

RECEIVED

JUN 11 1996

WATER RIGHTS
SALT LAKE

M E M O R A N D U M

TO: Files 71-1807 & 71-3591
FROM: Kerry Carpenter, Southwestern Region *KEC*
DATE: 7 June 1996
RE: Temporary Change prepared for Howard Marshall on 71-1807

The subject change application was prepared on 1 May 1996 and mailed to the owner for signature and filing fee. The application was returned to the Cedar City office with a check on 17 May. In making a cursory review of the subject right, it became evident that the underlying right had not been used for an extended period of time. I contacted Kent Jones for advice and also spoke to John Larsen regarding distribution records related to the right. Based on those consultations, a letter (on file 71-1807) was written to the applicant explaining the situation and offering him an opportunity to retract the change application and avoid an official agency action.

On 7 June, Mr. Tangren came into my office and we discussed the matter extensively. As a result, Mr. Tangren opted to retract the application and I gave it to him, along with his check for the filing fee. I advised him that this office would take no action to have the rights declared forfeit. I told him that any future applications requiring action by this office would have to be evaluated in light of this apparent abandonment. He admitted to me at that time that he had not personally used the water or caused the water to be used for a period in excess of five years. He talked as if he might retain legal counsel and pursue this matter further.

pc: Kent Jones - Appropriation
Lee Sim / John Larsen - Distribution