

Memorandum

Date: July 12, 2002

From: Craig L. Saxton

Subject: Forfeiture of Rights 29-00285H, 29-00302, 29-00306

Field Exam on 6/26/02 – no signs of how Rapid Creek Water can currently make it to the claimed POU. When I asked claimant how long it has been since Rapid Creek water was used to irrigate the claimed POU I was not given a definitive answer.

Claimant states the spring water has been used since 1956 or 1957 which fits with licenses 29-02232 and 24-02497.

Statement on un-submitted transfer application states, “Ditch has been useless for several years. Previous owner of property did not keep ditch clean.” This statement was made by the claimant in 1990.

In addition, During a field exam on 11/1/01 I found what I am told was the historical ditch that delivered Rapid Creek water to the claimants property (among others). As seen in the attached photograph, the ditch has not been maintained.

Based on the above evidence, I do not find any evidence that Rapid Creek water has been put to beneficial use since at least “several years” prior to 1990. In addition, the claimant has not provided any evidence to prove otherwise.

Recommend 29-00285H, 29-00302 and 29-00306 as forfeited.

29-00285H, 29-00302, 29-00306

Historical Ditch Taken 11/1/01



Looking South. This is old historical ditch that runs on the hillside West of Rapid Creek Rd. This would have been the historical ditch that would have carried water to MD Morrison's property. Ditch has not been maintained or used for some time (CSAXTON).

PROFILED

SCANNED
JUL 20 2005