

MEMORANDUM

TO: Water right files 34-230, 34-231, 34-232, 34-2275, 34-2350, 34-13949, 34-13951, 34-14006, 34-14008, 34-14010 and 34-14012; Adjudication claim file 34-2418

FROM: Monica Van Bussum *MVB*

DATE: October 14, 2009

SUBJECT: Review of conditions for John Lezamiz Limited Partnership rights

Greg Sullivan of Brockway Engineering contacted Shelley Keen regarding what appear to be conflicting conditions for some of the John Lezamiz Limited Partnership water rights in Basin 34. I was asked to do a quick overview of those conditions. This memo reflects my current understanding of the state of affairs of these water rights.

It does appear there are currently conflicting conditions, most likely brought on by separate administrative actions.

- On November 24, 2008, the claimants, through their attorney, filed a motion to set aside partial decree for water rights 34-230, 34-231 and 34-232. The partial decrees for those rights were set aside, Amended Director's Reports (ADRs) were issued in April 2009 and new partial decrees were issued subsequent to the ADRs.
- Transfers 74000, 74013 and 74664 were all granted on various combinations of these rights in January 2009. These transfers included water rights 34-230, 34-231 and 34-232 but, because ADRs were issued after the transfers for these three rights, the ADRs superceded the transfers. However, many of the other rights had not been cited in the motion to set aside partial decrees and so were not changed in the ADR process.

I spoke with Ernie Carlsen at the Eastern Regional office this afternoon regarding the conditions on these rights. He said Fritz Haemmerle, legal representative of the Lezamiz Limited Partnership, told him they would be withdrawing the transfers in question (listed above) once the partial decree for SRBA late claim 34-2418 was issued.

On July 16, 2009, Special Master Booth of the SRBA District Court issued a report stating no objections had been filed to 34-2418 and his recommendation was it should be decreed. Thus, it appears we are simply waiting on 34-2418 to be partially decreed before the transfers are withdrawn.

I called Greg Sullivan today and spoke with him about this. He said he would hold off filing any additional transfers and pursuing the contradictory conditions until the late claim is partially decreed and the transfers are withdrawn.