

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



Steve Lester & Angie Grimm

→ her notes attached

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.

done 11/12/14

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.

NOTES

STATUS CONFERENCE

HIPWELL APPLICATION FOR PERMIT #57-11840

Angie Grimm, IDWR 11/7/14 *an*

Date: November 6, 2014

Location: Owyhee County Court House – Murphy, ID

Time: Steve Lester, IDWR began the conference at approximately 9:35 am.

Attendees:

See Roster of Attendance for complete list of participants.

Summation of proposed protest resolution [Charles Honsigner, attorney for Rohl Hipwell (applicant) letter to Protestants dated October 24, 2014] **& Protestants response:**

Charles H. – Application still needs to be amended as discussed during pre-hearing conference (change portion place of use from NWNE to NWSE).

-Protest resolution proposal (10/24/14 letter):

-Leah Osborn & Lee Humphery = drop pumps and install transducer in Osborn well to measure water levels for one year.

Leah O. – No vote on proposal. Concerned current pump (1/2 HP?) not enough pump if have to drop further. Uncertain current pump HP. Also, generally concerned with water levels in area, will take time (not immediate) to gather data. She is gathering more data to get overall picture of ground water in area.

Lee H. – Agrees with proposal for new pipe to drop well. Confirmed with Treasure Valley Pump if drop pump another 60 feet current pump is adequate to lift water. However, he's concerned with water levels like Leah and proposed resolution for Reva Tobias. Would like to see more information on water levels in area, concerned if more and more years of drought in future, but ok with 60 feet drop proposal.

Charles H. – Asked Leah O. if she has any other ideas for proposed resolution(s). Leah O. said no, but saying no to permit now, because she wants to have more data.

Reva T. – No vote on proposal. Concerned with water levels in all wells in area. During irrigation season drawdown already significant. Right now her well construction is limiting the possibility of lowering her pump so she will have to drill a new well. Current irrigation, aside from this new permit proposal, causing issues. She's rejecting current proposal for alternative water supply, because she's concerned if day comes when Rohl H. cannot provide her water and does not want to be subject to/dependant on Rohl H. for water.

Charles H. – Not hearing any agreement or alternative proposals for resolution(s). Not sure if there are any other proposals or more he can do.

Next Step for Contested Case:

Steve L., IDWR – IDWR has responsibility to protect senior water rights while allowing for the full economic development of the resource. IDWR will have to consider if it is reasonable to expect a four inch well to provide water for a senior right forever vs. allowing further development of the resource. Next step since no one is agreeing to withdraw their protest is to set a hearing. Burden of proof on applicant, but protestants also have responsibility to bring something to the table. If a hearing is held, a decision regarding the permit application needs to be made in a reasonable time frame, can't wait for a study (takes \$\$ and time) to be done. The permit application needs to be addressed in a timely manner.

Leah O. – Asked what is the time frame for a hearing.

Steve L., IDWR – Not likely before March. Well aim for the next few months, but not this calendar year. Will send out calendars for proposed hearing dates. Meanwhile, if applicant and protestants want to keep talking to work something out amongst yourselves that is encouraged.

Status conference adjourned at approximately 9:50 am.

IDAHO DEPARTMENT OF WATER RESOURCES
ROSTER OF ATTENDANCE

Pre-Hearing Status Conference

Rohl Hipwell

Application for Permit No. 57-11840

Place: Owyhee County District Court, Murphy ID

Date: Thursday, November 6, 2014

Time: 9:30 a.m.



NAME

ORGANIZATION

1. <i>Rohl Hipwell</i>	<i>Oreana Idaho 18125 Loop Rd.</i>
2. <i>Leah Osborn</i>	<i>16837 Bates Creek, Oreana</i>
3. <i>Andy Kip for Lisa</i>	<i>17813 Oreana loop Rd 83450</i>
4. <i>Lee V. Hunsinger</i>	<i>16959 SHERIDAN CREEK RD. 83450</i>
5. <i>Charles Hunsinger</i>	<i>Hunsinger Law, PLLC (Hipwell)</i>
6. <i>ANGIE GRIMM</i>	<i>IDWR - WESTERN REGION</i>
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