

MEMORANDUM

Date: December 10, 2009
To: Water Right File 63-264
From: Nick Van Dyke
Re: Amended Transfer Approval 66706

Transfer 66706 was initially approved November 30, 2009. This transfer dries one acre of irrigation under Right 63-264 to mitigate for the consumptive losses associated with one pond authorized by Permit No. 63-12459. Right 63-264 shares a common place of use with Rights 63-195, 63-198AA, 63-258A, 63-260B, 63-285, & 63-31808 (6 other rights), all owned by Ballentyne Ditch Company. These seven rights all share a common 736.5 acre place of use. Transfer 66706 dried one acre of irrigation for the pond. Because all seven rights share a common place of use, all seven must have a reduction of one acre to avoid enlargement. Normally the 6 other rights would be brought into the transfer as associated rights to accomplish the reduction, however it has been an acceptable practice to include a brief explanation on the first page of the transfer approval document to explain changes to associated rights. This avoids additional data entry. The changes to the associated rights, as described by the brief explanation, are then done post-approval thru ad-hoc.

The initial transfer approval issued November 30, 2009, mistakenly left off the brief explanation. Rule 760 of the Rules of Procedure of the Department allow for the Department to modify a preliminary order within 14 days after the issuance of the preliminary order. Therefore an amended transfer approval has been issued to properly address the 6 other rights.