

MEMORANDUM

DATE: April 20, 2009
FROM: Ernie Carlsen
TO: Files 22-13764-68, Elliot Creek
RE: Mitigation plan

The mitigation plan associated with these permits provided for a one time fill of the ponds as they were developed by ceasing to irrigate a combined total of 24.8 acres under rights 22-13696 and 22-13699 during the 2008 irrigation season. Per the mitigation plan, during construction of the ponds in 2008 the 24.8 acres were not irrigated and all the ponds were filled going into the winter. Rob Harris, attorney for the permit holder, has been informed by his client that the ponds remained full through the winter and will be full at the beginning of the 2009 irrigation season, eliminating the need to continue with the mitigation plan.