

MEMORANDUM

TO: Transfer 70097 and 70098 Files

FROM: Steve Lester 

DATE: July 9, 2004

RE: **Water Bank and Split of Proposed Right 61-12012**

Attorney John Marshall discussed a probable split to be filed after these transfers are approved. A portion of right 61-7424 was leased to the water bank to help make the transfers work for the applicants. The right has been owned by the applicant in T70098, Cinder Cone Butte Farm, but the portion in the water bank cannot be used on that owner's PPU.

To complete the business between the applicants, the applicant for T70097, LDS Church, will file an ownership change for the portion of 61-7424 in the water bank. That portion is part of proposed right 61-12012 created by T70098.

It appears LDS Church does not yet own the water bank portion but will after the transfers are approved.

A split of 61-12012 should result in database changes for split rights created by T70097 and T70098 approvals and for associated rights in T70098 as follows:

61-12011 and 61-7306C and 61-7390

- update conditions to substitute new numbers from splitting 61-12012
- reduced combined limits by 0.92 cfs/252 afa/63 acres in water bank
- new combined limits will be 16.39 cfs, 3248 afa, 812 acres in 925 acre PPU¹ for Cinder Cone Butte Farm.

61-12012

- as above
- acre limit reduced to 310-63 = 247 for Cinder Cone Butte Farm remaining portion.

¹ Combined limits reduced by water bank factors are summarized in the last line of the table in the attachment labeled "Compare Before & After Transfers" in T70097 and 70098 review memo – see line labeled "combined net."