

MEMORANDUM

Date: February 12, 2014
To: Water Right File 37-20628
From: shemenway
Re: Petition for Reconsideration of preliminary order issuing a license

An emailed copy of the letter from Charles G. Brockway, P.E. was received on 2/11/2014, with the original arriving in the mail on 2/12/2014. This letter was a formal Petition for Reconsideration of the preliminary order issuing a license for permit 37-20628 Fruehling. Mr. Brockway stated in his letter that there may have been a miscalculation in assuming the irrigation usage of the north well.

In a phone conversation today with Mr. Brockway, I told him that the Department did not feel that there had been a miscalculation with the combined limits, and that he should submit additional evidence. That we would need to receive that evidence in enough time to be able to review it, in order for us to respond by 3/4/2014. He stated that he would like to receive the 1/27/2014 combined limit sheet constructed by Shelley Keen and the 1/21/2014 Memo describing the phone conversation with Gordon Schmidt, and talk more about this during his 2/14/2014 phone conference scheduled with Shelley Keen. Copies requested by Mr. Brockway were emailed (see attachment).

Hemenway, Sandy

From: Hemenway, Sandy
Sent: Wednesday, February 12, 2014 3:53 PM
To: Charles G. Brockway
Cc: Hemenway, Sandy
Subject: 37-20628 Fruehling request for: formal Petition for Reconsideration of the preliminary order issuing a license
Attachments: DOC017.pdf

Chuck,

Here is the memo with the information that I obtained from Gordon Schmidt, and the sheet that Shelley Keen constructed to come up with the combined limits.

Sandy

S. Keen

1/27/2014

37-20628

- ① Rights 37-20628, 37-7282B, and 37-7333B share a ground water POD: NESW, S10, T1S, R15E. The capacity of this shared POD is 4.17 cfs. Therefore, these three rights must be limited to a combined total of 4.17 cfs. ($1.52 \text{ cfs} + 4.00 \text{ cfs}$ exceeds 4.17 cfs)
- ② Rights 37-7282B and 37-7333B are limited to a total combined volume of 324 AF annually. Right 37-20628 is for 652 AF annually. All of this volume must be supplied from the shared well pumping 4.17 cfs. Since 4.17 cfs will produce 1767 AF over the authorized season for all three rights (4/1 to 10/31), there is no need for a combined volume limit for the three rights. ($1767 > 324 + 652$)
- ③ Right 37-13251 shares the point of diversion described above with rights 37-20628, 37-7282B, and 37-7333B. It also has a second point of diversion at SESW, S10, T1S, R15E. The capacity of this second POD is 2.35 cfs. Therefore, when all four rights are on, the total combined limit is ($4.17 + 2.35 =$) 6.52 cfs. ($4.17 + 4.88 > 6.52$)
- ④ Since 6.52 cfs over 214 days (4/1 to 10/31) is 2768 AF, which exceeds the volume total for all four rights ($324 + 652 + 1753.5 = 2729.5$), there is no need for a combined volume limit among all four rights.

SCANNED

JAN 30 2014