

MEMORANDUM

DATE: April 17, 2009

FROM: Ernie Carlsen *EMC*

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 designated number of acres under rights 22-13696 and 22-13699. Rob Harris, attorney for the permit holder, has been informed by his client that all the ponds were completed and filled by November 1, 2008. The ponds have 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.