

Saxton, Craig

From: Saxton, Craig
Sent: Monday, July 11, 2011 12:39 PM
To: 'Becky J. Harvey'
Subject: RE: 81-2006 - Brotnov/Jackson
Attachments: Late SRBA Claim 81-2006: Jackson and Brotnov

Hey Becky,

I have been meaning to contact you/Candice about this. I did look into including it in the last late claim report, but really don't have any evidence supporting the water use claimed. So instead of disallowing it, I thought I would hold it out and then give your client a chance to provide additional information. Here is where I am at on this:

On October 14, 2010, I contacted Candice by e-mail and asked for addition information to support the claim (attached). Sometime between October 14 and November 8, 2010, I spoke with Candice on the phone and she told me to contact Keith Franklin in the Northern Region office as he was familiar with 81-2006 and the surrounding situation.

On May 20, 2011, I spoke with Keith Franklin. Keith didn't have a lot of specific information about the SRBA claim 81-2006, rather told me that the claimants of 81-2006 had built 4 ponds that are supplied with water from Little Smith Creek. He estimated that the ponds had been built within the last 5 years and that there are no valid water rights that authorize the extent of the storage ponds.

81-2006 was licensed for irrigation of 10 acres, domestic use, and use for a sawmill out of Little Smith Creek. Keith confirmed that there is no active sawmill and estimates that there has not been an active sawmill for some time. Probably not within the last five years.

Unfortunately, Keith was not able to provide me with any information supporting claim 81-2006. I think what your client is really going to need to support is that 81-2006 was not forfeited, has been put to beneficial use in the last 5 years, and the extent of that beneficial use. If that beneficial use is for storage ponds, then we need evidence of a transfer, or an accomplished transfer changing the purpose of use.

Thanks,

Craig

From: Becky J. Harvey [<mailto:bjh@racinelaw.net>]
Sent: Monday, July 11, 2011 12:11 PM
To: Saxton, Craig
Subject: 81-2006 - Brotnov/Jackson

Hi Craig:

Could you give me an update on the recommendation for late claim 81-2006 please? I thought it would be in this late claim report, but I do not see it.

Thanks!

Becky J. Harvey

Paralegal

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