

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?

* DP fee upgrade?

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.

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

1. WELL TAG NO. D 0066119

Drilling Permit No. _____

Water right or injection well # _____

2. OWNER

Name **Rohl Hipwell**Address **18125**City **Oreana** State **id** Zip **83650**

3. WELL LOCATION:

Twp. **4** North ☐ or South ☒ Rge. **1** East ☐ or West ☒Sec. **25** 1/4 **nw** 1/4 **ne** 1/4Gov't Lot _____ County **owyhee**Lat. **43 ° 3.2** (Deg. and Decimal minutes)Long. **116 ° 24.02** (Deg. and Decimal minutes)Address of Well Site **south of Oreana 1/2 mile west side of road**City **Oreana**

(Give at least name of road + Distance to Road or Landmark)

Lot _____ Blk. _____ Sub. Name _____

4. USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation ☐ Thermal ☐ Injection☒ Other **stock**

5. TYPE OF WORK check all that apply (Replacement etc.)

☒ New Well ☐ Replacement well ☐ Modify existing well☐ Abandonment ☐ Other _____

6. DRILL METHOD:

☒ Air Rotary ☐ Mud Rotary ☐ Cable ☐ Other _____

7. SEALING PROCEDURES

Seal material	From (ft)	To (ft)	Quantity (lbs or ft ³)	Placement method/procedure
3/4 bentonite	0	40	1600 lbs	pour

8. CASING/LINER:

Diameter (nominal)	From (ft)	To (ft)	Gauge/Schedule	Material	Casing	Liner	Threaded	Welded
10	3	57	.250	steel	☒	☐	☐	☒
8	25	225	c.40	pvc sdr17	☐	☒	☒	☐

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) **57**

9. PERFORATIONS/SCREENS:

Perforations ☐ Y ☒ N Method _____Manufactured screen ☒ Y ☐ N Type **pvc sdr17**Method of installation **set in**

From (ft)	To (ft)	Slot size	Number/ft	Diameter (nominal)	Material	Gauge or Schedule
225	285	.25	60.ft	8	pvc	sdr17

Length of Headpipe **200** Length of Tailpipe _____Packer ☐ Y ☒ N Type _____

10. FILTER PACK:

Filter Material	From (ft)	To (ft)	Quantity (lbs or ft ³)	Placement method
NA	NA	NA	NA NA	NA

11. FLOWING ARTESIAN:

Flowing Artesian? ☐ Y ☒ N Artesian Pressure (PSIG) _____

Describe control device _____

12. STATIC WATER LEVEL and WELL TESTS:

Depth first water encountered (ft) **100** Static water level (ft) **90**Water temp. (°F) **57** Bottom hole temp. (°F) _____Describe access port **1/4 inch flat plat**

Well test:

Test method:

Drawdown (feet)	Discharge or yield (gpm)	Test duration (minutes)	Pump	Bailer	Air	Flowing artesian
170	250	1 hr	☐	☐	☒	☐

Water Quality test or comments:

13. LITHOLOGIC LOG and/or repairs or abandonment:

Bore Dia. (in)	From (ft)	To (ft)	Remarks, lithology or description of repairs or abandonment, water temp.	Water Y	N
14	0	18	brown clay		x
14	18	22	gravel		x
14	22	32	sandy clay		x
14	32	34	gravel		x
14	34	40	blue clay		x
10	40	55	blue clay		x
10	55	87	sticky blue clay		x
10	87	125	blue clay with sand stone strips	x	
10	125	223	blue clay		x
10	223	285	blue clay with sand stone strips	x	

RECEIVED

MAR 17 2014

WATER RESOURCES
WESTERN REGIONCompleted Depth (Measurable) **285**Date: Started **12-13-13** Completed **2-11-14**

14. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name **Waterpro Well Drilling** Co. No. **626***Principal Driller **Monte Post** Date **2-20-14**

*Driller _____ Date _____

*Operator II _____ Date _____

Operator I _____ Date _____

*Signature of Principal Driller and rig operator are required.

SETTLEMENT IDEAS

JZ 9/30/2014

Observation well(s)

New irrigation well

- Pump test, aquifer test, results analyzed by IDWR before start irrigating
- Water level measuring tube
- Measuring device for rate & volume
- Cased & sealed into/through 1st confining layer to prevent creek impacts

Records-keeping

- Use of new well
- Water levels for new well, observation well(s) & nearby wells for other owners

1st 5 years of new use, written notification to protestants 2 weeks before start irrigating & 2 weeks after end each year, provide copies to IDWR

If water levels decline more than ____ feet, stop irrigating, notify protestants & IDWR. IDWR will require additional testing by applicant to determine:

- Applicant demonstrated injury has not occurred, or
- Applicant demonstrated injury occurred but not due to new use, or
- Applicant demonstrated injury occurred but applicant mitigated it after IDWR approved a mitigation plan submitted by applicant

Do not file proof of beneficial use until 5 years, include report summarizing data collected for new well, observation well(s) & nearby wells for other owners

NOTES

PRE-HEARING CONFERENCE

HIPWELL APPLICATION FOR PERMIT #57-11840

✓ Angie Grimm, IDWR 9/30/14 *AG*

Date: September 30, 2014

Location: Idaho Department of Water Resources (IDWR) - Western Region Office

Time: Steve Lester, IDWR began the conference at approximately 9:30 am.

Introductions - IDWR:

Participants present at the beginning of the meeting introduced themselves. See attached Roster of Attendance for complete list of participants.

Purpose of Conference - IDWR:

"PRE-HEARING CONFERENCE AND/OR HEARING PROCEDURE APPLICATION FOR PERMIT" handout distributed (copy attached).

Steve L., IDWR explained pre-hearing conference held as informal gathering to help parties reach an agreement. If no agreement reached, likely proceed with more formal hearing. Ultimately, a decision issued by IDWR, parties have administrative petition/appeal process, then judicial appeal process if necessary.

Steve L., IDWR outlined procedure for meeting. Begin with summation of proposed application by applicant than proceed by giving each protestant a chance to state their issues.

Summation of Application (proposed diversion) – Charles Honsigner, attorney for Rohl Hipwell (applicant):

0.59 cfs ~ 30 inches of water proposed for stockwater, domestic, and irrigation of 25 acres. Rohl H. needs to amend application to change place of use location of 15 acres south to land irrigated last 14-15 years (map, "Wells in Vicinity of Proposed Wells" table from Scanlan letter, and copy of application #57-11840 distributed to parties – copies attached). Charles H. asked if IDWR would need to re-publish application after amendment. Steve L., IDWR said no, considering not changing where diverting water from and folks whom are interested/concerned are parties.

Rohl H. asked Terry Scanlan (SPF Water Engineering) to write a response to the IDWR's inquiries regarding water levels in the area and the potential effect the new appropriation would have. Charles H. summarizes that letter by stating drawdown in the area until ~2007, from 2007 to now measurements in the USGS well have remained stable. Scanlan concluded this indicates water is available for the appropriation. Largest drawdown from pumping anticipated being 10 ft or less in closest wells.

Issues/Concerns – Protestants:

Lee Humphrey stated concerns (Charles H. asked questions to clarify after);

Water levels dropped last year in January 2013 well pumping air, replaced pump. In June 2013, water levels dropped sucking air, added two lengths of pipe (~40 ft). Total cost of repairs \$3800. Main concern proposed well will lead to more drawdown. Early 2000's also had to add three lengths of pipe (60 ft). Pump at 183 ft now, total well depth 256 ft. Using a 1 1/2 HP pump. Static water level at 108 ft in 2000 when measured, deeper than that later in 2000's

when added three lengths of pipe. Five lengths of pipe (~100 ft total) added in last 14 years. Uncertain of well age. Well in place when Humphrey bought property from Johnston in 1993.

Leah Osborn concerns (Charles H. asked question to clarify after);

June 2013 water levels down, pressure tank modifications necessary. In August 2013 well went dry, hired Treasure Valley Drilling to add two or three lengths (~40-60 ft) to put pump at 147 ft (?) now. Total well depth 285 ft. Static water level when pumped lowered was 167 ft (?). Leah not certain of the figures, but can get information to parties if needed. Neighbors further down Bates Creek Rd also went dry. Her well is ~1000 ft from new well proposed for appropriation. Concerned with the recharge rate. Called Warren Barrish, Idaho Geologic Survey, Idaho Water Research Institute, IDWR, universities, etc., most of whom said area has insufficient data. She talked with Mike McVay, IDWR, who came and measured her well yesterday while out in the area measuring routine wells. She believes he measured the water level to be 88 ft, but he said he thought water was getting in well (pumping?). She also would like more information on Idaho Power water trust from IDWR. She had a well log in the name of Merville Robinson dated 10/4/88. She said log was her well, but family on property first was Chester Moore so may not be her well (1988 log for new well not deepening). Pre-1978 first domestic use on property.

Charles H. asked if other wells monitored by the IDWR in the area. Also if IDWR has plans to expand that monitoring program. Angie G., IDWR stated IDWR monitors well(s) mentioned in Terry Scanlan letter. Steve L., IDWR said there are no plans to expand this effort that he knows of. Leah O. indicated she plans to ask her neighbors if they want Mike McVay, IDWR to measure their wells to get more data.

David Alley did not attend pre-hearing conference.

Reva Tobias concerns (Charles H. asked question to clarify after);

Pump house built in 1956, well in place before that. 4 inch ceramic casing. Well depth 221 ft, water level at 56 ft, pump set at 168 ft historically. 1999, 2001, 2002, 2006, 7/19/2012 water levels dropping causing pump sand, this ruined pump bottom that had to replace. 2013 water levels dropped, couldn't get enough water pressure to water stock and domestic uses at the same time. 7/21/2014 water level at 167 ft, Hiddleston Well Drilling lowered pump to 189 ft, concerned cannot go any deeper due to well condition. Also, only ¾ HP pump, would likely need to increase HP to lift water. Will need to drill a new well if water levels drop further. Mr. Honsinger asked what work was done in 1999, 2001, etc. Reva indicated in 1999 pump end replaced (pumping sand ruins propellers on bottom of pump), 2001 capacitor start & pressure gauge installed, 2001 new pressure tank installed, 2002 new pump & control box, 2006 new pump & pressure switch (new pump necessary 'cause dropping water levels led to pumping sand again), 2012 another pump end & replaced pipe, and 2013 replaced pipe and added two lengths (~ 42 ft). Low pressure in well currently, but believes due to ¾ HP limiting lift capabilities. Reva is concerned with the recharge levels and the area as a whole having a lot less water (water features like ponds, etc. prevalent in area during her childhood).

Response/General Comments:

Steve Lester, IDWR;

1978 wells older than Parker v. Wallentine decision, critical point to know as these wells have more protection than newer wells. 15 acres to SW will be supplemental to surface water right (not available majority of irrigation season most years). 10 acres at original propose place of use is land dried up (water right removed) via approval of recent transfer

application. Confirmed well with tag D0066119 is the proposed point of diversion for this permit application (gave attendees a copy of the Well Driller's Report for D0066119 – copy attached).

Charles Honsinger, applicant's attorney;

15 acres have been irrigated last 14 years. This application really adding new 10 acres from a new well.

Summarize Unresolved Issues – Steve Lester, IDWR:

From “PRE-HEARING CONFERENCE AND/OR HEARING PROCEDURE APPLICATION FOR PERMIT” handout Issues #1 (injury), #2 (sufficient supply), #5 (local public interest), and #7 (benefit to local economy) remain as unresolved issues. Protestants conceded no issue(s) with items #3 (good faith), #4 (financial resources), and #6 (conservation of resources).

Proposed resolution(s) – Charles Honsinger, applicant's attorney:

Will discuss information gathered in this meeting with Terry Scanlan to see what he suggests, before make proposal of possibilities to assist with help on folks pumping levels, well issues, etc.

Settlement Options:

No agreements reached during prehearing conference.

Steve L., IDWR provided handout “Settlement Ideas” to parties. Applicant to work with consultant and provide written follow-up to IDWR and parties. Once written follow-up received, hold another informal meeting with parties (possible IDWR attendance if requested/needed) to discuss. Reva T. requested phone conference communication as she lives in North Dakota [PO Box 337 Killdeer ND 58640 – cell # (208) 447-7089].

Leah O. & Reva T. stated would like to know more about recharge rates in area. Also, Leah O. is planning to approach neighbors inquire if they would like to have Mike McVay, IDWR measure their well water levels.

Rohl H. indicated he has a new well with an access port. He also plans to install magnetic flowmeter on new proposed point of diversion well. He is ok with IDWR measuring well. Steve L. said IDWR may possibly desire to increase measurement effort in area, but with limited resources may need well owners to invest in own measurement efforts.

Specific Dates and Deadlines:

Written Follow-Up from Applicant: October 27, 2014.

Proposed date for next meeting: November 6, 2014 (possibly in Orena area).

IDWR will send schedule of dates and likely a motion of default to Mr. Alley (if cannot provide a legitimate reason for not attending pre-hearing conference).

Prehearing conference adjourned at approximately 11: 15 am.

ROSTER OF ATTENDANCE

Pre-hearing Conference

Rohl Hipwell

Application for Permit #57-11840

Place: IDWR Western Regional Office

Date: 09/30/14

NAME _____

ADDRESS

LEE HUMPHREY

16959 SHORTCUT RD, OREGONA

* ANGIE GRIMM - IDWR WESTERN REGION

Charles Hensinger -

P.O. Box 517 Boise, ID 83701

Lobl. Newell

18125 ~~Oreum~~ ~~Oreum~~ Id 83650

Heva (nicknamed)

17813

12-16-60

20883/2089

Leah Osborn

16837 Bates Creek Oregon 83650

* Also Inward

Brooke Barton

Steve Leith