

MEMORANDUM

TO: Glen Saxton

FROM: Steve Lester 

DATE: March 21, 2003

RE: Application to Lease Decreed Right 78-12131 to the Water Supply Bank

Rodney and Darla Johnson filed the attached application to place their decreed Campbell Swamp right in the water supply bank for the 2003 irrigation season. They did this as part of an agreement to resolve a long-term dispute culminating in recent formation of Water District 78-D. The district will be inactive this year if the water bank application is approved.

Background information summarizing this situation is attached. I also included a copy of the SRBA claim filed by Johnson yesterday for the decreed right. I hope the Johnson right can be accepted into the water bank to help settle water disputes between district members at least for this year. Efforts for a long-term solution are underway, but this short-term approach will be helpful. If the application must be denied, a second meeting will be needed to immediately activate the district for 2003 as explained in my 2-6-03 letter to the members.

A few loose ends are found in this scenario as follows.

The 20 acre P/U in 78-12131 is totally overlapped by other Johnson SRBA claims from Goose Creek: 78-12136, 78-12141, 78-12144 and 78-12147. The first three are splits from decreed rights 78-215 through 78-217, while the last claim is a split of statutory claim 78-4287. Johnson also has storage water from Goose Lake for the same land. Johnson has reported that using Goose Creek water on these acres has been difficult, perhaps removing overlap concerns from the water bank process if that is an issue.

The above splits resulted from ownership documentation previously provided by Johnson. That information showed Johnson owns the land described by 78-12131. Johnson submitted an incorrect deed in the new adjudication claim and water bank filing (describes adjacent property to the east), but prior verification of ownership in NWSW should allow the water bank application to proceed despite this error.

Johnson included Attachment A in the water bank application as the only available information about use under 78-12131. The fact that other users of Campbell Swamp have complained for a couple years about Johnson's use of this water supports

Attachment A. The information is sketchy but probably is about as good as it is going to get.

The decree did not quantify the amount of water in 78-12131 (see last page of attached 2-6-03 information). Johnson attempted to clarify the amount of water by filing an adjudication claim for 0.78 cfs. If uncertainty over the amount of water in this right complicates the water bank application, perhaps 20" associated with 20 acres in the decreed right could be authorized for use as a "temporary preliminary determination" pending final determination of the amount of water in 78-12131.

Recommendations

1. Accept 78-12131 into the water supply bank for the 2003 irrigation season.
2. Limit the quantity of water available to be leased from the bank to 0.40 cfs.
3. No payment to Johnson is needed in this process.

This will allow the 2003 season to proceed without formality of watermaster control. Other members of 78-D can use Campbell Swamp under their rights. The members can keep working on a long-term solution to the problems.

Please let me know if you need more information in this matter. As soon as a decision is issued on the water bank application, I can advise the water district members on their next step.