

Merritt, Allen

From: Merritt, Allen
Sent: Wednesday, April 06, 2011 3:06 PM
To: dshaw@erresources.com; Albert Barker (apb@idahowaters.com); charles.e.brockway@brockwayeng.com; Craig Hobdey (hobdeycraig@gmail.com); fxh@haemlaw.com; Merritt, Allen; Peppersack, Jeff; Robertson, Jean; Skaggs, Pam; tgraves@co.blaine.id.us; watermanager@cableone.net; zach.latham@brockwayeng.com
Subject: Comments regarding draft approvals for Heart Rock Ranch project.

Folks,

I received a phone call from Dave Shaw regarding the drafts. No other comments have been provided as of this time today. I understand that Dave will follow up his verbal comments in writing in the form of an e-mail to be mailed tonight or tomorrow. I suggested he return a marked up draft of the draft approval.

From my notes Dave suggests that maybe Condition #6 be modified to include the non-irrigation season rights 37-22052, 37-22533, 37-22051 which total 6.58 cfs but after considering that #6 only addresses the irrigation season, maybe it should be left alone and another condition added to address Dave's concern somewhere else. On the same or related issue Dave suggests that at the end of #7 it should include the specific language as identified in #4 of the Stipulated agreement. I tend to agree with this at this point.

Another concern is for the use of well water from storage beyond the 24hr rule on ponds on the east side of the property. He indicated that #5 of the Stipulation addressed this concern so needs to be somehow incorporated in the permit conditions.

Another concern was #6 of the stipulation. Dave indicated that the 15 acres agreed to be dried up were acres in addition to the acres being dried up under the ponds in transfer No. 75840. It is Dave's understanding that the transfer is drying up 9.2 acres under ponds and should dry up a total of 24.2 acres. Currently that transfer dries up a total of 15 acres. Dave believes that there are 9.2 acres short.

I suggest that once Dave circulates his written comments we can have a phone call or meeting later this week to work toward resolution and hopefully avoid petitions for reconsideration.

Thanks,

Allen