

Prehearing Conference Notes

Grossen Application for Permit #67-15030

From: J. Westra, S. Hornbaker

Date: 11/02/11

-The conference began with introductions and review of the conference purpose and agenda.

-The Little Weiser Irrigation Dist. Board (protestant) presented their concerns. The issues follow the arguments made in the protest letter from the district. The discussion centered on the lower river waterusers not getting their allotment of water natural or storage. Jerry Jaeger is the last water user. This resulted in some discussion about the management of the river and ditches between the board and Mr. Grossen. Several Boardmembers pointed out that these issues forced the Upper Cambridge ditch to be constructed—Ball rights from the Weiser River.

-Scott King presented for the Applicant. Mr. King discussed this application was to provide the Applicant a full 1" per acre on the same 150 acres under #67-7866. #67-7866 was licensed short of the 1" due to the flume capacity limiter—1.21 cfs.

-The Board and the Applicant discussed briefly the Ogle complaint. Mr. Jaeger and Mr. Ward discussed some of the specifics that related to the application. Parties did a nice job in not dwelling on the subject as it is not part of the case.

-I discussed that new appropriations in the Weiser basin normally carry a June 15th cutoff for protection of senior water rights. I stressed that the Little Weiser River is regulated by the #67A Water District at this point.

-There was some discussion regarding the cutoff. Mr. Jaeger thought his junior flood right carried a June 1st cutoff. That would not be fair to other right holders if a June 15th cutoff was used for the Grossen permit. I told him I would check that out.

-After some discussion, parties agreed to continue negotiating until the year end (01/01/12). If there is not a settlement by year end, a hearing will be scheduled after that date.

Followup: The Jaeger Water Right #67-2375 has a period of use 03/15 thru 06/15.