

Holmes, Christopher

From: Holmes, Christopher
Sent: Wednesday, March 31, 2021 11:47 AM
To: 'Ian'
Subject: RE: Notice of Claim to a Water Right 87-10524

Good morning,

I received your email, and thank you for letting me know you are out of town. When you return to Moscow, please sign and return the document as soon as possible.

Regarding the recommendation, I have not completed it because of the signature issue. I will not be able to complete the recommendation until I receive the signed document. However, I have reviewed the claim. Based on the email containing the history of the property and the aerial images you supplied, I have the evidence to recommend the claim for 5.5 acres with a 1939 priority date for 1 home and stockwater for a total quantity of .09 cfs and 16.5 AF. 1939 is the date where I see that the home, stockwater and irrigation use are all used to the extent claimed before the mandatory permit requirement of 1971. The expansion of irrigation occurring since 1984 is after the 1971 permitting requirement, and the amount irrigated past 5.5 acres that has been expanded on since 1984 will need permitted.

A question you might have is why I would recommend a priority date of 1939 rather than 1880 when the farmstead was first established. This is because although the home and stock use may have began in 1880, the irrigation use kept expanding until the 1930's according to your statement. Because the water use kept expanding, the priority date moves with the date of the expansions. For the home and stockwater use to get an 1880 priority date (if I can find evidence that supports this date), a separate claim would need to be filed that does not include the irrigation use which was expanded in the 1930's. I will note that my review of your claim is before my supervisor has reviewed my would-be recommendation, so there still might be changes made to the recommendation.

After I receive the signed document I will complete my recommendation, have my supervisor review it, and email you a copy. If you have any questions now or after I send you the recommendation, feel free to contact me.

Sincerely,

Christopher Holmes

Christopher Holmes
Water Resource Agent
Idaho Department of Water Resources, Northern Region
7600 N. Mineral Drive, Suite 100
Coeur d'Alene, ID 83815-7763
Phone (208) 762-2800
Fax (208) 762-2819
Christopher.holmes@idwr.idaho.gov

From: Ian [mailto:ian@terrafound.org]
Sent: Saturday, March 27, 2021 7:55 AM
To: Holmes, Christopher <Christopher.Holmes@idwr.idaho.gov>
Subject: Re: Notice of Claim to a Water Right 87-10524

Mr. Holmes

Thank you for the notification. We are currently away from Moscow and won't return for about 3 weeks. We will attend to the documents when we return if that is satisfactory. Could you email a copy of your recommendation in the meantime. Thank you for your consideration in this matter.

Ian von Lindern
1075 Snow Road, Moscow

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From: Holmes, Christopher <Christopher.Holmes@idwr.idaho.gov>
Sent: Friday, March 26, 2021 2:20:50 PM
To: Ian <ian@terrafound.org>
Subject: RE: Notice of Claim to a Water Right 87-10524

Good afternoon,

I am emailing you in regards to our previous email chain for your water right claim 87-10524. I've reviewed the evidence and attachments that you provided, and I believe I have enough information to complete my recommendation.

However, there is one thing that requires your attention. The Amended Notice of Claim received by the Department does not contain an original signature by you and/or Margrit C. von Braun. The document I have on file contains a copy of the original signature. For me to complete my recommendation, you must re-sign the Amended Claim. To do this, I will mail the Amended Claim for you and/or Margrit von Braun to sign and date the document. Then, the Amended Claim must be mailed back to me.

I will mail the Amended Claim to you this afternoon, along with a short letter reiterating this email. If you have any questions, feel free to contact me.

Sincerely,

Christopher Holmes

Christopher Holmes
Water Resource Agent
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Phone (208) 762-2810
Fax (208) 762-2819
Christopher.holmes@idwr.idaho.gov

From: Holmes, Christopher
Sent: Friday, January 15, 2021 2:15 PM
To: Ian <ian@terrafound.org>
Subject: RE: Notice of Claim to a Water Right 87-10524

Good afternoon,

I have received your email and photo attachments further describing the priority date evidence for claim 87-10524. I will read through the information and add it to the claim file. I will keep you updated on the status of your claim, or if I have any further questions.

Thank you for taking the time to collect this information and share it with me. If you have any questions or further comments, feel free to call or email me.

Sincerely,

Christopher Holmes

Christopher Holmes
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Phone (208) 762-2810
Fax (208) 762-2819
Christopher.holmes@idwr.idaho.gov

From: Ian [<mailto:ian@terrafound.org>]
Sent: Friday, January 15, 2021 1:49 PM
To: Holmes, Christopher <Christopher.Holmes@idwr.idaho.gov>; Luke.Bates@idwr.idaho.gov.
Cc: vonBraun, Margrit (vonbraun@uidaho.edu) <vonbraun@uidaho.edu> <vonbraun@uidaho.edu>
Subject: RE: Notice of Claim to a Water Right 87-10524

Dear Mr. Holmes / Bates;

In response to your December 17, 2020 email, I am providing a history of the well and water use for this property as related to me by the original owner's family over the past 37 years. Unfortunately, only one family member with first-hand knowledge survives and is currently of limited accessibility due to Covid. I have contacted his caregivers and can arrange to meet and secure the necessary information. However, this will likely require retrieving materials from storage and we all want to be sure this is accomplished with a minimum of inconvenience. As a result, I am supplying IDWR with my best description of the well's historical use and look to you to advise me what specifically I need to obtain from the elderly gentleman to satisfy IDWR requirements.

Our property and this well has long been associated with the Snow family farms. This place was known as the Berry homestead, with the original Snow family homestead located about 300 yards to the northeast. Both homesteads are shown on the circa 1940 and 1960s aerial photographs I have provided with the application and attached. These photographs were given to me by the Snow family about 30 years ago. The older photo was taken sometime between 1935-40 and can be dated by the "new" Highway 95 running north-south between the homesteads. The Snow homestead is located east of the highway and Berry homestead (our property) to the west or the bottom of this photo as oriented. The Snow School is between the two homesteads directly east of the Berry property and south of the Snow property. The pasture discussed below lies between the highway and the Berry house/barn yard. The second photo is post-1960 and can be dated by a combine shop built in 1960.

Both places were reportedly settled following the Nez Perce Wars in 1877, by Union Civil War veterans. The elder Snow family survivor, some years ago has shown me original homestead documents for the Snow family and the Civil War records of the original homesteader Madison Snow. In the 1920's, one of the Snow family sons married a Berry family daughter and the couple purchased the Berry homestead from her parents. It then became known as another of the Snow places, or the Snow-Berry Place. The home was residence to Senator Richard Snow, longtime State Senator from Latah County during the mid-20th century. My information was accumulated from Senator Snow's son and grandson who were raised on and operated this property, but have both passed away. The surviving operator is the husband of Mr. Snow's niece who farmed adjacent Snow family farms. The Snow family farmed several thousand acres in this area for most of the 20th century, including all the land shown on these photographs. The two Idaho homes in these pictures, and a third farmstead

located some 3 miles away in Washington were the primary agricultural residences. Each had extensive well and cistern/reservoir systems for fruit/produce irrigation and dairy and livestock operations, prior to rural electrification. Agricultural activities included commodity crops, orchards, livestock and dairy. The earlier photograph taken sometime between 1935-40 also shows the Snow School directly east of our property and south of the Snow homestead. One of the family orchards covers the hillside east of the school.

Our property, the Berry homestead place was immediately well-known for its productive well, that has continuously withdrawn similar quantities of groundwater for a variety of uses over the past 130-140 years. The well still produces ample volumes today. It was tested about 15 years ago during a pump replacement and yielded 27 gpm for 24 hours with minimal drawdown and recovery time, pump depth 128 feet with static water at 22 feet.

The well was originally hand dug to over 30 feet circa 1880. The original windmill structure can be seen in in early photographs and remains in-place today. For the first 50-60 years the well served both the Berry homestead and the adjacent Snow School property and orchards. The windmill originally fed a 500-1000 gallon underground cistern that served as storage for the agricultural, and domestic uses, and the school. The cistern was sand-filled decades ago, but one end of the structure can still be seen from the well pit. The Snow school was located between the two homesteads and served the pioneers of this area in the early years of the 20th century through the early 1950s. No evidence of the school remains although it can be seen in the attached 1935-40 aerial photograph. The same photograph shows both the Snow and Berry Homesteads.

Both photographs show the current highway US 95 between our property and the school location. That highway was built in the mid-1930s. Prior to that the highway was east of the school and remnants of the original north-south highway right-of-way can be observed to the east of the orchard in the photo. Prior to the highway relocation in the mid-1930s, the school property and the orchard were contingent with the pasture on our current property and our well served the orchard located on the hillside above the school and the orchard west of the house on our property. Both orchards can be seen on the earlier photo. I encountered the original galvanized pipeline running from our well to the school when installing sprinkler lines in the intervening pasture in 2012.

At about the same time as the highway was relocated in the mid-1930s, with rural electrification, the well was deepened and encased to 130 feet and provided pressurized water to the school, orchards and the Berry homestead. Electrification likely occurred after, or in concert with, the highway relocation as the utility poles follow the new roadway. Within a few years of closure of the Snow School in the early 1950's, the Snow family built a new house and farmstead on Zeitler Road just off the south edge of the aerial photos. The 1960 era photo shows the school property was abandoned, the orchards were discontinued, the original Highway 95 right-of-way along the ridge top was farmed over, and the Berry place orchard was replaced with a windbreak hedge and shade trees and a large produce garden. The water service line for the school was diverted under Highway 95 and our well was used to service both domestic and irrigation water to the new home on Zeitler Road. In the late 1960's the Snow family sold the 6.2 acre Berry property we now own, reportedly filed for a surface water right to irrigate the Zeitler Road property, but maintained the connection to the well on the Berry homestead well, in reserve, until sometime in the late-1970s-1982 time period. I also encountered this 3 inch plastic main line when installing the pasture sprinkler system in 2012, and use portions of it as a redundant service line in the current irrigation system.

In 1982, the property was converted to a veterinary operation and the barn and pasture were used to support a large animal operation and numerous drip lines had been installed to maintain the landscaping, shade tree and pasture amenities. We purchased the farm in 1986 and progressively have move all utilities underground and completed the underground sprinkler system for the entire property in 2012. The 2012 date in the application refers to the initiation of irrigation of a 3 acre portion pasture on the east side of our property, essentially using the same supply that irrigated the orchard across the highway until the 1950s and the "new" farmstead through the 1980s. The well itself has not been improved, nor its capacity increased since the 1930s. It is important to

note that the well has been in constant production and used on other portions of the Snow properties since circa 1880.

In summary, as indicated in my application, the well has served about 3 acres of the original homestead continuously since the 1880s. It has had the capacity, and has been used to service an additional 3+ acres, at least, since rural electrification in the 1930's. During that time it served the school, two orchards, and various domestic, livestock and dairy purposes through the 1950s. From the late 1950's to the 1980's it served a second residence and farmstead either directly or in reserve, followed by a short period of veterinary and large animal care, boarding and pasturing. Since 1984, the underground irrigation system has been progressively expanded and, by 2012, drip/sprinkler irrigates the entire 6.2 acre property as a small farm operation.

Also, please note that we originally applied for this water right to the Adjudication Bureau in Boise on December 13, 1988 at the same time as the adjudication of water rights we held in Twin Falls County. I can supply notarized copies of the application and certified mail receipts if required.

Please let me know what additional evidence you require to establish the water right and any permit and I will arrange to obtain it from the surviving Snow family member at his earliest convenience. Thank you for your consideration in this matter.

Sincerely,

Ian von Lindern

1075 Snow Road, Moscow, ID

Ph. 208 596 8577

From: Holmes, Christopher [<mailto:Christopher.Holmes@idwr.idaho.gov>]

Sent: Thursday, December 17, 2020 2:44 PM

To: Ian <ian@terrafound.org>

Subject: Notice of Claim to a Water Right 87-10524

Good afternoon,

I am emailing you in regards to a Notice of Claim to a Water right 87-10524 filed in the Palouse River Basin Adjudication. During the claim review process, a couple things caught my attention.

First, one of the claimed uses is for irrigation of 6.2 acres. According to the claim, 3 of those acres began being irrigated in 2012. This began after the mandatory permit statute for ground water (March 25, 1963), and requires a permit to be filed. Please contact Luke Bates for more information. His phone number is (208) 762-2817 and his email is Luke.Bates@idwr.idaho.gov.

Second, the department requires additional priority date evidence for the irrigation use to recommend the remaining 3+ acres of irrigation. Examples of additional priority date evidence includes a signed written statement from an individual with first hand/family history knowledge of the use occurring on the property, dated photos of the property, dated crop/agricultural records, irrigation expense receipts, etc. This priority date evidence must at least precede the mandatory permit statute for ground water mentioned above to be recommended in the adjudication. I can only recommend the irrigation portion of the claim based on the additional priority date evidence supplied by you.

If I do not receive any additional priority date evidence by January 18, 2020, I will not be able to recommend the irrigation portion of the claim. If this is the case, Luke Bates is the contact person to file a permit for the irrigation use occurring.

If you have any questions, feel free to contact me. If I do not receive additional evidence or correspondence from you, I will give you a call to make sure this information is shared with you. I attached a copy of the notice of claim for reference.

Sincerely,

Christopher Holmes

Christopher Holmes

Water Resource Agent

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