

TO: File

DATE: November 5, 1998

FROM: Jim Stanton

SUBJECT: App. for Transfer, Box Canyon Dairy

Yesterday I met with Mark, who works for the applicant. We viewed the land in Sec. 15 & 22 that will be dried up of groundwater if the transfer is approved as filed. The well on this property runs into a pond, as does canal water. A relift pump pressurizes sprinklers. According to Mark, the applicant bought this land about 10 years ago. There was a dairy in the SE corner of the 80 in Sec. 15, but that was removed a long time ago. The 1987 ASCS photo (the latest available) shows about 69 1/2 acres irrigated in this 80, a 62-acre field in the northern 3/4 of the tract, and 2 smaller field in the southeast portion. This land was all irrigated from the well, which supplemented canal shares. While the decree shows 38 irrigated acres in the SW/SW S. 15, the ASCS photo shows 30.4 acres. The transfer proposes to dry up 28 acres in this tract, but none of the tract will be irrigated after the transfer (except for the lawn around the home). A good portion of this land has now been turned into calf pens that were constructed earlier this year, and only the NW/SW (39 ac) is still irrigated. There is plenty of canal water available for this land, so the well will probably only be used to keep the right from being forfeited.

The land in Sec. 22 is much different than the land in Sec. 15. While Sec. 15 is fairly flat & farmable, Sec. 22 is rolling and rocky, and is only suitable for pasture. Mark said that the well was never used on this land, and I didn't see any way to get well water to it. There are headgates in the canal that cuts thru both section, and side ditches are used to water Sec. 22 by gravity flow. Mark said that this land was sold to Sand Springs Ranch (now Don McFarland) two years ago, and the county assessor confirmed that the applicant does not own this land. The ASCS photo shows 28.1 irrigated acres, not 21 as shown on the decree. The SRBA examiner found these acreage discrepancies, but recommended the incorrect acres as the p/u. And no mention was made of this tract not being part of the system.

If *res judicata* applies, then this application is not approvable as filed. I will contact the applicant's attorney to try and straighten out this situation before the application is advertised.

T #5500



Area West of Home In Sec. 15 Looking NW

36-02535
11-4-98
JE Stanton

T# 5500



Corrals In Sec. 15 Looking NE



Irrigated Land North of Corrals Looking NE

36-02535
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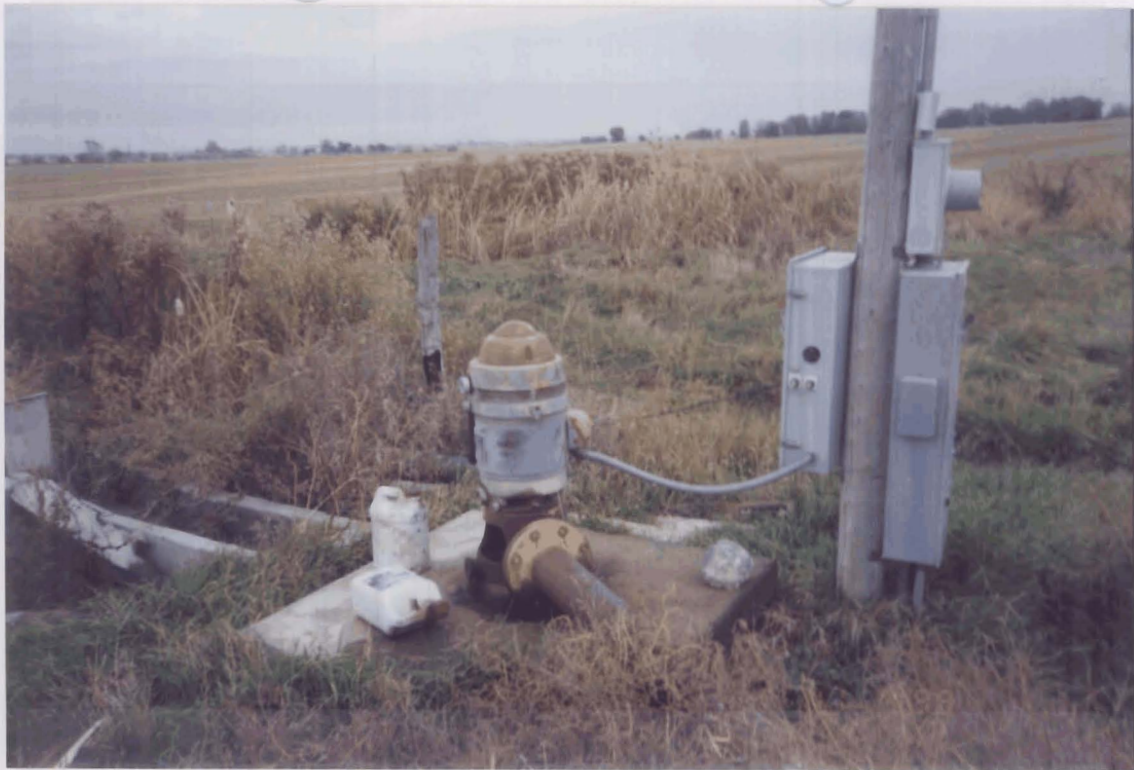
Sec. 22 looking West



Sec. 22 Looking East

36-02535
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T# 5500



Well & Mainline



Well, Mainline Into Pond, Pond (Also Gets Canal Shares) 36-02535

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11-4-98

J E Stanton

T# 5500



Canal Headgate Into Sec. 22 Looking SW



Pasture In Sec. 22 Looking South

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