

DUANE AND LAURA GRANT TRANSFERS

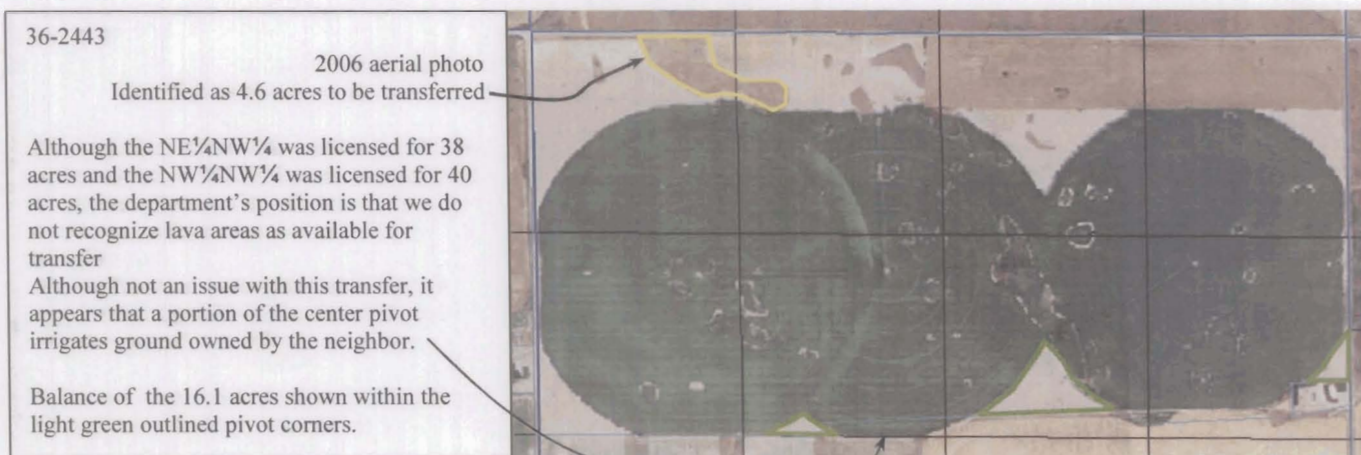
Via Brockway engineering they have filed 4 transfers basically all interrelated in one fashion or another. As of this date not all transfers have been data entered. The major goal is to have better priority rights associated with the current 155 acres now covered by 36-7267. Transfer 74404 and T-#2 should be processed together and T-#3 & #4 should be processed together. The rights after the splits for the first 2 transfers will be associated rights for the other 2 transfers. See last page for overview layout.

(#1) T-74404

This transfer moves 16.1 acres off of corners and a rock pile of 4.6 acres to the POU for 36-7267 to replace 16.1 acres being transferred off to another farmstead (T-#2).

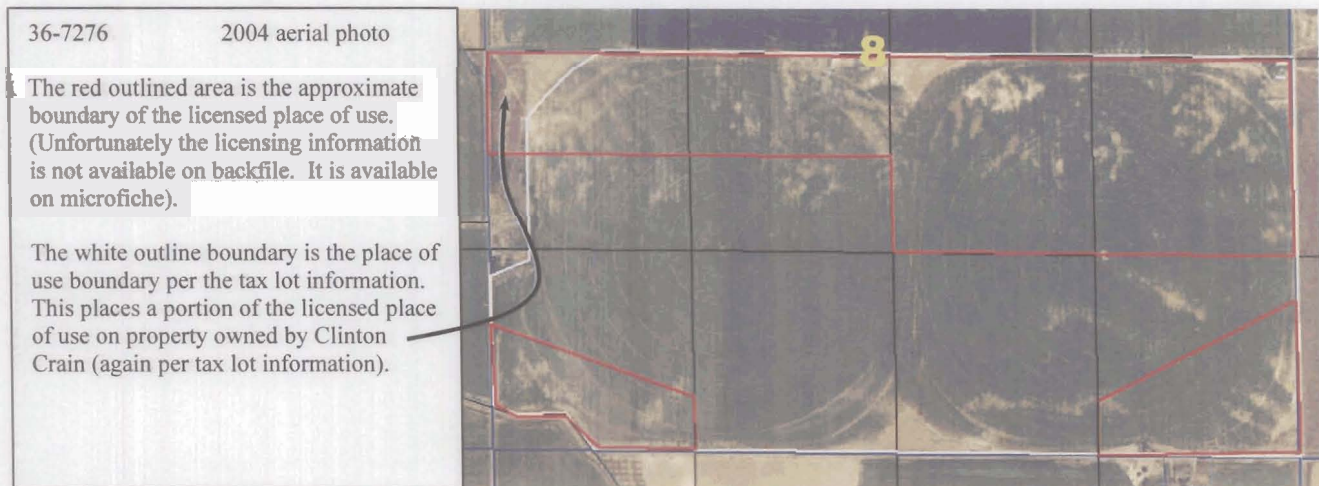
ISSUES:

1. Can we process the transfer and include the 4.6 acres from the rock pile? This was discussed with Allen and Jeff the other day and the inclination was that it would not be included.



2. The to POU is identified on our system as a nominal shape but the field exam notes for licensing show a shape that I basically duplicated in the map below. How much weight does the licensing field exam shape carry when defining the irrigated place of use for a right? And, does a change in that area then require a transfer, specifically in this case the change of ownership identifies both parties as being associated with the field exam shape. The licensed shape includes ground not owned by Grant and Zach (for Brockway) is in the process of obtaining a quit claim deed for that portion. This would necessitate a change in the place of use for 36-7267 assuming that the field exam shape drives the actual POU. Does this right need to be included in the transfer as a primary right and fees calculated for this portion also? I assume that we cannot go with a nominal POU shape when they are identifying specific acres basically as licensed.
3. As T-74404 brings in 16.1 acres to be recognized within the 155 acre PPU that 16.1 acres are being transferred out via transfer # 2 do we have to have the applicant identify 16.1 specific acres that will disappear through the approval of the 155 acre PPU?

4. As you can see the current system for 36-7267 is two center pivots. A&B provides water for the ground not covered under this license. The theory is that they are independent of each other, although the combination of shares and licensed acres would suggest some overlap. They do not want to pursue a PPU of the ≈ 304 irrigated acres because they are afraid that A&B will object to overlapping POUs. (This really doesn't make sense because that is the reality. A paper issue I guess)

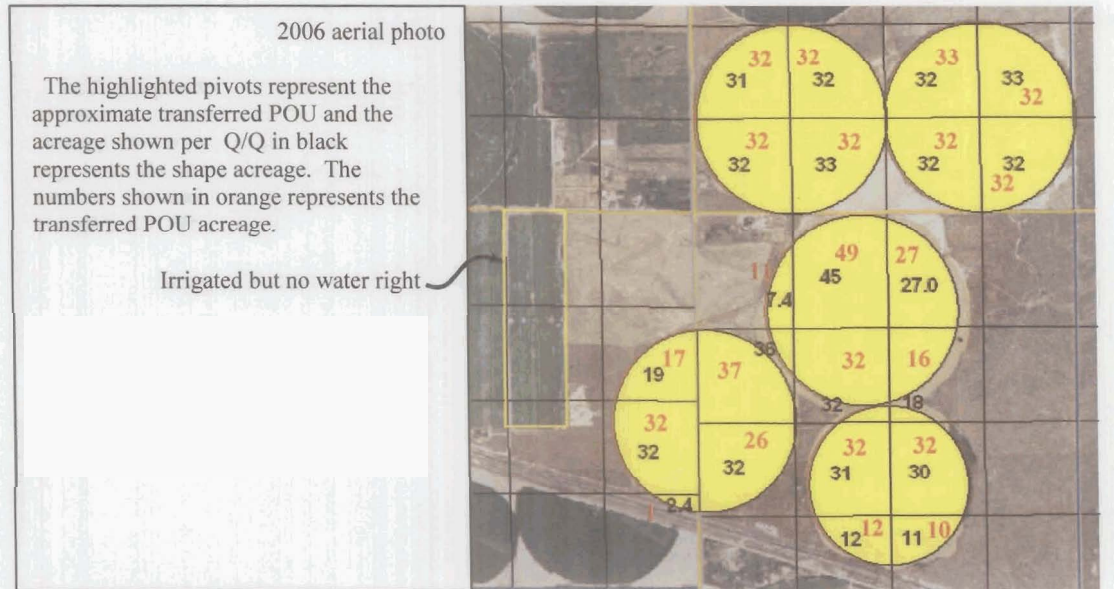


(#2) (not data entered yet)

This transfer moves an unidentified 16.1 acres out of the licensed POU for 36-7267 to be then irrigated via a portion of 36-2443 through transfer #1. The 16.1 are to be added to the combined irrigated acre limit within the 591 acre PPU at the to PPU.

ISSUES:

1. The from POU issues are discussed above.
2. The to POU is identified by Brockway as adding 16.1 acres to the 299 acre limit within the 591 acre PPU. This is inaccurate from about any way you look at it.
3. Our spatial data shows two POU shapes at the to POU. Both are wrong.
4. The to POU per T-5282 is identified as 584 irrigated acres within a 591 PPU. Per the 2004 and 2006 aerial photos Grant is irrigating approximately 612 acres via the pivot system and another 60 acres in Sec 1 W $\frac{1}{2}$ E $\frac{1}{2}$. As the differences are generally in the range of 1 to 2 acres per Q/Q do we want to address this or just let it slide? There is also the issue of 7 additional irrigated acres above the 584 acre limit. This appears to be primarily associated with end gun use associated with the center pivot.
5. The application indicates that the 16.1 acres are to be added to the total irrigation limit associated with the 591 acre PPU. They identified is as 299 ac limit + 16.1 acres giving a total acre limit of 315.1 irrigated acres within the 591 acres. Apparently Brockway missed T-5282 that identifies the POU as 584 irrigated acres within the 591 acre PPU. By adding 16.1 acres to the irrigation limit you get 601.1 acres within the 591 acre PPU. How far should we go in offering suggestions to the applicants/representatives as to alternative methods of structuring an application for transfer?



(#3) (not data entered yet)

This transfer proposes to move pivot corners off of rights 36-2198 and 2199 to the POU covered by 36-7267. The to POU is identified as 93.8 acres within a 155 acre PPU. An equivalent 93.8 acres are to be transferred back via transfer (# 4).

ISSUES:

1. Center pivots are visible on the 2000 spot image for 36-2199. It does not appear that the corners for this system have been irrigated since the right was decreed in 2001 but the corners were placed in the water bank in 2003 therefore forfeiture does not appear to be an issue.
2. The from POU corner shapes on several corners (primarily associated with 36-2198) are defined as a wavy boarder that picks up rock piles within the pivot boundary that do not appear that Grant could avoid irrigating with the pivots. In reviewing the 2004 and 2006 aerial photos I am finding that the corners in the N $\frac{1}{2}$ NE $\frac{1}{4}$ and the E $\frac{1}{2}$ NW $\frac{1}{4}$ are overstated by roughly 2 acres each. In comparing all corners I found a total of 14 fewer acres than applied for. Again, by Q/Q the differences are 2 acres or less but they do add up and it appears to me that they are grabbing little odds and ends of junk to come up with more than originally existed. Do we just let this slide as it is so small?
3. The to POU boundary for 36-7267 has basically the same issues as discussed in the T-74404 Issues # 2 and 3 above.

(#4) (not data entered yet)

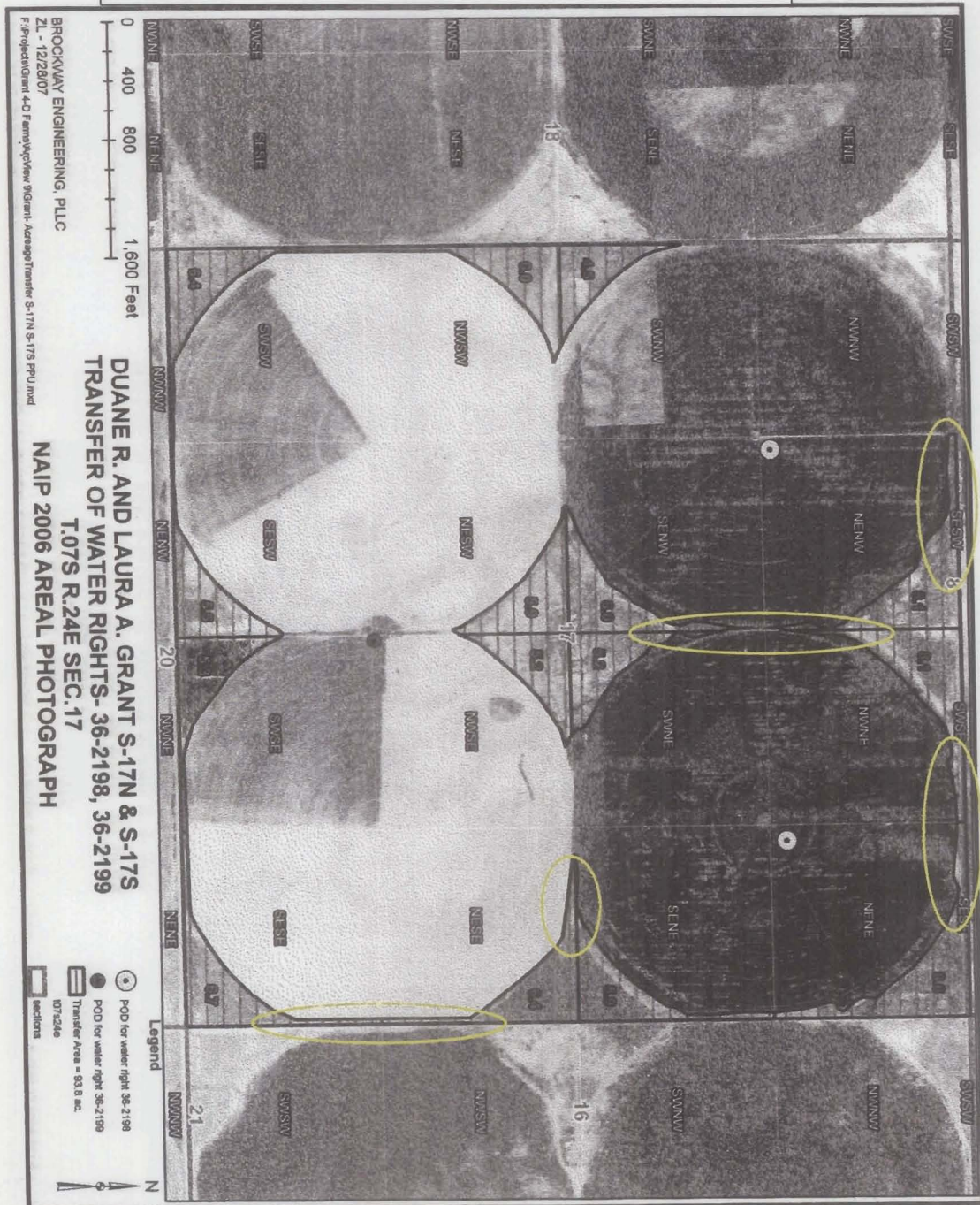
This transfer proposes to transfer an equivalent number of acres (location unspecified) out of the 155 acre POU for 36-7267 to the corners identified in transfer (#3) rights 36-2198 and 2199.

ISSUES:

1. The transfer proposes to move the 93.8 acres from the 155 acre PPU to the corners associated with the two rights. As laid out by the transfer if there were a priority cut requiring the corner shapes to be left dry, the current pivot system would actually irrigate a portion of the ground designated as dry. Do we want to go to this detail in reviewing pivot corners?

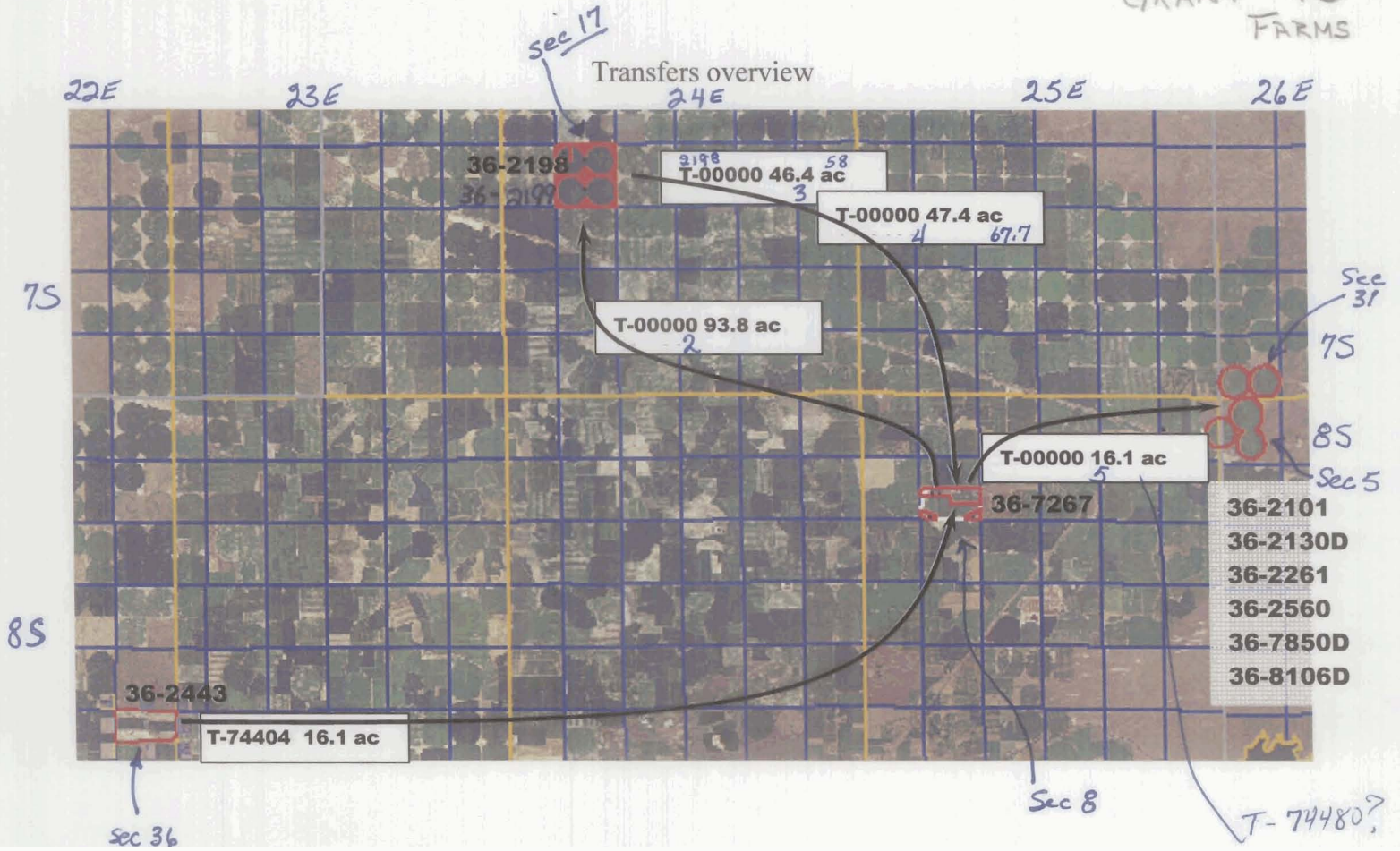
From Brockway transfer application. POU for 36-2198 and 36-2199

Areas likely unable to dry up if required. Identified within the yellow boundary.



GRANT 4-D FARMS

Transfers overview



36-2198

36-2199



+ 1.83/502
+ 1.22 cfs/502942A
+ 600
+ 105
+ 125
+ 7000
+ 125
+ 7000
+ 125
+ 7000



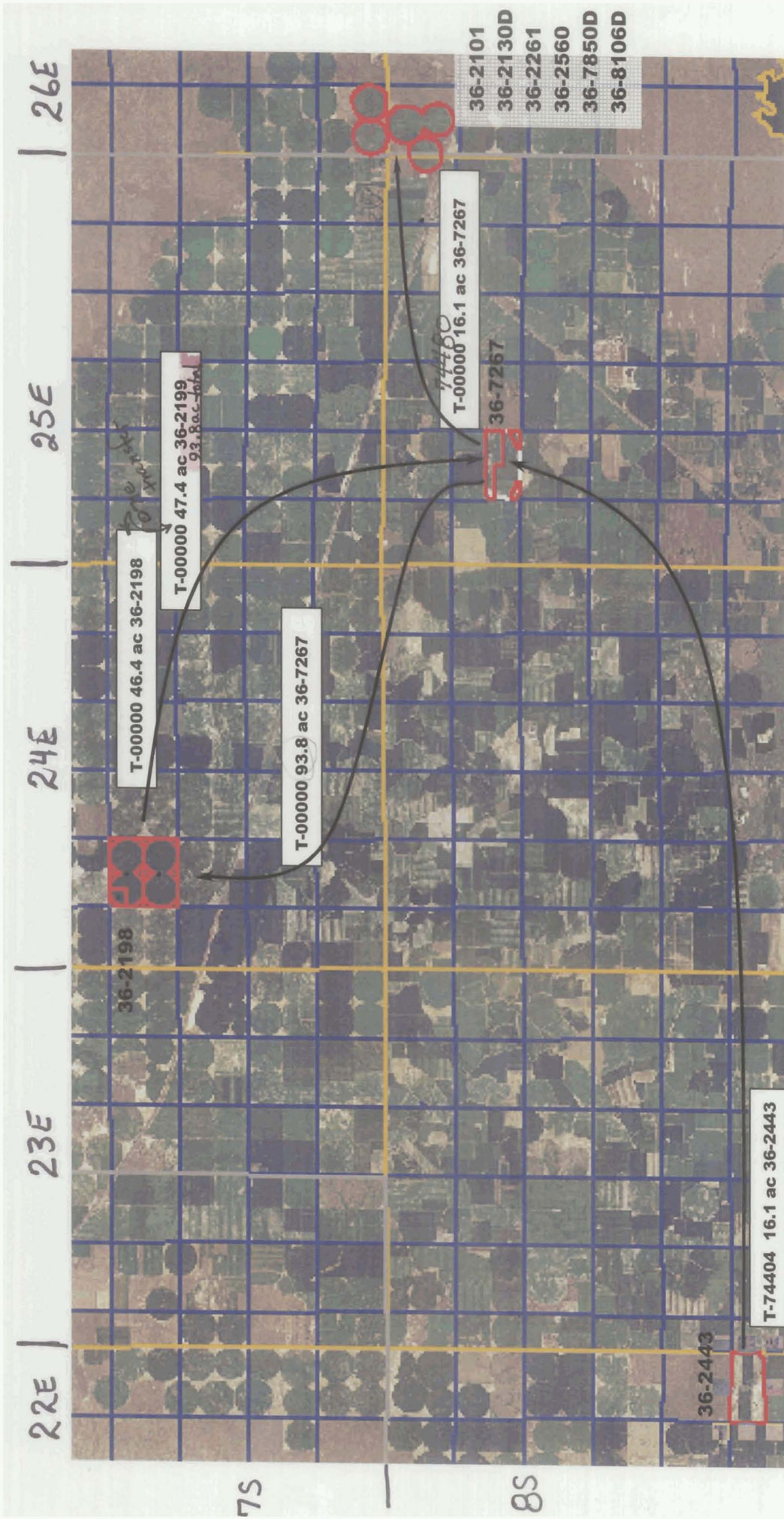
36-7267
15 cfs/620AFA
155 acres
x fee 74404
water
ppu

0.31 cfs/644AFA + 16.1 acres
x fee 74404

1.81 cfs/684AFA +
x fee 74404

36-2443
5.8 cfs/1220 AFA
305 acres

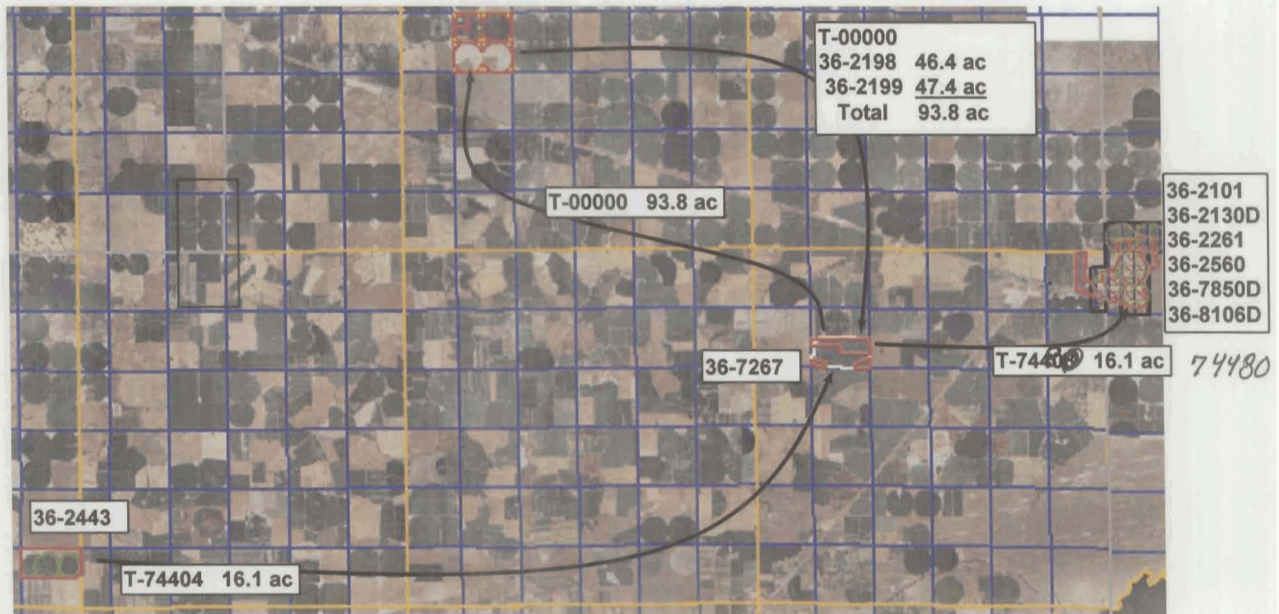
74429
x fee 74404
36-1654987267
16.1 acres, 644 AFA
0.2 cfs
Tennis rpu



D:\Data\b36\Allocations\Grant pending transfer pou overview.doc

Caveat:

I have contacted Brockway Engineering and am waiting for a response. What I am looking for is mechanical direction concerning concurrent processing of a series of transfers.



All transfers relate in one fashion or another to the POU for 36-7267. Issues for that right include;

1. The licensed POU includes ground not owned by Grant. A quit claim deed to solve this issue is pending.
2. This right is used within a combined system with A & B water currently two center pivots. Grant argues that the two rights are independent of each other. The exact number of acres covered by A & B and their location is not known but according to Brockway Engineering the area identified by A & B has no relationship with this licensed POU.

As there are two transfers tentatively moving 93.8 acres in one and 16.1 acres in the other can the "untransferred portion" be included in transfer 74404 to correct the place of use? Again tentatively this would be 45.1 ac and 0.43 cfs.

