

MEMORANDUM

DATE: December 12, 2017

TO: Water Right File 37-8856

FROM: Shelley W. Keen ^{SWK}

RE: Phone call from Roger Warner

This afternoon Roger Warner of Rocky Mountain Environmental called to discuss Steve Visosky's letter assessing and returning the Beneficial Use Field Report for Permit 37-8856. Roger sought my opinion regarding the field report and further efforts to confirm implementation of the required mitigation. I told Roger that because the field report lacks information confirming implementation of the required mitigation during the development period for the permit, IDWR cannot so far confirm his client has met the statutory requirements for issuing a license (i.e., demonstrating compliance with the mitigation requirements in the permit conditions). I reminded Roger that there is still time to respond to Steve's letter with additional information before IDWR takes action on the permit. We discussed that IDWR will need to see additional evidence confirming the necessary mitigation or, possibly, evidence that the permit holder implemented alternative mitigation accomplishing every objective of the approved mitigation during the development period. Roger said he would consult with his client about how to respond.