

## **Memo**

**To:** 72-16721, 72-16722, 72-16723, 72-16724, 72-16725, and 72-16726

**From:** cpadilla

**Date:** 11/23/2007

**Re:** Rediversion

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On May 24, 2007 Jack Challis, watermaster for WD 72A contacted Tim Luke at the Department about the "Rediversion" shown on these water rights. He does not think the "Rediversion" should be on the POD.

Since I split these rights from parents 72-23A, 72-10146A, and 72-2050A Tim Luke contacted me about this issue. I had a telephone conversation with Jack Challis May 25, 2007 and told him I would need to look into the rediversion issue and need time to draft letters of notification to the right holders that will be impacted if needed.

The following week Shelley Keen and I contacted Doug Jones at Southern Regional Office for clarification on the POD. Doug recommended the "Rediversion" not be removed from the decreed rights. Pursuant to this recommendation I did not send letters of notification and will not take any further action in this regard.

Please see attached emails for further details.

**Padilla, Cherie**

**From:** Jones, Doug  
**Sent:** Friday, June 22, 2007 12:24 PM  
**To:** Keen, Shelley; Padilla, Cherie  
**Subject:** RE: jack challis

Sorry its been a week. I finally got the files from offsite and looked them over with the reviewing agent. There are several water rights in that particular system that are described as rediversions. As simply as possible: we chose to call them rediversions because the "ditch" they redivert from is locally known as "Frog Creek" and because there are several owners pulling water back out of it it seemed smart to differentiate between users. The agent and I think that maybe "Frog Cr" is a gaining stream. Labeling it as a rediversion probably was not totally kosher but it is what it is.

Perhaps Mr. Challis can be directed to measure at the headgate from Challis Cr and disregard the rediversion, unless he is ditch rider for them. Since they are decreed this way I don't think removing the rediversion point unilaterally is a good thing.

Doug

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

**From:** Keen, Shelley  
**Sent:** Wednesday, June 13, 2007 4:22 PM  
**To:** Padilla, Cherie  
**Cc:** Jones, Doug  
**Subject:** FW: jack challis

Cherie,

Can you send Doug the emails you had from Jack Challis?

Thanks.

Shelley

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

**From:** Jones, Doug  
**Sent:** Wednesday, June 13, 2007 2:36 PM  
**To:** Keen, Shelley  
**Subject:** jack challis

Shelley,

Were you going to forward challis' email? A quick look at SDE and I see more rights diverted out of Challis Cr than at the rediversion, but still a large number at the rediversion. I'll chase down the folder and get more info.

Doug

11/23/2007

**Padilla, Cherie**

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**From:** J. R. "Jack" Challis [jack@randrforhorses.com]  
**Sent:** Sunday, May 27, 2007 1:28 PM  
**To:** Padilla, Cherie  
**Cc:** Luke, Tim  
**Subject:** Diversion GPS I.D. No. A0002750 ((NWNENW Sec. 09 Township 14N Range 19E CUSTER County))

**Cherie:**

**As we discussed in our telephone conversation Friday the following are ALL the water rights and water right owners that presently divert from the subject POD:**

- 1. 72-16721; 72-16723 & 72-16725 - Bauchman, Stephen G. & Lyndella A. (your records may still reflect Beth Stephens-Smith as owner but she has sold the property & respective water rights to the Bauchmans who I understand are currently in the process of filing the ownership transfer documents)**
- 2. 72-16675 - Cranney, John Clyde & Cathy Faith**
- 3. 72-00012G & 72-02104D - Dungan, Jim L. & Watana**
- 4. 72-00012D; 72-00025B; 72-04162 & 72-10409 - Gammache, Anthony D.**
- 5. 72-16674 - Hanson, Gary Michael & Beverly J.**
- 6. 72-16722; 72-16724 & 72-16726 - Latimer, Jack & Allicyn**
- 7. 72-16677 - Schut, Paul H.**
- 8. 72-16676 - Shaul, Mary A.**

**Jack**

11/23/2007

**Padilla, Cherie**

**From:** Luke, Tim  
**Sent:** Friday, May 25, 2007 8:28 AM  
**To:** Padilla, Cherie  
**Subject:** FW: Ownership Changes

Cherie,

I'm not familiar with the particular diversion but if what he says is correct, I would not think we need to show a point of re-diversion for a lateral off a ditch diverting from a creek. A point of rediversion is generally involved when one source is injected to another and then re-diverted, although on Challis Creek we do have what is called the Highline Canal and under the old decree the watermaster was directed to deliver water down the ditch so the headgates for the rights off that ditch are considered points of re-diversion. Jack told me the other day that these rights are not on the Highline Canal.

Tim

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

**From:** J. R. "Jack" Challis [mailto:jack@randrforhorses.com]  
**Sent:** Thursday, May 24, 2007 7:49 PM  
**To:** Luke, Tim  
**Subject:** RE: Ownership Changes

Tim:

I should have told you this before but the "Rediversion" (SESESE Sec. 04 Township 14N Range 19E CUSTER County) shown on these water rights is, in my opinion, also incorrect. This is a lateral ditch with the single POD of GPS I.D. No. A0002705 (NWNENW Sec. 09 Township 14N Range 19E CUSTER County). Any "branches" from the main lateral are just that, "branches" and do not, again in my opinion, constitute a rediversion as they are NOT diverting from Challis Creek (the source of instream flow) at that point, simply a lateral split to a branch ditch for final delivery purposes. I would like to see that corrected also, if possible.

11/23/2007