

Shelly & William Spradlin. April 15,2019

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IN THE MATTER OF APPLICATION
FOR TRANSFER NO. 82640 IN
THE NAME OF CLINTON K. ASTON

RE Preliminary order approving transfer

James Cefalo,
We would like to contest your ruling on this case.
We feel that the hearing was very biased.

In light of the untruths told, our concern is who is going to make sure that
Aston stays honest & irrigates only the 6 acres he was approved for?

In Astons original application dated 8/13/18 above his signature line,
in bold letters " any willful misrepresentation made in application may
result in rejection of cancellation". I think this needs to be addressed.
Aston originally was authorized to pump 2.8 , page 8 #44 states
"system has produced 2.9 CFCs since purchase in 2004,
yet in the record provided by Clearwater GeoScience he has
"historically, for a decade been pumping at 3.42cfs."
According to them, with no ill effects to his neighbors.

By Adding additional pumping, it is already causing distress to
neighboring wells.

So how can Aston be monitored to honestly pump what

he is supposed to & not more as he is already been pumping
more than he is allowed.

How Can you ensure that he will only irrigate 6 acres of his proposed 187 acres he applied for.

He has proven he is dishonest in many ways.

Page 8. # 46. I disagree with this, as there was only one filter associated with this well prior to Astons purchase, now there are 4-5.

Page 8 #47 states we have not had issues the quantity of water

domestic use. I completely disagree with this, I testified that

I not could even have a garden last year, and I am sure I didn't

forget to state that our well has gone dry. We had to run a line

from our Irrigation well to the culinary well so we could have

house hold water. How is this is not an issue? Why would I forget

to testify to this important issue?

Weston creek was dry for two years , with the exception of irrigation

water from the Weston Reservoir, how is this not an issue?

Aston clearly fabricated his testimony as to the culvert that housed a main line, he even provided pictures. This culvert with mainline inside , next to the drainage culvert went under the road, and was supposedly removed by his witness . Aston testified that there were 2 pipes accross the road and his, "Irrigation line" was removed by Cary Cahoon, Aston testified that the one housed the mainline pipe, the other a drainage pipe, these were placed 4-5 feet part, under the road. His own witness stated there was only one pipe, the drainage pipe, owned by the county and replaced in the same spot. Many of our witnesses testified that there has never been and irrigation mainline anywhere in that area, ONLY one drainage culvert.

In reference to damages to Spradlin domestic well, you stated that multiple filters for water were used prior to Aston using the well. This in not true, There was only one filter on domestic well prior to Aston use, and several since his use, not to mention that it was stated that our domestic well has not been affected, yet it HAS gone dry, where did that testimony go? How is this "no ill effect"?

Page 18. Paragraph 6 states " approval will not result in a diversion rate significantly different," yet he has Been pumping 3.42cfs per Clearwater GeoScience

How much water does that calculate out to when added. Up over a 10 year period?

On page 4 of Astons initial application, he describes "40 acres of ground Twp. 16S Rng 38E section 9 was placed in Soil Bank in 1983, irrigation was discontinued, it placed in CRP program in. 1985. In 1996 CRP contract expired and ground was put back into production. In 1998 the ground was placed back in CRP program until present."

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From what I have found the soil bank program ended in 1965, so how was I enrolled in a program that had ended 18 years prior?

We & our neighbor Bob White stated numerous filtration problems, yet this is not mentioned. Bob White even stated his pump spits air, his filter have to be replaced on a constant basis. Maybe had Mr White been allowed to testify as an owner, would these statements have been taken note of?

What about the 1964 complain't made by Herb Willimas that the Aston/ Schvaneveldt well caused problems?

I certainly hope that whom ever does the reconsideration does not go strictly on this packet sent to us, as I feel there are many facts have been left out.

The packet also states that Aston only pumps during the summer months, yet there's a four-inch pipe connected to the well that runs to his home and is used to used year round.

You allowed Aston's attorney to harass & badger our witnesses.

To the point where a few of them were intimidated to testify.

Bob White was told he was unable to testify on his own behalf , per Mr Harris, but his estate is in a "Life Estate" , which means he is considered as home owner for intents and purposes until the day he dies. So he could have testified as a protestor on his own behalf.

Bob White withdrew his protest, and on two occasions he left the building as he felt intimidated. He is in his mid 80s, and he was very uneasy about what to expect .

So much time was allowed to be wasted on cross examining our witnesses with matters that had nothing to do with the case

As an example when I was explaining the pictures of my grandchildren riding the fields, not irrigated behind them.

Over the 24 years, our family has ridden horses on 2200 south, known as "the loop". Vehicles drive at excessive speeds, as it is un maintained gravel road.

The Aston Family are the biggest offenders of traveling too fast on this road, so when we have been approached by Astons , or others, we certainly move off the road for safety reasons, and NEVER have we been told we were trespassing by the Astons or his family. Non of the property on 2200 south. is not posted as no trespassing. Yet, I was questioned as to whether I had permission to ride on the land owned by Aston.

Why was Aston allowed to give statements at the beginning and at the end of the hearing yet none of our witnesses were allowed to make any statements after they were called up.

Wayne Bingham, who is part owner of the the well to be transferred from, stayed for the entire day hoping to be able to add to his statements once he had a better understanding of

what was going on, yet he was denied.

I had hoped that part of your presence was to keep everything low key and understandable for us that do not have a law degree, nor could not afford an attorney.

I was assured prior to this hearing that it would be no big deal, an low key, when in fact it was a long drawn out nerve-racking event due to all of the extra questioning of matters that had absolutely no involvement in this case. Bill was questioned where our main lines lay, and asked if he changed the course of the creek, this was a blatant waste of time. Geraldine Gunnels was threatened to have legal action taken for "practicing without a license" and in and on.

I felt it was an attempt to intimidate!

Isn't your position to help us that are just regular people protect our rights?

Page 10. Paragraph 1 - order states that the change will not adversely affect the local economy", It certainly affects our economy just as much as his, when we cannot irrigate our field for even a third crop of hay, yet he is able to harvest four. We sell hay to local farmers. So why are his needs above ours? We sell to the local community as well.

When I asked if probate was finished on the Sid Schvanevledt estate, I was told I was not allowed to ask that question. From my understanding the water rights could not legally be transferred without probate completed, as probate had not been completed.

Wasnt that attempt illegal?

So I look forward to a an honest reconsideration of these findings. I would like some assurances that he can not continue to over pump and use more than allowed, and ensure that he only irrigates the acres he is allowed. Simply taking his word is not sufficient .

Shelly and William Spradlin

The image shows two handwritten signatures in black ink. The signature on the left is for Shelly Spradlin and the one on the right is for William Spradlin. Both are written in a cursive, flowing style.

April 15, 2019

I Shelly Spradlin have sent via email and US Mail copies of this letter to

James Cefalo

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