
Memorandum

Date: March 17, 2015

To: File 63-5117

From: Craig L. Saxton

RE: Error Correction Review

I have reviewed Michele Edl's January 8, 2015, Memo regarding a possible error in Partial Decree 63-5117. After reviewing the file, I do not see an error in partial decree 63-5117.

Ms. Edl's memo summarizes Sharon Lanning's argument that the POU decreed under 63-5117 is in the wrong QQ. But after looking through available documents and maps, it appears to me that the recommendation reflected the claim and subsequently the partial decree.

Timeline:

June 17, 1983:

Harold and Billie J. Lanning file statutory claim 63-5117. The claim described the following POD and POU location:

POD : T05N, R11E, S2, NWSE
POU: T05N, R11E, S2, NESW

The map supplied with the statutory claim clearly shows the claimed POU as being on the SW side of the road/jeep trail placing the POU in the NWSW. More accurately described as being in Government lot 20, NWSW.

October 12, 1989:

Harold and Billie J. Lanning file SRBA claim 63-5117. The claim described the following POU and POU location:

POD : T05N, R11E, S2, SWNWSE
POU: T05N, R11E, S2, NESW

The claim file has not been scanned so I do not have a map to compare with, but the POD and POU claimed in the SRBA is the same as described on the Statutory claim, short of the POD description on the SRBA claim further defines the POD location to a 10 acre tract.

December 30, 1999:

Partial Decree 63-5117 was issued. The Decreed POD and POU locations are consistent with the claim and are described as:

POD : T05N, R11E, S2, SWNWSE

POU: T05N, R11E, S2, NESW

Summary:

The error correction process is, for the most part, to correct errors of a clerical nature.

If partial Decree 63-5117 does not accurately describe the water use, then the error appears to have originated at the original filing of the statutory claim and was carried through to the filing of the SRBA claim. The partial decree reflects the same POD and POU location as claimed.

The appropriate process to correct the POU and/or POD description on water right 63-5117 is through a transfer.