

FROM: Allen Merritt

DATE: January 12, 1999

TO: Transfer #5194

SUBJECT: Meeting

On this day at the request of Steve Spencer and Randy Breamer of the USFS I met with Steve Spencer and Roger Ling. We discussed the issues or concerns the department had regarding this transfer. I explained that the department had concerns about what the clear picture was regarding the historical use of the water. In painting this picture I told them that we needed to know the historical diversion rate, volume and consumptive use. I also told them that once the historical use was described then we needed a clear picture of what the proposed uses were to be, including what the proposed rate of diversion, volume and consumptive use of the total proposed uses. I told them that each element of the water right could not expand and it was up to them to demonstrate what the before and after elements have and are proposed to be. I told them the department had these concerns irregardless of whether or not the transfer was protested. I also told them that timing of the runoff was also a concern and how that might relate to injury to other water rights.

They indicated that they were in the process of developing this information.

We also discussed other issues relating to SRBA Basin 71 claims unrelated to transfer 5194.