

Keen, Shelley

From: Peppersack, Jeff
Sent: Wednesday, May 30, 2012 12:22 PM
To: Keen, Shelley
Subject: FW: Incoming Fax Message
Attachments: Fax001.pdf

Shelley,

Please have staff review this request and make a recommendation. You may recall we approved the amendment of permit after proof was filed, and conditioned the approval to require a mitigation plan before continued diversion to heat the pond. In a letter, I allowed one year to submit the plan or we would license only the portions not requiring mitigation. Now they are asking for more time to collect data to more accurately determine the quantity required for mitigation.

Jeff

-----Original Message-----

From: Ferree, Shari On Behalf Of IDWR Fax
Sent: Wednesday, May 30, 2012 11:43 AM
To: Peppersack, Jeff
Subject: FW: Incoming Fax Message

~ Shari Ferree ~

-----Original Message-----

From: idwr.fax@idwr.idaho.gov [<mailto:idwr.fax@idwr.idaho.gov>]
Sent: Wednesday, May 30, 2012 10:56 AM
To: IDWR Fax
Subject: Incoming Fax Message

Please open the attached document. It contains a copy of a Received Fax.

Attachment File Type: pdf

multifunction device Location: 5th Floor Across from Kitchen
Device Name: 507

LAWSON LASKI CLARK & POGUE, PLLC

ATTORNEYS AT LAW

675 SUN VALLEY ROAD, SUITE A
POST OFFICE BOX 3310
KETCHUM, IDAHO 83340
TELEPHONE: 208-725-0055
FACSIMILE: 208-725-0076
WWW.LAWSONLASKI.COM

FACSIMILE COVERSHEET

Date: 5/30/2012 **Pages (including cover page):** 3
File No.: 30587-024
To: Mr. Jeff Peppersack, Chief
Water Allocation Bureau
State of Idaho
Firm: Department of Water Resources
Fax: (208) 287-6700 **Main No.:**

From: Judy Nicholson
Assistant to Edward A. Lawson **e-mail:** eal@lawsonlaski.com

Re: Permit No. 37-8205

Comments:

Attached please find a letter from Ed Lawson sent to you today.

Thank you.

ORIGINAL WILL:

☒ BE SENT BY MAIL

BE SENT BY FEDEX/OVERNIGHT COURIER

BE SENT BY MESSENGER

NOT BE SENT

CALL BACK: If the transmission to you was incomplete or not legible, please call the individual above listed at (208) 725-0055 or call the FAX operator at (208) 725-0055.

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LAWSON LASKI CLARK & POGUE, PLLC

ATTORNEYS AT LAW

Edward A. Lawson
eal@lawsonlaski.com

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KETCHUM, IDAHO 83340
TELEPHONE: 208-725-0055
FACSIMILE: 208-725-0076
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May 30, 2012

Via Fax & US Mail

Mr. Jeff Peppersack, Chief
Water Allocation Bureau
State of Idaho
Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Permit No. 37-8205
Our File No. 30587-024

Dear Mr. Peppersack:

My client, Sun Valley Land & Minerals, Inc., the permittee under the above-referenced permit, respectfully requests an extension of time from May 31, 2012 through May 31, 2013 within which to modify or supplement its proposed plan for mitigation of the evaporative losses from the pond on its property. The reason for the request is to develop the data from which to calculate the precise amount of mitigation required.

Currently, IDWR has required mitigation for evaporative losses in excess of that which would occur if the pond were not heated. Mitigation was to take the form of retirement of actual consumptive use under an existing water right. The permittee has been working diligently to accomplish this objective through the efforts of Brockway Engineering, PLLC. In the previous mitigation plan submitted in November 2010, an estimate of the additional evaporation was made using average monthly meteorological data from the Hailey NWS station and airport. This data is not believed to be representative of this particular site due to elevation differences and orographic effects (in particular, wind speed is likely to vary considerably due to the site's location within a narrow canyon). Therefore, a data-collecting weather station was deployed in August 2011 to collect site-specific data on temperature, wind speed, wind direction, and relative humidity. This station has been working properly but additional time is needed to ensure that at least one full year of data, and preferably two, is collected. This approach should allow a more accurate determination of actual evaporation and allow development of the best possible scientifically based mitigation plan using existing water rights on which IDWR can base its decision.

Jeff Peppersack
May 30, 2012
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Thank you for your anticipated cooperation and assistance in processing this request. If you have any questions or desire any additional information please let me know.

Sincerely,

LAWSON LASKI CLARK & POGUE, PLLC



Edward A. Lawson

cc: Charles G. Brockway, P.E.
Client