

Mikesell, Ryan

From: Bromley, Chris
Sent: Tuesday, August 10, 2004 10:38 AM
To: Mikesell, Ryan
Subject: RE: USFWS

Based on what you told me, I'd deny the claim based on forfeiture--continuous non-use for a period of five or more years. You will need to state forfeiture as your basis for denial in your recommendation.

The USFWS will then have the opportunity to object to the recommendation, which one can assume they will. The people who filed the affidavits in opposition to the water right would then have an opportunity to file affidavits in response to USFWS' objection.

Does that answer your questions? If not, please let me know and I'll keep trying.

Thanks,

Chris

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

From: Mikesell, Ryan
Sent: Monday, August 09, 2004 10:46 AM
To: Bromley, Chris
Cc: Carlsen, Ernie; Holliday, Michael
Subject: USFWS

Chris,

I thought I should send you an update to my previous e-mail. There have been some changes to the situation that I described before. We now have a total of 7 affidavits saying that the USFWS has never irrigated land from the time the USFWS Bird sanctuary was started until 2003. We have also found evidence to sustain their historical use claim that water was used prior to the USFWS taking control of the land. The problem now is that we have no evidence of the USFWS irrigating the land from the time they took possession (6/15/1965) to present and we have evidence that they have not watered. How do you make a recommendation based on this?

I know this is probably confusing. If you need me to clarify anything please give me a call and I'd be happy to help out.

Ryan