

Peppersack, Jeff

From: Peppersack, Jeff
Sent: Wednesday, May 02, 2007 12:55 PM
To: 'Jim Johnson'
Subject: RE: Brookwood Homeowners Pond 5

Mr. Johnson, I recieved your fax today with additional questions. The information you submitted was part of the application, not part of the agreement or approval associated with the permit. The permits and transfer referenced in my earlier message provide the authorizations and the conditions that must be followed for the pond development and use.

Please feel free to call if you have additional questions.

Jeff Peppersack
 208-287-4948

-----Original Message-----

From: Peppersack, Jeff
Sent: Tuesday, May 01, 2007 5:30 PM
To: 'Jim Johnson'
Subject: RE: Brookwood Homeowners Pond 5

Mr. Johnson,
 I've attached proof reports for two permits and one transfer associated with the ponds for Brookwood Subdivision. The settlement agreement provides conditions limiting the diversion under the rights to 0.18 cfs and 40 acre-feet per year. The settlement agreement also addresses lining of pond 5. These conditions have been carried forward as approval conditions for the rights and the Department has added other conditions as necessary.

Your questions 1 through 3 are not conditions of the agreement, permits or transfer. The conditions limit the instantaneous flow rate to 0.18 cfs (approx. 80 gpm) and an annual volume of 40 acre-feet (approx. 13,034,000 gallons).

4. A reason is not specified in the agreement. However, the Department conditioned the rights for all the ponds to be lined with bentonite or other impervious material to minimize seepage losses to be consistent with the statutory criteria for conservation of water resources in the state.

5. Anyone can report non-compliance of a water right or permit.

6. and 7. The well is limited to 0.18 cfs and 40 af; in addition, the transfer approval limits right 63-31726 to 14 af (part of the 40 af) for replacement water for evaporation from the ponds.

8. The Department can rescind the approvals due to noncompliance with the permit or transfers.

9. See above.

10. I'm not sure I understand the question. The permit and transfer approvals are final orders of the Department and the limitations cannot be exceeded.

11. The application was filled out by the applicant's consultant, so I can only assume that they meant diversion of water to maintain the water level in the ponds.

Jeff Peppersack
 Acting Bureau Chief

5/2/2007

Water Allocation Bureau
208-287-4948

-----Original Message-----

From: Jim Johnson [mailto:jetjocky@cablone.net]

Sent: Tuesday, May 01, 2007 3:29 PM

To: Peppersack, Jeff

Subject: Brookwood Homeowners Pond 5

Jeff Peppersack, Manager
Water Right Permits Section
Ref: "Settlement Agreement"
For new well permit by
Aries Development LLC

Dear Mr. Peppersack,

As per our conversation on the phone, a couple of days ago, I had questions concerning keeping within this written "Settlement Agreement" for the well permit and would appreciate confirmation on these concerns and our conversation. Under Brookwood Subdivision Water Requirements, Pond evaporation Mitigation, Revised. The revised portion is pond seepage found on page 1 of 2 dated C.E. Brockway 7/12/2004, pond 5 shows .011AF/Day for non-irrigation season (185 days column) and .014AF/Day of evaporation, which in my calculation is a total of 8,146.25 gal/day of maximum evaporation and seepage for that pond. Here are my questions:

1. Is the .011AF/Day the Maximum allowable seepage of pond 5, during non-irrigation season, according to agreement with your agency and others to keep in compliance of the permit and use of this new well?
2. Is the .014AF/Day the Maximum allowable evaporation for pond 5, during non-irrigation season, according to agreement with your agency and others to keep in compliance of the permit and use of this new well?
3. What is your calculation of maximum gal/day for evaporation and seepage & evaporation for pond 5 as per agreement?
4. On the first page of "Settlement Agreement" dated October 31, 2004 what was the reason for lining pond 5 with betonite as a requirement for well permit?
5. Can anyone formally complain about compliance of the well and pond use or is it restricted to listed "protestants"?
6. Is the well use contingent on a maximum seepage and evaporation of pond 5 as listed?
7. Is the well use contingent on a maximum seepage and evaporation of all 6 ponds individually, 1,2, 3,4,5,6 as listed?
8. It is my understanding that if there was a justified complaint of any agreements with your agency, you could pull the permit and shut down the well and someone would have to re-apply. Is that correct?
9. We calculated the Maximum use of new well water use at 40 AF per annum, to be 13,034,000 gal/year, is this right? Anything over this amount would not be in compliance and action could be taken.
10. How long does someone have to make corrections and/or complain about ponds or well use as per settlement agreement as part of permit acceptance?
11. On "Application for Drilling Permit", what does 'Aesthetic pond mitigation' mean?

As the Vice President of the Brookwood Homeowners Association, I would greatly appreciate your agency responding to each of these questions, as I will be presenting this to our Board in anticipation of taking over the deed to pond 5 areas, new well and water rights. Please email me

5/2/2007

back at jetjocky@cablone.net.

Sincerely,
Jim Johnson
Vice President
Brookwood Homeowners Association

5/2/2007