

Merritt, Allen

From: John M. Marshall [JohnMarshall@givenspursley.com]
Sent: Friday, August 12, 2005 4:57 PM
To: David Tuthill; Allen Merritt
Cc: Tim Luke; Scott King; Terry Scanlan
Subject: Double C Farms

Dave and Allen:

The water bank lease and rental applications for Double C have proven more complicated than I anticipated, and I therefore have not filed them as quickly as I indicated I would. The complication stems from the fact that the water right Double C proposes to use for the rental is one of about 10 rights in an approximately 5000-acre permissible place of use. While I know that the particular acres from the right targeted for rental have not been irrigated with ground water this year, I need to verify that the total acreage irrigated within the ppu this year will not be exceeded if we shift acres to the water bank. I don't anticipate there being a problem and believe we will have more than enough acres within the ppu to move what we need to the bank, but I wanted to verify this before having IDWR begin processing the applications. I anticipate that SPF can get this information to me by Monday. There should be no reason I cannot file the applications Monday.

Also, during the compliance conference Tim Luke suggested there may be a problem with water right coverage in the NE 1/4 of section 31, T12S, R23E that was not identified in any NOV. I believe this is correct. The only water right record showing for this area is an SRBA claim that has been disallowed. I do not believe there is any immediate action needed because the pivot in question is no longer being irrigated. However, Double C will need to address this in its transfer application.

I originally planned on incorporating the water bank applications for the feedlot into the draft application I had prepared for irrigation. It is clear to me now, however, that it would be more simple to have a separate set of applications for the feedlot. I will try to have these applications filed by Monday, Tuesday at the latest.

If you have any questions or concerns, please call.

Thank you,

John Marshall

1/18/2006