

Mills, William

From: Skinner, Corey
Sent: Friday, August 27, 2010 8:33 AM
To: Cooper, Jeff; Mills, William
Subject: FW: SCI prop. 37-21942 shape

Steve sent this down. Take it for what it is worth..

From: Clelland, Steve
Sent: Thursday, August 26, 2010 4:20 PM
To: Skinner, Corey
Subject: SCI prop. 37-21942 shape

Hi Corey,

I went thru my notes and the claim files for these rights. If you will look at the Backfile for License 37-7770 I think you can find a map of the licensed POU. Page 17 of the Backfile has a map showing the POU for the right 37-7770. With the license being issued in 1995 it was determined IDWR had made the finding of 400 acres in this POU. This 37-7770 right overlapped the surface rights 100%. I adopted their numbers even though the GIS shape registered at about 461 acres. This position carried through all of the reviews and splits of these associated rights and made it into the SF5 and the Partial Decree (11-12-2009). My thoughts at the time figured the issue would be resolved when SCI broke the lease with the southern POU. At that time they could choose which acres should be irrigated under these rights.

These claims/rec'd went through so many revisions in attempts to resolve the OBJ's that were filed it became a number nightmare. The 400 acre remark was in the original Preliminary Rec'd. When the split was made that was also carried into the splits.

That being said, I have ONE remark that I wrote on my notes when I was trying to correctly pair up the combined remarks. <This doc can be found in the PDOCS under 37-21936.> It indicates the three surface rights, which are limited to a combined to 192 acres, could be used with 37-7770 to irrigate up to 584.7 acres... $192 + 392.7 = 584.7$ ac. This was a last minute addition to my notes when I was trying to respond to an email from Jim Speck. (I am going to try and find this email and review it.) I am going to attach this memo I sent to Mr. Speck.

After looking at these quickly, I think my take goes back to the License 37-7770 as a limiting factor on the irrigated acres for the shape given in the license exam. Hope this helps outline the basis for my recommendations. Let me know if you need more info or if we need to make changes to the Partial Decrees.

Steve

I went ahead and attached the draft notes too.



SCI Properties
Combined Limit ...



SCI Prop -215G split
info.pdf

SCI Properties Combined Limit Review

MEMO to Files:

37-21936

37-21938

37-21940

37-21942

June 5, 2009

Steve Clelland

IDWR Sr. Agent

When I prepare remarks for an individual right I ask myself what combined limits are needed for "THIS" Right. The limits on these four rights are established in the Trans. #4677, with the exception for the overall Permissible Place of Use (PPU) of 392.7 acres. The notes referencing "aka # 1 et al" refer back to my review notes sent earlier; in case that helps.

37-21936: (aka #1)

So, what acre limits apply to this right? I need to look at the over-lapping rights.

This right has a combined acre limit with 37-21938 & 37-21940, the remark limits these three to 192 ac. A remark is added to this right which limits "IT" with the other two. (192 ac)

"USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 192 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 37-21936, 37-21938 & 37-21940."

Other Limits? This right also has a combined limit with the ground water right, 37-21942, for 392.7 ac. I am looking at the combined limits that affect just the right 37-21936. These two rights are limited to 392.7 ac. At this point I am only looking at these two rights; the other rights have already been addressed in a combined acre limit with this right. Therefore:

"USE OF THIS RIGHT WITH RIGHT NO. 37-21942 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 392.7 ACRES IN A SINGLE IRRIGATION SEASON."

There are no other combined acre limits that affect this right.

37-21938: (aka #2)

What combined limits affect just this right? First of all, this right with 37-21940 is limited to 72 acres. This limit affects just these two rights.

"USE OF THIS RIGHT WITH RIGHT NO. 37-21940 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 72 ACRES IN A SINGLE IRRIGATION SEASON."

There is also a remark in the Trans. #4677 that limits this right further with 37-21936 & 37-21940. That remark limits acres along with flow rates and volumes. The acre limit list therein was for 196.0 acres. Therefore:

"USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 192 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 37-21936, 37-21938 & 37-21940."

6/4/09
SCC

VOLUME

SCI Rights - Combined Limits

(Re-written from previous Notes) 6-4-09
SCC

#1 (215G) 37-21936
405.3 AF (IRR)

#2 (1096A) 37-21938
253.9 AF (IRR)

#3 (1097) 37-21940
253.9 (IRR)

#4 (7770) 37-21942
1188.0 (IRR)

	(SCI)	+	(BLM)	
#1 - 412.7	674 AF	+	12 AF	= 686 AF
#2 - 261.3				
#3 - 261.3				

E54 comb. Limits
#1 #2 #3

#2 #3] → 266 AF (per transfer) (Rate: 1.173 AF/Ac)

<u>SCI</u>	<u>BLM</u>
261.3 AF	4.7 AF
= 266 AF	

ALL 4: #1 #2 #3 #4

LIMITED VOL.

(*List each (1-2-3) w/ 37-21942)
(1-2-3 ARE LIMITED SEPARATELY)

(SCI)	1188 AF
(BLM)	12 AF
	1200 AF

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*** Correction Note ***

This explanation process has been worthwhile. I think I understand your confusion over the previous notes I sent. When developing the recommendations for these rights, I initially prepared the ground water right, 37-7770 for the Director's Report for Basin 37, Part 1, Ground Water. In the middle of that review the 37-7770 right was taken out of the review/recommendation process because the owners didn't want it in the Director's Report at the time. It was included later when the Surface Water rights were being prepared for the next Director's Report in Basin 37, Part 1.

Review and recommendation for these SCI rights has been complex and convoluted with many variations and versions being routed and prepared. At this point I have noticed I left off the remark on 37-21938 & 37-21940 which describes their overlapping limit with the ground water right, 37-21942. I will add this remark now. Maybe this will be the cure-all to finally close these SF5's. After the records are modified with this remark I will send you, once again, revised recommendations of the four water rights.

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37-21938: (continued)

This right also overlaps the largest PPU with the ground water right, 37-21942. This remark addresses the combined use limit between these two rights. It reads:

"USE OF THIS RIGHT WITH RIGHT NO. 37-21942 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 392.7 ACRES IN A SINGLE IRRIGATION SEASON."

This should identify all combined acre limits for this right.

37-21940: (aka #3)

This remark listing and review is the same as it was for 37-21938 above.

37-21942: (aka #4)

This right describes the entire Place of Use in which all the four rights may overlap to some degree. The only combined acre limit affecting this right is that all four rights together may not exceed the size limits of the irrigated total of 392.7 acres. This is the only remark necessary for this right:

"USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 392.7 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 37-
21936, 37-21938, 37-21940 & 37-21942."

SCI: T# 4677 (1996) 6/4/09 SCC

	ORIG. RT #'s	REMARKS	Combined Limited Vol
(#1)	2156	420 AF	⇒ 686 AF (TRANS ITEM 7)
(#2)	1096A	266	
(#3)	1097	266	

#2 + #3 = 266 AF (limited Vol) (TRANS ITEM 9)

IDWR REMARKS:

E54 #1 #2 #3 686 AF VOL LIMIT

SCI 674 BLM 12

E53 #1 #2 #3 #4 w/21942 VOL LIMIT = 1188 AF

E55 #1 #2 #3 #4 ACRE LIMIT: = 392.7 ACRES *

E56 #1 #2 #3 ACRE LIMIT: = 192 ACRES

E54 #2 #3 Comb. Vol. Limit = 261.3 AF
(+ BLM 4.7 = 266 AF)

* I Listed them correctly in the Remark.
Anyone of #1, #2, #3 can be combined with 37-21942 SEPARATELY AND EXCEED the 392.7 ac. limit... ~~W/~~ 192 ac plus 392.7 = 584.7 acres.
Addition of the other two rights CANNOT EXCEED the 584.7.
Because of the limit imposed on the #1 #2 #3 at 192 ac