

Lester, Steve

From: Lester, Steve
Sent: Thursday, March 19, 2015 2:24 PM
To: Palmer, Cherie
Cc: Grimm, Angie
Subject: Hipwell WSB rental appl re protested appl 57-11840
Attachments: 57-11840 Hipwell WSB plan.pdf; Prehearing conference 57-11840.docx; Prehearing conference 57-11840 V2.docx

Hi Cherie:

We talked about this before but not in any detail. Sorry for long email but wanted to give you enough to confer with others & maybe we can resolve in conference call between our offices if needed. Supporting info attached:

- WSB rental & test proposal (did not include cc of rental appl since SO has original)
- My map (embedded in above item) showing appl wells & former plus remaining protestant places
- My 2 prehearing conference summaries .

Site is Oreana. Hipwell has protested ground water appl 57-11840 for 25 acres irrigation & minor domestic/stock. Includes existing well D0066119 from early 2014 & additional proposed well nearby. Shallow ground water not involved (re Catherine Creek water district 57B, Hipwell is watermaster). Has primary creek rights but not good supply. Has other ground water from different well in 57-11595, possibly partial POU overlap in north part of POU. Although supplemental at least to some extent, appl will act almost as primary since creek water not reliable.

Alley protest dismissed, Humphrey & Osborn protests withdrawn, remaining protest is Tobias, who appears unlikely to settle. Tobias has old 4" domestic well about 3/8 mile southeast of 2 proposed Hipwell PODs. Humphrey & Osborn domestic wells are about 1/4 mile due east from appl wells. Alley domestic well is somewhat north-ish about 1/4 mile from appl wells.

Well logs in area under older names & cannot be sure which logs, if any exist, are for those folks. Their wells are pretty old.

Instead of a hearing in which we would lack sufficient data, applicant proposed WSB rental as a test for this season, see attached letter from Honsinger, Hipwell's attorney. Wants to rent Unruh leased right located not too far south. Honsinger called today & we discussed assurances necessary for any consideration of the rental/test. He told me Humphrey & Osborn verbally agreed to have their wells monitored plus fixed if problems. Said they will provide written consent if needed. Applicant agrees to provide domestic water to Tobias place from applicant well if problems. Honsinger said have tried but been unable to get response from Tobias in this regard. (I've had similar problems contacting her).

I think this is a good plan with reasonable safeguards. Resulting data will help us make a better decision and provide good info for the future. I recommend approving the rental with appropriate conditions/requirements:

- Our written request to Tobias for comments & any counter-proposal, allow 10 days to reply, no reply means ok
- Written consent from Humphrey & Osborn for monitoring their wells
- Cure for Humphrey & Osborn is subject to private agreement (adding pipe length to go deeper for water)
- Curtailment of Hipwell rental if we receive written notification from Tobias (email ok) that Tobias well having new problems
- Cure for Tobias will be adequate water from Hipwell well to satisfy use Tobias well has been providing
- Upon Hipwell and Tobias confirmation that cure is working, Hipwell rental pumping can resume
- We can determine if Tobias cure working if applicant & protestant disagree about it

- Rental is for 2015 irrigation season only.

I should have done this sooner but got bogged down. My time is short so ideally we can decide before 3/27. If so, I can send letter to Tobias under the banner of contested case I've been handling. Honsinger will be out of contact next week but said we could ask Hipwell directly if we need something. If we cannot approve rental/test, I have confirmed available dates April-June from parties for scheduling a hearing. I'll leave it to Jeff as "acting p/t manager" if can't make 3/27 ... actually 3/6 since 3/27 will be pretty full!

Please let me know what you all think, glad to talk about it if helps. Thx,

Steve

[illegible]

- RENT e Appl wells
- measure e Appl wells + Humphrey + Osborn
- cure Tobias if needed