

Merritt, Allen

From: Luke, Tim
Sent: Monday, May 11, 2015 3:18 PM
To: Spackman, Gary
Cc: Merritt, Allen; Erickson, Nathan
Subject: RE: Message from 2086735385

Gary,

I spoke with Earl. He said he was provided a copy of a ground water right transfer application involving a ground water rights that he indicated has not been used for a long time. The ground water right appears to be supplemental to surface water rights but would be moved as a supplemental source to other lands also having surface water rights. Earl said he had spoke to Brian Higgs and Brian was giving it a "thumbs down". It looks like Brian was asked to comment on the transfer as watermaster.

Earl said he was tired of this stuff, he didn't mean to bother us or take up our time so he actually kept his comments short and said he wasn't that concerned. I explained our review process and that if the right has not been used for some time, then we should catch that or Higgs would raise the issue and we should be able to review this issue more thoroughly. It does not appear the right was leased to the bank and I don't think it was part of any mitigation plan down there, so there would seem to be little or no defense to forfeiture if that is really the issue here.

I am copying Allen Merritt so he is aware of the issue.

Allen - the transfer number is T79943, water right = 45-14284, transfer filed by Albion 12 Investments and right currently owned by George Montgomery. I told Earl I would pass this on to you so there is some awareness to scrutinize the historical use and questions about forfeiture and/or potential for expansion of use/injury etc.

Tim

-----Original Message-----

From: Spackman, Gary
Sent: Monday, May 11, 2015 10:59 AM
To: Luke, Tim
Subject: FW: Message from 2086735385

Tim,

Attached is a voice mail message from Earl Warthen. Can you explain to me what he is talking about? Gary

-----Original Message-----

From: dwr-NECVoiceMail
Sent: Monday, May 11, 2015 12:00 PM
To: Spackman, Gary
Subject: Message from 2086735385

Hello Spackman, Gary,

You have received a new forwarded Voice message from Unknown sender (2086735385) on May 11, 2015 10:57 AM.

Sent by Unified Messaging System