

**IN THE MATTER**

of the Resource Management Act 1991

**AND**

**IN THE MATTER**

applications for resource consents to take and use  
water in the Upper Waitaki Catchments

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**MEMORANDUM OF COUNSEL ON BEHALF OF SOUTHDOWN HOLDINGS  
LIMITED, WILLIAMSON HOLDINGS LIMITED AND FIVE RIVERS LIMITED**

**2 FEBRUARY 2010**

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**MAY IT PLEASE THE COMMISSIONERS:**

1. This memorandum is filed on behalf of Southdown Holdings Limited, Williamson Holdings Limited and Five Rivers Limited ("**Applicants**").
2. I refer to the Commissioners 15<sup>th</sup> minute dated 28 January 2010 in relation to hearing from interested parties as to whether the Committee can and will now make a determination on the Applicants' water right applications without resolution of the effluent applications.
3. The Committee has directed that any interested parties can provide a response in writing or be heard before the Committee on Thursday, 4 February 2010 at 9:30am.
4. As no other party or submitter applied on notice to have the determination deferred, the Applicants have no notice of the grounds for such deferral. Accordingly, the Applicants seek an opportunity to consider and respond to any submissions from interested parties in opposition to the Applicants' water rights applications being heard and determined. The Applicants request that the Committee make a direction that any submissions in opposition to the determination of the applications be tabled by 1pm on 3 February 2010.
5. Finally, due to a scheduling conflict I will be unable to appear on 4 February. Derek Nolan will be representing the Applicants at the hearing in relation to this matter.

**Dated** 2 February 2010

**C N Whata**

Counsel for Southdown Holdings Limited,

Williamson Holdings Limited and Five Rivers Limited