

MEMO

TO: ALLEN MERRITT
FROM: STEVE CLELLAND

DATE: 10-2-03

RE: REVIEW OF TRANSFER 70728 FOR BWCC

In general I would have to agree with the findings described by Lee Peterson in his letter to you. My findings are shown below and there are a couple of additional adjustments to consider in review of the SRBA claims. I am still investigating these claims for complete SRBA review.

37-13043 I concur with the total found by Lee. Claim includes reference to right number 37-506 but did not list a quantity... may need to include the 1.6 cfs decreed for this right. Further contact with BWCC is needed. This may require an amended SRBA claim for the increased total.

37-13112 The right 37-170 should be deleted from this claim since it is duplicated and claimed under claim 37-13114. Right 37-710 should be limited to 1 cfs as listed in the decree. I am still researching the footnote reference of Woodworth v Anthony. This claim includes 3000 cfs based on right number 37-870. This right is fully claimed separately in the SRBA under 37-870 from the Big Wood River and this is where it should be recommended. Therefore it should be removed from this claim.

37-13113 All appears correct in this claim.

37-13114 Right number 37-167 should be limited to the decreed amount of 2.90 cfs. Also, this claim includes right number 37-1166 that is listed by IDWR as "do not issue". This amount for 3.2 cfs should be removed from this claim.

37-13116 Right number 37-164 should be limited to the decreed amount of 2.9 cfs. Right number 37-288 should reflect the 3.00 cfs as remains in the right, the other portion is abandoned by private party in a transfer process. Based on notes in the SRBA files for these individual rights we should include right 37-287 for 0.53 cfs in this claim. Right number 37-384 should be increased to the decreed amount of 1.80 cfs. All indications are this right is fully owned by BWCC. Right number 37-393 should be removed from this claim since it belongs to a private party on a separate source of water. Right number 37-607 should be removed from this claim it is fully claimed by private parties, no ownership for BWCC was found. Right number 37-614 should be removed from the list of numbers for this claim and replaced by 37-615 and the quantity amount remains unchanged. Right number 37-621 for 4.8 cfs should be removed from this claim since it was never a decree issued right but rather a "do not issue" in IDWR number system.