

Saxton, Craig

From: Saxton, Craig
Sent: Monday, June 16, 2014 8:35 AM
To: 'dana@idahowaterlaw.com'
Subject: Colwell - Amended Permits 65-22950 and 65-22953

Dana,

I am sorry I missed your call on Friday. I was out of the office. I did, however, receive the signed amended claims that were delivered to the office. I looked over the changes you made in the conditions on the permits, and appreciate the corrections you made. However, I don't feel I can include the word "avulsion" you inserted to help describe the unsurveyed land:

"...unsurveyed accretion and avulsion land."

I don't think the word "avulsion" is appropriate for this situation. It doesn't seem that the definition of "avulsion" fits with the property we are trying to describe.

AVULSION:

: a forcible separation or detachment: as

a : a tearing away of a body part accidentally or surgically

b : a sudden cutting off of land by flood, currents, or change in course of a body of water; *especially* : one separating land from one person's property and joining it to another's

The conditions referencing the un-surveyed lands are standard conditions used by the Department (F17 and F19), modified slightly to specifically describe the POU's and POD's applicable to the Colwell's use. I don't see the benefit from deviating from the standard language by adding "avulsion".

With that said, I have made the changes you have suggested to the conditions, short of including avulsion. My intent is to move forward and issue the licenses based on the amendments you submitted.

Please feel free to contact me if you would like to discuss the matter further. I will be in the office until 3:30 pm today.

Respectfully,

Craig L. Saxton
208.287.4916

June 16, 2014,

Dana called me in response to this e-mail and said she thinks it is important to include "avulsion" for legal questions related to property ownership. *C. Saxton*