

Merritt, Allen

From: Merritt, Allen
Sent: Tuesday, August 17, 2010 2:49 PM
To: Peppersack, Jeff; Keen, Shelley
Subject: Pre-hearing conference for Application for Permit 36-16828 and T76355 in the name of Stone

This day I held a conference for these related applications protested by Buckeye Farms. The applicant was represented by Fritz Haemmerle and the protestant was represented by John Simpson.

The transfer as filed provides for conversion of 1 acre of irrigation to use in two ponds for recreation and stockwater and diversion to storage during the irrigation season. The application for permit provides for continued storage during the non-irrigation season.

On review of the applications it was found that the overall package did not include diversion to storage during the non-irrigation season which the applicant desires and thought was covered. The protestant would oppose diversion to storage during the non-irrigation season and may or may not continue opposition to the ponds mitigated by the transfer and will study the issue with further discussion with the applicant.

After discussion the conference was continued to provide opportunity for the applicant to consider amendment of the application or other options. I told the parties that to add diversion to storage or flow through for the ponds during the non-irrigation season that the use would need to be mitigated. Note that the watermaster's comments indicate there is no water available from Billingsley Creek to fill new uses.

I will wait to hear back from the applicant to reschedule a conference.