

## Goodwin, Chad

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**From:** Fritschle, Carter  
**Sent:** Tuesday, March 23, 2010 8:00 AM  
**To:** Goodwin, Chad  
**Subject:** Claims 95-9141, 95-11056 and 95-12210

Hi Chad,

David and Katherine McKeown recently filed a claim for 95-9141 online that included both domestic and irrigation purposes, with an earlier priority date than the licensed priority date. Since their paper claim for 95-9141 they had filed earlier only included irrigation, I thought the online claim might be for the domestic use described on that license. After importing the online claim, which was automatically renumbered to 95-12210, I discovered they already had a claim for the domestic use described on license, which was numbered 95-11056.

Because this domestic use was part of license 95-9141, they are bound by the diversion rate and diversion volume of that license. This is called administrative finality, and Adjudication Memo #41 addresses that issue. Therefore, I have modified the recommendations for 95-9141 and 95-11056 a bit to make them consistent with the license. I am leaning towards disallowing claim 95-12210, but that can be revisited if the claimants can show they increased the diversion rate from their well after Wayne Baldwin conducted his field exam for 95-9141 on May 6, 2006.

Since the new claim listed a priority date of March 5, 1992 instead of March 15, 1992, and since the earlier date was supported by the well driller's report, I felt we could use the new claim to amend the priority date of 95-11056 from March 15 to March 5.

I was reluctant to go in and change your recommendations, but since I had everything in front of me, I thought it would be easier to just do it, and then explain what I had done, and why I did it.

Carter