

FROM: Allen Merritt

DATE: September 24, 1998
Revised: 1/7/99

TO: Transfer File No. 5301 Water Rts: 45-00425A [
45-00443B [Cottonwood Ck
45-10594 [

5302

45-02448B - Groundwater

In the Name of: Kim &/or Janet Cranney

SUBJECT: Review and Recommendation

These two transfers are related in location and ownership. Both of the transfers facilitate development of a feedlot at another site utilizing water from dried up acres on the Cranney farm. Transfer 5301 deals with the surface water and removal of these waters from the acres to be dried up. Transfer 5302 deals with the groundwater right which is being split. One portion of the groundwater right will be used at the feedlot as a result of drying up the acres; the other portion will remain on the reduced acreage farm.

Both transfers were processed without protest.

Transfer 5302

A review of 10 years of power records estimates that the subject groundwater right has been used on the average of 147 afa. The ten year period includes a high use of 311 af in 1988 and no use in 1996. Assuming the right was not supplemental the limiting volume would be 594 afa (based on 1.4 cfs run constant for 214 days) Since this right is being split to provide for the stockyard the total should be limited to the historical use. Since the use has varied greatly I recommend we base it on the demonstrated high use of 311 afa but not the 594 afa possible. (Refer to Stanton's 9/24 memo which makes other analysis.) Also to prevent injury or expansion the farm in Section 6, Twp.13S, Rge.22E, B.M. should not be supplemented by the other well (45-04217) on the portion of the farm to the north in Section 31, Twp.12S, Rge.22E, B.M.

Transfer 5301

During the review of the rights included on Transfer 5301 by AJ it was determined that there is a problem with over claiming the 4/12/1892 rights on Cottonwood Creek (See KKC's 1/5/99 memo). On 1/7/99 JS, KKC & I met with Kim Cranney to advise him of the problem. It was decided to proceed to process 5302 but hold 5301 until the ownership question is resolved. He indicated that he was meeting with the Cottonwood users at the annual meeting and would see if it could be resolved. Otherwise it may need to be resolved through the SRBA process.

RECOMMENDATION

I recommend that the transfers be approved with the following conditions:

Transfer 5302

- No new wells authorized to be drilled under this approval.
- Use of rights 45-02448A & 45-02448B subject to future requirement to measure and report use when notified. Must maintain measuring device on irrigation well.
- Right 45-02448A limited to 1.23 cfs and 238.2 afa for supplemental irrigation of 150 acres in NW $\frac{1}{4}$, Section 06, Twp.13S, Rge.22E, B.M. To the extent possible surface water on P/U shall be used first. No other groundwater right authorized for use on these lands.
- Right 45-02448B limited to 0.17 cfs and 72.8 afa for stockwater purposes. No exempt domestic use to be combined for use with this right.
- All surface rights associated with the 22 acres being dried up under this transfer shall not be used on said land until transfer 5201 is resolved.

Transfer 5301

***Pending resolution of ownership

- Under control of watermaster of water district 45K.
- Maintain measuring devices and control works at point of diversion.
- To extent possible all surface water rights to be utilized before lands to be supplemented by groundwater rights.