

MEMORANDUM

DATE: April 19, 2005

TO: File 13-7649

FROM: Shelley W. Keen *swk*

RE: Phone Conversation with Jeff Johnson

This afternoon Jeff Johnson called me to discuss the letter I sent him last week concerning the mitigation plan for Application 13-7649. According to Mr. Johnson, the land proposed for irrigation is currently being irrigated with water delivered from his canal company. He is seeking approval to irrigate the land with ground water so that he can shift the canal water to the "Mortensen Farm" to irrigate it. According to Mr. Johnson, there will be no net increase in irrigated land. He will benefit by trading the sand and silt laden spring source under water right 13-2164, which causes frequent pump failures and high maintenance costs for his sprinkler system, for clean ground water. Mr. Johnson said he would send me aerial photographs and crop reports for the last five years to show that there will be no increase in irrigated land under his mitigation proposal.

Mr. Johnson and I also discussed the need to change the ownership of Right 13-2164 so that it can be used for mitigation purposes. Mr. Johnson explained that he is not sure that he owns Right 13-2164. Mr. Johnson said that when Carl Mortensen established the right, West Cache Canal Company required Mr. Mortensen to purchase and pay annual assessments on 20 shares of the company to keep them from protesting the issuance of a water right to him. For that reason, Mr. Johnson feels there is some ambiguity about the ownership of Right 13-2164. Does it belong to him because he owns the land to which it is appurtenant, or does West Cache Canal Company own it? Mr. Johnson indicated that he might seek legal counsel to sort out the ownership question.