

MEMORANDUM

Date: February 10, 2009
To: Water Right File 45-14178
From: jroberts
Re: Memo

This application was originally filed on 1-18-08 as 45-14106 and was for 4 homes and 300 range cattle from Woodbury Springs. A letter was subsequently sent on February 5, 2008 to Brockway requesting additional information. Allen Merritt and I also met later in February with Brockway Sr. and Mr. Searle to discuss options for the filing and they were to get back with me. On August 6, 2008 I sent a 30-day letter to Searle and copied Brockway. On August 14, a new application was received in the office for 1 home and stockwater use of 600. This application (45-14178) was originally filed on 1-18-08 as 45-14106 and was for 4 homes and 300 range cattle from Woodbury Springs. A letter was subsequently sent on February 5, 2008 to Brockway requesting additional information. Allen Merritt and I also met later in February 2008 with Brockway Sr. and Mr. Searle to discuss options for the filing and they were to get back with me. On August 6, 2008 I sent a 30-day letter to Searle and copied Brockway. On August 14, 2008 a new application was received in the office for 1 home and stock water use for 600 range cattle from Woodbury Spring along with fees of \$100.00. It was assigned to another agent and when I found out about it, I emailed Brockway asking if the new application was meant to amend or replace 45-14106? Hearing nothing, I followed up with a letter to Brockway and returned the latest application and fee. On November 7, 2008 I met briefly with Brockway again and he indicated he would talk to Searle one more time and send a letter requesting withdrawal of the other application (45-14107 for re-charge) and either consider the new application as an amendment to 45-14106 for one home or maybe file a late claim for an earlier priority date. On January 7, talked with Brockway Sr. again and he indicated he would probably withdraw both 45-14106 and 45-14107 and file the newer application for domestic use for one home and use the fees from 45-14106 toward it. When the letter from Brockway arrived, they withdrew 45-14106 and requested that the new application take its place with the fees submitted back with the original application 45-14106. They are still considering what to do with 45-14107 for recharge and may withdraw it in the future. The question now is what priority date to use? When the replacement application was received in August of 2008 or when it was resubmitted in January of 2009? With all the confusion, at this point I am recommending we use August 14, 2008 as the priority date.

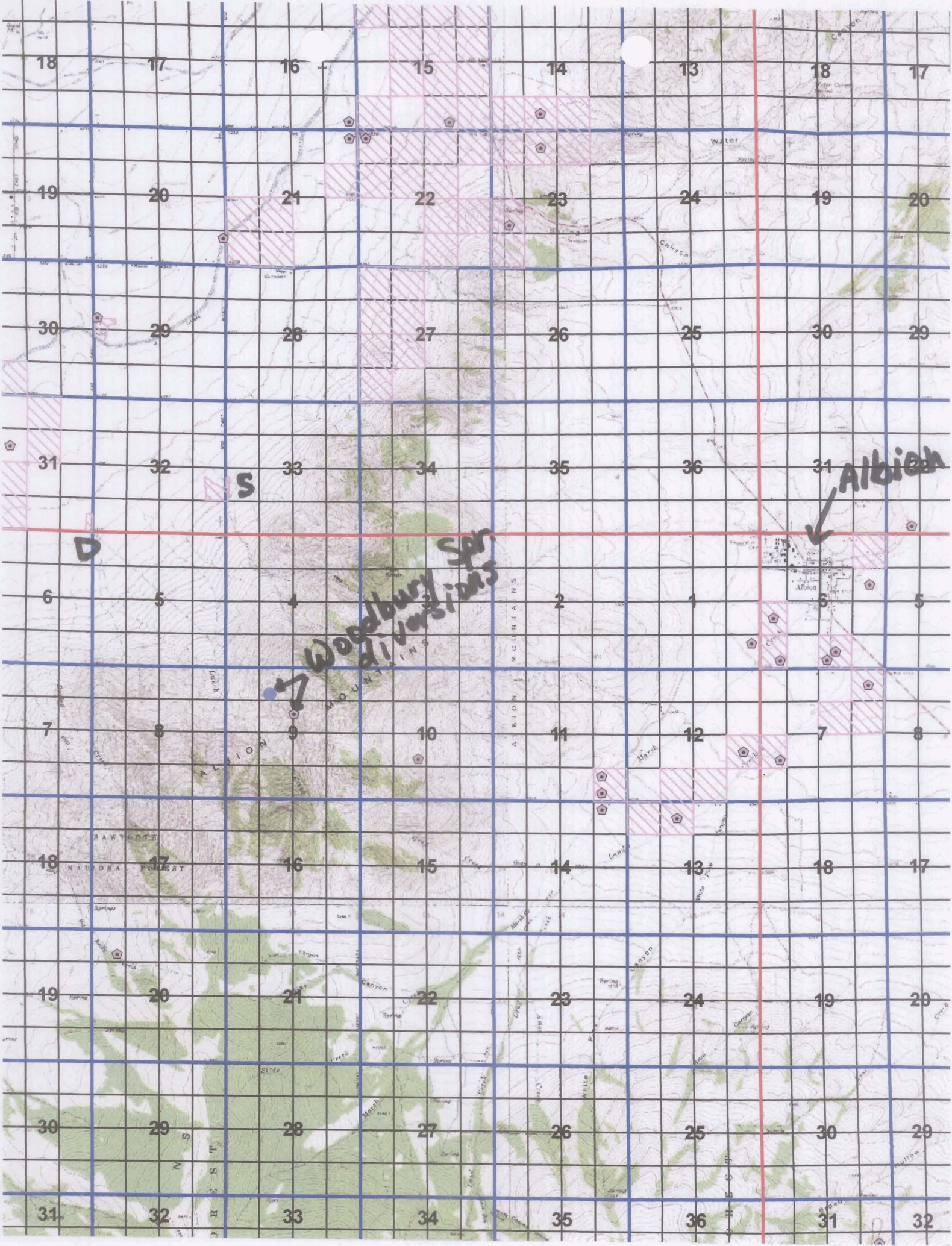
The application was signed by Craig Searle. A statement of Partnership Authority showing Craig Searle was authorized to sign for Moo View Cow Palace was also provided.

A copy of the right of way agreement with BLM for access to the spring was also provided.

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Re: Legal Notice

Application for new appropriation to divert 0.08 cfs from Woodbury Spring into a 1-1/2 - 2 mile pipeline for an existing domestic use for 1 home and an existing stockwater use for 600 range cattle. Location of diversions is approximately one mile south and four miles west of Albion.



D

S

Woodbury Spn
diversion

Albion