

Peppersack, Jeff

From: Peppersack, Jeff
Sent: Wednesday, August 25, 2010 4:44 PM
To: Van Bussum, Monica
Subject: Sun Valley Land and Minerals Permit 37-8205

Monica,

Looks like you still have this file, so I'm forwarding this message for the file and an update to you regarding mitigation requirements for the hot water pond. I had planned to include you in a phone conference with Chuck Brockway Jr. and Ed Lawson, but we've had such a hard time scheduling a meeting I just decided to proceed ahead.

Chuck and Ed wanted to discuss alternatives for mitigation for the hot water use in the pond. The pond was created under a right from Deer Creek. That right was the subject of a transfer a few years ago that changed the pond from one large pond to several smaller ponds (the original pond volume was reduced over many years due to siltation). The original storage surface area was apparently reduced after the transfer. Chuck thought that there might be some credit available due to reduction in evaporation. One complication is that the transfer was protested and the protest agreement reduced the total volume of the ponds. I raised the concern that allowing mitigation credit for the reduced volume might defeat the purpose of the protest settlement agreement. The agreement probably didn't address surface area and evaporation directly, but we'd need to investigate further before accepting that plan. In addition, the transfer approval might have limited the right in such a way that it would be difficult to identify a portion for mitigation. Chuck was going to investigate further.

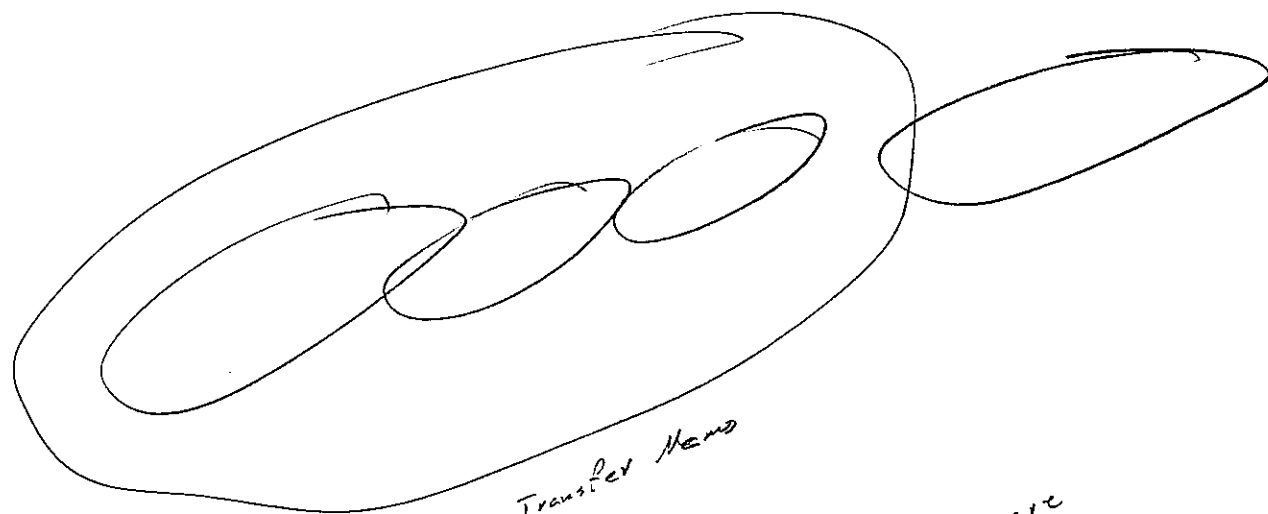
We also discussed use of a domestic right for mitigation. I said that a domestic right might be used, but they would need to show how much was historically consumed and it would likely be very limited (1/2 acre of irrigation at most). Chuck also wondered if a new 42-111b domestic use could be established to provide 2500 gallons per day for mitigation. I compared it to the Rotarun decision where the Department's position was that a new use of water would not qualify for the domestic exemption unless the total use was within the 2500 gpd limit.

In general, I reminded @huck and Ed that any mitigation plan needed to address or offset the use of water in quantity, time and location.

Jeff

Shelley —

Please have someone review the attached mitigation plan. Brockway is proposing to use reduction of a reservoir (prior transfer) as credit to mitigate for evaporation due to use of hot water in their pond. Does the prior transfer limit their ability to use such a credit? JP



Last 4yrs - Transfer Memo

13.1 acre
61.9
1.3