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RE: Deposition Scheduling

From : Guss Guarino (ENRD) <Guss.Guarino@usdoj.gov>

Fri, Jun 24, 2016 02:31 PM

Subject : RE: Deposition Scheduling**To :** craig fredrickson <craig.fredrickson@comcast.net>**Cc :** Edward Bagley <edward.bagley@state.nm.us>, Karmen Miller (ENRD) <Karmen.Miller@usdoj.gov>

Mr. Fredrickson,

Please see my responses to your questions below (highlighted in yellow).

Regards,

Guss Guarino
Indian Resources Section
Environment and Natural Resources Division
999 18th Street, South Terrace, Suite 370
Denver, Colorado 80202
Office: 303-844-1343
Cell: 303-229-7256
Fax: 303-844-1350
E-mail: guss.guarino@usdoj.gov

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From: Guarino, Guss (ENRD)**Sent:** Friday, June 17, 2016 9:50 AM**To:** 'craig.fredrickson@comcast.net' <craig.fredrickson@comcast.net>**Cc:** Bagley, Edward <edward.bagley@state.nm.us>; Miller, Karmen (ENRD) <KMiller@ENRD.USDOJ.GOV>**Subject:** RE: Deposition Scheduling

Mr. Fredrickson,

I am glad to hear that you received the packages and have been able to review the materials. Based on my earlier description of the timing of your report (we should have your report no later than the 27th), I will have the deposition notice sent to you and will plan to see you on Wednesday June 29th at 9 a.m. – please let me know if you have different thoughts on the matter.

With respect to the additional questions you have below, I will address them to the extent that I can though I do not know if I will have any additional information to provide you. I will need to consult with others about the response. I hope to have a response to you sometime mid-week next week.

Regards,

Guss Guarino
Indian Resources Section
Environment and Natural Resources Division
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From: craig.fredrickson@comcast.net [<mailto:craig.fredrickson@comcast.net>]
Sent: Thursday, June 16, 2016 5:33 PM
To: Guarino, Guss (ENRD) <GGuarino@ENRD.USDOJ.GOV>
Cc: Bagley, Edward <edward.bagley@state.nm.us>; Miller, Karmen (ENRD) <KMiller@ENRD.USDOJ.GOV>
Subject: Re: Deposition Scheduling

Mr. Guarino,

Both the USPS and FedEx packages arrived today - thank you.

A couple comments/questions on the CDs.

1) The Field Notes on file #ZRB20038_US000288.pdf indicates that there are two photos of the Amado Well/Windmill, photos 1104 and 1105. The spread sheet, file #ZRB20038_US000293.pdf only shows photo 1104 as being associated with the Amado Well/Windmill. Your submittal did include a photo of some well casing in the arroyo, file# ZRB00238_US000292.pdf. Is that file photo 1105?

You are correct.

2) There are no photos or field notes concerning Zuni Spring, 9C-6-SPR01, included on your CDs. Am I to assume there are none? According to the Hydrographic Survey, Appendix 3, it was visited by NRCE on 6/11/04.

Zuni Spring was not identified in the field and thus we do not have photos or field notes of the spring to provide.

3) There is no information on the elements of water rights associated with any of the 5 water sources as requested in my RFP No.6. Am I to assume that there are none? I would have thought that you would have included a copy of Court Document #2276 at least.

We have provide you the documents that we have in our possession that are responsive to this RFP. (please note that some of the features are simply outside of the basin boundary).

4) Was there no water right assigned to 9C-6-SPR01?

You are correct.

5) There is a new map, file #ZRB20038_US000370.pdf (on CD2) that shows the location of Perry Canyon Well. I see that the 1972 USGS TwentyTwo Spring Quad shows a windmill at this location. Do you have any documentation that verifies that this windmill location is the location of the Perry Canyon Well described/identified by Tom Cox? Or is this association based on speculation?

We believe that the location of the Perry Canyon Well described by Mr. Cox corresponds to the well that appears on the map.

Thank you,
Craig Fredrickson

From: "Guss Guarino (ENRD)" <Guss.Guarino@usdoj.gov>
To: "craig fredrickson" <craig.fredrickson@comcast.net>
Cc: "Edward Bagley" <edward.bagley@state.nm.us>, "Karmen Miller (ENRD)" <Karmen.Miller@usdoj.gov>
Sent: Wednesday, June 15, 2016 3:07:52 PM
Subject: RE: Deposition Scheduling

Mr. Fredrickson,

Thank you for getting back to me and confirming that you are available on the 29th for a deposition. We will make the arrangements and prepare a notice accordingly.

With respect to the timing of your report, it is unfortunate that you have not received the documents that were prepared and sent to you on the 13th. To ensure that you receive a copy by tomorrow, my office will Fed Ex another copy of the documents that we have in our possession today and you should receive it tomorrow (by 10 am I am told). According to the amended scheduling order issued, you have 10 days from receipt of the documents to provide Plaintiffs with your report. Therefore, under the assumption that you receive the documents either tomorrow or even Friday, your report should be provided to us no later than June 27th. This should still make June 29th a workable date for your deposition.

As you know, your deposition cannot be had until you submit your final report and we have had a chance to review it. If for any reason that you think what I have described above is not accurate or workable, please let us know. Also, please let us know when you receive the documents.

Regards,

Guss Guarino