

MEMO

FROM: Allen Merritt 

DATE: April 2, 2001

TO: Transfer File No.

T66132 (5765)

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Water Right(s):

45-02405

45-00577A & B

45-12928 ✓

45-00578A & B

45-02406

45-00579A & B

45-02661

45-00580A & B

45-12930 ✓

45-00600

45-12927

45-00534B

45-00586

45-00587

45-00588

45-12929

In the name of: ANDERSON FARMS

SUBJECT: Review and Recommendation

These two transfers are related in that both remove water from a parcel of land which has been sold dry ("south" parcel) and incorporate these rights with others in the same 844.5 acre PPU ("north parcel"). The first transfer deals with the ground water rights and the second deals with the surface water rights. Not all of the PPU can be irrigated in any one season. The PPU is within the Oakley Kenyon CGWA.

Jim Stanton has worked with the applicant to get the ownership squared away. The new owners of the "south parcel" have clarified their non-ownership of the irrigation rights involved.

The ground water rights have undergone a recent transfer T4384. Jim points out the confusion regarding allowable volume and season of use in light of this transfer. This issue needs to be reviewed by senior staff. It appears to me that the volume should be limited to less than the recent transfer would allow since the allowed rate of diversion will not generate the volume listed but res judicata may prevent this modification. The application appears to attempt to limit the volume but I cannot replicate how the number was generated. I recommend the diversion volume limits and season of use be as follows:

SEASON OF USE should be 3/15 to 11/15

The original decree in 1987 found season to be 3/15 to 11/15

SRBA memos during time of T4384 recommended 4/1 to 10/31.

T4384 approved with 4/1 to 10/31.

SRBA memos now recommend 3/15 to 11/15.

VOLUME LIMITS FOR GW Rights

45-02405 for 123 acres and 45-02406 for 120 acres utilized same well with rate of 1.87 cfs. This would limit volume to 912.5 afa for 3/15 to 11/15 season.

45-02661 for 276 afa for irrigation of 69 acres and when combined with 45-02406 limited to irrigation of 180 acres and 720 afa. Thus limit when all are combined should be $(912.5 - [120 \times 4]) + 720 = 1152.5$ afa.

Review of the historical water uses finds that the "south" parcel had 238.2 acres irrigated and the "north" parcel had 298.4 acres irrigated prior to 1987. These irrigated acres exceeded that which was allowed under existing rights so expansion claims have been filed to bring up the allowable acres to the total amount of $(238.2 + 298.4)$ 536.6 acres. These 536.6 acres are the maximum allowable to be irrigated in any one season within the 844.5 acre PPU.

These transfers were processed without protest.

Comments have been requested from the watermaster of 45A but not been returned. Assume none.

Recommendation

I recommend these transfers be approved subject to the following conditions:

- Subject to SRBA.
- No more than 536.6 acres are allowed to be irrigated in any one season within the 844.5 acre PPU.
- Surface water rights are to be used to the fullest extent possible before ground water rights are allowed to be used.
- Ground water rights 45-02405, 45-02406, and 45-02661 are limited to 1152.5 afa and 2.69 cfs when combined. (NOT 1201.7 as applied for)
45-12928 & 45-12930
- Measuring devices shall be maintained at all wells and at all points of diversion.
- Uses under control of watermaster of 45A.

DX 11/27/01