

Nelson, Dan

From: Nelson, Dan
Sent: Wednesday, February 08, 2006 8:23 AM
To: 'wredd@fmc-slc.com'
Subject: Cinder Cone Butte Transfere

LDS Church Transfer Options

This is a list of the possible options available for the transfer of water rights 61-7265 and 61-7298. We cannot transfer water right 61-7265 without including water right 61-7298, since the remaining water available is only 0.72 cfs and 351.3 afa. The rate is the remaining well capacity after the senior water rights 61-7196, 61-7240, and 61-7206C are removed. It has been determined that Reynolds and Sons will use the entire amount of their water rights each year, so the portion of the well capacity associated with them is not available for this transfer. Please see my 10/28/2003 letter for details on the priority of the water rights.

I have discussed several options with the transfer staff and management from both the State Office and our region. The new options are a result of using a permissible place of use. This is where you move a designated a specific number acres to be irrigated every year within the borders of a farm. During this discussion the following options are possible:

Option 1.) Abandon water right 61-7298, since it will no longer provide any water to the overall use of the property. After this water right 61-7298 is abandoned, file a transfer on water right 61-7265, for 0.72 cfs / 144 afa / 36 acres within the 299 acre permissible place of use. This would allow you to move the 36 acres anywhere within the place of use each year. This would also allow you to irrigate at a full inch per acre (0.02 cfs or 9 gpm). This will reduce the volume of water from 351.3 afa to 144 afa, and would limit the amount of acres that can be irrigation to 36 acres.

Option 2.) Abandoned water right 61-7298, since it will no longer provide any water to the overall use of the property. After water right 61-7298 is abandoned, file a transfer on water right 61-7265 for 0.72 cfs / 351.3 afa / 87.8 acres within the 299 acre permissible place of use. This would allow you to irrigate the 87.8-acre at .008 cfs per acre or just under ½ inch per acre (3.7 gpm). This will maintain the volume of water, increase the number of acres that can be irrigated, and possibly supply enough water to efficiently irrigate with a low impact pivot. This will reduce the amount of water per acre you can apply, and would still limit the total amount of acres that are allowed to be irrigated.

Option 3.) Transfer both water rights 61-7298 and 61-7265 for 0.72 cfs / 351.3 afa /299 acres. No permissible place of use will be needed, since all 299 acres are included in the place of use. This will allow you the full diversion rate, volume, and acres allowed under these rights. This will also reduce the rate per acre to 0.002 cfs per acre ($1/10^{\text{th}}$ of a minors inch and about 1 gpm per acre). This volume per acre would also go down to 1.2 afa per acre. This is not enough water to irrigate a crop with. This may also cause problems with stacking of water rights if other rights are moved to the property. This could be a problem for a dairy transfer later on down the road.

In conversations with Will Redd, the church plans to move other water to the property that is currently in the water bank under water right 61-12012. The church's portion of 61-12012 is approximately 0.92 cfs / 252 afa/ 63 acres. This right would work well with option #2 if you were going to use a pivot. The pivot could be set up to accommodate these diversion rates. 61-12012 has a rate per acre of 0.014 cfs with is very similar to option #2. If this right is used with option #1, a different type of irrigation system would be needed that would allow 36 acre to be isolated. If this right is used with option #3, the rate per acre would increase, but you would only be able to irrigate the 63 acres efficiently. If other water rights are brought in, option #3 could pose overlap problems. Option #3 could also pose problems if the water right is transferred to a dairy use.

If you were going to transfer this right to another use (dairy), then I would probably recommend option #2, since it will maintain the most overall volume. Most uses other than irrigation and more concerned with the volume of water. However, if you do plan to double up irrigation water rights on this property, it will probably cost you in volume amounts for options #1 and #2, so option #3 may be the best bet in that scenario. Option #1 would be best suited if you plan to irrigate highly consumptive crops like alfalfa or potatoes.

These are the basic options available to you. Whichever option you choose, you will need to re-work the transfer to accommodate the change. You could include other water rights in the transfer to get everything in a workable solution for you. Whatever you decide, please let me know, and we will re-work the transfer.

I have looked at the email that you sent me that included all of the water rights for this farm. I won't have time to totally review all these rights until the end of this week, but from my quick review of your documentation, it appears as though you cannot do a single transfer for all three tracts. However, you could re-work your current transfer to move water from any of the other tracts to the South East tract. We can only do transfers on a single or connected system. From what I see on your map, you have three separate systems that would be difficult to connect together.

I think what I would do is to contact your buyer and determine if he plans to put a dairy on the site. If he were putting a dairy on the site, then I would put your water bank water and option two on the South East Tract, and not worry about the other tracts if they are adequately covered. If he putting a dairy on the property, then he could totally dry up the South East Tract for he dairy, and either put his dairy on that ground or re-sell it as dry ground. If your buyer is not going to put a dairy on this site, then it may be in your best interests to re-work your water rights to give an even distribution of the water.

I hope this helps.

Daniel A. Nelson
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