

Weaver, Mathew

From: Peppersack, Jeff
Sent: Wednesday, April 16, 2008 11:59 AM
To: 'Rob Harris'
Cc: Weaver, Mathew; Keen, Shelley
Subject: RE: Update on 35-13542 (South Interchange Properties)

Rob,

Sorry for the delay. I looked at the information submitted some time ago. As I recall, the information indicated that the total volume available based on historical delivery would exceed the volumes necessary for mitigation. My initial reaction was that, although total volume may be available, the consumptive volume historically used and available for mitigation may not be available (crops consume water increasingly as the irrigation season progresses, so if water use is historically curtailed early in the season, then the amount available for mitigation would not be the full consumptive value for the crop based on published ET values). The information indicated that storage water would also be available, to make up any shortcomings. If storage water is to be used as part of the mitigation plan, we would need documentation from the storage entity agreeing to dedication of the storage water, including updates to the water right records indicating non-use for mitigation purposes.

I have assigned this to staff for further review. We plan to use this application to review general mitigation concepts and requirements to ensure we are proceeding in the right direction.

Jeff

From: Rob Harris [mailto:rharris@holdenlegal.com]
Sent: Wednesday, April 16, 2008 11:39 AM
To: Peppersack, Jeff
Subject: Update on 35-13542 (South Interchange Properties)

Jeff:

On Jan. 30, we sent a letter in regards to Application No. 35-13542 for South Interchange Properties, LLC. The letter addressed your concerns as to whether the mitigation water rights we proposed for mitigation were sufficient for that purpose. We provided water delivery information from IDWR indicating that they would be, but have not heard any response from the Department. My clients would like to keep this matter moving until it is resolved. If you could provide an update, that would be great.

Thanks,

Robert L. Harris
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