

# Memorandum

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To: Transfer #69381

CC: 45-77Y

From: Jeanie Robertson

Date: 1/12/2004

Re: Recommendation

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Robert Manning filed this transfer in 2001 to allow the use of Birch Creek water on ½ acre of lawn in Section 14, T14S, R22E. Apparently his predecessors (Matthews Bros.) purchased an inch of 1875 Birch Creek water from Lonnie Stringham in 1990 and this water has been used in the new place of use for sometime. This transfer was attempting to legalize the use. Stringham filed adjudication claim 45-77Y in 1989 asserting this inch of water was used on 4.6 acres in Section 4, T14S, R22. The claim stated they also had 16 shares of Oakley Canal Company water on the property. I have recommended 45-77Y as claimed on the 4.6 acres in Section 4, with the remark that the water is combined with water from Oakley Canal Company. Unless Stringham intends to either dry up ½ acre or has done so already, this transfer would expand the right because the new place of use is not within the Oakley Canal Company claimed service area and does not have canal shares. I recommend this transfer should not be approved unless evidence can be shown that Stringham has dried up at least ½ acre in the old place of use or will be directed to do so.

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