

MEMORANDUM

To: Jeff Peppersack

From: J. Westra

Date: 03/05/13

RE: 02/22/13 Scheff Complaint Letter

Letter Requesting Information

On February 22, 2013, Western Region received the attached letter from Mr. Scheff. The letter requests information/responses from the Department regarding ground water administration in the area.

Background

Over the last year our office has been working with Mr. Scheff regarding the water level decline in his domestic well located in the Cinder Cone Critical Ground Water Area. Mr. Scheff is alleging the injury is the result from irrigation diversions under WR #61-12112—SMT Investors LTD, priority 4/20/1979. Mr. Scheff's WR #61-11833 is for domestic use with a priority of 06/22/1976.

Field Investigations

Angie Grimm and Rick Collingwood made a field investigation at the SMT Property on 04/13/12. They met with the farmer/irrigator Eric Orr. It was found that current irrigation practices seemed reasonably within the water right parameters by theoretical calculation. The water in the ponds is a result of bleeding off the mainline while hand lines are being moved. Some of the Water in the triangular shaped pond may also be naturally occurring—see old aerial photos in file. Another field visit was made on 06/06/12 resulting from Mr. Scheff call regarding water being wasted. Mr. Orr's exclamation was a mainline had failed during the night causing water to run across the road.

Department Letter

On May 14, 2012, I sent SMT Investors a letter outlining the complaint, and the need to fill the ponds in or obtain a water right. The letter referenced statute 42-351 regarding illegal diversion and use of water. I requested that measurement devices be replaced per #61-12112 condition of approval, and that monthly flow and volume be compiled. The data would need to be available upon request.

USGS Monitoring

One of the wells under #61-12112 is a USGS monitoring well. The well has been monitored since 1976 and is not currently being utilized as the water source- No. 02S 05E 11AAB1.

Attachments: 02/22/13 Scheff letter, complaint sequence, water rights, complaint file contents
Cc: Rob Whitney

JUST ONE EXAMPLE OF THE WATER BEING WASTED THAT WE COULD BE
DRINKING!



09/24/2011 06:35