are listed as the attorney on the SRBA recommendations, but you may be listed due to representing a previous owner. The transfer proposes modifying groundwater rights for a pond on the applicant's property, but it appears that the transfer does not adequately cover the pond. I have been trying to track the applicants down for several years in an attempt to get them to amend the transfer but I have not had much luck.

- Transfer filed by Brockway Engineering in the name of **Indian Creek Ranch Owners Association** involving SRBA recommendations **37-296B** and **37-21412**. This application proposed creating a permissible place of use and adding numerous diversion points for the two previously mentioned rights. It appears that right **37-19740** (irrigation from storage right from Indian Creek pond) also needs to be included in this transfer to reflect the change in place of use and points of diversion. I sent a letter to Brockway Engineering in April of 2005 in an attempt to get a discrepancy between the transfer map and application addressed and to get right 37-19740 included in the transfer but have not had any response.

- Transfer filed in the name of **Barrie Family Partners** involving SRBA recommendation **37-332**. This application proposes changing the diversion point for this particular right. There were issues regarding the actual place of use, which held up processing the transfer (claimed 30 acres in the SRBA, but we have recommended 8.3 acres). If the recommendation is OK, we could probably now proceed with processing this one, but I believe we may need to still clarify the new proposed diversion and source. In addition, there will probably be a need to justify the large flow rate (1.00 cfs) on the relatively small place of use (8.3 acres) since the point of diversion is changing reducing the associated conveyance of the right.

Anyways, if you get a chance and could look into these and let me know what you think I would appreciate it. If you have any questions, or need to discuss these applications, feel free to give me a call (736-3033)

Thanks,

Corey Skinner
IDWR Southern Region