

File 23-11333

Peppersack, Jeff

From: Peppersack, Jeff
Sent: Monday, November 10, 2008 8:22 AM
To: 'TomMeSum@aol.com'
Cc: 'Rob Harris'
Subject: RE: License 23-11333

Mr. Summers,

As indicated in my letter of October 21, 2008, the Department is not recommending that the water district refund the mitigation payment for 2007. The permit controlling the use of water specifically required mitigation. The permit was in effect at that time as a final order of the department and is not subject to further appeal. Therefore, a petition for reconsideration regarding the 2007 payment could not be considered.

I received an email from Rob Harris indicating that he will be filing a petition for reconsideration on the licensed condition.

Jeff Peppersack

From: TomMeSum@aol.com [mailto:TomMeSum@aol.com]
Sent: Sunday, November 09, 2008 8:35 PM
To: Peppersack, Jeff
Subject: Re: License 23-11333

Mr. Peppersack,

Rob Harris, by the 10th of Nov, will be submitting a petition requesting a change in the wording on the proposed license. If need be I will submit a petition regarding the 6/5/07 rental of water in the amount of \$1040.30. The conditions on your proposed license for Little Pine Creek, do not require the rental of water under its current condition, i.e. it does not flow into Antelope Creek. These are the same condition that existed on 6/5/07 when the rental fee was paid. Receipt no. 498961 signed by Lisa should be located at your Idaho Falls office. Further in your letter of September 30, 2008, you stated that "the Department is willing to accept the alternate condition proposed in your May 15, 2008, with some revision". The letter did not refute the request for refund of the payment. I kindly and respectfully request that the refund be made of the 1040.30 as requested in the May 15, 2008 letter. If I need to submit a petition to request the refund please let me know early tomorrow so that I can do so that same day.

Regards,

Tom Summers

In a message dated 11/7/2008 2:05:45 P.M. Mountain Standard Time, Jeff.Peppersack@idwr.idaho.gov writes:

Mr. Summers,

I just received your letter regarding an extension to file a petition for reconsideration for the preliminary order related to license 23-11333. The 14-day period is set by rule and statute which do not provide for an extension. The 14-day period will end Nov. 10. To be considered timely, you must submit a petition by that date. The Department will accept an informal petition identifying the issues as long as it is submitted by the required date. We could accept supporting information at a later date once the petition is timely filed. You can submit a petition by FAX to any IDWR office or, if convenient, you could file at the Idaho Falls office in person.

Jeff Peppersack, Chief
Water Allocation Bureau

11/10/2008