

Block, Darla

From: Keen, Shelley
Sent: Wednesday, December 09, 2009 5:08 PM
To: Block, Darla
Subject: RE: Condition No.12 of Permit 35-13917

Darla,

I think you're correct. The condition is a requirement which should have been met before they diverted water. If the evidence is not in the file already, then we should request it before acknowledging the proof of beneficial use.

Shelley

From: Block, Darla
Sent: Wednesday, December 09, 2009 2:35 PM
To: Keen, Shelley
Subject: Condition No.12 of Permit 35-13917

Shelley,
I need some guidance here.

Condition no.12 of permit # 35-13917 states " Prior to any diversion and use of water under this water right, the right holder shall (1) provide evidence of participation in a mitigation plan, approved by the director, and administered by a ground water district or other recognized organization, or (2) provide individual mitigation approved by the director."

Am I correct in my thinking that their proof statement is deficient and cannot be processed until they have provided the mitigation plan even though they are using the water?

Thanks,
Darla