

Scanned & Power Doc to 72-16624

Merritt, Allen

From: Merritt, Allen
Sent: Monday, September 20, 2004 4:13 PM
To: Saxton, Glen
Subject: RE: FIRST FRUITS

The issue will probably come up but maybe if I just place a copy of these e-mails in the file may be enough to explain the intent sufficiently. I agree that drying up the acres should suffice and that mitigation to an aquifer is different than mitigation to a live stream and storage lag time should be considered. As you know we discussed this with all parties at the hearing which included the watermaster so hopefully this argument will not be raised by them. I will provide a copy of the e-mail to the file.

Allen

-----Original Message-----

From: Saxton, Glen
Sent: Monday, September 20, 2004 3:51 PM
To: Merritt, Allen
Subject: RE: FIRST FRUITS

Allen,

We did discuss lag time related to the irrigation season of use and year-round domestic use. The Preliminary Order is not as clear as it could be relative to the rights for mitigation and the lag time associated with the rights. My intent, however, would be to not shut off the domestic use of First Fruits if 1.5 acres are permanently dried up relative to permit 72-16624. Since a petition for reconsideration has not been filed, it would be a little awkward to clarify this matter by issuing another amended preliminary order. I prefer to leave it as it is unless you feel we need to pursue it further. lgs

-----Original Message-----

From: Merritt, Allen
Sent: Monday, September 20, 2004 3:36 PM
To: Saxton, Glen
Subject: RE: FIRST FRUITS

Corey Skinner came in my office and did question about whether the domestic right would be cut off if the mitigation rights are curtailed as they normally are every year. His question arises from Condition #3 one page 11 of the order. I recall at the hearing we discussed that the groundwater aquifer may allow some lag time on an annual basis and that if the lands were not irrigated that would be sufficient to allow year round use from ground water for the domestic use. This discussion does not appear to be reflected in the approval..

Allen

-----Original Message-----

From: Saxton, Glen
Sent: Monday, September 20, 2004 3:21 PM
To: Merritt, Allen
Subject: FIRST FRUITS

Allen,

Has your office received any petition for reconsideration from the parties to the First Fruits matter? The time for filing ended last Friday, September 17. lgs