

Merritt, Allen

From: Jim Speck [jim@speckandaanestad.com]
Sent: Tuesday, August 11, 2009 4:50 PM
To: Merritt, Allen
Cc: 'Ed Lobel'
Subject: RE: RE: RE: RE: Approved Transfer 75454

Allen,

My client agrees to an amended transfer which includes a combined place of use restriction of 20.3 acres for 37-21733, 21734, 21735, 21736, 8058 & 8143. Thanks for working with us on this.

Jim

James P. Speck
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-----Original Message-----

From: Merritt, Allen
Sent: Friday, August 07, 2009 4:30 PM
To: Jim Speck

Jim,

You need some sort of GIS program. We use Arcmap. The six files with "idaho_ranch_pou" description make up a shape in a GIS program. You can actually open the "idaho_ranch_pou.dbf" file using microsoft excel. You will see that column "W" is the calculated acres for the shape.

The blue in the picture calculates to be 20.1 acres.

We can work with you next week to hopefully resolve any issues.

Have a good weekend.

Allen

-----Original Message-----

From: Jim Speck [mailto:jim@speckandaanestad.com]
Sent: Friday, August 07, 2009 3:47 PM
To: Merritt, Allen

Cc: Edl, Michele; Robertson, Jean; Jones, Doug; Fritschle, Carter; Fawcett, Trish;
Baldwin, Mary; Skaggs, Pam; 'Ed Lobel'
Subject: RE: RE: RE: Approved Transfer 75454

Allen,

What program do I need to use the shape file elements?? I can open the picture - do you calculate the are highlighted in light blue to be 20.1 acres?

Jim

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-----Original Message-----

From: Merritt, Allen
Sent: Friday, August 07, 2009 3:39 PM
To: Jim Speck
Cc: Edl, Michele; Robertson, Jean; Jones, Doug; Fritschle, Carter; Fawcett, Trish;
Baldwin, Mary; Skaggs, Pam; Ed Lobel

Jim,

Here is the shape file elements and also a picture.

Allen

-----Original Message-----

From: Jim Speck [mailto:jim@speckandaanestad.com]
Sent: Friday, August 07, 2009 2:47 PM
To: Merritt, Allen
Cc: Edl, Michele; Robertson, Jean; Jones, Doug; Fritschle, Carter; Fawcett, Trish;
Baldwin, Mary; Skaggs, Pam; 'Ed Lobel'
Subject: RE: RE: Approved Transfer 75454

Allen,

The water rights which are the subject of this transfer (which, as you know, only requested a change in the point of diversion and NOT the place of use) did NOT, prior to the transfer, have any such combined irrigated acre limitation. 37-21733 and 37-21735 are restricted to irrigating the 14 acres depicted on the POU map attached and 37-21734 and 37-21736 were recently decreed by the SRBA Court with the restriction that together they can only irrigate the 6 acres shown in the POU map attached.

37-8058 is a licensed right that is not part of the SRBA. A copy of a "map" of the 3.1 acres found to be irrigated by that right as taken from the beneficial use field report is attached. When compared to the place of use for 37-21734 & 21736 it appears that, at a minimum, there are at least 3.1 acres irrigated in the NWNE of Sec. 35 if you assume the 2.7 acres for the last 2 rights are entirely included in the 3.1 acres for 37-8058.

The Slough water rights (37-21733 thru 37-21736) irrigate a total of 17.3 acres in the SWNE of Sec. 35. The license for 37-8143 indicates it irrigates 17 acres in the SWNE of Sec. 35. The beneficial use field report map (copy attached) does not, to my reading, clearly depict the location of these 17 acres, so with that information I can't determine that the 17 acres are entirely included in the 17.3 acres.

Notwithstanding these overlaps, neither of the ground water licenses states that they are supplemental, in whole or in part, to surface water rights. On that basis alone, we ask that this combined irrigated area restriction be removed.

If the Department is not willing to remove that restriction, then it needs to be corrected. Assuming there is a complete overlap of the respective rights in the NWNE and SWNE, then the combined restriction should be no less than 20.7 acres and not the 20.1 acres.

If the overlap is in fact not complete and my client irrigates more than 20.7 acres in these 2 parcels, then the 20.7 acre limit would also be wrong. I will confirm this with my client as soon as possible and get back to you. In the meantime you stated that you had created a "shape file" to show the 20.1 acres which you contend is all that these six water rights irrigate. Please send that file to me as soon as you can.

Thank you.

Jim

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-----Original Message-----

From: Merritt, Allen
Sent: Friday, August 07, 2009 7:24 AM
To: Jim Speck
Cc: Edl, Michele; Robertson, Jean; Jones, Doug; Fritschle, Carter; Fawcett, Trish; Baldwin, Mary; Skaggs, Pam; Ed Lobel

We reviewed the shape files and the licensing field exams for what acres have actually been irrigated and determined the acres shown irrigated were 20.1.

-----Original Message-----

From: Jim Speck [mailto:jim@speckandaanestad.com]
Sent: Thursday, August 06, 2009 3:44 PM

To: Merritt, Allen
Cc: Edl, Michele; Robertson, Jean; Jones, Doug; Fritschle, Carter; Fawcett, Trish; Baldwin, Mary; Skaggs, Pam; 'Ed Lobel'
Subject: RE: Approved Transfer 75454

Allen,

I have just now reviewed the approved Transfer. The surface and ground water irrigation rights are now limited together to the irrigation of 20.1 acres. This requirement is not in the partial decrees for 37-21734 or 37-21736 nor is it in the licenses for 37-8058 or 37-8143 and should therefore not be imposed in a transfer where the place of use is not changed at all for any of the water rights. How did it get in there?

Jim

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-----Original Message-----

From: Merritt, Allen
Sent: Tuesday, August 04, 2009 3:36 PM
To: Skaggs, Pam; Baldwin, Mary
Cc: Edl, Michele; Robertson, Jean; Jones, Doug; Fritschle, Carter; Fawcett, Trish; Speck, James

Rights associated with approved Transfer 75454

WR Number	Current#	Type
37-8058	37-8058	Water Right
37-8143	37-8143	Water Right
37-8896	37-8896	Water Right
37-21734	37-21734	Water Right
37-21736	37-21736	Water Right
37-21733	37-21733	Recommendation
37-21735	37-21735	Recommendation

This message is notification that this transfer has been approved and is available for distribution as appropriate.

Attachment(s): idaho_ranch_pou.prj; idaho_ranch_pou.sbn; idaho_ranch_pou.sbx; idaho_ranch_pou.shp; idaho_ranch_pou.shx; idaho_ranch_pou.dbf; ScreenHunter_2.bmp