

From: Christensen, Kelly
Sent: Monday, September 10, 2007 11:09 AM
To: Bromley, Chris
Cc: Jones, Doug
Subject: Fritz Haemmerle conveyance losses for disallowed rights in the Hiawatha

Fritz is in the process of filing objections to all of the disallowed rights claimed to be delivered through the Hiawatha Canal. His goal is to obtain that portion associated with each right that would be considered conveyance loss.

He stated that Dave Tuthill testified before him when he was a special master that the conveyance losses associated with a right that was disallowed stayed in the ditch.

He then wants to have a recording for the conveyance losses and he proposed that he file a late claim against each right as mitigation at 20% of the original diversion rate.

Question: would **mitigation** be the proper use to claim for the conveyance losses? If so, then what would the filing fee be? \$100.00 filing fee, 100.00 late fee is obvious but the variable fee is another question. I am assuming that the original filing included variable fees for the irrigated acres and if so would that variable fee cover the late claim variable fee or should we calculate a variable fee based upon diversion rate?

A thought that I had was that they could file a change of ownership but then they would probably have to file for an amendment as an option to change the use to mitigation.

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