

MEMORANDUM

Date: July 21, 2009
To: Transfer 73362
From: amerritt
Re: review and approval

This transfer was processed in parallel with state office staff. The application was not advertised since it has no hydrologic impact. The main issue to overcome was the issue of stacked D&S water rights. In the past direction has been that when transferring domestics you could not stack them to create something that requires a separate right. Past approvals of transfers involving multiple D&S rights have limited the total use to 13,000 gpd or a maximum of 14.6 afa. After much discussion with the state office it was determined that since this particular set of rights had extensive analysis during the SRBA that to limit these 8 D&S rights to 14.6 afa was unreasonable when the main objective is to tie three wells together. Although the application proposes to make a PPU of the eight D&S rights the guidance provided was that if the original POU essentially remained the same the 14.6 afa limitation would not be imposed when combining the rights into a single unit. The guidance would prevent placing the 8 rights in a PPU. Analysis was made of the rights as originally decreed and they were treated as essentially 3 places of use associated with the 3 wells. (Note that some descriptions in the file indicate that there are 2 feedlots but on further analysis 3 distinct areas have been identified corresponding to the 3 domestic uses and wells.) The approval allows all rights to be diverted from any of the three wells but the place of use of the rights is more or less limited to the original area of use allowing some slight modification of place of use to contiguous tracts where corrals have been contiguously expanded. The approval is being issued out of the region based on this analysis.