

TO: FILES 65-3221, 65-3222, 65-3223, 65-3224, 65-3225, AND 65-8290

FROM: DANIEL A. NELSON

DATE: 4/16/07

SUBJECT: CORRECTION OF CONDITIONS AND ARCVIEW SHAPES

All of the above water rights are owned by PTR Inc. PTR Inc. recently filed a transfer to correct the points of diversion created in ArcView, and a condition that tied all the points of diversion to one location. The ArcView shapes for these rights were created during the review of the Snake River Basin Adjudication (SRBA) water right claims. The shape was based on maps created during the Payette River Basin Adjudication (PRBA), and it doesn't appear as though any field exam was made during the SRBA review. The condition in question was also added during the SRBA review. This condition limits the all of the six rights listed above to the same point of diversion.

The PTR Inc. transfer stated that the points of diversion were incorrectly mapped in the SRBA, and that there are actually 2 points of diversion. The transfer stated that there is one diversion for the north ditch that is used to irrigate the ground north of Scriver Creek, and a second point of diversion that is used to irrigate the ground south of Scriver Creek. Both diversions are still located in the NWSW S22 T10N R4E. A review of the PRBA maps confirms that there were two points of diversion and ditches on that map, and that map is similar to the map supplied in the transfer. I believe that this error occurred because they used the same map for all of the claims, and didn't notice that there was actually two separate diversion points. The end result was that the ArcView maps only showed one point of diversion, and an explanatory remark was added that stated that all the above water rights were diverted from a single point of diversion.

I spoke with State Office staff about these issues, and they agreed that this was clearly an error by the reviewing agent. The ArcView maps and the explanatory remark that was added to the water right in the SRBA were not actually included in the decree. In other words, these components were not included on the actual decree issued by the court. State office staff and I agreed that since these components of the water right are not part of the decree, but are tools too be used for administrative purposes, that these tools can be corrected without the need for a transfer if all the components that were decreed are not altered. The legal descriptions on the decree rights will all remain the same after the changes are made, and the condition was not included on the decrees.

The changes proposed by PTR Inc. in the transfer will not change any of the components that were decreed by the SRBA court. Therefore, we made the corrections needed internally without the need for the transfer, departmental order, or other similar type document. The transfer will be returned, and the fees will be refunded. This memo will be used as the explanation of the corrections. A letter will be sent to PTR Inc. explaining this situation and to return the transfer. A request for a refund will be sent to our State Office staff.

