

Marshall, Aaron

From: Terry Scanlan [TScanlan@spfwater.com]
Sent: Wednesday, April 01, 2009 2:25 PM
To: Marshall, Aaron
Cc: Matthew Hoskin
Subject: Touchmark Permit 63-31829

Aaron –

As discussed by telephone, I recommend that condition No. 6 be changed to “The right authorizes annual diversion of up to 9.9 acre feet, with consumptive use limited to 6.4 acre feet”. The diversion volume of 9.9 acre feet is based on the mitigation water right (2.2 acres at 4.5 acre feet/acre). The consumptive use is based on an assumed consumptive use of 2.9 acre feet acre. The 9.9 acre foot volume allows for seepage loss from the pond. Any seepage loss returns back to the aquifer and should be considered non consumptive. Limiting the diversion volume to 6.4 acre feet is too restrictive, given that the mitigation water right allows for a much larger diversion volume.

Also, I question whether it is necessary to restrict the pond surface area to 1.2 acres (Condition No. 5)? Touchmark's original design showed a surface area of 72,450 sq ft (1.7 acres), and the shape of the completed pond appears to be close to the original drawing. I have not surveyed the perimeter of the pond, but I'd hate to find out later that it is actually 1.5 acres, but we are limited to 1.2 acres. This is especially true since the water right is mitigated based on a 1.7 acre surface area. The surface area of the pond is not an element of the water right, so I question why we need to cut it so close on the license.

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