

Nelson, Dan

From: Nelson, Dan
Sent: Monday, November 28, 2011 10:16 AM
To: Van Bussum, Monica
Subject: RE: Telford Water Bank Rental Typo

Monica,

I just checked the application and the maps, and this is what I found.

The well in T3N R26E S12 NWNWNW is the test pump well. This well was not described on the application form, but it was shown on the original application map.

The well in T5N R26E S1 SWSESW is was described on the application, but was not defined as being Mark's Well or the Test Pumped Well. This well was not included on the map. I incorrectly assumed this was the Test Pumped Well, and I miss read the legal description. This was my error, and I should have questioned it at the beginning of the process.

The corrected map sent by Rob shows this well to be in T3N R26E S1 SWSESW. This well shouldn't need a new modeling requirement, since it is less than ¼ mile from the test pump well, and is south of the airport.

However, this well is not owned by Telford Lands, so there should be some type of agreement in place to use this well, and there needs to be a measurement device that measures the water being sent to Telford Lands. The Water Measurement Information System (WMIS) database shows two wells at this location. One of the wells operates and other is not in operation. Both of these wells are allowed under an existing water right permit (34-2486). The Mark's well wasn't even discussed in our many conversations, so I it appears as though it was a last minute thought.

Before I can move forward, I have a couple of questions

- 1.) Can we allow a water bank lease on a well covered by a water right permit?
- 2.) Which of the two wells under 34-2486 are going to be used for the water bank lease?
- 3.) What kind of measurement device requirement should we require.

Mark's Well changes things significantly. I apologize for missing this in the beginning. I am concerned that if we allow the use of Mark's Well, we could alter or create an issue with the licensing of the permit. A field exam has not be performed on 34-2486, so I am concerned about altering the water use until the field exam has been done. My preference would be to not allow this well to be included until a field exam has been performed on 34-2486. After the field exam is done, then I think we could add Mark's Well at a later time.

My thoughts are that we discuss this with Shelley or Gary, and determine if we can approve this type of lease.

Dan

From: Van Bussum, Monica
Sent: Monday, November 21, 2011 4:18 PM
To: Nelson, Dan
Subject: FW: Telford Water Bank Rental Typo

Oh, no. I'll let you read and tell me if I need to be extra concerned. This does move a POD north.

From: Rob Harris [<mailto:rharris@holdenlegal.com>]
Sent: Monday, November 21, 2011 4:17 PM
To: Van Bussum, Monica
Cc: telfordsunvalleyseed@gmail.com
Subject: Telford Water Bank Rental Typo

Monica:

I received the Telford Water Bank Rental Approval, and appreciate your attention to it. We recognize that it took some time to work through that, and I know you have plenty to do. Thanks for all of your efforts and Dan's efforts.

Unfortunately, despite my careful review of the documents before I sent them off, I managed to include a typo in the spreadsheet showing the points of diversion for the pump-tested well (we call it the "Big Hole.") as one of the rental PODs authorized to pump the rented water. This typo was carried over to the rental approval. This well was described in my documents as SW/14SE1/4SW1/4 Sec. 1 Twp 05N Rge 26E, but should be SW/14SE1/4SW1/4 Sec. 1 Twp 03N Rge 26E. I apologize for my error, but would prefer to have it taken care of now. The map I submitted shows in in Twp 03N, so I assure you there is no substantive change because we modeled this well in the transfer tool at the correct location. Could you fix the typo and then send us the amended rental agreement?

Additionally, in reviewing this with my client today, we also discussed when he may have the pump equipment installed in the pump-tested well (the Big Hole). While the hope was to have something in place perhaps as early as next year, we now know that it may not be until 2013 or 2014 until that can be done because it will be an expensive project. In the meantime, Mike Telford's son, Mark, now owns land near the Big Hole, and has a well about 1/8 mile to the west of the Big Hole that was drilled under Permit No. 34-2486. This well is operational and is located in the same transfer tool node as the Big Hole, so we think it would be a good idea to add this well as an authorized POD for the rental also. The well is located (and I've triple-checked for typos) in the NW1/4NW1/4NW1/4 Sec. 1 Twp 03N Rge 26E. It is depicted on the attached map as the yellow cross. The Big Hole is the pentagon with the black dot in the middle.

Because it is located in the same node in the transfer tool, there should not need to be any additional analysis to add this well. Let me know if this is possible, or if this creates any additional issues/analysis, but we request that it be added. I could submit an amended application form if you would like.

Again, I apologize for these proposed changes, but appreciate your attention to this. Let me know if you have any questions or concerns.

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