

Christensen, Kelly

From: Christensen, Kelly
Sent: Wednesday, January 09, 2008 10:24 AM
To: Zach Latham (E-mail)
Subject: Grant transfer t-74404 (36-2443 and 36-7267)

Attached is a word document covering some concerns about the application as it currently exists. Let me know what you think after you have had a chance to review it. What is the situation with canal shares at both the from POU and the to POU.



T-74404 47-2443
grant question...

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Issues at the "TO POU"

1. A portion of the licensed pou is associated with another owner in the NWSW.
2. The actual irrigation practices does not appear to be associated with the licensed or applied for pou.
3. If the second transfer to move 16.1 acres from 36-7267 is not processed at the same time it is likely that the end result would be a PPU with the two rights tied together as overlapping rights which would affect future transfers.

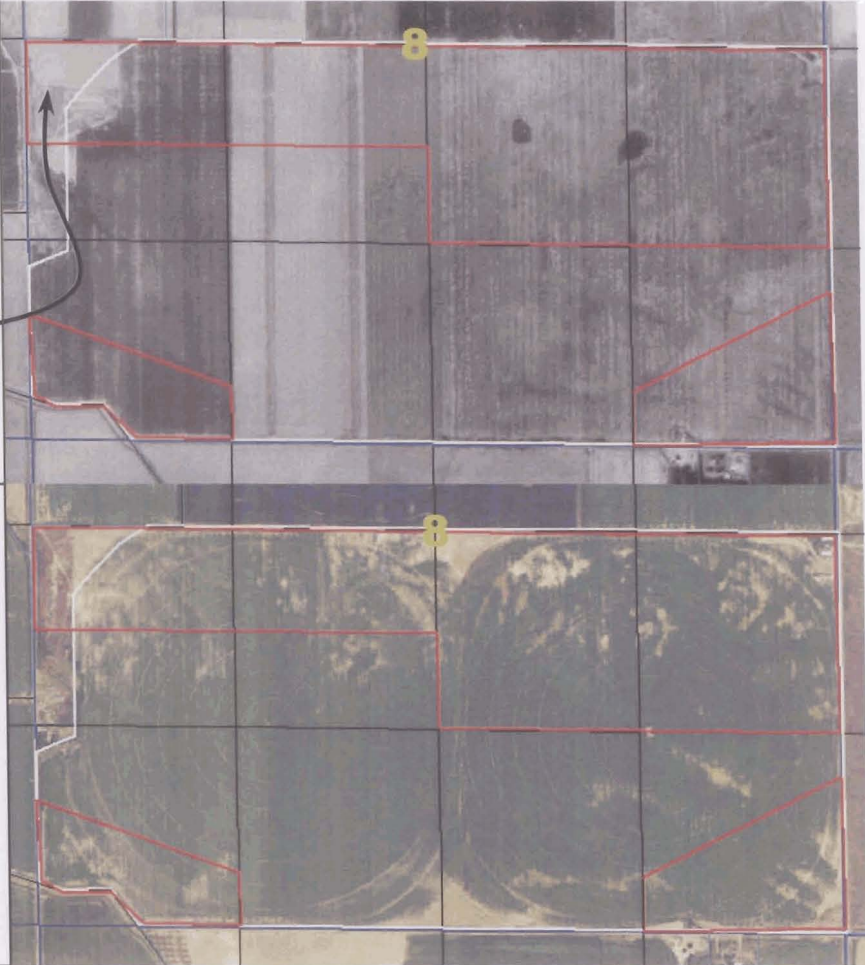
36-7276⁶⁷

1992 aerial photo

The red outlined area is the approximate boundary of the licensed place of use. (Unfortunately the licensing information is not available on backfile. It is available on microfiche).

The white outline boundary is the place of use boundary per the tax lot information. This places a portion of the licensed place of use on property owned by Clinton Crain (again per tax lot information).

Another potential issue is the permissible place of use. Based upon both the 1992 and the 2004 aerial photos it appears that the actual PPU covers virtually all of the S½ of Sec 8. This needs to be discussed. Possibly the PPU should be around 304 acres.



Issues at the "FROM POU"

1. The 4.6 acres identified to be transferred in the N $\frac{1}{2}$ NW $\frac{1}{4}$ appears to be a lava outcropping that is not irrigated.

36-2443

1992 aerial photo

2004 aerial photo

2006 aerial photo

Identified as 4.6 acres to be transferred

Although the NE $\frac{1}{4}$ NW $\frac{1}{4}$ was licensed for 38 acres and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ was licensed for 40 acres, the department's position is that we do not recognize lava areas as available for transfer. In viewing the three photos it is not clear that the 4.6 acres you identified are actually irrigated. If the acres are actually production acres please provide documentation to that affect. A field visit may be necessary to observe the ground in question.

Although not an issue with this transfer, it appears that a portion of the center pivot irrigates ground owned by the neighbor. This may have to be addressed in the future.

