

Carlson, Dave

From: Kent Foster [kfoster@holdenlegal.com]
Sent: Friday, October 12, 2007 6:52 AM
To: Carlson, Dave
Subject: Re: transfers

Carlson, Dave wrote:

>
> hey guys
>
> this is my list of items needed to process these transfer:
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> 1. mickelsen - a new page one with a pou that includes the 1985 acres
> and the original dads
> pou.
>
> 2. the LDS churches ---need maps with pods.
> the contract may be a problem because i cant round up the numbers on
> the purchase agreement
>
> 3. crystal springs- need a re-calculate/revision on the mitigation plan.
>
>
> if you have nay questions call.
>
>
> dave carlson-idwr-eastern
>
Dave,

We can't change the contract because there are other contracts for the other pieces of the original water right 35-7622 and too many parties involved. The numbers in the contracts were rounded to make them all fit. The contract says what it says.

But, with respect to the rounding problem you face, if you can't round up, how about rounding down? After all, what we are attempting to accomplish is to provide a water right for irrigation of the grounds for each building. .045 cfs is slightly over 20 gallons per minute, while .05 is something over 22, and .04 is a bit under 18. We doubt the pumping equipment is accurate enough to make such a distinction.

We realize it is easy enough for us to place such specific numbers in a contract and to base the dollar compensation on such numbers, but there comes a point when reality controls, and so as a practical matter, for such small amounts, we doubt it will make much difference whether you round both of the .045s up to .05 or down to .04, or one one direction and the other the opposite.

As you can well imagine, there was rounding even to come up with the figures .045. In fact, the figure in the contract of 0.154 was derived after some rounding, as were the acreages of landscaping for each building. Our letter contains a rounded total, which is a sum of three rounded numbers, and none is exactly accurate. Please feel free to round down if that is acceptable to you.

By the way, I think Rob is bringing some other items over to you today, and he will drop off the maps with the wells for each property pinpointed. What is the purpose of this exercise? I thought the point of diversion only needed to be identified by quarter- quarter section. Let us know if there is anything else we need to do to finish these matters. We also revised the first page of the Mickelsen transfer application and Cheri will send it over when she has it typed. Kent