

MEMO

FROM: Allen Merritt

DATE: May 16, 2001

TO: Glen Saxton, File T66119

SUBJECT: Pre-hearing conference

On 5/14/2001 I conducted a pre-hearing conference in our office with:

Robert Whiteley president of Shoulder 3 Ranches Inc (applicant)

Chuck Warren with F&G (protestant)

The transfer proposes to change the point of diversion for decreed rights diverted from Trapper Creek.

There was an old P/D at the proposed site but it was washed out 15 years ago so P/D changed at that time to an upstream P/D which is shared with a neighbor. Due to problems associated with the shared diversion the applicant rebuilt the old diversion in 2000. Since only the shared P/D was claimed in SRBA the applicant was requested to file transfer. There was also an issue with SCA permit on construction of diversion put on hold pending outcome of transfer.

The issue with F&G is fish passage through the diversion dam. The check dam incorporates a 60" CMP. F&G has issues with velocity in culvert becoming a fish barrier.

It was agreed by parties to meet on 5/17 for on site inspection and hopefully work out a modification plan so structure meets F&G fish passage requirements. If this happens F&G will withdraw protest.