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*in the matter of:* the Resource Management Act 1991

*and*

*in the matter of:* a number of applications to take and use water from  
the Upper Waitaki catchment

Memorandum of counsel for Meridian Energy Limited in response to  
23<sup>rd</sup> minute

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Dated: 24 May 2010

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REFERENCE: JM Appleyard (jo.appleyard@chapmantripp.com)  
BG Williams (ben.williams@chapmantripp.com)

**Chapman Tripp**  
T: +64 3 353 4130  
F: +64 3 365 4587

119 Armagh Street  
PO Box 2510, Christchurch 8140  
New Zealand

www.chapmantripp.com  
Auckland, Wellington,  
Christchurch



**MEMORANDUM OF COUNSEL FOR MERIDIAN ENERGY LIMITED IN  
RESPONSE TO 23<sup>RD</sup> MINUTE**

May it please the Commissioners:

- 1 This memorandum responds to the 23<sup>rd</sup> minute of the Commissioners on behalf of Meridian Energy Limited (*Meridian*).

**Further evidence**

***Paragraph 16***

- 2 Meridian wishes to avail itself of the opportunity to have Mr Callander respond to the Aqualinc report in respect of Simon's Hill and Simon's Pass.
- 3 Mr Callander has been instructed today and his written response will be available by 21 June 2010.
- 4 We also understand that Environment Canterbury has carried out a review of the Aqualinc report also and we seek that the review be circulated to the parties.

***Paragraph 18***

- 5 Meridian wishes to respond to the evidence of David Horne and Jose Romero.
- 6 Ms Sutherland has been instructed and will provide her written response by 21 June 2010 also.
- 7 Both Mr Callander and Ms Sutherland will be available in person at the reconvened hearing if the Commissioners have questions they wish to ask.

**Conditions**

***Paragraph 27***

- 8 Meridian's primary position as outlined in its closing remains unchanged, namely that most of the applications should be declined either because of adverse effects on water quality that cannot be mitigated or lack of sufficient information on which a robust decision can be based.
- 9 Notwithstanding that primary position Meridian wishes to take a constructive approach to the formulation of conditions which might apply if the Commissioners decide to grant some or all of the applications. It therefore seeks to be involved in the formulation of conditions as contemplated in paragraph 27 of the Commissioners' minute.
- 10 Meridian seeks that Mr Whata, Mr Reid and Mr Chapman provide to it at the same time as they provide to Environment Canterbury the draft conditions in a table form. We would expect this to be

provided to us by no later than 31 May 2010 to allow for further discussion within the timeframe of six weeks from 10 May indicated by Mr Whata.

- 11 Meridian would engage in the process of discussion over the conditions in tandem with Environment Canterbury.
- 12 It would be helpful if the Commissioners could provide directions that counsel for each of the applicants provide draft conditions in tabular form by 31 May 2010.

Dated: 24 May 2010

A handwritten signature in black ink, appearing to read 'J Appleyard', written in a cursive style.

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JM Appleyard/BG Williams  
Counsel for Meridian Energy Limited