

Luke, Tim

From: Luke, Tim
Sent: Wednesday, October 15, 2008 8:30 AM
To: 'Mike Bruett'
Cc: Keen, Shelley; Skaggs, Pam
Subject: RE: Issue with Well at Warm Lake

Mike,

This e-mail confirms our discussion yesterday as well as my conversation with June and Russ Lopez regarding the season of use for water right permit 77-7337, issued to the Warm Lake Recreational Water District. This permit was issued or approved by the Department for full year domestic use (01/01 - 12/31). Currently, the season of use as listed on the permit, 01/01 thru 12/31, is the authorized season of use. Either or both lodges therefore are authorized to use the well beyond November 1. This season of use is the authorized season of use unless changed by the issuance of a license by the Department.

You were correct in bringing to my attention the fact that a field exam had been completed and that the Department field examiner did indeed recommend a season of use from 05/01 to 11/01, or six months. Comments on the field exam support the shorter season of use. I assume the information about use of the well and season of use was provided to the examiner by Ken Hunter, the person identified as the system manager and who accompanied the field examiner during the field exam visit in October of 2001.

As I mentioned yesterday, the Department will ultimately issue a draft license which could potentially include a shorter season of use based on the field examiner's recommendation. However, the permit holders may object to that proposed season of use and petition the Department to consider a longer season. The permit holders will have to follow the instructions for filing a petition of reconsideration when the draft license is issued. As I recommended yesterday, it may be helpful and more pro-active for the permit holders or the water district board to send a letter to the Department noting the season of use that had been recommended by the field examiner, advise the Department what the season should be and provide information that explains, supports or justifies the longer season. With some explanation by the board I do not anticipate that the Department would be very concerned about providing a longer recommended season of use, particularly since the permit authorizes year round use anyway.

Regards,

Tim Luke
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From: Mike Bruett [mailto:mike@andersonandwood.com]
Sent: Tuesday, October 14, 2008 4:11 PM
To: Luke, Tim
Subject: Issue with Well at Warm Lake

Hi Tim,
The Warm Lake Water board is under the assumption that our current permit 77-7337 will only allow the current well to operate from May 1st to November 1st. After talking to you I understand that the State views this well to be operated for the entire year. Until a license is issued. If you could write me a letter for me to confirm this, I can submit this to the Warm Lake Water District, so they can continue operation of the well to the users of Warm Lake.

Again thank you for your time, I appreciate very much

Mike Bruett
Anderson & Wood Construction, Inc.

10/15/2008