

Marshall, Aaron

From: Marshall, Aaron
Sent: Thursday, March 04, 2010 9:21 AM
To: Jordan, Blake
Subject: RE: 76234 Holmes

Blake,

I agree that it appears the pond(s) have been filled as recently as 2009 and used for some ambiguous beneficial purpose like wildlife, recreation, or aesthetic. If we rely on the guidance from the AG's Office, this right is not subject to forfeiture because of the change in nature of use since the POD and POU are the same.

On that note, I think we can move forward with a transfer approval with a few changes to the draft that was forwarded to me. I recommend using the following conditions on this transfer: 027, T07, R05, T08, R43, 205, and 004. We also need a couple custom conditions similar to the following:

- 1) <Recreation/aesthetic> use is for <two fishing ponds/riparian habitat>.
- 2) This right does not authorize the storage of water.

I also think we need to decide on one term to describe the beneficial use. I don't think we should describe the purpose as wildlife, recreation, aesthetic, and commercial all with the same rate and volume. I think either recreation or aesthetic would be the most appropriate description in this case. However, we could let the applicant decide. If the applicant wants more than one use, they should specify a rate and volume for each use.

Aaron

From: Jordan, Blake
Sent: Monday, March 01, 2010 8:37 AM
To: Marshall, Aaron
Subject: RE: 76234 Holmes

Aaron:

It doesn't appear they addressed Ernie's inquiry about the validity of the water right. I have memo on a phone meeting Ernie had with Bob Shaffer (water master WD 34). Ernie was asking if water rights 34-4017 (Irrigation) and 34-7113 (fish Prop) were delivered. Bob indicated that the wd doesn't asses for non-consumptive water rights. It didn't say any more about right 34-7113, but looking at aerial photos, it appears that the ponds were being filled and used.

Blake << File: img-301093049.pdf >>

From: Marshall, Aaron
Sent: Wednesday, February 24, 2010 3:13 PM
To: Jordan, Blake
Subject: RE: 76234 Holmes

Blake,

I have one initial question regarding Transfer 76234. Did the applicant provide any evidence that water right 34-7113 has been used within the last 5 years? I didn't see anything included with the application that addresses the validity of this right in response to Ernie's letter dated December 6, 2007. The partial decree was issued in 1998.

Thanks,
Aaron

From: Skaggs, Pam
Sent: Wednesday, February 17, 2010 12:53 PM
To: Marshall, Aaron
Cc: Cox, Sharla
Subject: FW: 76234 Holmes - FIRST LOOK

Here is a parallel review from Eastern.

From: Cox, Sharla
Sent: Wednesday, February 17, 2010 12:50 PM
To: Skaggs, Pam
Subject: 76234 Holmes - FIRST LOOK

Pam, here is a new one from Blake Jordan, please let us know.

Thanks.

<< File: 76234.RTF >>

Sharla

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