

MEMORANDUM

DATE: October 7, 2025

FROM: Jose Pacheco, Water Resource Agent

CORRESPONDENCE: Phone call with Mary Aina and daughter Shirley regarding claim 11-327E, 11-328E, 11-329E, 11-330E, 11-331E, 11-338E, 11-339E, 11-347E, 11-350E, 11-351E, 11-352E, 11-358E, 11-359E

Correspondence Summary

I reached out to Mary during the review of claims (See above) on 10/06/25. Shortly thereafter her daughter and executor of the trust called. Mary lives in California and Shirley lives in Canada. The following are the questions and answers of the call:

1. When did the POD change occur?
 - a. Mary and Shirley stated that the changes happened prior to commencement of BRBA in 2021. Shirley stated that the ditch is and has been blocked for some time now. She said that it should be operational and property irrigated again in 2026.
2. Is irrigation occurring?
 - a. No.
3. When was the last time the property was irrigated?
 - a. Mary said it was in the late 1990s. Shirley stated it was around 2000. Shirley added that she was not aware that irrigation was not happening until the commencement letter and claim was submitted.

I explained to Shirley that aerial imagery does not indicate irrigation is happening. I told her that the 13 claims on this place of use will be recommended disallowed, and evidence can still be submitted to defend forfeiture. I sent Shirley an email directing her to the state forfeiture statute 42-223. I advised her of the notice of error and the objection period if she disagrees with the recommendation.



