

## Memorandum

Date: July 6, 2001

From: Craig L. Saxton

Subject: Robert and Matt Zausch Claims

Claim No(s): 29-04220, 29-10888, 29-10889

No priority evidence submitted. Conversation with Robert on 5/10/01, he stated that before he purchased the property it was owned by Martindale who bought the property in 1969, and prior to that Mr. Anderson owned the property. Robert also says the he thinks the right is based on and old Decree.

All three claims claim an April 1, 1904 priority date. This priority date does not match any of the Decreed rights in 29-N-1, Tandy Vs. AL, signed 4-1-1925. The claimed POU does not fall in any of the decreed Places of use described in Decree 29-N-1, Tandy Vs. AL, signed 4-1-1925. In addition, an objection to Statutory claim 29-04220 filed on Feb 3, 1982, was filed by Dwaine W Anderson on 6/15/1985. In Mr. Anderson's objection it states, "I am one of the original owners of this ground and the water was never used on it. We sold this piece of ground in 1965."

At this time, I have no evidence to recommend the above rights. It seems the best option is for the claimant to find evidence of beneficial use after 1965 and before 1971.

The second option would be to file a permit on the water of proof can be made that use took place prior to 1987.

7/11/01 | Tried to call - not Home

7/26/01 | Field Exam with Bob. He is providing Priority Evidence that gets him around the mid '60's.