

Submitted by Molly Erickson
at 11/21/2011 Board Meeting
Item 16

5.4 Reason for Disagreement.

A retest at the minimum pumping rate would make the well recovery rate directly ascertainable. If the well does not recover to 95% after the pumping, then the answer will be clear that the well cannot make the required recovery. No controversial calculations or interpretations will be necessary.

The MPWMD position leaves the door open for the tests to be repeated at a rate of far more than 3 gpm – which is what happened in the October 2010 tests. The October 2010 pumping rates resulted in too much uncertainty in interpreting the well recovery and drawdown results, and impacts on neighboring wells. That uncertainty would be removed by carrying out retests at the minimum well yield rates.

5.5 Relief Requested.

In order to get actual data instead of estimates, the Beeches ask the Board to direct that retesting be carried out at pumping rates of 6 gpm for Flores/Pisenti Well #1, and 3 gpm for Flores/Pisenti Well #2. If clarification is appropriate during the time this appeal is pending, we will amend this request for relief accordingly.

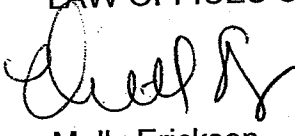
The Appeal Should Be Granted

For all the above reasons, and in the interests of justice and fairness, the Beeches' appeal should be granted.

The Beeches will be back at the end of July. In light of the study of the issues needed by all parties and the Board, and our clients' travel to which they have heavy financial and personal commitments, we respectfully request that the hearing on the appeal be scheduled for either the August 2011 or September 2011 Board meeting.

Very truly yours,

LAW OFFICES OF MICHAEL W. STAMP


for Molly Erickson

