

Before a Hearings Panel of the Canterbury Regional Council

Under Resource Management Act 1991

In the matter of applications for Regional Council Resource Consents to take and use water in the Upper Waitaki

**SUPPLEMENTARY MEMORANDUM OF COUNSEL ON BEHALF OF UWAG
APPLICANTS**

May it please the Commissioners

1. Reference is made to the 7th Minute of the Commissioners dated 2 November 2009 and the response of applicants dated 6 November 2009 filed by Christian Whata (counsel for Mackenzie Water Research Limited).
2. The UWAG applicants generally support the reasons for the commissioning of the report.
3. However, with respect to the status of the renewal applications made by UWAG applicants the concerns expressed by the Commissioners appear to centre on the confidence placed on the predictive outcomes of the modelled approach.
4. The renewal applicants form part of the baseline assessment and the assessment of the effects of those particular applications do not rely to the same extent on the predictions of the various modelling scenarios of MWRL and NIWA.
5. Accordingly from both a cost perspective and a confidence perspective the renewal applicants consider they are not reliant to the same degree on the modelled scenario and therefore that the costs attributable to Dr Spiegel's further evidence should appropriately fall on all applicants applying for new water contributing to Lake Benmore catchment issues.

Dated at Christchurch this 6th day of November 2009



E J Chapman

Counsel for the Upper Waitaki Applicants Group