

TO: File

DATE: October 3, 1996

FROM: Jim Stanton

SUBJECT: App. for Transfer, Buckeye Farms

This application was filed in 1994, but has been held pending resolution of the applicant's objection to the SRBA findings. Form 5 has now been signed, so I am proceeding with processing the application based on the signed agreement. Steve Clelland told me that the SF5 is in error, however, as it assigns the full capacity of the Bar S Ditch to Buckeye Farms. Other people also use this ditch, but could not have their rights conveyed thru it under this agreement. This situation needs to be resolved before the transfer is approved, if indeed it is. The owner of the original p/u is apparently still irrigating some of that land, so I would expect him to protest this transfer. Hopefully the deed of sale will clarify who owns these water rights.

The original application called for a new place of use of 485 acres, 2 acres more than allowed in the SF5. Today I was contacted by Dave Shaw as a representative of the applicant. Dave told me which 2 acres to take off of the application so that it agreed with the SF5. I told him that we needed a copy of the deed of sale for the land that is to be dried up under this transfer, and he agreed to provide the deed.

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