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February 25, 2010

**MEMORANDUM**

TO: John E. Stroud, Esquire

FROM: C. Eugene Franzoy, P.E., Franzoy Consulting, Inc.

SUBJECT: Expert report prepared in *UNITED STATES OF AMERICA, and STATE of NEW MEXICO, ex rel. STATE ENGINEER, Plaintiffs and ZUNI INDIAN TRIBE, NAVAJO NATION, Plaintiffs in Intervention, v. A&R PRODUCTIONS, et al., Defendants CIV. No. 07-00681 BDB/WDS, ZUNI RIVER BASIN ADJUDICATION, Sub-proceedings 1, Zuni Indian Claims.*

The purposes of this memorandum are (1) to inform you that: (a) I have testified twice and been deposed three times in judicial proceedings in the last four years and (b) I have not authored any publications in the last ten years; and (2) to report to you the amount of compensation provided to me for my work in preparing my expert report in the above referenced matter.

I testified in February 2008 in a case before a hearing officer in Boise, Idaho in a case entitled "IN THE MATTER OF THE REQUEST FOR ADMINISTRATION IN WATER DISTRICT 120 AND THE REQUEST FOR DELIVERY OF WATER TO SENIOR SURFACE WATER RIGHTS BY A&B IRRIGATION DISTRICT, AMERICAN FALLS RESERVOIR DISTRICT #2, BURLEY IRRIGATION DISTRICT, MILNER IRRIGATION DISTRICT, MINIDOKA IRRIGATION DISTRICT, NORTH SIDE CANAL COMPANY, AND TWIN FALLS CANAL COMPANY". This case is described in my resume, which is being submitted in this case.

I was deposed on June 18, 2007 in IN RE THE GENERAL STREAM ADJUDICATION OF ALL RIGHTS TO USE WATER IN THE GILA RIVER SYSTEM AND SOURCE, Case No: W-1, W-2, W-3, W-4 Consolidated, Contested Case No. W1-207. This case is related to the implementation of the Gila River Indian Community water settlement, which is described in my resume.

I was deposed on July 30, 2009 in *State ex rel. State Engineer v. Abbott, et al.* Cause No. 68-CIV07488 SC & 70-CIV08650 SC (Consolidated)-BB. This case is described in my resume, which is being submitted in this case.

I was deposed on December 15, 2009 in UNITED STATES OF AMERICA, et al., Plaintiffs, vs GILA VALLEY IRRIGATION DISTRICT, Defendants, No. CV31-0061-TUC-SRB. This case is related to the enforcement of provisions of the Gila River Indian Community water settlement, which is described in my resume.

I testified on February 23, 2010 in UNITED STATES OF AMERICA, et al., Plaintiffs, vs GILA VALLEY IRRIGATION DISTRICT, Defendants, No. CV31-0061-TUC-SRB. This case is related to the enforcement of provisions of the Gila River Indian Community water settlement, which is described in my resume.

With regard to the latter, I have received \$38,835 in compensation for the expert report entitled, "Report on Water delivery and Use Efficiencies," dated February 25, 2010:

I expect to receive compensation at the rate of \$160 per hour for further research, and \$160 per hour for deposition and trial testimony in this case.