

Transfer 75421 (Gardiner)

water right #	SW	SW	SW	SW	SW	SW	SW
43-300	43-301	43-2573	43-4232	43-4233	43-4240	43-10123	
priority	4/1/1906	4/1/1913	5/22/1963	4/1/1931	3/1/1949	3/15/1962	
rate (cfs)	0.76	0.8	3	0.5	1.76	2.32	1.4
vol (AF)		668		352		240	
acre	38	65	167	65	88	116	70
cfs/ac	0.02	0.02	0.0179641	0.02	0.02	0.02	0.02

surface water	WR#	acres	rate	ground water	WR#	acres	rate
43-300	43-300	38	0.76	43-4233	43-4233	88	3.3
43-301/4232	43-301/4232	65	1.3 = 8+5	43-2573	43-2573	167	
43-4240	43-4240	116	2.32	43-10123	43-10123	70	1.4
subtotal SW		219	4.38	subtotal GW		325	4.7
cfs/ac SW		0.02		cfs/ac GW		0.0144615	

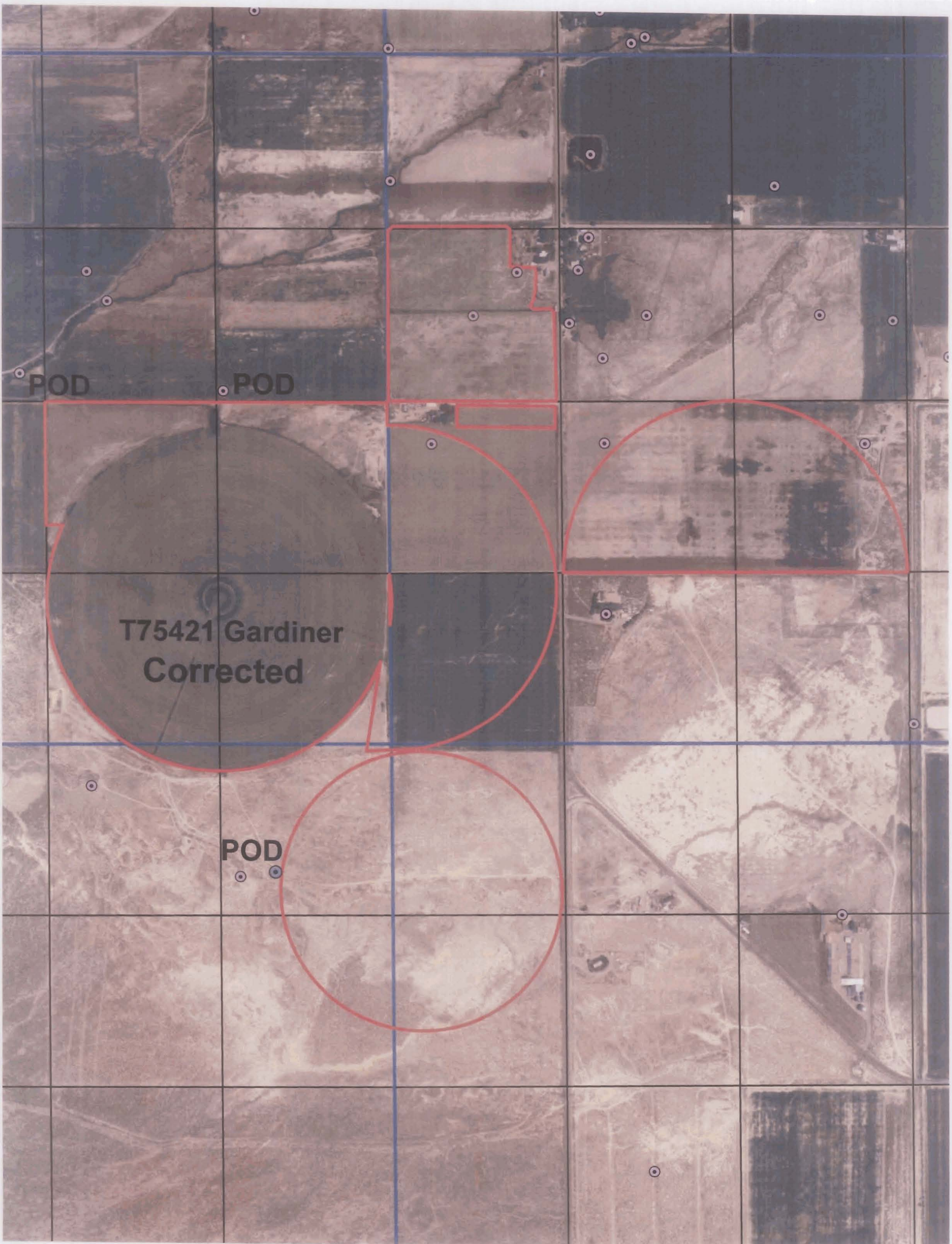
unique rate GW+SW 9.08
unique acres 396

key	limiting condition
65 acres	43-301&43-4232 overlap all; together make inch/ac
103 ac	
3.30 cfs	
330 ac	
1.4 cfs	shared POD

Grid Analysis

	NE	NW	SE	SE	NE	NW	SW	SW	NE	NW	SE	SE	Row total	unique ac
13S 26E 23													78	
43-4240														
43-2573													153	153
13S 26E 24														
43-300													38	38
43-301/4232													65	65
43-4240													38	38
43-2573													11	11
43-4233													28	28
43-10123													70	70
13S 26E 25														
43-4233													30	30
13S 26E 26														
43-2573													3	3
43-4233													30	30
grand total													396	396

unique acres of 43-4240, 43-2573 & 43-10123 add up to 240 acres. The combined acre limit should NOT be 330 acres
unique acres of 43-301, 43-4232 & 43-10123 add up to 100 acres. The combined acre limit should NOT be 103 acres



POD

POD

T75421 Gardiner
Corrected

POD

T 75421 Limits

1. 43-300	no special limits		0.02 cfs/ac
✓ 2. 43-301 + 4232	65 ac/yr		
✓ 3. 43-301, 4232 + 10123	✓ 2.06 cfs	✓ 103 ac/yr	0.02 cfs/ac
4. 43-2573, 4240 + 10123	✓ 6.60 cfs	✓ 330 ac/yr	0.02 cfs/ac
✓ 5. 43-2573 + 4233	3.30 cfs		
	7.92		
6. Totals	~~8.96~~ cfs	396 ac/yr	1584 AFA

7. Rights Cassia Creek - 43-300	0.76 cfs	38 ac	
301	0.80	65 ac	} 1.30 cfs 65 ac
4232	0.50	65 ac	
4240	2.32	116 ac	
	4.38 cfs	219 ac/yr	

8. Rights Ground Water - 43-2573	3.30	3.0 cfs	167 ac/yr	668 AFA
4233		1.76	88	352
10123	~~(1.40)~~	1.40	~~(70)~~ 70	~~280~~
		4.70 cfs	325 ac/yr	1300 AFA
		4.06		
		4.58		
		4.70		

Stanton, Jim

From: Skaggs, Pam
Sent: Monday, June 29, 2009 9:37 AM
To: Stanton, Jim
Cc: Edl, Michele
Subject: FW: T75421 Gardiner

Jim,

Michele is completing her review & it appears that the numbers are all coming together. I just wanted to respond about two things.

1) We have gone round the circle on combined right limits (acres, rate, volume). First, we added the limits only. Then we got a lot of AJ recommendations & SRBA decrees with all three elements even if only 1 or 2 were limits, and decided it wasn't wrong to show the additive limits. Now, we are back at the beginning when adding new X35 conditions in recommending adding limits only. It's not wrong to show the additive limits, but it adds more items that you have to determine rather they are limits or not when reviewing rights. So, we will coach you to show limits only, but if you feel it makes more sense in specific cases to show all or are carrying conditions that were already there, that's okay also.

2) I checked into the name connectors on this particular transfer. I went through all the records & it appeared that the name connector was there for all. When I printed an approval, the last 3 didn't have name connectors. I went back into the last three records, selected "and" and hit the Save button. When I printed the approval all the name connectors were there. I think when you view a record with a saved name connector & then view another record the name connector is visible, but until you save it to each record it won't stick. You can check what data entry has been saved by proofing with an approval document. Until you see the name connectors on the approval document it isn't saved data for that record. Hopefully the new system will be a little more obvious & not cause us this common problem.

That's all. Just wanted to explain those two items. Michele will get back to you on anything else. Should be about done. A lot of work sorting out these overlapping rights & limits. Good work!

Pam

From: Stanton, Jim
Sent: Friday, June 26, 2009 2:29 PM
To: Edl, Michele
Cc: Stanton, Jim
Subject: T75421 Gardiner

Michele – In regard to your question #2 yesterday, here is the scoop: Right 43-4233 was developed in 1955 for 1.76 cfs from their south well. In 1962, 1.40 cfs was developed from their north well under 43-10123. In 1963, 3.00 cfs was developed from their south well on additional land under 43-2573. The two rights from the south well are limited to 3.30 cfs, meaning that 2573 added only 1.54 cfs of new water. So the total should be 4.7 cfs & 1300 afa, not 4.58 cfs & 1260 afa as I had. I will fix the proposed conditions accordingly. It seems to be current policy to show the totals for each parameter of related rights even if only 1 parameter (such as cfs) is limiting, so that is how I do it; talk to Pam if you have questions.

With regard to name connectors, you are wasting your time if you expect the approval document to be

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correct from the get-go. Remember, the document macro was created in WordPerfect but now prints out in Word (or something like that). The two languages are not compatible, so parts of the document are always going to be crap! It can take an hour or more for me to fix all the problems in a large transfer in order to get a professional-looking document with no errors or omissions. I doubt if anything will change until Workflow is rewritten in the new language. We just go through the document item by item and page by page to fix whatever needs fixing. And the errors are not always the same ones, so we have to check everything.

From: Edl, Michele
Sent: Thursday, June 25, 2009 2:08 PM
To: Stanton, Jim
Subject: FW: T75421 Gardiner

Hi Jim,
 I looked at your conditions for this transfer. I have a couple questions.
 1) The condition tying surface water rights 43-301, 43-4232 to ground water right 43-10123 isn't wrong. In fact the acre limit is necessary, but the rate limitation to 2.06 cfs isn't necessary. The general condition "no more than 0.02 cfs per acre" is supposed to take care of that.
 Do you have strong feelings about putting that limit in or some other reason that we in the SO don't know about?.

2) You have added a condition tying all 3 ground water rights together. The rights are 43-2573, 43-4233, and 43-10123. I am not getting your numbers. The acres are additive $167+88+70=325$ Ok. But how did you get a 4.58 as limit for rate and 1260af for limit on volume?
 Michele

From: Edl, Michele
Sent: Tuesday, June 23, 2009 4:58 PM
To: Stanton, Jim
Cc: Skaggs, Pam
Subject: RE: T75421 Gardiner

Jim,
 I printed out the latest version of this transfer from the database. We still don't have all the connectors we need on all these rights. There are fewer in the group than I found in our first run through.
43-4233, 43-4240, and 43-10123 have Golden Gardiner [lots of blank space] Barbara Gardiner.

I haven't found any other database errors but Please bear with me a little longer. I would like to understand this one as much as possible and I have a couple questions that I should take to Pam.
 As soon as she has brought me up to speed, I'll try to catch you.

Michele
 PS I haven't started a parallel review of the Haugh transfer. I hope to get to it this week. I've been doin' some licensing and permitting stuff.

From: Stanton, Jim
Sent: Friday, June 19, 2009 9:45 AM
To: Edl, Michele
Cc: Stanton, Jim
Subject: T75421 Gardiner

Michele – I have heard from the applicants on where to put the extra acres. I have updated conditions and the comment report. I may still need to update the shape. Basically they just added back in the two large corners north of their main pivot in Sec. 23. I am proposing this change as my recommendation for approval instead of as a corrected application, so have not obtained a signature for the change. They came in with a marked map to show me what they wanted, and I figured out the new land list after they left. So have a look and see if this is

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ready for advertising. Thanks.

Stanton, Jim

From: Stanton, Jim
Sent: Thursday, June 25, 2009 4:57 PM
To: Edl, Michele
Cc: Stanton, Jim
Subject: RE: T75421 Gardiner

Michele – 1) If you add the 3 rights together, they equal 2.7 cfs. But they are limited to 0.02 cfs/ac, which is 2.06 cfs for 103 ac. Seems like a standard situation where a limit would be applied.

2) Will get back to you on this one.

From: Edl, Michele
Sent: Thursday, June 25, 2009 2:08 PM
To: Stanton, Jim
Subject: FW: T75421 Gardiner

Hi Jim,

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PS I haven't started a parallel review of the Haugh transfer. I hope to get to it this week. I've been doin' some licensing and permitting stuff.

From: Stanton, Jim
Sent: Friday, June 19, 2009 9:45 AM

6/25/2009

To: Edl, Michele
Cc: Stanton, Jim
Subject: T75421 Gardiner

Michele – I have heard from the applicants on where to put the extra acres. I have updated conditions and the comment report. I may still need to update the shape. Basically they just added back in the two large corners north of their main pivot in Sec. 23. I am proposing this change as my recommendation for approval instead of as a corrected application, so have not obtained a signature for the change. They came in with a marked map to show me what they wanted, and I figured out the new land list after they left. So have a look and see if this is ready for advertising. Thanks.

6/25/2009

Stanton, Jim

From: Stanton, Jim
Sent: Friday, June 05, 2009 3:43 PM
To: Edl, Michele
Cc: Stanton, Jim
Subject: RE: 75421 Gardiner 3rd CONTACT

Michele – I WAS right for a change! I will write to the applicants explaining the situation and giving them a chance to add the additional acres to the ppu if they want to. Will get back to you once they respond.

From: Edl, Michele
Sent: Thursday, June 04, 2009 3:41 PM
To: Stanton, Jim
Cc: Skaggs, Pam
Subject: RE: 75421 Gardiner 3rd CONTACT

Jim,

Shelley and I have been able to confirm your numbers for unique rate (9.08 cfs) and acres (396) in this transfer.

You are right about the conditions being wrong. I believe that two of the acre-limiting conditions are incorrect (see the grid analysis in my spreadsheet for how I get 100 not 103 acres and 240 not 330 acres). Those conditions need to be corrected through this transfer.

So.... it looks like the Gardiners have more acres than what you found for them in the first round. Pam has explained to me that this isn't necessarily a fatal problem for this transfer. But I'm guessing that you will probably want to make another appointment to visit with them and help them decide how they want to handle the difference.

Michele

From: Stanton, Jim
Sent: Tuesday, June 02, 2009 3:58 PM
To: Edl, Michele
Cc: Stanton, Jim
Subject: RE: 75421 Gardiner 2nd CONTACT *Overlap Conditions Need Close Look*

Michele – You need to be specific with Item #1; which tab are you talking about? There is an "and" on the Applicant tab, so this what will appear on the approval.

Right 43-13533 is NOT owned by the applicants, so is not part of this transfer. The son or brother of Mr. Gardiner owns adjacent land that is also irrigated from one of these wells but not the other.

I came up with 396 acres, so obviously there is a discrepancy somewhere; give me your totals by section so we can pin it down. I presume you understand that it is ok to have an inch per acre from EACH source under their water rights; they are just limited to an inch per acre at the field headgate. With a sprinkler system, they cannot physically use even that rate (averaging the rate over all the irrigated acres, which is not how pivots actually operate). We normally only issue licenses for an inch per acre maximum, but a court can decree any rate it sees fit. So this is not an issue. Back to you.

From: Edl, Michele
Sent: Tuesday, June 02, 2009 12:38 PM

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To: Stanton, Jim
Cc: Skaggs, Pam
Subject: FW: 75421 Gardiner 2nd CONTACT *Overlap Conditions Need Close Look*

Jim,

I waded into this transfer again and here's my input for this go-round:

1) 4 of the rights involved with this transfer don't have the connector 'and'. Barbara has been added but there's no connector.

2) On the combined use condition for the whole group

I calculate a total diversion = 9.08 cfs which is the same as yours but I included 43-13533 in my list of combined rights. That right is not on your list for that condition.

I found a sum of 393 acres irrigated before the transfer. If 9.08 cfs is the total rate and if my guess of acres is right, that's more than 0.02 cfs/ac.

What did you get for acres?

Michele

From: Edl, Michele
Sent: Thursday, May 28, 2009 6:44 PM
To: Stanton, Jim
Subject: FW: 75421 Gardiner FIRST CONTACT *Overlap Conditions Need Close Look*

Jim,

I got together with Pam this morning and showed her the acreage discrepancies on rights 43-301&43-4232. I believe that the 30 extra acres you found between your first and second sums may have been due to an update and save that should have happened but didn't to database entries for those two rights. I have not made sense of all the limiting conditions yet. I will finish that tomorrow and get back to you again. Michele

From: Edl, Michele
Sent: Wednesday, May 27, 2009 8:17 PM
To: Stanton, Jim
Cc: Skaggs, Pam
Subject: RE: 75421 Gardiner FIRST CONTACT *Overlap Conditions Need Close Look*

Jim,

This transfer has been assigned to me and I have found some of the acreage numbers don't make sense. 43-301 and 43-4232 seem to have either 65 acres or 80 acres depending on whether I am looking at the decree or the database. Maybe that's what you are tripping over with your various acre counts.

I will try to at least clear that problem with Pam tomorrow and get back to you.
Michele

From: Stanton, Jim
Sent: Wednesday, April 08, 2009 4:54 PM
To: Skaggs, Pam
Cc: Stanton, Jim
Subject: 75421 Gardiner FIRST CONTACT *Overlap Conditions Need Close Look*

Pam – This app has been reviewed and scanned, and is ready for your review. I am asking for your review due to the weird cross limits between surface and groundwater rights. The proposed conditions have my original limits, but I think they may be wrong. I came up with different numbers after a second look, but would like you to come up with your own limits so I can see which is correct before re-doing the conditions. They are just moving the

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acres around on this farm to reflect their existing pivots plus one new pivot they want to install. Thanks.