

Keen, Shelley

From: Franklin, Keith
Sent: Friday, June 22, 2007 11:06 AM
To: Keen, Shelley
Subject: Kelch memo

June 21, 2007

MEMO TO: Shelley Keen
FROM: Keith Franklin
SUBJECT: Dolly "Ann" Kelch complaint regarding Statutory Claim 95-4648

On June 8, 2007 at 1:30 pm, Eric Davis and I met with Ann Kelch, at her request, to conduct a field review regarding her complaint. The spring Mrs. Kelch utilizes, under claim 95-4648, "is going dry" due to her neighbors "use of his domestic well". There were two other gentlemen and an other lady present during the review and their names were not noted.

Mrs. Kelch has a statutory claim on springs within her property for the irrigation of one acre, stockwater and domestic use with a total diversion rate of 0.09 cfs and a priority date of 1/1/1918. The spring is located in a small pastured draw, approximately 525 feet up slope and east of her home. Her neighbor, Mr. William Clarks has a domestic well that is located approximately 600 feet north of the spring. From USGS maps, the elevation of the Kelch spring is approximately 2660 feet above sea level while according to Mr. Clarks well records, the static water level in the well is shown to be approximately 2638 feet in elevation. At first glance, one could make an argument that extensive pumping of the Clark well might impact the Kelch spring. A pumping test is most definitely needed. Within the general vicinity and up slope of the Kelch spring, there have been approximately 8 to 10 other homes developed within the last 10 to 15 years. Mr. Clarks well was constructed in the year 2000.

When the group first met, I asked Mrs. Kelch if the spring was her only source of water and she answered that it was, so there were no other sources to examine.

Upon commencement of the field review, I walked into the draw, below the spring, to determine if any surface water was present. The draw was green with vegetation, but the ground was dry all the way to the spring box. This is one indication that the spring box is working to its potential. The spring has been developed by the construction of a 2-foot by 2-foot concrete box, approximately 4 to 4.5 feet in height, with a portion of the box extending above the ground surface. Water was observed to be about 3 to 4 inches deep in the bottom with a 1-inch diameter pvc pipe protruding into the box and used as the diversion mechanism. The pipe was submerged up to approximately $\frac{3}{4}$ of its diameter with a 90° elbow pointing in a downward direction at its inlet. A mat of hair like white roots was present in and on the water surface and appeared to extend into the pipe. A metal screen had also been placed over the inlet and secured to the pipe. No water movement into the spring box or at the inlet to the pipe was observed. Staining on the concrete within the spring box indicated water had stood approximately 12 inches higher some time in the past. Mrs. Kelch stated the spring box had sometimes overflowed, generally during the early part of the year.

The pipe from the spring box is connected to a concrete cistern 20 to 30 feet down slope. The cisterns holding capacity is estimated to be approximately 500 gallons and it was approximately $\frac{3}{4}$ full. A flow was observed from the spring box into the cistern, which was not measured but estimated to be between 1 and 2 gallons per minute. The cistern supplies water to the Kelch home by a pipeline approximately

7/5/2007

500 in length. No water was observed being applied to the lawn or garden at the time of the review and no wet spots above the pipe were observed which would indicated leakage.

At the conclusion of the field review, I suggested the roots be removed from the spring box as well as the 90° elbow. Also, the loose silt/sandy material at the bottom of the spring box should be cautiously removed or cleaned out without interfering with the spring's integrity. I further suggested to Mrs. Kelch, that she should start collecting data on the water level within the spring box, by measuring down from the top of the concrete box to the static water surface three times per day staggered equally. With the field review being concluded, Eric Davis and I left the premises at approximately 3:00 pm.

A few days prior to this review, Mr. Clark was contacted to see if permission could be obtained to take a static water level in his well. The request was denied

On June 15, 2007, I received a phone call from Mrs. Kelch requesting a petition to make a "call for water" on her statutory claim 95-4648. I explained to her, in detail, the only water rights that can make such a call are ones that have been confirmed, such as a court decreed right or a license. No call for water can be made on a statutory claim. Her course of action may be to retain an attorney, hire a hydrogeologist to confirm a connection between the Kelch spring and the Clark well and pursue a remedy through a court.

At the time of this conversation, I asked Mrs. Kelch about the domestic well that was drilled for her and her husband in 1988. She stated the well was constructed to supplement the spring when it went dry in late summer. She went on to say the "well was no good" because when it was turned on, "the motor would make a werrrr sound and no water would come out". Also, since her neighbor, "the Dodges have such a large family, they are now using the well".

Mrs. Kelch indicated the well was still connected to her house and estimates to repair the well, which included deepening, would cost \$10,000. She stated that since her husband passed away, it was cheaper to use the spring than try to pursue a fix for the well. I explained to Mrs. Kelch that in my view the well was constructed for a reason, appeared to be a good producer from the drilling records and she should pursue the possibility of getting it back in operation. I also stated that when her attorney Art Macomber returns from vacation on June 18th, I will talk to him about my findings.

On June 18, 2007, I talked with Mr. Macomber and updated him on my investigation and my conversations with Mrs. Kelch.

End of Memo.