

MEMORANDUM

TO: File

FROM: Monica Van Bussum



DATE: May 21, 2008

RE: Numbering claims 72-4193 and 72-16768, with notes to reviewer, and fees

Due to some confusion regarding how many claims Charles Corrigan filed, it appears our office gave two different subcase numbers to the same claim: 72-4193 and 72-16768. Regardless of the number assigned, the claim IS based on an old statutory claim – 72-4193 – but 72-4193 was filed as an SRBA claim in 1990 by Baroid Management Company and was decreed as disallowed in 2001. Since there is a claim history for 72-4193, we are not going to use the number 72-4193 as the number for the Corrigan claim filed May 20, 2008. We will be using the number 72-16768. I spoke with Julie at the SRBA Court today and confirmed this.

NOTE TO REVIEWER: 72-4193 was disallowed by Steve Clelland in 1994 with the remark that there was no evidence irrigation took place before 1988, based on a 1993 field exam. It is likely the field exam notes are still in the original claim file. 1988 imagery does not cover this whole claimed POU, just the western half. That imagery shows no irrigation in the claimed POU. However, there is a note in the claim from someone (no name attached to document) who says they were born on the area in 1935 and water was used, but there is no indication of how the water was used and this statement is not sufficient for evidence of priority. If we are to recommend this, we will need pretty good evidence of beneficial use, especially since a field exam found no evidence of irrigation in this area. If we do disallow it, we need to disallow it with the conditions for “Recommended as right no. 72-4193” so we keep the claim histories tied.

FEES: Claimant filed \$290 in claim filing fees for 72-16768. The hearing for this claim is 7-15-2008, which will mean the pre-2006 fee schedule will be in place. 28 acres under this claim had the variable fee paid when 72-4193 was originally filed in 1990, so 52 acres need filing fees.

Filing fees for SRBA claim 72-16768 should be:

\$50 claim fee

\$50 late fee

52 acres @ \$1/ac = \$52

Total fee: \$152

Claimant overpaid: \$290-\$152 = \$138

Claimant also filed an application for permit on 5/21/2008 and submitted \$100 in filing fees under receipt C086929. The correct filing fee for the permit should have been \$290,

which is probably what the \$290 check included with the claim was meant for. However, we have already processed the \$100 check for the permit, but we can apply the surplus fees from the claim to the permit.

Fees for application for permit:

Receipt C086929: \$100

Surplus from SRBA claim 72-16768: \$138

Total fees paid thus far: \$238

Needed fees for application for permit: $\$290 - \$238 = \$52$

I sent an e-mail to Sally Sherman today asking her to prepare the transfer fees document, but to hold on actually transferring the fees until the motion is granted by the Court, which should be sometime after the hearing in July.