Alleman, Tammy

From: Jones, Doug
Sent: Tuesday, August 11, 2020 2:18 PM
To: Becky Johnson; jarred holz
Cc: Jessica Holz; millertime2152@gmail.com; Alleman, Tammy
Subject: RE: Proposal for Application Transfer No. 83543- POD Request

Greetings, Folks!

Our telephonic status conference scheduled for August 13 at 5 PM MT is nearly here. I am writing to provide you with call in and passcode numbers.

Please dial in to 877.820.7831, then use passcode 483913#

I have consulted with our hearing coordinator and he assures me that if we have to have a hearing we can arrange a date and they will find a qualified officer to conduct it. Remember, settlement can happen any time up to the hearing. A hearing will likely need to be held in person, at least I have not heard of one being done by video or phone.

Thank you, talk to you soon. Or sooner, if anyone has questions or there is a resolution before then.

Doug

From: Jones, Doug
Sent: Wednesday, July 29, 2020 3:44 PM
To: 'Becky Johnson' <beckyj@nezperce.org>; jarred holz <jarred.holz@gmail.com>
Cc: Jessica Holz <jessicarholz@gmail.com>; millertime2152@gmail.com
Subject: RE: Proposal for Application Transfer No. 83543- POD Request

Here are a few logs. Don't key only on the well drillers pump test. These are short term tests usually using compressed air that over estimates productivity. Lafeyette (BL) deepened to 500 ft and productivity is still low. Others have wells dozens of feet deeper than depth to water. This gives them well bore storage and in one hour may be able to test very well, but not have long term reliability. Please do consult with drillers and balance cost/benefit/risk.

Doug

From: Becky Johnson [mailto:beckyj@nezperce.org]
Sent: Wednesday, July 29, 2020 2:36 PM
To: Jones, Doug <Doug.Jones@idwr.idaho.gov>; jarred holz <jarred.holz@gmail.com>
Cc: Jessica Holz <jessicarholz@gmail.com>; millertime2152@gmail.com
Subject: RE: Proposal for Application Transfer No. 83543- POD Request

Thanks for that bit of feedback Doug. Are you able to email the well construction log reports in the area? Or the link to said reports?

From: Jones, Doug [mailto:Doug.Jones@idwr.idaho.gov]
Sent: Wednesday, July 29, 2020 1:47 PM
To: Becky Johnson <beckyj@nezperce.org>; jarred holz <jarred.holz@gmail.com>

Cc: Jessica Holz <jessicarholz@gmail.com>; millertime2152@gmail.com
Subject: RE: Proposal for Application Transfer No. 83543- POD Request

There has been excellent dialogue exchanged, folks. I am very impressed with the candor of thought and variety of alternatives considered. I do not wish to influence possibilities or choices, but the idea of well deepening gives me pause.

I have researched well construction reports in the area before, and again today, and found that deepening an existing well in the granite rock is unlikely to be successful. A shallower well could be constructed on the south side of the creek. The supply line trenched below the creek and electric extended from the present location strung across the creek on poles. Water should be plentiful in the alluvium and have higher water quality. Alternatively, perhaps, a well closer to the creek on the Holzs' property might be possible if access is possible. Just thinking out loud.

I haven't heard from the Holzes on a day and time. If the 13th at 5 PM is the consensus of the parties then I could accommodate that, but we are still open for other options. Mrs Miller, you can have someone else listen in if you wish. Hopefully your son in law has been following discussions and contributing along the way. The status conference should be brief and is not the time to open other lines of inquiry by a different participant, the appropriate time for that is right now. At the conference I hope to learn that an agreement has been reached or a date certain for resolution is presented. In the absence of an agreement the parties need to assess their calendars and be prepared to share availabilities. An administrative hearing will be scheduled, perhaps around the last half of September or first half of October. Please keep this timeframe open. I can't be more certain of the date until the hearing officer is appointed and their schedule is available. I will find an officer and will share their availability ASAP.

Thank you.

Douglas Jones

From: Becky Johnson [mailto:beckyj@nezperce.org]
Sent: Wednesday, July 29, 2020 10:23 AM
To: jarred holz <jarred.holz@gmail.com>
Cc: Jessica Holz <jessicarholz@gmail.com>; millertime2152@gmail.com; Jones, Doug <Doug.Jones@idwr.idaho.gov>
Subject: RE: Proposal for Application Transfer No. 83543- POD Request

Thanks for your response Jarred. Given your feedback, we are doing some further research and investigation into costs, feasibility and logistics into what it would take to deepen the Millers well and hook up to well on Mr. Renberg's property. We'll provide an update as soon as we get some information put together.

Stay healthy!

From: jarred holz [mailto:jarred.holz@gmail.com]
Sent: Saturday, July 25, 2020 11:20 AM
To: Becky Johnson <beckyj@nezperce.org>
Cc: Jessica Holz <jessicarholz@gmail.com>; millertime2152@gmail.com; Jones, Doug <Doug.Jones@idwr.idaho.gov>
Subject: Re: Proposal for Application Transfer No. 83543- POD Request

Good morning

Thanks for your reply. We would still like to go the route of a Point of Diversion change if an agreement could be made. The Easement proposal is a generous offer, however, sharing it with the land owner and two other easements is a deterrent. Our concern is that it will create 3 easements and a landowner, resulting in 4 parties all with common interest in one site. At this time, option two of deepening the well on the Miller's property and finishing hooking up the well on the Renberg's property is preferable. As Doug Jones suggested perhapes deepening the current spring box could be a viable option. If this is possible, this could result in multiple water sources for the Millers and Mr Renberg. We are willing to help in any way we can. We could help by hand digging inside the current spring box if that helps improve the water supply to the Millers and Mr Renburg.

Next as far as our irrigation system goes a lot of the parts depend on what point of diversion we end up using. Our goal is to pump as little water as possible from little canyon creek to a storage pond. From the pond we will use low pressure drip lines to water trees until they become established. We won't be using pivot lines or any large Sprinkler irrigation Systems. As far as specific details, our current plan is to have a phase converter by our power pole so we can run 3 phase wire under ground on our property to the creek. Then, we would run a pump that's flow is less than our water rights allowed CFS to our storage pond. If an agreement is made where we reduce our CFS during certain months we will get an adjustable regulator to ensure proper CFS is achieved. Our Goal is to pump as little water as possible so we can reduce our impact on the creek, our irrigation system cost, and our power usage.

Are questions are, do you have any time frame for looking into improving both the Millers and Rembergs existing wells? Do you think our assistance will be needed or beneficial in aiding on improvements to your current water sources?

We greatly appreciate your effort in this and hope to find a resolution that satisfies the best interests of all parties involved.

Sincerely the Holz Family

On Sat, Jul 25, 2020 at 8:42 AM Becky Johnson <beckyj@nezperce.org> wrote:

Dear Jessica and Jarred –

Thank you for your email of June 19th with your thoughts and feedback our meeting and discussions of June 11, 2020. We welcome you to the neighborhood and hope you enjoy many years of living here as we have. Thank you for your patience in our consideration of your proposal of June 19, 2020. We've had a lot to think about and discuss. We appreciate your consideration of our feedback and suggestions below.

We would like to start our response with a couple of clarifications regarding things you mentioned in your email.

1) At our meeting on June 11th we expressed concern with your application for not including a description of the water pumping system and the storage pond that was briefly described in your application. We would still appreciate having the specific details for the system you were proposing. With respect to the storage pond we understand that it would follow the 24 fill allowance guidelines for storage impoundments associated with irrigation systems consistent with the amount of water identified in 85-15799 and 85-15800.

2) Pumping system for Miller/Renberg spring and domestic water. In the spring of 2017 we installed a new pump in the springbox. Mr. EJ Bonner (the Millers son-in-law), is the Administrator for Riverside Water & Sewer District (Orofino, ID) and helped with pump sizing, protection and installation of the system. We have very good pressure from the system and only run out of water when the water level is very low in the spring box. We believe Mr. Bonner will be helpful in working on this issue as well and have asked him to assist us.

After careful consideration and much discussion of your June 19 email/proposal we have several thoughts:

As we understand it, you purchased the property on Little Canyon with the knowledge that the water right had not been in use for quite some time and the point of diversion (POD) was not located on the property. Setting aside the question whether the water right is valid or not, moving the POD to your property is a matter of convenience for you. Our position is that we don't want that convenience to negatively impact our (Millers & Renberg) domestic water security.

We want you to be able to enjoy your property and pursue your dream of sustainable farming. We also want to continue to enjoy living in the Little Canyon Creek basin and maintain the value of our properties. We are concerned that entering into an agreement with you that is non-transferable would impact our property value. We talked over a couple of options that could either preserve/improve our domestic water security and still provide you access to Little Canyon Creek for irrigation.

1) We believe the simplest way to accomplish this is for you to utilize the existing POD below our spring. Mr. Renberg is willing to work with you to establish an easement (like the other two water right holders who have an easement through Mr. Renberg's property) to install piping, electrical and pump at current POD. As you suggested in your email, Mr. Renberg would welcome you to come look at the current POD and the infrastructure associated with it. This option would alleviate our current concern for pumping water upstream of our domestic spring (preserve water security) and the need for an agreement for reduced flow, shutting off junior water rights, etc.

2) We would also offer a second option to consider. Increase water security for Millers/Renberg such that the need for implementing the senior water right restriction would be minimized.

- An option here would be to improve (deepen) Millers well that was drilled in 1978. If this well could be improved it could become the primary source of water for the Millers. The well was bored to approx. 355 ft deep when it was installed. It's possible that it could be drilled deeper to acquire sufficient GPM.

- Mr. Renberg is also looking into the possibility of accessing a well that was drilled on his property several years ago but never completed or used.

We did consider a few other options (i.e., water storage) but determined they would be too costly and hard to maintain. We would like you to consider the options we've identified above and have the opportunity to discuss them with you.

We hope you are staying safe and healthy!

From: Jessica Holz [mailto:jessicarholz@gmail.com]
Sent: Friday, June 19, 2020 5:29 PM
To: millertime2152@gmail.com; Becky Johnson <beckyj@nezperce.org>; jarred holz <jarred.holz@gmail.com>
Cc: Jones, Doug <Doug.Jones@idwr.idaho.gov>
Subject: Proposal for Application Transfer No. 83543- POD Request

Greetings to all concerned parties,

To begin with, we appreciate everyone taking their time Thursday, June 11th, to help us resolve this water right issue. Our goal is to build an irrigation system with a storage pond that will be filled early in the irrigation season. Once the pond is full, our pump will shut off and only run to replenish water in our storage pond. The pond will be lined to avoid seepage and have trees providing shade to reduce evaporation. Our initial thoughts were to maintain a pond that held no more than 24hrs of use, however we are open to other options as well. We understand the severity of your water situation and do not wish to harm it in any way.

Also, we feel it would be beneficial if we were given an opportunity to take a look at your pumping system, as well as the current Point of Diversion for our water right. If we can offer any help in improvements, we would be happy to do so. Perhaps there is a reason why you're still maintaining pressure but losing flow. Our thoughts are that it would be in everyone's best interest if all the pumping systems involved in the agreement were functioning properly.

As far as a permanent agreement that would limit our use, our concern is that if your spring dried up permanently, we would be stuck with reduced rights. This would not only hurt our property value but hurt our ability to work our land and sustain ourselves. Likewise, we plan on retiring here and feel that any agreement we make should fall under the laws of the water department, and be solely between the Holz', Miller's and Dave Renberg. We discussed possible reduced usage during the dry months, however, Nancy did mention that they lose water even in the winter months. If that isn't the best solution, there are other options we could possibly explore.

Additionally, another solution could be to reduce our pumping to 0.125 CFS (56 GPM) during the driest months of the year. According to the USGS, we might be looking at July- October? We also recall Becky Johnson making a comment during the meeting that the lowest flow the Tribe's fisheries department recorded last year was 4.0 CFS, which is approximately 1,800 gallons per minute. We believe that 56 GPM

would be adequate to sustain our small farming operation during those dry months. If you experience severe water shortages or run out of water, we will stop our use, as long as Dave Renburg, Nancy Miller and Jim Miller are still utilizing their water right, 85-11198, within Idaho Department of Water Resources rules and guidelines. Since both parties mentioned moving away, our thoughts are that this reduction agreement wouldn't hurt us if such a situation were to occur.

Furthermore, we wanted to reiterate that there are existing water right laws for seniority regarding priority dates. The "first in time, first in right" will be honored by us shutting off for senior water right holders in times of drought. To improve on the response time and enforcement of these rules, we propose that Nancy & Jim Miller as well as Dave Renburg notify us directly when they run out of water. Upon contact, we will shut off immediately and delay would be avoided. We will be completely compliant with this water right initiative and understand that complaints may be filed if we do not follow our agreement.

To summarize, our proposal is to adhere to IDWR rules for senior rights and improve the response time by allowing direct contact between the Holz', Miller's, and Dave Renburg. Once notified that water right 85-11198 is out of water, we will shut off immediately to avoid harm. Then, we can assess the situation amongst ourselves and/or the IDWR. Also, we could reduce are pumping from 0.25 CFS (112 GPM)

down to 0.125 CFS (56 GPM) between July 1 to October 31. This agreement would be strictly between Nancy Miller, Jim Miller, Dave Renburg, Jessica Holz and Jarred Holz. If in the event that these individuals are no longer involved with their water right, such as the source permanently dries up and/or the source of water is changed, as we understand it, water right 85-11198 would no longer be compliant with IDWR rules, thus voiding the agreement.

We are open to suggestions to ensure all parties are satisfied and would love to hear your thoughts. Again, we do not want to cause injury to your water right and want to work towards an agreement that will be in the best interest for all parties involved. Once we can agree on a settlement arrangement, we will contact our attorney to draft the agreement. Take care and we hope to hear from you soon.

Sincerely,

Jessica and Jarred Holz