

Skaggs, Pam

From: Luke, Tim
Sent: Saturday, July 26, 2008 12:52 PM
To: Skaggs, Pam
Cc: Keen, Shelley; Merritt, Allen; Cooper, Jeff; Peppersack, Jeff
Subject: Brockway Field Exam - 37-8388

Pam,

On July 23 I was in the Upper Big Wood basin looking at some diversions with the watermaster and Jeff Cooper. We also went up to Warfield Hot Springs area to look at the diversion for permit 37-8388 and another hot spring diversion (Vierling) located very close to this one. I looked at this for Allen because the Dept has essentially committed to do some measuring and monitoring of the two diversions due to an on-going dispute and allegations from the senior right holder Vierling that this permit causes injury or interferes with her older, established diversion.

While we were there, I noticed a small pond east of the Robbins home that had a small pump house along the edge of the pond. This is the pond in Brockway's report that shows the pond receiving discharge from the hot pool. However, no mention is made in his report about the pond pump house. The plumbing in the pump house all looked pretty new, and complicated - in fact it appeared someone was working on the system the same day we were there. The groundskeeper, Jeremy Rosser, told me that the pond and pump is used for landscape irrigation and fire protection. I did not specifically recall him mentioning that the pond receives discharge from the hot pool but I suspect it does - it seemed reasonable to me as I could not really discern any other source of water for the pond. While we were there we also saw a portable pump in Warm Springs Creek going to some irrigation sprinklers - this appeared to be mainly for fire protection purposes. The portable pump was not operating at the time of our visit.

Allen was curious about the pond because it was not there several years ago when he visited the site and he was concerned that the pond and any irrigation from it might constitute uses not authorized by this permit or any other water right. I shared the same concern. When I reviewed the field exam I saw Shelley's note to you with comments that the field exam was not acceptable for certain reasons. It looked like he was asking you to send correspondence to Brockway regarding his concerns. If you draft or send a letter to Brockway, you may want to mention that staff observed a pump house in the pond and that the groundskeeper indicated the pump is used for irrigation and fire protection, additional uses which may not be authorized by the permit (I understand fire protection does not necessarily need to be included as a use). We probably need to ask Brockway about any potential irrigation use associated with the diversion and permit.

Jeff Cooper took some photos and GPS points during our brief visit. He will forward you the pond/pump house photos for the file.

Tim Luke
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