

Nelson, Dan

From: Peppersack, Jeff
Sent: Friday, December 12, 2003 11:38 AM
To: Nelson, Dan
Subject: RE: QUESTION ON LICENSE 63-12109

Dan,
I agree. Since no water is being transferred on the two rights, no fee would apply for those rights.

Jeff

-----Original Message-----

From: Nelson, Dan
Sent: Friday, December 12, 2003 11:30 AM
To: Peppersack, Jeff
Subject: RE: QUESTION ON LICENSE 63-12109

Jeff,

Can we waive the transfer fee for the increase in diversion rate with the two new water rights added onto transfer? Whereas it was actually our error, I don't think it would be fair to the client to pay for the increase. We could justify it by saying it is a single system and the only actual change in diversion rate would be what is being transferred into the dairy from the new right. So, the fee should only be assessed on the amount of new water being sought in the transfer.

What do you think?

Dan Nelson
Western

-----Original Message-----

From: Peppersack, Jeff
Sent: Friday, December 12, 2003 10:02 AM
To: Nelson, Dan
Subject: RE: QUESTION ON LICENSE 63-12109

Dan,
If the applicant is agreeable, it may be easiest to bring the rights into the transfer to correct them. Since they are all part of the same system, it makes sense to handle them all together.

Jeff

-----Original Message-----

From: Nelson, Dan
Sent: Friday, December 12, 2003 8:35 AM
To: Peppersack, Jeff
Subject: RE: QUESTION ON LICENSE 63-12109

Hello Jeff,

Sorry I couldn't get back to you yesterday, I got in the middle of another project. 63-12109 and 63-31749 are not listed on the transfer that I am currently working on. If it is easier, I am still in the process of trying to get everything worked out correctly on this application with the consultant, and no data entry has been done at this point. I may be able to talk him into adding these two rights onto the transfer. It may be less confusing if we issued the order instead of trying to include it with irrigation water rights being retired and brought into the dairy facility, but I am more than willing to do

what ever it takes to get everything right. Let me know what works best for you and I will try to get it done.

Thank you Jeff!

Dan Nelson
Western

-----Original Message-----

From: Peppersack, Jeff
Sent: Thursday, December 11, 2003 3:28 PM
To: Nelson, Dan
Subject: RE: QUESTION ON LICENSE 63-12109

Thanks for the info. I checked the license file and agree that the license was in error and the error was included in the combined use under T70742. Does your current transfer include 63-12109 and 63-31749? If so, we can make the correction in the transfer approval. If not, we can issue a separate order to make the correction.

Jeff

-----Original Message-----

From: Nelson, Dan
Sent: Thursday, December 11, 2003 2:57 PM
To: Peppersack, Jeff
Subject: RE: QUESTION ON LICENSE 63-12109

Jeff,

They are asking for 88.9 acre feet on their transfer to catch their water rights up to their actual use. Lori Graves found that they were using 72.7 acre feet during the field exam on 63-12109 on 8/22/1996. The reason that 63-12109 was reduced to the 20.9 acre feet was because that was all that was requested on the application for permit. They have been struggling to find water since 1996 to bring their dairy water rights up to the actual size of the dairy. In my opinion the historic data clearly shows the application for permit for 61-12109 was filed for 350 dairy cows with a maximum available volume of 20.9 acre feet of water. Sharla Curtis's 5/30/1997 memo agrees with my assesment and makes the recommendation of 20.9.

Somewhere, a data entry error happened and this error hasn't been corrected. The dairy transfer that I am currently working on should give the applicant the 88.9 acre feet of water they need to operate the dairy at its current size. The applicant's consultant did not factor in the extra 18 acre feet, so this transfer should give them adequate water with better priority date. I think it really would be in the applicant's best interest to fix 63-12109. Especially since there is 18 acre feet of water they really can't using for anything anyway. If we don't fix it, I think we need to add it into the transfer and give those mysterious 18 acre feet of water a use.

Dan Nelson
Western

-----Original Message-----

From: Peppersack, Jeff
Sent: Thursday, December 11, 2003 2:19 PM
To: Nelson, Dan
Subject: RE: QUESTION ON LICENSE 63-12109

Dan,
Do you know if they have been relying on the 38.9 afa? Do we have historical data for the existing dairy? If so, how does the historical data compare to the amounts that will be authorized under existing rights and the transfer?

Jeff

-----Original Message-----

From: Nelson, Dan

Sent: Thursday, December 11, 2003 10:57 AM

To: Keen, Shelley; Peppersack, Jeff

Subject: QUESTION ON LICENSE 63-12109

Hello Jeff and Shelley,

I am currently working on a transfer that plans to move water to the same place of use as water right 63-12109 and 63-31749. Water right 63-12109 lists a commercial volume of 7.20 afa and a stockwater volume of 13.7 afa and a total volume of 38.9 afa. I think we have a data entry error here. $7.20 + 13.7 = 20.9$ afa. Where did the other 18 afa come from? Transfer 70742 was filed on this dairy adding 3.1 afa of volume, but the difference in volume on water right 63-12109 was not addressed in the memo or conditions. The conditions on 31749 limit the volume when the two rights are combined to 42 afa, which equates to the the volume of 38.9 afa and 3.1 afa added together instead of the combination of volumes or 20.9 afa. What should we do in this case? It is all a little confusing.

Dan Nelson

Western Region