

**BEFORE THE CANTERBURY REGIONAL COUNCIL**

**Under** the Resource Management Act 1991

**and**

**In the matter** of resource consent applications by various parties to take and use water in the Upper Waitaki Catchment

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**MEMORANDUM AS TO ALTERATION OF DEROGATION APPROVALS FOR  
APPLICANTS HOPE AND HALDON**

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1. During the course of the preparation of conditions, one of the matters addressed by the UWAG consultants has been to ensure that consent conditions comply with the derogation approvals.
2. This cross check has resulted in the need to seek these amendments to the derogation approvals.
3. In these instances, UWAG has initiated discussion with Meridian where the derogation approvals, as originally issued, have not aligned to the application and the evidence presented.
4. The amended derogation approvals are attached to the memorandum and they replace those issued for both applicants but should be read in conjunction with Meridian's original letter to ECan dated 26 June 2008.
5. The position relating to both applicants is set out as follows:

**A N Hope, Grampians Station, Haldon Road**

**CRC041542 and CRC041543**

6. These applications involve the diversion of waters from the Grays River to an irrigation race and then the take and use of water from this irrigation race at a rate of 137l/s. A diversion of the residual flows from the race back into the Grays River occurs at a rate of 29l/s.
7. The original derogation approval only issued for the "take and use" rates of the application and omitted to include the "divert" volumes in the overall annual volumes set out in the earlier derogation approvals.
8. This amendment is consistent with the application and the evidence presented by Keri Johnston at the hearing.
9. The effect of the amendment is to:
  - 9.1 Differentiate between the overall divert volumes (166l/s, annual volume 1,677547m<sup>3</sup>/annum) and the take and use volumes from the race (137l/s, annual volume 1,428000m<sup>3</sup>/annum) [see clauses 3.2 and 3.3 of the amended derogation approval];

- 9.2 Not change the irrigable area at all;
  - 9.3 Specify that amount which can be taken out of the irrigation race following the divert.
  - 9.4 Provide for the divert flows so that 29l/s is diverted back into the Grays River following the take. This divert is necessary to stop the pumps cavitating;
  - 9.5 Define the annual volumes for the take for the purposes of Rule 6, Table 5 WCWARP.
- 10. This amendment has arisen because of a mismatch in the original derogation approval which did not anticipate that there was a distinction between the higher rates of the diversion and the rate for take and use.
  - 11. The applicant confirms that all other matters relating to the application remain unchanged and that the evidence before you was based on a residual flow of 29l/s being discharged from the irrigation race back into the Grays River.

**Haldon Station Limited, Haldon Road**

**CRC082269**

- 12. A similar situation has arisen with respect to Haldon where there is a difference between the divert volumes and the “take and use” volumes associated with its application from the Stony River.
- 13. In order to provide fish passage, Haldon, Fish & Game and Meridian have agreed to the diversion being amended to a rate of 380l/s and a maximum volume 6,900,000m<sup>3</sup>/annum provided that the “take and use” is limited to 280l/s as per the application.
- 14. The derogation also records that it is only the take volumes from the race that should be counted for the purposes of Rule 6, Table 5 as the diversion is to achieve fish passage in the Stony River.
- 15. The take volumes, area of irrigation, and water efficiency calculations associated with Haldon’s application all remain unaltered.

16. This amendment has been “driven” by the need to provide an adequate fish passage in Stony River to avoid the reach above Hinch’s Bend going naturally dry and precluding fish passage.
17. Again this amendment is neutral insofar as the abstractive use for irrigation is concerned.
18. The applicants confirm that the changes to the derogation approvals do not alter the irrigation area or the number of MIC shares held by both applicants. A N Hope is a new applicant and already holds shares for this take.
19. Haldon is an existing user of water from the Stony River and is renewing its consent. Accordingly Haldon does not own shares for this take - but does hold shares for the new groundwater take - applied for under a separate consent number.

Dated 18 October 2010



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Ewan Chapman  
Counsel for A N Hope/Haldon Station Limited