

MEMO

July 10, 2006

TO: Gerry Clark

FROM: Larry Nunn

SUBJECT: Problems with T-4323

This transfer was filed at the request of the Watermaster as the result of a complaint investigation.

The transfer requested a change in POD that resulted from road construction which apparently changed the POD location. What the field inspector found was two PODs being used. One to irrigate the lands east of the Kay Young Ditch; and the other to irrigate lands west of the ditch.

From the FPS map it appears that the eastern POD may be the actual POD, and the western POD only a re-diversion. At the time of the application, the Watermaster requested the transfer to change the POD to the western POD. Note the arrow on the ditch north of the road. It appears that the water is diverted from a drain ditch; which, by the way, is actually the Moody Ditch, supplying live flow from Eagle Creek. Apparently it also picks up return flow from flood irrigation. That return flow is the waste water that is subject to this right.

It also appears that the eastern POD may actually be the original POD (just moved a bit to accommodate the road work). The POD coordinates listed in the order do not fit the POD location on the original certificate. I think that the transfer person (SRA) forgot that the application map was NOT 1"= 1320', but rather 1"= 660', and mis-measured. The coordinates for the order probably should have been, "1400 feet South and 650 feet east from the N¼ corner, Section 10." June found the eastern POD to be "1350 feet South and 650 feet East from the N¼ Corner, Section 10." That would fit with the idea that the eastern POD was moved from one side of the road to the other. In the proposed certificate, I used the original POD description from Certificate 11033, NW¼ SW¼ NE¼, Section 10,

A conflict check also indicates that this land is covered by a Powder River adjudicated right from Eagle Creek; probably Certificate 4606 with an 1876 priority. This right should be changed to supplemental irrigation.

One last problem is that the tax lot to which this right is appurtenant is only 24.31 acres, not 26.0 acres. Also the original water right map shows the land to be rectangular, and not going to the $\frac{1}{4}$ - $\frac{1}{4}$ line on the south. June's map shows the land irregular in shape and going clear to the $\frac{1}{4}$ - $\frac{1}{4}$ line. The adjudication map does not clearly show the location of the land. But I also suspect the original water right map does not accurately reflect the location of the right either. I marked the FPS map to say to use it for POD location only.