

MEMORANDUM

To: A29-10291
A29-13131
A29-13132
Fr: Bryce Contor
Date: 12/11/2000

Bryce

Re: Priority Date of Claim

Today Mr. Tillotson, owner of split A29-13132, came in with some concerns. According to Mr. Tillotson:

1. The original claim A29-10291 was combined from two decreed rights, one with priority 4-1-1881 and one with priority 5-1-1881. In filing as a combined claim, the priority of the senior right was reduced.
2. The agreement with the seller was that Mr. Tillotson purchased all of the 4-1-1881 right and a proportionate part of the 5-1-1881 right. Mr. Tillotson points to reference in the deed to "specifically right #124 on the Dempsey Creek water" as evidence of this intent.
3. The seller is elderly and not very strong, and may not be able to indicate his intent.
4. The reference "#124" refers not to IDWR number 29-124, but to the watermaster's numbering system.
5. Mr. Tillotson will contact the watermaster, Mr. Olsen, for documentation that "#124" does indeed refer to the 4-1-1881 right.
6. If the watermaster's documentation does not seem adequate, Mr. Tillotson will approach Mr. Avery's attorney for clarification of the intent.

Because Mr. Avery originally claimed 5-1-1881, it appears he will not be injured if I restore the 4-1-1881 priority to part of Mr. Tillotson's right. If the watermaster's documentation appears adequate, I plan to prepare a new claim A31-164 for the 4-1-1881 water, and an amended claim 31-13132 for only a portion of the 5-1-1881 water, for Mr. Tillotson's signature.

I still plan to require convincing documentation, because if Mr. Avery's actual intent were to split both rights proportionally, referencing the claimed PPU, I instead ought to invite Avery to file a new claim for a proportionate part of 29-164.

A29-10291 - 1.07 cts
(MINUS) A29-00164 - 0.29 cts *RESTORED AS A29-00164 TO TILLOTSON*
.78 cts *WHICH REPRESENTS 29-00156 (#119), OF WHICH:*
- .14 *GILLMAN & PRICE*
.64 *AVERY RETAINS 34/58 AC (24 AC GOES TO 164)*
BUT G. GILLMAN GETS 0.05 cts, 25 AC *UNCOUNTED*
R. PRICE GETS 0.09 cts, 50 AC. *IN ORIGINAL*
50 AC BUT
SO, AVERY RETAINS 0.64 cts ON *PART OF 156*
34 AC. (SOME UNCLAIMED BY NEW OWNERS)
TILLOTSON GETS NONE OF 29-00156
OR 29-13131 OR 29-13132.