



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

June 17, 2015

ROHL HIPWELL
18125 OREANA LOOP RD
OREANA ID 83650

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK-DENIAL

Dear Mr. Hipwell:

The Department of Water Resources is returning your application to rent water from the Water Supply Bank. The Water Supply Bank has determined that the proposed rental cannot be approved as requested according to Water Supply Bank Rule IDAPA 37.02.03.30.01 that states

The Director will evaluate applications with respect to the purposes of Rule 1, as to whether there will be injury to other water rights, whether the proposal would constitute an enlargement of the water right, whether the water will be put to a beneficial use, whether the water supply available from applicable rights in the Board's water supply bank is sufficient for the use intended, and whether the proposal is in the local public interest.

This letter is notice that the attached application for rental of water is **denied** for the following reasons:

- the proposed rental does not appear to be in the local public interest
- the proposed rental may cause injury to an existing right

Any use associated with your proposed rental request is considered unauthorized and, if occurring, will be subject to any necessary enforcement action.

If you have any questions regarding this matter, please contact me, at (208) 287-4944.

Sincerely,

Cherie Palmer
Water Rights Supervisor

Enclosure: Rental Application

c: Angie Grimm-IDWR Western Regional Office; via email

Charlie Honsinger

Palmer, Cherie

From: Palmer, Cherie
Sent: Wednesday, May 13, 2015 3:43 PM
To: Grimm, Angie
Cc: Keen, Shelley
Subject: RE: Hipwell Permit Application & WSB Application

Angie,

I just got off the phone with Charlie about 10 minutes prior to getting this email. He told me he was thinking of amending Mr. Hipwell's existing rental application to change the point of diversion. He told me the new, proposed point of diversion would be relatively close to the well that is the subject of a protest. I told him I didn't think we could move forward with the approval of the amended rental and that the issue is with the withdrawal of water from the aquifer and moving PDs wouldn't allow them to get away from that issue. I told him if he could show that the other (amended) PD is tapped into a different aquifer, it might get him somewhere. He thought he wasn't going to be able to move forward with the amendment idea.

Cherie

From: Grimm, Angie
Sent: Wednesday, May 13, 2015 3:35 PM
To: Peppersack, Jeff; Palmer, Cherie
Cc: Keen, Shelley
Subject: Hipwell Permit Application & WSB Application

Jeff & Cherie,

Moments ago, I received a call from Charlie Honsinger who is the attorney for Rohl Hipwell. We discussed the potential status conference scheduling, options for the WSB rental application, etc. Charlie indicated he also called Cherie and left a message. I just wanted to touch base with both of you to make sure we are all on the same page before anyone calls Charlie back. I'm hoping to talk to Jeff about this matter as soon as he's back in the office this afternoon hopefully (he had a pre-hearing in Twin today). Jeff-if you don't come into Western today would you please give me a call ASAP? If it's not appropriate to speak with Jeff about what Charlie is proposing (because this is a contested case Jeff may or may not be the hearing officer?), perhaps I could speak with Shelley & Cherie to get their input?

Thanks,
Angie

Edl, Michele

From: Grimm, Angie
Sent: Wednesday, April 22, 2015 2:52 PM
To: Palmer, Cherie; Edl, Michele
Subject: RE: IETTER OF OPPOSITION FOR APPLICATION NO 57-11840

Good afternoon ladies!

I spoke with Jeff to see what the next step is on this WSB and permit application. He's going to discuss with legal and let me know more after on what the next step will be with these apps... more to come...

Thanks,
Angie

From: Palmer, Cherie
Sent: Wednesday, April 22, 2015 1:14 PM
To: Edl, Michele
Cc: Grimm, Angie
Subject: RE: IETTER OF OPPOSITION FOR APPLICATION NO 57-11840

Michele,

Can you please print out this letter and email and stick it with the rental file? Please prepare a denial letter also. We will wait until we hear back from Angie before we send out the denial letter.

Thanks,
Cherie

From: Grimm, Angie
Sent: Tuesday, April 21, 2015 10:32 AM
To: Edl, Michele; Palmer, Cherie
Subject: FW: IETTER OF OPPOSITION FOR APPLICATION NO 57-11840

Michele & Cherie,

Good morning! Here is a copy of the comments received from Reva Tobias on the Hipwell WSB rental application. She objects, therefore I believe we should not approve the WSB rental application. HOWEVER, I would like to discuss with Jeff P (he'll be in tomorrow) before we make any official determination. I'll let you know tomorrow what Jeff says.

Thanks,
Angie

From: Sommer, Rachel
Sent: Tuesday, April 21, 2015 10:23 AM
To: Grimm, Angie; Peppersack, Jeff
Subject: FW: IETTER OF OPPOSITION FOR APPLICATION NO 57-11840

FYI

A copy will be put profiled and placed in the file.

Rachel

From: rtobias@chargingeagle.com [mailto:rtobias@chargingeagle.com]

Sent: Tuesday, April 21, 2015 9:11 AM

To: Sommer, Rachel

Subject: LETTER OF OPPOSITION FOR APPLICATION NO 57-11840

Rachel,

Please find attached my letter opposing/contesting application for permit #57-11840 for rented water for 2015 irrigation season. Please also email me confirmation once you receive this email message.

Thank you,

Regards,
Reva Tobias
Charging Eagle Enterprises LLC
399 Horizon Street
Killdeer, North Dakota 58640
701-764-7212

April 17th, 2015

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way
Boise, Idaho 83705-5082

Attention: Rachel Sommer

RE: Application for permit NO. 57-11840

I am sending a static water level document that was taken at my domestic well March 13, 2015 by Hiddleston Drilling. This document indicates that the static water level prior to this 2015 irrigation season is at 68'. Static water levels have increased in depth from 51' in 1996 to 57' in 2002 and now 68'.

Last year during irrigation season, 7/21/2014 my water level dropped to 2 feet below my pump setting of 168' to 170 feet.

See supporting documents.

Therefore I am opposing and contesting this application permit No. 57-11840 for rented water for the 2015 irrigation season.

Sincerely,

A handwritten signature in cursive script, appearing to read "Reva and Dean Tobias", is written over a circular stamp or seal.

Reva and Dean Tobias
17813 Oreana Loop Road
Oreana, Idaho 83650

And:

Reva and Dean Tobias
PO Box 337
Killdeer, North Dakota 58640



1240 NW Beaman
Mtn Home, ID 83647
Phone: (208) 587-9055
Fax: (208) 587-9816

Boise, ID
Phone: (208) 362-2900
Fax: (208) 362-9723

Invoice 1000341708

Customer TOB101

DRILLING & PUMP CO.

Bill To: www.hiddlestondrilling.com

Tobias, Reva
17813 Oreana Loop Rd.
Oreana, ID 83650

Ship To:

Tobias, Reva
17813 Oreana Loop Rd.
Oreana, ID 83650

Date		Ship Via		F.O.B.		Terms		
07/22/14						Due Upon Receipt		
Purchase Order Number			Order Date		Salesperson		Our Order Number	
			07/21/14		CM		07-1418-14	
Reg.	Quantity	B.O.	Item Number	Description	Tax	Unit Price	Amount	
	Ship							
1	1	0	F1050	Fuel Surcharge	N	15.00	15.00	
5.00	5.00	0.00	L1040	Labor-Pump	N	90.00	450.00	
1.0	1.0	0.0	S1020	Service Call-Local	N	90.00	90.00	
63.00	63.00	0.00	100400	Pipe-1" Sch40 Galv	N	2.28	143.64	
194	194	0	AW123GPJ	Subwire-#12/3 w/ground	N	1.31	254.14	
1	1	0	230	Tape- 2" Wrap	N	8.63	8.63	
Upon arrival at the above address it was found that the water level had dropped to 2 feet below the pump setting of 168 ft. The pump was lowered down to 189 ft at this time. Thomas A. Mays Hiddleston Drilling & Pump.								
Accounts due and payable upon receipt. A Finance Charge of 1 1/2% per month will be charged on all past due accounts. Annual Rate is 18%. Minimum Finance Charge is \$0.50 per month.							NonTaxable Subtotal 961.41 Taxable Subtotal 0.00 Tax 0.00 Total Invoice 961.41	

Customer Original (Reprinted)

Page 1

S/N 08-0799

Reva

Name ~~Jesus~~ Tobias

Date Installed 5-6-02

Address 4679 Box 2135 Keanna
17813 Oregon Loop Rd

Pump Model L10P12965 10FA0754PE ^{Warranty} 5
107400211 Sta Rite 12A12

Motor Frank HP 3/4 RPM 3450 Phase 1 Volts 230 Date 01/8/8
Code 01818

Static 57 Setting 2012/08 194' 2014

Depth _____ Pipe _____ 1"

Well no Wire No. 14-3

Na TAG

[illegible]

S/N 03-303

Name Dean Tobias Date Installed 7-18-96

Name _____
Address HC 79 Box 2130 Oreana,
Ill.

Address HC 17 BOX 9100
First Place on RIGHT Post Store Warranty 5

Pump Model A+12B-75 Date 12/2/75
 03-3613 Code 750

Motor Frank HP 75 RPM 3450 Phase 1 Volts 230 Code 2E95

Static 51' Setting 1168'

Depth 3 Pipe 1"

Well no Wire No. 143

SERVICE AND REPAIRS RECORD

[illegible]

Mountain Home Office
1240 N. W. Beaman St.
Mountain Home, ID 83647
208-587-9055
fax 208-587-9816



DRILLING & PUMP CO.
www.hiddlestondrilling.co

Boise Office
Boise, ID
208-362-2900
fax 208-362-9723

Memo
Date: April 13, 2015

Name: Reva Tobias

Re: Static Water Level Check, 17813 Oreana Loop Rd Oreana, Idaho

To Whom It May Concern:

Hiddleston Drilling & Pump Company has performed a static water level check at the above location. The results of this inspection are as follows:

Static Water Level: 68' feet

If you have any questions, please contact me at 208-587-9055.

Thank You,

Jason Spencer
Hiddleston Drilling & Pump Company



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

April 8, 2015

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

REVA TOBIAS
17813 OREANA LOOP RD
OREANA, ID 83650

Re: Application for Permit No. 57-11840

Dear Ms. Tobias:

On February 11, 2015, the Department received a letter from Charlie Honsinger, attorney for the applicant, proposing a settlement plan to address your protest of the application referenced above. The letter indicated that a copy of the proposal was sent to you.

The applicant proposes to rent water for the 2015 irrigation season to be diverted from the same well and to be used on the same land as proposed under the contested application for permit. The intent of the rental is to determine if pumping by the applicant will affect water levels in the area by monitoring nearby wells. The applicant further proposes to provide replacement water to you in the event that your well becomes inoperable due to the applicant's pumping.

The applicant has submitted an application to rent water to the Department for processing. Before processing the application, the Department is seeking your comments regarding the proposal to rent water. A copy of the February 11, 2015 letter and rental application is enclosed with this letter.

To ensure you have every opportunity to submit comments regarding this proposal, a copy of this letter with enclosures is being sent to your address in North Dakota. The Department will provide 14 days from the date of this letter for your response. If you do not respond, the Department will assume you have no objection and will continue processing the rental application submitted by the applicant.

Thank you for your attention to this matter.

Sincerely,

Jeff Peppersack,
Interim Manager Western Region

Enclosures: Copy of Feb. 11, 2015 Letter and Rental Application

cc: Charlie Honsinger
Reva Tobias – North Dakota Address

MEMORANDUM

To: Water Right(s) 57-11801

From: Michele Edl

Date: March 30, 2015

Re: Review & Analysis of Hipwell's Application to Rent Water from the State Water Supply Bank

DENIED

PURPOSE/NARRATIVE: On February 11, 2015, Charles Honsinger submitted an application on behalf of Rohl Hipwell to rent water from the State Water Supply Bank. The application proposed to rent water right 57-11801 to irrigate 25 acres in Twp 4S, Rge 1W, sec 25, for the 2015 season.

AUTHORITY TO FILE: According to available 2013 Owyhee County taxlot information, the proposed place-of-use is owned by Rohl W and Faye Hipwell.

The proposed ground water POD is an existing well (D00661190) which was drilled in 2014. The well appears to be authorized for a single residence domestic use, not irrigation. Payment of a well upgrade may be required.

WATER RIGHT VALIDITY: Water right 57-11801 is leased to the State Water Supply Bank from 2015 until 2018. It is available to rent in the quantity requested. A review of 2014 aerial photography shows that a sufficient portion of the authorized place-of-use for the water right will be idled for the WSB lease.

INJURY TO OTHER WATER RIGHTS: The proposed rental moves an irrigation water use almost due north approximately 1 ¼ mile. The rental mimics application for permit 57-11840, which has been protested. From the prehearing conference notes, the protestants likely have domestic wells which were drilled prior to 1978 whose ground water levels are protected under *Parker v. Wallentine*, 103 Idaho 506 (1982).

ENLARGEMENT OF USE: The native surface water and ground water rights are partially stacked. The rental agreement will be issued with combined use limits on the rights.

The current season-of-use at the rental location is 4/1-10/31.

LOCAL PUBLIC INTEREST: This proposed rental may not be in the local public interest. An application for permit proposing an irrigation use very similar to this rental has been protested. A prehearing conference was held in 2014.

As a result of the prehearing conference, the applicant has made a formal proposal to IDWR. This rental proposal is the key component to in that proposal. The WSB rental will be in essence, a one-year pump test which will resolve some of the unknowns surrounding application for permit 57-11840.

All but one protestant is willing to allow the application for permit to move forward.

BENEFICIAL USE/CONSERVATION OF WATER RESOURCES: The rental appears consistent with the conservation of water resources in Idaho.

DEPARTMENT STAFF OR WATERMASTER COMMENTS: The rented right is not subject to any water district.

Mr Hipwell holds a senior water right from Catherine Creek and is also watermaster of Catherine Creek. However, the surface water does not appear to be reliably available to the rental location.

Western Region is not opposed to the rental. Steve Lester, retiring supervisor Western Region, stated that "it is a good plan with reasonable safeguards."

Lester, Steve

From: Edl, Michele
Sent: Tuesday, March 24, 2015 6:05 PM
To: Lester, Steve
Subject: RE: Hipwell WSB rental appl re protested appl 57-11840

I think that that'll be great.

And probably good timing. We haven't yet approved the lease application for the right that Mr. Hipwell wants to rent. I will need to see that through first.

From: Lester, Steve
Sent: Tuesday, March 24, 2015 4:58 PM
To: Edl, Michele
Subject: RE: Hipwell WSB rental appl re protested appl 57-11840

Thanks Michele, goods information.

I do have a concern about approving the rental prior to Western completing a formal request to the protestant to at least give her chance to speak up about it. I think our contested case is weaker without this, has at least the appearance of limiting protestant's due process, even though that's not our intent. It's true the applicant copied the remaining protestant in the WSB rental cover letter, but protestant has not heard directly from us in this matter. I think she would rightfully expect to hear from us.

I can draft a brief letter & send with copy of attorney's cover letter & allow protestant about 10 days to respond. Even if she objects, we could approve rental with conditions to cover problems if they occur. This would get to the same good place without hurting our contested case process. Even if we denied the WSB appl, we should seek protestant comments before doing that within the contested case framework.

I will send the letter & calendar the protest file for 10 day call up. Jeff as acting manager can take it from there & coordinate with you for WSB wrap up.

How does that sound?

Steve

From: Edl, Michele
Sent: Tuesday, March 24, 2015 1:48 PM
To: Lester, Steve
Subject: RE: Hipwell WSB rental appl re protested appl 57-11840

Steve,

I have looked at these proposals and will be recommending that we proceed with processing the rental. This situation is similar enough to rental in B36 that we have approved two years in a row now. In that case the neighbors were and are concerned about the impact to their wells which could be brought about by inserting a large irrigation use into the area. However, none of those concerned neighbors have provided any evidence to IDWR.

On the other hand, the B36 renter has established a monitoring well network of sorts which is being managed by his engineering consultant. This is again similar to Mr. Hipwell's proposal. In essence, this rental will be a one-year pump test.

Cherie has instructed me to arrange a meeting with state office personnel only. I'm guessing that she wants to relieve you of at least one thing. I will be writing up my recommendation this afternoon. In the rental review and processing, I

will be asking Angie for her comment. If she already knows about this rental proposal and is of like mind then the only hurdle will be other state office folk.

Sincerely,
Michele

From: Palmer, Cherie
Sent: Tuesday, March 24, 2015 9:26 AM
To: Lester, Steve
Cc: Edl, Michele
Subject: RE: Hipwell WSB rental appl re protested appl 57-11840

Hi Steve,

I have assigned this rental application to Michele yesterday. Once Michele has reviewed the application, she will meet with me, Remington, and Shelley to discuss any conclusions. I know there's a time crunch so we'll expedite this one.

Cherie

From: Lester, Steve
Sent: Tuesday, March 24, 2015 9:00 AM
To: Palmer, Cherie
Subject: Hipwell WSB rental appl re protested appl 57-11840

Hi Cherie:

I know you are plenty busy with WSB & other stuff so hate to bug you like this but I will anyway ...!

If you have a chance before this Friday, please see 3/19 email I sent you with same subject label. If nothing else, we could talk about it more so you can resolve questions with other staff when I'm gone.

Thx,

Steve

Palmer, Cherie

From: Lester, Steve
Sent: Thursday, March 19, 2015 2:24 PM
To: Palmer, Cherie
Cc: Grimm, Angie
Subject: Hipwell WSB rental appl re protested appl 57-11840
Attachments: 57-11840 Hipwell WSB plan.pdf; Prehearing conference 57-11840.docx; Prehearing conference 57-11840 V2.docx

Hi Cherie:

We talked about this before but not in any detail. Sorry for long email but wanted to give you enough to confer with others & maybe we can resolve in conference call between our offices if needed. Supporting info attached:

- WSB rental & test proposal (did not include cc of rental appl since SO has original)
- My map (embedded in above item) showing appl wells & former plus remaining protestant places
- My 2 prehearing conference summaries .

Site is Oreana. Hipwell has protested ground water appl 57-11840 for 25 acres irrigation & minor domestic/stock. Includes existing well D0066119 from early 2014 & additional proposed well nearby. Shallow ground water not involved (re Catherine Creek water district 57B, Hipwell is watermaster). Has primary creek rights but not good supply. Has other ground water from different well in 57-11595, possibly partial POU overlap in north part of POU. Although supplemental at least to some extent, appl will act almost as primary since creek water not reliable.

Alley protest dismissed, Humphrey & Osborn protests withdrawn, remaining protest is Tobias, who appears unlikely to settle. Tobias has old 4" domestic well about 3/8 mile southeast of 2 proposed Hipwell PODs. Humphrey & Osborn domestic wells are about 1/4 mile due east from appl wells. Alley domestic well is somewhat north-ish about 1/4 mile from appl wells.

Well logs in area under older names & cannot be sure which logs, if any exist, are for those folks. Their wells are pretty old.

Instead of a hearing in which we would lack sufficient data, applicant proposed WSB rental as a test for this season, see attached letter from Honsinger, Hipwell's attorney. Wants to rent Unruh leased right located not too far south. Honsinger called today & we discussed assurances necessary for any consideration of the rental/test. He told me Humphrey & Osborn verbally agreed to have their wells monitored plus fixed if problems. Said they will provide written consent if needed. Applicant agrees to provide domestic water to Tobias place from applicant well if problems. Honsinger said have tried but been unable to get response from Tobias in this regard. (I've had similar problems contacting her).

I think this is a good plan with reasonable safeguards. Resulting data will help us make a better decision and provide good info for the future. I recommend approving the rental with appropriate conditions/requirements:

- Our written request to Tobias for comments & any counter-proposal, allow 10 days to reply, no reply means ok
- Written consent from Humphrey & Osborn for monitoring their wells
- Cure for Humphrey & Osborn is subject to private agreement (adding pipe length to go deeper for water)
- Curtailment of Hipwell rental if we receive written notification from Tobias (email ok) that Tobias well having new problems
- Cure for Tobias will be adequate water from Hipwell well to satisfy use Tobias well has been providing
- Upon Hipwell and Tobias confirmation that cure is working, Hipwell rental pumping can resume
- We can determine if Tobias cure working if applicant & protestant disagree about it

- Rental is for 2015 litigation season only.

I should have done this sooner but got bogged down. My time is short so ideally we can decide before 3/27. If so, I can send letter to Tobias under the banner of contested case I've been handling. Honsinger will be out of contact next week but said we could ask Hipwell directly if we need something. If we cannot approve rental/test, I have confirmed available dates April-June from parties for scheduling a hearing. I'll leave it to Jeff as "acting p/t manager" if can't make 3/27 ... actually 3/6 since 3/27 will be pretty full!

Please let me know what you all think, glad to talk about it if helps. Thx,

Steve

57-11840, HIPWELL PREHEARING STATUS CONFERENCE NOTES 11/6/2014

Steve Lester & Angie Grimm

2nd & final prehearing conference today in Murphy.

All parties attended, Reva Tobias by conference call as previously agreed.

APPLICANT with Attorney C. Honsinger

Still need to amend application to relocate about 15 acres, will do that.

Discussed settlement offer (mitigation) provided to protestants 10/24/2014. Gave L. Osborn a copy today since mailed to incorrect address before.

Reiterated does not want to injure any neighbors, wants to make sure they get their water.

PROTESTANTS SETTLEMENT RESPONSE

Osborn: Declined offer at this time. Would like to have more data on water levels etc. for this specific case and overall area. Concerned about maybe having to buy a bigger pump if need to go deeper for water (has ½ hp now?).

Humphrey: Undecided, not ready to accept at this time. Pump in good shape if need to go deeper. Also concerned about more data. Wants to be sure everyone gets equal treatment if any problems.

Tobias: Declined, does not see any remedy that would be acceptable. Concerns that cannot go deeper to get enough water in her 4" well (physical constraints).

NEXT

Considerable discussion about all their concerns, details of proposed mitigation etc.

IDWR not in position to conduct a ground water study.

Not going to reach settlement agreement based on the offer. Applicant does not have more to offer for mitigation.

Will schedule hearing, encouraged them to continue working together on their own to resolve if can. Appears they are interested in trying.

Hearing will be in same location in Murphy.

57-11840, HIPWELL PREHEARING CONFERENCE NOTES 9/30/2014

Steve Lester

Angie Grimm (her notes attached)

Protestant Dave Alley absent without prior notification, send proposed default notice – might have moved to Prairie?

APPLICANT by Attorney C. Honsinger

Will amend appl, change 15 acres NWNE POU to cover lands dried up for recently approved Hipwell transfer 79245 (57-11595):

10 acres primary use, 15 acres supplemental use (“heavy” since creek not reliable).

Re-advertising & \$50 fee N/A for that POU change, does not affect local concerns.

SPF report, water levels stable, enough water available.

1 POD is “test well” drilled late 2013-early 2014 under D0066119 (domestic/stock), will be production well.

Projected drawdown nearby wells about 10 ft.

HUMPHREY, Domestic Well

Bought 1993, age of well unknown, probably older than 1978.

Last 14 years added about 100 ft. of pipe in well, chasing water.

Well about 256 ft. deep, pump at 183 ft.

Across street from appl POD.

Last year spent about \$3800, fixed income, can’t keep spending like this.

OSBORN, Domestic Well

Well probably 1950s, see #11 on well table from SPF report (1988 well but probably replaced older domestic well).

About 285 ft. deep, water level (pump?) 167 ft.

About ¼ mile from appl POD.

Similar problems, water levels declining, adding pipe in well, sucking air, went dry 8/2013.

Concerned about water supply, recharge rate, what happens if another bad year 2015?

TOBIAS, Domestic Well – see North Dakota address & cell phone info

Lives N. Dakota, place in family several generations, son lives at Oreana place.

CC her at PO Box 337, Killdeer ND 58640

Cell # 208-477-7089

Well about 1956, 221 ft. deep, previously pump at 168 ft., static 56 ft.

2014 Hiddleston work, water level 170 ft.? (not static level), pump 189 ft.

Sand & air problems since 1999, spent lots to fix.

Last year could only do 1 or few things at once (take a bath, water for horses etc.).

4" casing so probably can't get more than current ¾ HP pump in, most likely will need new well if things keep going as they are.

Lots more water generally in area back in the day (thru her grandparents).

ISSUES

Everyone agreed good faith & financial resources are not issues.

Protestants agreed other factors are issues, conservation of water resources only an issue if Hipwell injures them & they have less water.

IDWR provided "settlement ideas" for consideration, see attached.

Many domestic wells pre-1978 re Parker v. Wallentine precedent.

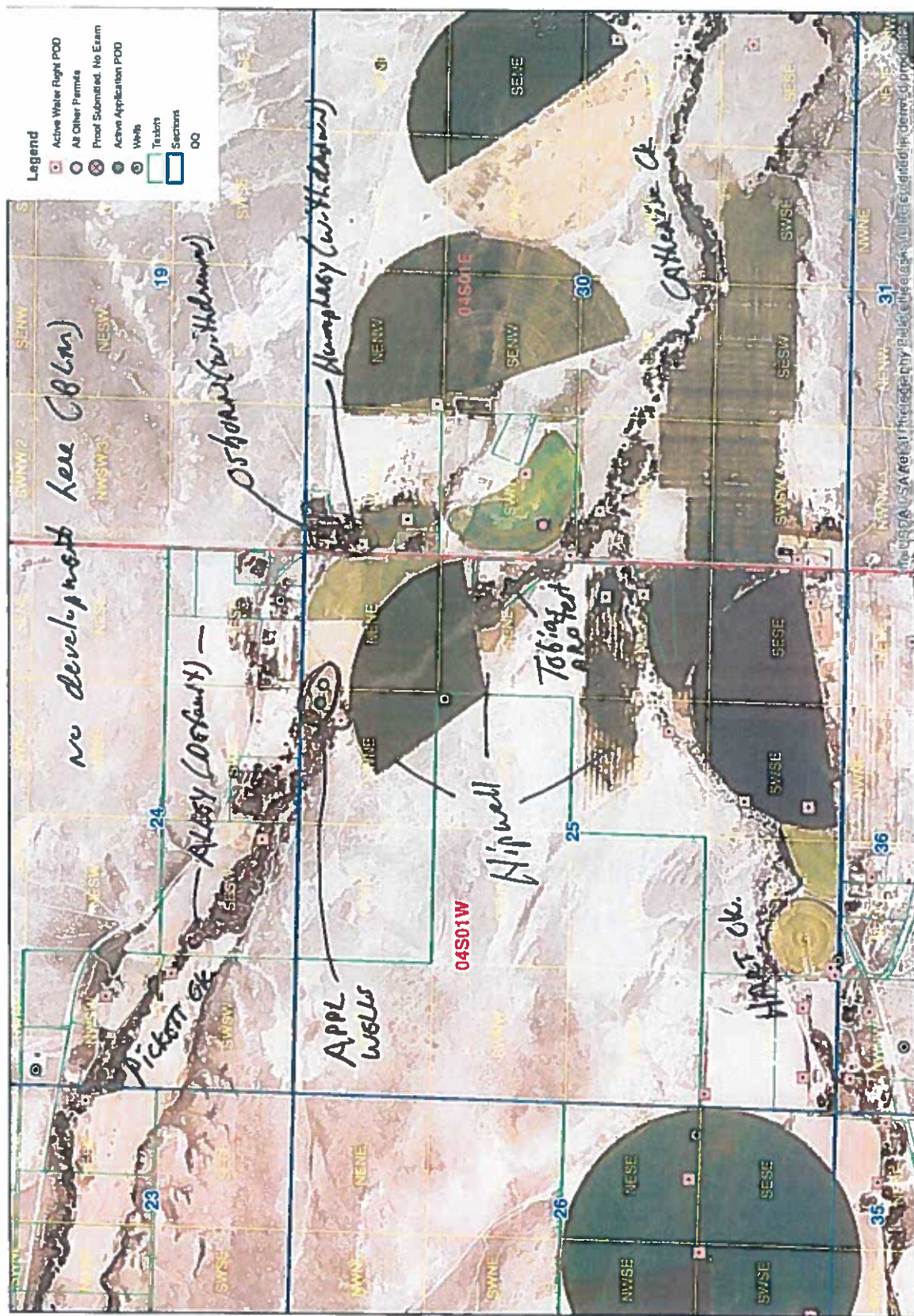
NEXT

IDWR will send brief summary letter to parties and default notice to Alley.

By 10/27/2014 - Applicant consult with SPF, submit written response to IDWR and protestants for today's conference.

11/6/2014 - 2nd conference probably in Oreana, with phone conference for Tobias (North Dakota) to participate.

ORGANA AREA



- RENT e APPL wells
- measure APPL wells + Humphrey + Osborn
- cure Tobias if needed
- unrank here (least to bank)

CONVERSATION MEMO

____ Office Visit ☒ Telephone ____ Meeting ____ Other

TO 57. 11840
FROM 82
DATE 3/19/2015
RE WSB proposal

Atty C. Hunsicker 863-6106
- has not been able contact remaining, protestant,
see attached
- Humphrey & Osborn verbally ok with plan, can
provide written consent if needed
- Atty out of contact 3/23-3/27 although
possible access to email. Can contact
applicant if need something.

Lester, Steve

From: Charles Honsinger [honsingerlaw@gmail.com]
Sent: Wednesday, March 18, 2015 4:15 PM
To: Lester, Steve
Subject: Re: Proposal for test/ Application to Rent Water - Hipwell

Steve: We have been working hard at trying to reach Reva. Apparently she is on a long plane trip with her husband (has a private plane). Don't know when they will be back. What else can we do to move this along? Season is coming up fast. I know we should have done it earlier, but this is as fast as we could get it done with the rights being placed in the bank when they were. Thanks.

Charlie

On Sat, Mar 7, 2015 at 12:00 PM, Lester, Steve <Steve.Lester@idwr.idaho.gov> wrote:

Charlie:

Sorry, am way behind on many things. I've talked a bit to WSB staff & need to get consensus with them to move ahead. One thing they mentioned: reluctant to approve rental in protested matter without protestant agreement. Don't know if that's determinate yet, am working it.

One way you might help speed it up is to seek comments/agreement from protestant. I recall Reva is only remaining one at this point.

Steve

From: Charles Honsinger [mailto:honsingerlaw@gmail.com]
Sent: Tuesday, March 03, 2015 1:17 PM
To: Lester, Steve
Subject: Proposal for test/ Application to Rent Water - Hipwell

Hi Steve: Just wondering if you had a chance to review the letter I sent last month regarding the above-referenced subject. Please let me know your thoughts/status/etc.

Thanks.

Charlie

STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

FEB 11 2015

DEPARTMENT OF
WATER RESOURCES

**APPLICATION TO RENT WATER
FROM THE BOARD'S WATER SUPPLY BANK**

DENIEDApplicant Name: Rohl Hipwell

Is this application being submitted with a lease application as a lease/rental package?

Yes ☐ No ☒

An *Application to Rent Water from the Board's Water Supply Bank* must be completed in accordance with the minimum requirement checklist below to be acceptable for processing by the Idaho Department of Water Resources (IDWR). This checklist is part of the rental application and must be included with the rental application. Applications that do not meet the minimum requirements will not be placed in the processing queue and may be returned until all minimum requirements have been met.

Applications to rent water should be submitted well in advance of the desired start date for the use of water. Rental applications may be submitted as early as November 1 of the year prior to the intended use of rental water. Rental applications submitted more than one year in advance of the proposed start date for water use will not be accepted and will be returned to applicants. Rental applications will not be processed if they are received after the end of the rental season of use.

One rental application per beneficial use of water. One rental application can be submitted if you propose to rent water from multiple sources. For multiple beneficial uses of water, individual rental requests should be submitted for each unique beneficial use of water.

For additional instructions on completing a rental application, visit the Department's website at www.idwr.idaho.gov.

Checked All Items as Either Attached (Yes) or Not Applicable (N/A)

YES

☒ Completed *Application to Rent Water from the Board's Water Supply Bank*

Attachment N/A YES

2 ☒ A map showing the proposed point(s) of diversion, place(s) of use, and water diversion and distribution systems proposed to be used with your rental request

3A ☐ ☒ Detailed information on a proposed use of rental water

3E ☒ ☐ Authorization from the owner/operator of the rental point(s) of diversion

3G ☒ ☐ Water modeling to account for the impacts of the rental request

3J ☒ ☐ Documents justifying a need to rent water for irrigation at a rate of flow greater than 0.02 cfs/acre

3K ☒ ☐ Authorization from the owner/operator of the property at the proposed rental place(s) of use

4B ☐ ☒ Explanation of how the rental water will sufficiently accomplish your rental purposes

4C ☒ ☐ Explanation of consumptive use amounts for water rights experiencing a change in nature of use

Department Use Only – Proposed Water Right(s)

57-11801

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

1. CONTACT INFORMATION

A. Applicant Rohl Hipwell

Mailing Address 18125 Oreana Loop Road, Oreana, ID 83650

Email Address rohl.hipwell@gmail.com

Phone Number (208)834-2431

B. Is this application being completed by an authorized representative on behalf of the applicant?

Yes ☒ No ☐

If yes, representatives (includes company employees if the applicant is a corporation, as well as legal counsel or consultants) should provide their information below if they desire to be included on correspondence with the rental applicant.

Representative Charles L. Honsinger

Professional Title Attorney

Organization Honsinger Law, PLLC

Relationship to Applicant Attorney

Mailing Address P.O. Box 517, Boise, ID 83701

Email Address honsingerlaw@gmail.com

Phone Number (208)863-6106

2. MAP

Create a map of the proposed point(s) of diversion, place(s) of use, and water diversion, delivery and distribution systems. Make sure the place of use is outlined with an obvious, bolded line. For irrigation purposes, note that the place of use outlined on your map cannot exceed the number of acres you are proposing to rent. Attach the map to this application and label it Attachment 2.

3. DESCRIPTION OF PROPOSED USE FOR RENTAL WATER

- A. Describe the purpose of your rental request. Include any anticipated rates of water application, water use practices or number of stock (if any). If the proposed use is not for irrigation, please provide a detailed description of the proposed use and how you determined the amount of rental water required. Attach additional sheets if required and label it Attachment 3A:
Irrigation of 25 acres for oats and pasture. .50 cfs needed.

- B. Enter the desired and/or minimum necessary rates of flow, volume, or irrigable acres requested for your rental purposes:

Desired Rate (Cubic Feet/Second)	Desired Volume (Acre-Foot)	Minimum Rate* (Cubic Feet/Second)	Minimum Volume* (Acre-Foot)	Acres (if applicable) (Acre)
<u>.50 CFS</u>	<u>75-100 AF</u>	<u>.50 CFS</u>	<u>75 AF</u>	<u>25 AC</u>

Sometimes water rights available for rent provide an exceptionally low rate per acre and/or low volume per acre. This section is meant to establish an acceptable range of water sufficient for your proposed water use. Please see question 4B and complete if necessary.

- C. Enter the proposed start date and latest possible start date for using rental water. Also provide the number of years you would like to rent water:

Proposed Start Date (month/day/year)	Latest Possible Start (month/day/year)	* Proposed Rental Duration (Max 5 Years)	** For multi-year rentals, indicate whether you desire to rent water for remaining years if a rental request cannot be approved for the first year?	
		<u>1 year</u>	☐ Yes, approve rental for all remaining future years.	☒ No, return rental request if first year is unapprovable.

- * The number of years permissible for a rental is subject to the lease contract duration for the water right(s) being rented.
** Subject to the availability of rentable water. A multi-year rental that cannot begin during the first year requested may be approved for some or all remaining years, depending on availability. Rental requests will be returned if no water is available to rent in the first and/or subsequent years of the rental request.

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

- D. Refer to the map you created in item 2 and specify the location of the point(s) of diversion (POD) from which rental water is proposed to be diverted:

Water Source	TWP	RGE	SEC	¼	¼	¼	County	Other water rights for the same purpose diverted from this POD
Well	4S	1W	25	NW	NE		Owyhee	None

The entry in this grid must match the map from item 2 on the application.

- E. Do you own and/or possess the authority to divert water from the above POD(s)? Yes ☒ No ☐
If no, provide documentation from the owner/operator confirming your authorization to use the POD(s) and label it Attachment 3E.
- F. Do any POD(s) identified in Question 3D divert from a water source that may require water modeling? Yes ☐ No ☒
Refer to the Water Modeling Requirements Information Sheet to determine if a rental POD may require water modeling.
- G. Has water modeling been provided with your rental request? Yes ☐ No ☒
If yes, include as Attachment 3G. Otherwise please explain why modeling was not provided:

Rental applications that require modeling will be returned if modeling is not provided.

- H. Specify the proposed beneficial use: ☒ Irrigation ☐ Commercial ☐ Industrial ☐ Municipal
☐ Groundwater Recharge ☐ Mining ☐ Stockwater ☐ Other: _____
- I. Refer to the map you created in item 2 and specify below the places you propose to use water. If for irrigation, specify the number of acres to be irrigated per ¼ ¼ tract. Otherwise indicate usage by marking the ¼ ¼ tracts with the first letter of your proposed use identified above:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4S	1W	25		10												15			25
The entry in this grid must match the map from item 2 on the application.																			Total Acres (for irrigation)
																			25

- J. For irrigation uses, do you propose a water diversion rate greater than 0.02 cfs/acre? N/A ☐ Yes ☐ No ☒
If yes, explain the justification for this rate of flow and attach any supporting documents as Attachment 3J:
- K. Do you own the land at the proposed rental place of use (POU)? Yes ☒ No ☐
If no, attach documentation from the POU owner/operator confirming your authorization to use the POU and label it Attachment 3K.
- L. Describe your water distribution system and how water will be delivered from the POD(s) to the proposed POU(s):
Diversion from well to mainline and thence to pivot sprinklers.

**STATE OF IDAHO
WATER RESOURCE BOARD**

Application to Rent Water (Continued)

M. List all other water rights and sources of water at the rental place of use for the same purpose and explain why additional water is required. Include privately owned water rights and water received from a municipal supplier, an irrigation district, a canal company, or any other water deliver entity:

Place of use is currently not irrigated. Water Right application no. 57-11840 has been filed for this purpose. This rental will be a one-year test to determine any impacts upon surrounding wells. A copy of the proposal is attached

4. RENTAL REQUESTS FOR SPECIFIC WATER RIGHTS

A. Are you requesting to rent specific water rights?

Yes ☒ No ☐

If yes, specify below the water rights you are requesting to rent. Otherwise continue to Section 5 of this application form.

Please note: Diversion rates and volumes to be rented from a leased water right must be proportionate to the per acre diversion rates and per acre volume limits of the water right leased to the Bank. Applicants should query a water right's rental availability by reviewing active lease and rental documents, searchable via [IDWR's website](#), to ensure all elements of a water right remain available in sufficient quantity to satisfy a rental request.

Water rights identified below must either already be leased to the Bank or a lease proposal should accompany the rental request. Rental requests for water rights not yet leased to the Bank will be returned if companion lease applications are not provided with the rental request.

For leased rights with combined limits, applicants should request to rent against the combined limit diversion rate, volume or acre limits.

Elements of Water Rights Leased to the Bank (Contract Details)								Leased totals minus water actively engaged in rental agreement equals rental availability	Rental Request		
Water Right Number	Nature of Use	Water Source	Rate (CFS)	Volume (AF)	Acres (AC)	Start (year)	End (year)		Rate (CFS)	Vol. (AF)	Acres (AC)
57-11801	Irrigation	Groundwater	.54	122	29.8	2015	2019		.54	122	25
Applicants must ensure the requested rate per acre and volume per acre do not exceed the rate per acre and volume per acre that have been leased to the Water Supply Bank								TOTAL	CFS	AF	AC

Attach multiple copies of this page if space above is insufficient to list all water rights requested to be rented on this application.

B. If water right conditions, combined limits, or the sum of all water right elements being requested provide an unconventional duty of water (e.g., an unusually low rate per acre or volume per acre for irrigation use), explain how your proposed rental will sufficiently accomplish your intended purposes. Attach a separate page if space is insufficient and label it Attachment 4B:
N/A

STATE OF IDAHO
WATER RESOURCE BOARD

Application to Rent Water (Continued)

- C. Does your rental request propose to change the nature of use for any water right(s) being requested? Yes ☐ No ☒
If yes, explain how the water right(s) will be converted to new uses. Include the historic, consumptive use amounts for the water right being rented, as well as the new consumptive use amount for your proposed beneficial use. Attach a separate page if space is insufficient and label it Attachment 4C:

5. ADDITIONAL INFORMATION

- A. Is this the first time that rental water is being requested for this purpose at the rental place of use? Yes ☒ No ☐
If no, list previous rental requests/agreements and explain why you have not secured a permanent water right for your needs:

- B. Have you or do you intend to submit an application for permit or transfer proposing a similar use as this rental? Yes ☒ No ☐
If yes, describe: App. # S7-11840 has been submitted for the same purpose as the proposed rental. The rental will help determine impacts on wells, including that of the protestant to S7-11840. See attached letter

- C. Was this rental application submitted in response to a Notice of Violation (NOV) or a pending NOV? Yes ☐ No ☒
If yes, describe the date and location of the NOV.

DECLARATION

I hereby assert that the information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval. I understand that if this rental application is approved, it will be subject to the provisions of Section 42-1766, Idaho Code and all applicable state and federal laws.

Robl Hipwell
Signature of Applicant

Robl Hipwell
Printed Name of Applicant

2-6-15
Date

Charles L. Honsinger
Signature of Representative

Charles L. Honsinger
Printed Name of Representative

2-11-15
Date

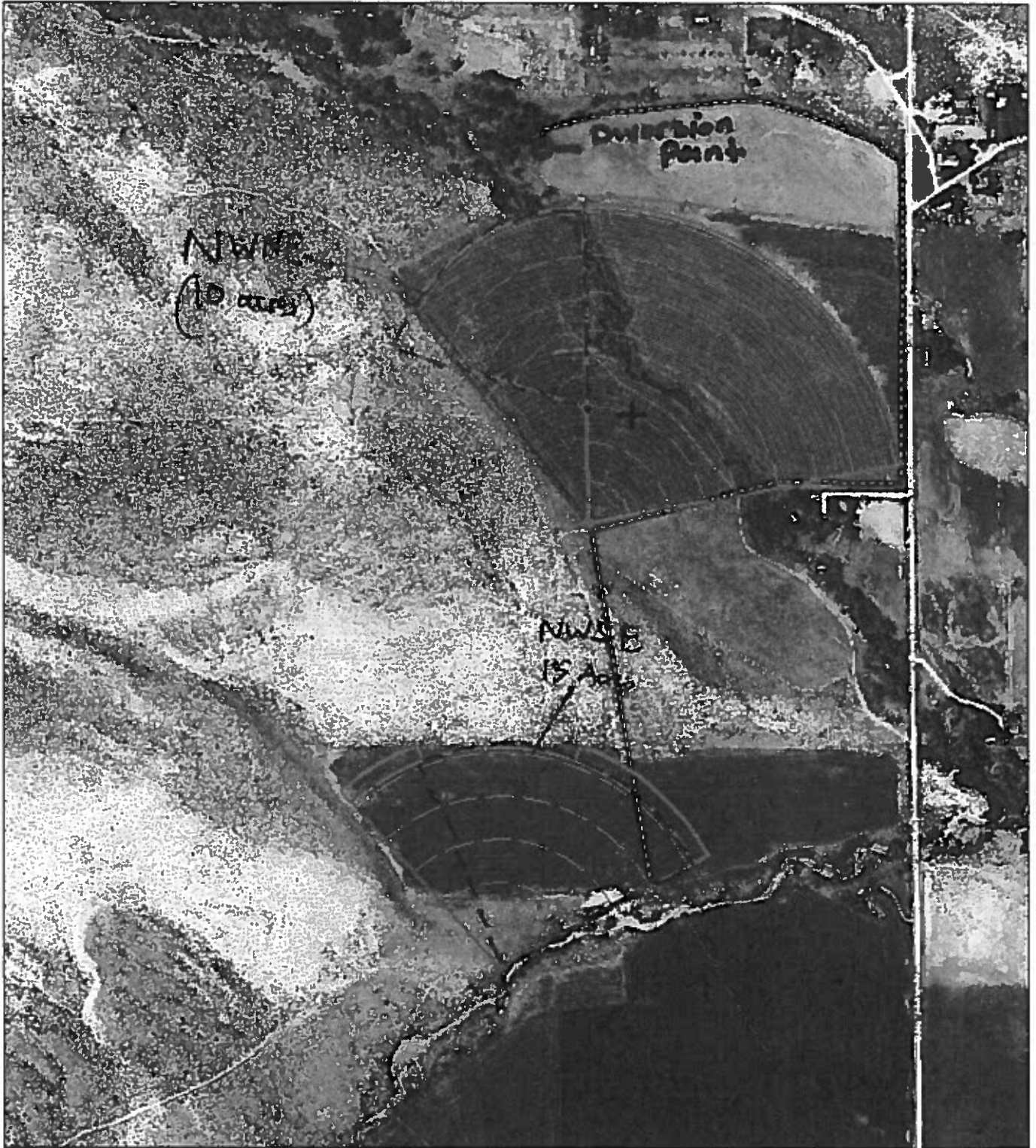
Mail to:

Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Enter Description Title

Enter Description text...

Diversion Point, Place of Use, Distribution System
T4S R1W Section 25



Lindsay Manufacturing Co. Omaha, NE 800-829-5300 office

RECEIVED

FEB 11 2015

WATER RESOURCES
WESTERN REGION

Honsinger Law, PLLC
Charles L. Honsinger
(208) 863-6106

February 11, 2015

Steve Lester
Idaho Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

Re: Contested Permit Application No. 57-11840

Dear Mr. Lester:

I am writing to make a formal proposal to the Idaho Department of Water Resources on behalf of my client Rohl Hipwell that may lead to resolution of the above-referenced matter. As you are aware, the remaining protestant in the case is concerned that groundwater withdrawals may negatively impact her ability to withdraw groundwater from her well. To determine whether approval of application no. 57-11840 will injure the protestant's well, Mr. Hipwell proposes to rent water through the Idaho Water Resources Board's Water Bank that will be diverted through the same well proposed as a point of diversion under his application and that will irrigate the same acreage as proposed under his application. This rental is proposed to take place during the 2015 irrigation season. Among other details, the rental proposal will protect the rights of the protestant to water for domestic purposes. A copy of the Application to Rent Water from the Board's Water Supply Bank is enclosed. The proposal is further detailed below.

1. Mr. Hipwell proposes to rent water rights through the Idaho water supply bank during the 2015 irrigation season.
 - A. The proposal is to rent water right no. 57-11801.
 - B. The owner of right no. 57-11801 has applied to place that right in the Idaho water supply bank.
 - C. The location of the point of diversion for proposed right no. 57-11801 is located within one mile of the well proposed as the point of diversion for application no. 57-11840. Thus, the use of right no. 57-11801 through Mr. Hipwell's well will not burden the aquifer any more than if it had been diverted through its own point of diversion.
2. Mr. Hipwell proposes to irrigate 25 acres in 2014 irrigation season.
 - A. 10 acres in T4S R1W Section 25 NWNE and 15 acres in T4S R1W Section 25 NWSE.
 - B. The expected diverted volume during 2015 irrigation season is approximately 100 acre-feet.

P.O. Box 517

Boise, Idaho 83701

Fax: (208) 808-6085

Email: honsingerlaw@gmail.com

(WSB
COPY FOR 57-11840 ATTACHED)

- C. The expected diversion rate will be .50 cfs (225 gallons per minute)
- D. The expected crop will be oats and pasture.

3. Monitoring

Hipwell plans to request that SPF Water Engineering (Hipwell's consultant) install recording pressure transducers in the Hipwell, Humphrey and Osborn wells (presuming permission for installation in the Humphrey and Osborn wells can be obtained). The transducers will be installed inside PVC water-level sounding tubes prior to the irrigation season, and remain in until after the irrigation season. The transducers will be programmed to collect a level measurement every hour. The pumping well will be equipped with a flow meter, and the pumping schedule and totalized flow will be recorded on a regular basis.

4. Insulate protestant from impacts

Hipwell will provide the protestant with a water line from his well to provide a separate source of water in the event that drawdown in the Tobias well resulting from diversion of the Hipwell well during the rental period prevents operation of the Tobias well. Although Humphrey and Osborn are no longer protestants, Hipwell will agree to drop their pumps by a length of pipe if drawdown from the diversion of the Hipwell well during the rental period necessitates the same.

We believe this proposal to rent water will produce enough information to be able to definitively determine whether application no. 57-11840 should proceed forward. To that end, we propose that the water right application be held in abeyance until the end of the 2015 irrigation season to allow for the information to be collected, and decisions to be made.

Please consider Mr. Hipwell's proposal to resolve the contested application, and contact me as soon as possible with your thoughts and concerns. We look forward to hearing from you soon.

Sincerely,

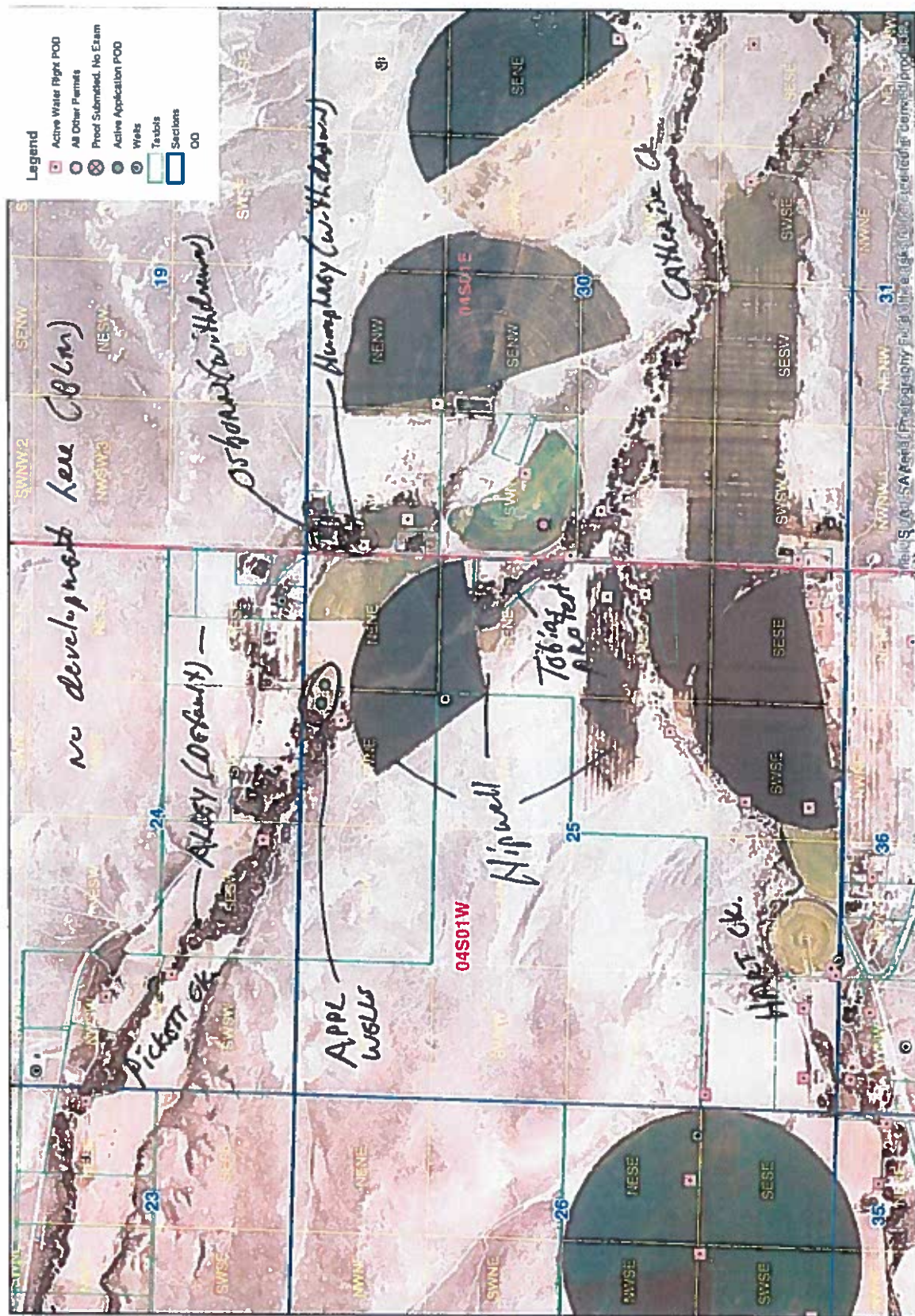


Charles L. Honsinger

enclosure

cc: Rohl Hipwell
Terry Scanlan
Reva Tobias
Lee Humphrey
Leah Osborne

OREGANA AREA



- Revert APPL wells
- Measure APPL wells + Humphrey + Orban
- Cure Tobias if needed
- unperm here (leased to bank)