

Ident. No. 63-12459

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Kathy A Ellensohn and/or Timothy F Fease Phone 208-939-2402
Mailing address 4557 Old Valley Road, Eagle, ID 83616
2. Source of water supply groundwater which is a tributary of NA
3. Location of point of diversion is Township 4N Range 1W Sec. 12, in the 1/4,
SW 1/4, SW 1/4, Govt. Lot , B.M., Ada County;
additional points of diversion if any: excavated pond in NWNW Sec. 13, T4N, R1W
4. Water will be used for the following purposes: gov't Lot 3 *
- Amount 0.04 for diversion to storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount 11 for recreation storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount 11 for aesthetic storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
- Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
- Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.04 and/or (b) 11
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source artesian well, excavated pond.
system is in place
- b. Height of storage dam NA feet; active reservoir capacity 11 acre-feet; total
reservoir capacity 11 acre-feet
- c. Proposed well diameter is 2-inch inches; proposed depth of well is unknown feet existing well
- d. Is ground water with a temperature of greater than 85°F being sought? no
- e. If well is already drilled, when? pre 1900; Drilling firm unknown;
Well was drilled for (well owner) unknown; Drilling Permit No. NA
7. Time required for completion of works and application of water to proposed beneficial use is one years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in KW.
- b. Stockwatering; list number and kind of livestock.
- c. Municipal; show name of municipality.
- d. Domestic; show number of households.
- e. Other; describe fully. personal use at recreation-aesthetic pond

* per plat - 82 5/24/98

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1W	13						X											
								Lot 3											

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? _____ applicants

b. Who owns the land to be irrigated or place of use? _____ applicants

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: Existing pond on wetted area intercepts groundwater from shallow aquifer considered tributary to the Boise River. Site is original Middleton Mill diversion, then became slough. A portion of the expanded pond area was irrigated with Ballentyne Ditch Co. water. No new consumptive use involved with this application. Use from artesian well for pond is limited to 0.04 cfs, not to exceed 2500 gpd under this permit.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

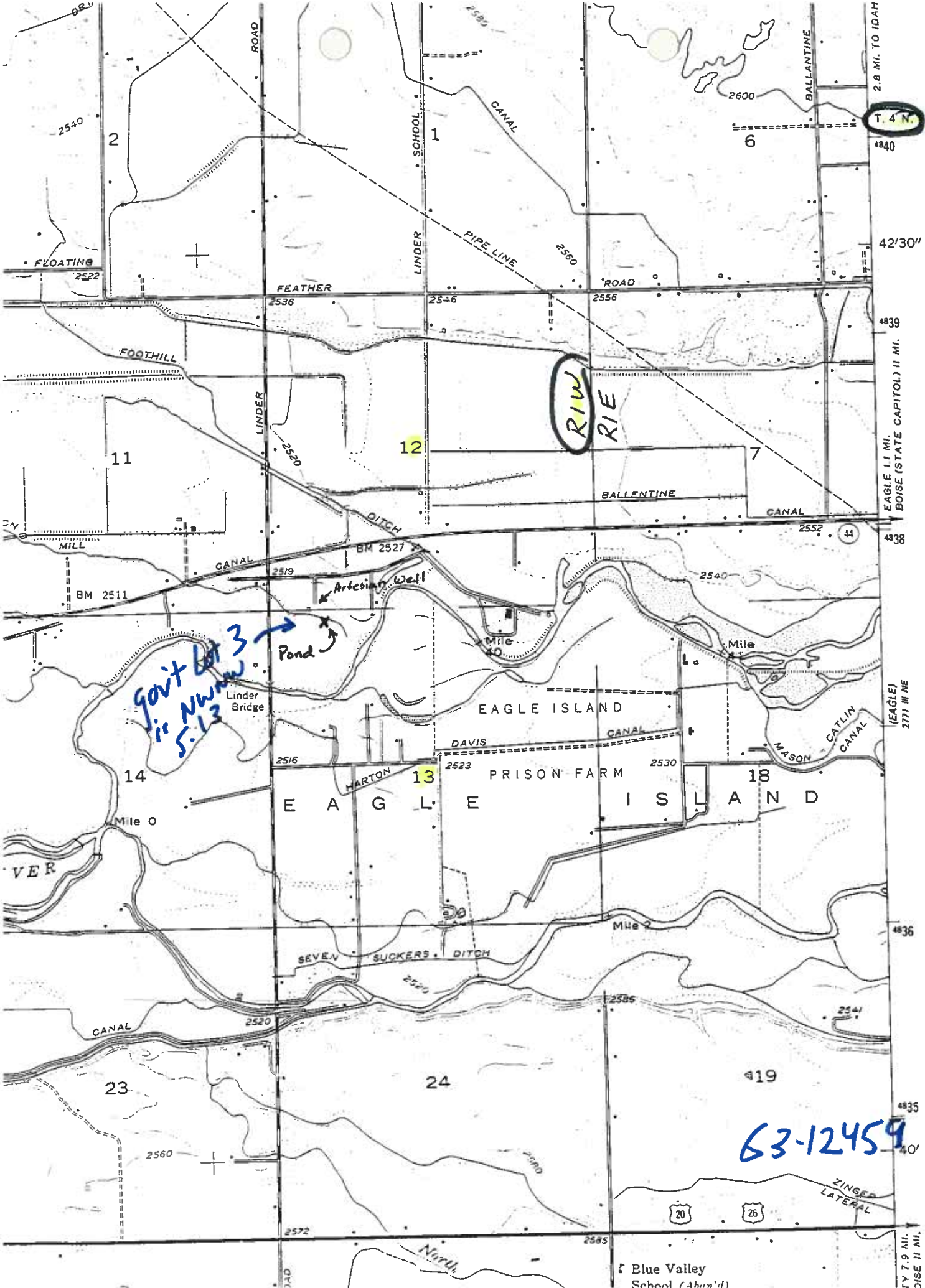
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

SEE D'BASE COMMENTS,
attached per file revision.
-RL 6/24/98

Timothy F. Ferre
Signature of Applicant (and title, if applicable)

Received by Rdh Date 11 MAR 98 Time 11:06 Preliminary check by SP
 Fee \$ 50.00 Received by Rdh # W023506 Date 3/11/98 *
 Publication prepared by dt Date 6-24-98 Published in Ed. Stateman 7-24-98
 Publication approved dt Date 7-21-98

* \$50 this Appl.
 \$84 2 SRA claims
 \$134 total
 -RL 6/24/98





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

July 8, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LEE SISCO
WATER DISTRICT 63
6616 OVERLAND RD
BOISE ID 83709

Re: Application for Permit No. 63-12459 in the Name of Timothy F. Fease &/or Kathy A. Ellensohn

Dear Sir:

Enclosed is a copy of the above-referenced application for permit within your district. Also, enclosed is a form for your recommendation concerning this application for permit.

Please review the application and submit any comments you may have within two weeks. If you have any questions or need information, feel free to contact this office.

Sincerely,

A handwritten signature in black ink that reads "Gary Spackman".

Gary Spackman

GS:st

Encl.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

July 7, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

KENLEY HINRICH &/OR LISA O'TOOLE
4695 OLD VALLEY RD
EAGLE ID 83616

Re: Application for Water Right Permit No. 63-12459 in the Name of the Timothy Fease &/or
Kathy Ellensohn

Dear Interested Party:

Enclosed is a copy of the above-referenced application for water right which may be of
interest to you.

Please review the application and return any comments you might have.

A protest must be received with a \$25.00 protest fee on or before July 20, 1998. If you
do not wish to protest, informal comments should still be submitted by the end of the protest
period.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman

GS:st

Encl.

63-12459

ELLEN SOHN, KATHY A
FEASE, TIMOTHY F
4557 OLD VALLEY RD
EAGLE, ID 83616

Source: GROUNDWATER

Diversion Pt: SWSW Sec 12 T 04N R 01W in ADA County.
 LOT 3 (NWNW) Sec 13 T 04N R 01W in ADA County.

Use: RECREATION STORAGE	(	11.00 AF)
AESTHETIC STORAGE	(	11.00 AF)
DIVERSION TO STORAGE	(	0.040 CFS)
Total Diversion:	(	0.040 CFS)

Date Filed: 3/11/1998

In: ADA County
T04N R01W S13 Lot 3 (NWNW)

Shallow ground water tributary to river collects in existing pond on wetted area. Existing artesian well also serves pond. Well diverted to pond at amount not to exceed .04 cfs or 2500 gpd. Same pond covered in Transfer 5284. No new well drilling, pond construction or increase in consumptive use is proposed. Applicant requests processing due to these factors.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

June 25, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

KENLEY HINRICH & LISA OTOOLE
4695 OLD VALLEY RD
EAGLE ID 83616

RE: FEASE/ELLEN SOHN APPLICATIONS & CLAIMS

Dear Kenley and Lisa:

Previously you requested copies of any water right or adjudication claim filings made by your neighbors, Tim Fease and Kathy Ellensohn. Enclosed are printouts of several such filings.

The filings can be summarized as follows:

application for permit 63-12459 for a non-consumptive use;

application for transfer identified by printout T63-00289 to change the use of two shares of ditch company water on the neighbors' land - this is transfer no. 5284;

note: you will be receiving a comment letter with complete copies of these two applications via a separate mailing;

SRBA claim A63-30484 to clarify domestic use; and

SRBA claim A63-30485 for non-irrigation use from the artesian well.

Water right filings are advertised in the local newspaper but SRBA claims are not. If you want to comment on the SRBA claims, you will need to explore that avenue by contacting this office for more information.

This office has provided you with copies of all of the filings made by your neighbors as you requested. Please contact this office at 334-2190 if you have additional questions.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure
c: T. Fease & K. Ellensohn

From: DWR80::SLESTER 24-JUN-1998 15:48:32.48
To: JWESTRA
CC: SLESTER
Subj: FEASE APPLICATIONS @ POND

John - 2 applications that deal with same existing pond near Linder Rd. are in Sue's office for advertising if you want to look at them. The pond holds @ 11 af, is excavated site w/o dam. The appls. are 63-12459 (Fease & Ellensohn) and Transfer 5284 for right 63-00289 (Ballentyne Ditch Co.).

-- Steve 

*Regional Dam Safety
Comments solicited*

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

December 21, 1997

Mr. Tim Fease
Old Valley Farm
4557 Old Valley Road
Eagle, ID 83616

Subject: Water Right Applications

Dear Tim:

Enclosed please find the following water right applications and claims.

1. An Application for Permit for recreational/aesthetic use of your existing pond. The application fee will be \$50.
2. An Application for Transfer to change the nature of use of a portion of the Ballentyne Ditch water delivered to your property. The Transfer requests the right to store water from the ditch in your pond, and then use it on a year-around basis for commercial and irrigation uses in the greenhouse and nursery operations. The transfer will need to be filed by the Ballentyne Ditch Company. The application fee will be \$100.
3. A Snake River Basin Adjudication (SRBA) claim for irrigation and commercial uses from your artesian well. This claim is for 0.17 cfs (76 gpm) based on beneficial use, with a priority date of 12/31/1888. The priority date is the same as claimed in the SRBA for domestic use from the artesian well. The claimed irrigated area is 9 acres. The claim fee will be \$59 (\$50 flat fee plus \$1 per acre).
4. An SRBA claim for use of the new (i.e., 1988) well at the main house. This claim is filed to clarify remarks in claims 63-17846 and 63-17848. The claim fee will be \$25.
5. Amended SRBA claim 63-17846. This claim is filed to clarify remarks related to the new well in the original claim. Claim 63-17846 is for use of the artesian well at the main house. There is no fee for an amendment.
6. Amended SRBA claim 63-17848. This claim is filed to clarify remarks in the original claim. The claim is for use of both the new well and artesian well at the second house. There is no fee for an amendment.

These applications are submitted for review and comment. They should be considered as draft copies, so please feel free to mark them up as necessary.

Please note the following.

1. Pond storage capacity has not been determined. I have listed an amount of 7 acre feet on the applications, but I suspect that the storage volume might be less. Do you have estimates of surface area and average depth that we can use to calculate volume?
2. The transfer application must be submitted by the Ballentyne Ditch Company. Maybe you could discuss it with the officers of the Company? For simplicity purposes. I have based the transfer on the decreed right associated with your land. In the SRBA, Ballentyne has combined all of their various water rights into a single place of use. Ballentyne might want the transfer application to reflect their adjudication claims, which could require some extensive changes in the application. Also, I am not sure if IDWR will accept all of the uses on the transfer, or if they may want to split the transfer into an Application for Transfer and an Application for Permit. The application for transfer would include the diversion to storage and groundwater recharge uses. The application for permit would be in your name, and would include the storage, commercial from storage, and irrigation from storage uses.
3. We should probably meet with Steve Lester one more time to discuss the applications before filing. Steve may have some suggestions, and he also may agree to review the draft applications before they are submitted.

Please call me with you questions and comments as you review these applications.

Sincerely,



Terry M. Scanlan, P.E., P.G.
Engineer/Hydrogeologist

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant Kathy A Ellensohn, Timothy F Fease Phone 208-939-2402
Mailing address 4557 Old Valley Road, Eagle, ID 83616
2. Source of water supply groundwater which is a tributary of NA
3. Location of point of diversion is Township 4N Range 1W Sec. 12, in the 1/4,
SW 1/4, SW 1/4, Govt. Lot , B.M., Ada County;
additional points of diversion if any: Show 2 p/d CWS/1, pond (shallow s.w.)
4. Water will be used for the following purposes:
Amount 0.04 for diversion to storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 7.0 for recreation storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 7.0 for aesthetic storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.04 and/or (b) 7.0 max?
cubic feet per second acre-feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source artesian well, excavated pond.
system is in place
 - b. Height of storage dam NA feet; active reservoir capacity ?? acre-feet; total
reservoir capacity ?? acre-feet
 - c. Proposed well diameter is 2-inch inches; proposed depth of well is unknown feet existing well
 - d. Is ground water with a temperature of greater than 85°F being sought? no
 - e. If well is already drilled, when? pre 1900; Drilling firm unknown;
Well was drilled for (well owner) unknown; Drilling Permit No. NA
7. Time required for completion of works and application of water to proposed beneficial use is one years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in KW.
 - b. Stockwatering; list number and kind of livestock.
 - c. Municipal; show name of municipality.
 - d. Domestic; show number of households.
 - e. Other; describe fully. personal use at recreation-aesthetic pond

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1W	13						X											

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? _____ applicants

b. Who owns the land to be irrigated or place of use? _____ applicants

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: Existing pond on wetted area intercepts groundwater from shallow aquifer considered tributary to the Boise River. Site is original Middleton Mill diversion, then became slough. A portion of the expanded pond area was irrigated with Ballentyne Ditch Co. water. No new consumptive use involved with this application.

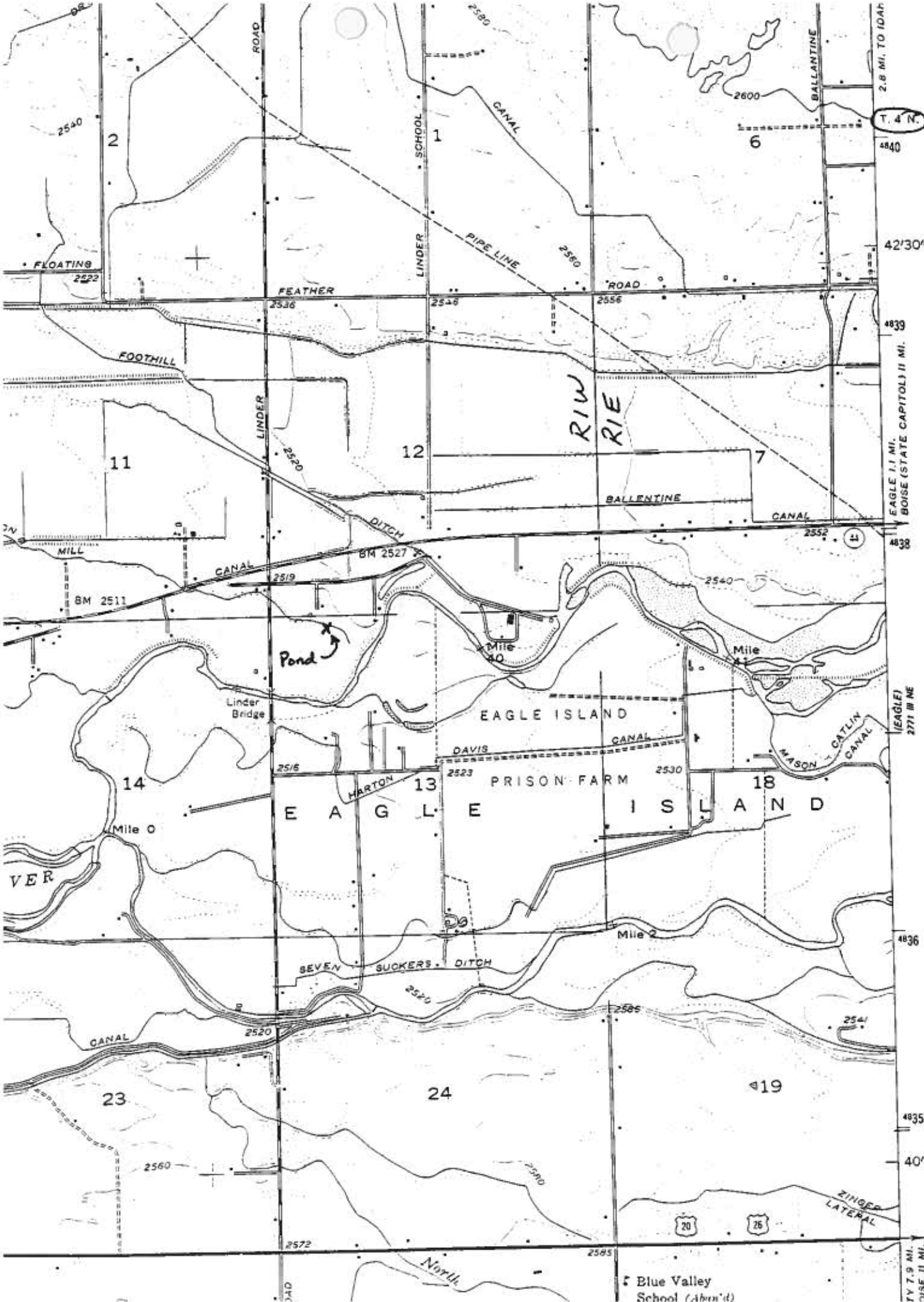
(Int. well 1.27 104 yd, 2500 gpd (let ok per SABA inst + comm chg. in).

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Signature of Applicant (and title, if applicable)

Received by _____ Date _____ Time _____ Preliminary check by _____
 Fee \$ _____ Received by _____ # _____ Date _____
 Publication prepared by _____ Date _____ Published in _____
 Publication approved _____ Date _____



T. 4 N.

4840

42'30"

4839

EAGLE 1.1 MI.
BOISE (STATE CAPITOL) 11 MI.

4838

(EAGLE)
2771 M NE

4836

4835

40'

TY 7.9 MI.
DISE 11 MI.

Blue Valley
School (Abm't)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 66706

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant Ballentyne Ditch Co. LTD Phone 208-939-6899
Post Office address 325 Park Lane, Eagle, ID 83616

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To provide for year-around commercial use and
and irrigation use outside of the normal ditch delivery season. See Remarks -
Attachment A

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number _____ Priority _____ Amount (cfs/ac-ft) _____ Nature of Use _____ Period of Use _____
See Attachment B _____ to _____
 _____ to _____
 _____ to _____
 _____ to _____
2. Total amount of water being transferred 0.04 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Boise River tributary to Snake River
4. Point(s) of Diversion: _____

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NE	SE	16	4N	1E	Ada	Ballentyne Ditch Intake

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4N	1W	12											C						
		12											2.40						2.40
		13																	
		13						C											
								28											28

Total acres

2.68

PART 1**6. General Information:**a. Description of diversion system see remarks - Attachment A

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

NA 2 AC. Replaced by pond + nursery area in Cor. Fennie ARGA

d. Remarks:

Attachment A45000 AROUND STURGE, also in Appl for permit (NON-irrig)**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

*use purple
report*

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 63-00289 Decreed to J.W. Kolander
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A63-00289 *SPR A63-00264* on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____3. Source of water Boise River tributary to Snake River4. Date or priority 4/1/1878

5. Water is used for the following purpose:

amount 1.400 for irrigation purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.400 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
								Ballentyne Ditch

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	1W	12											I						
		13						I											

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

PART 2

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 no _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.04 for irrigation purposes from _____ to B+C
 (cfs/ac-ft) ~~XXXX~~ MA-W
 amount _____ for _____ purposes from _____ to split quantity
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	1W	12											I						
		13						I											

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 1.36 for irrigation purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft) _____

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	1W	12											I						
		13						I											

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

No change in place of use
or point of diversion.

map show pool
" B.W. area relative to pool

PART 3**B. CHANGES IN NATURE OF USE**

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	see remarks			
				_____ to _____
				_____ to _____

2. Quantity and quality of return flows and location of discharge:

see remarks

3. Describe effects on other water uses resulting from the proposed change:

see remarks

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

(Signature of Applicant)

Subscribed and sworn to before me this _____ day of _____, 19 _____.

(Notary Public)

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee _____

Receipted by _____ Date _____

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

ATTACHMENT A REMARKS

This transfer proposes changing the nature of use of 0.04 cfs of Ballentyne Ditch water rights from irrigation to the following:

- | | | |
|--------------------------------------|--------------------------|--|
| • diversion to storage | (0.04 cfs) | ^{3/15}
~~4/11~~ to ^{6/15}
~~11/1~~ |
| • groundwater recharge | (0.04 cfs) | 4/11 to 11/1 |
| • <i>commercial</i> storage | (7 acre feet) | 1/1 to 12/31 |
| • ~~irrigation from storage~~ | ~~(7 acre feet)~~ | ~~1/1 to 12/31~~ |
| • commercial from storage | (7 acre feet) | 1/1 to 12/31 |

The 0.04 cfs diversion rate is adequate to irrigate approximately 2 acres of land with a consumptive use of 3.5 acre feet per acre annually. Therefore, the total volume of water associated with this transfer is 7 acre feet.

The 0.04 cfs of Ballentyne Ditch water will be discharged into an existing pond located at the existing place of use in the NWNW Section 13. The pond is excavated into gravelly material to a level below the local water table. Ballentyne Ditch water will both fill the pond and recharge the local shallow aquifer. Storage will occur in the pond and in the adjacent gravel material of the shallow aquifer. The groundwater recharge use will mitigate any depletions from the shallow aquifer caused by pumping from the pond outside of the ditch delivery season.

Water will be used for ~~irrigation of~~ nursery stock and greenhouse plants before and after the normal Ballentyne Ditch delivery season. The water will also be used for miscellaneous commercial uses at the nursery and greenhouse throughout the year. The remaining Ballentyne Ditch water rights will be used for irrigation of the nursery and adjacent farm property during the normal Ballentyne Ditch delivery season.

The water right will remain in the name of Ballentyne Ditch Company and will be delivered by Ballentyne to the same place as prior to the transfer. Through construction of the nursery facility, the landowner has reduced the irrigated area and consumptive irrigation requirement associated with the property. Therefore, there is no increase in consumptive use associated with this transfer.

The landowner shall measure or calculate the flow into the pond to document the volume of water stored or recharged. A totalizing flow meter will be used to document the amount of water pumped from the pond.

ATTACHMENT B

Part 1.B.1.: Description of Right(s), or Portion Thereof, After the Requested Change

<u>1. Right Number</u>	<u>Priority</u>	<u>Amount</u>	<u>Nature</u>	<u>Period of Use</u>
63-00289	4/1/1878	1.36	irrigation	3/15 to 11/15
		0.04 cfs	diversion to storage	3/15 to 11/15
		0.04 cfs	groundwater recharge	3/15 to 11/15
		~~7.00 af~~	~~irrigation storage~~	~~1/1 to 12/31~~
		7.00 af	commercial storage	1/1 to 12/31
		~~7.00 af~~	~~irrigation from storage~~	~~1/1 to 12/31~~
		7.00 af	commercial from storage	1/1 to 12/31
Total		~~0.04 cfs/7.00 af~~		

1.40 cfs

Attnd A explains .04 cfs/7 af actual
change for shareholder

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

AB3.30485
39576

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER:

Ident. Number

Date Received

Receipt Number

Endorse

- d.o.p.

- former uses, accomplished

xfer to current uses

(= in place by 11/87)

- if uses Δ > 11/87, need

new xfer appl.

NOTICE OF CLAIM

TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW

Irr + Comm
uses
2" art well
also 1/4 pond

Please type or print clearly

1. Name of Claimant (s) Kathy A Ellensohn, Timothy F. Fease Phone (208) 939-2402

Mailing Address 4557 Old Valley Road, Eagle, ID Zip 83616

2. Date of Priority (Only one (1) per claim) 12/31/1888

3. Source of water supply (a) ground water

which is tributary to (b) NA

4. a. Location of existing point of diversion is: Township 4N Range 1W Section 12,

1/4 of SW 1/4 of SW 1/4, Govt. Lot, B.M., County of Ada

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. 2-inch diameter artesian well,
pipeline to greenhouse, nursery, and pond

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 3/15 to 11/15 amount 0.17 or _____

For commercial purposes from 1/1 to 12/31 amount 0.17 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.17 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) commercial - nursery and greenhouse (formerly dairy uses) ?

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	1W	12											2						2
		13						7											7
		13						C											

Total number of acres irrigated 9

11. In which county (ies) are lands listed above as place of use located? Ada

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
Ballentyne Ditch, domestic claims or None ()

14. Remarks:
irrigation use primary for nursery and greenhouse (formerly garden and pasture), supplemental for fields irrigated from Ballentyne Ditch.

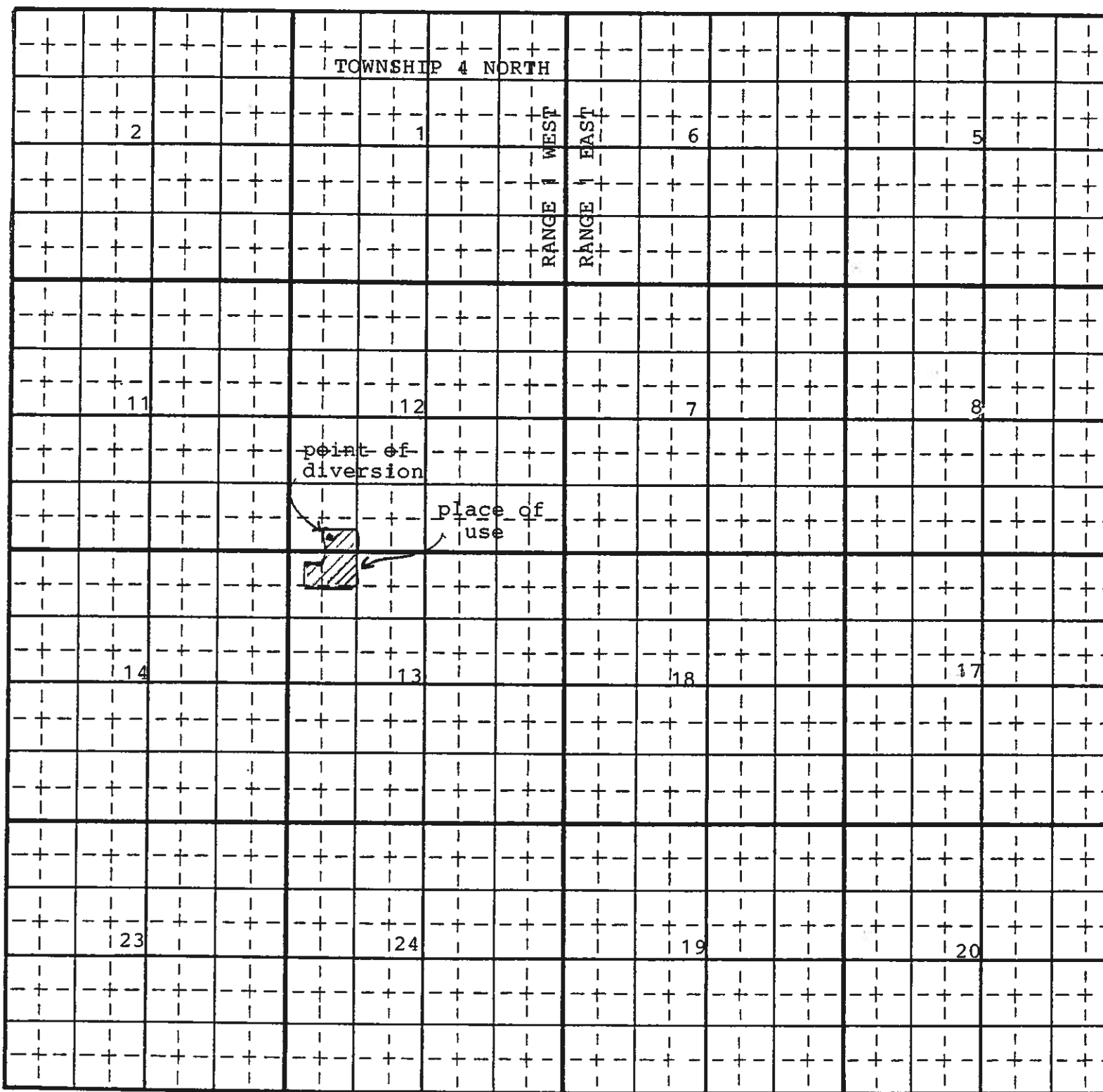
Definite former dairy, garden + pasture. Extent former use = . Approx date of change to uses in place by 11/87. Has use changed since 11/87?

Last Name Ellensohn, Fease Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name Ellensohn, Fease

Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) ☒ Official Use ☐ Posted Notice ☐ License ☐ Permit ☐
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or _____)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day of _____ 19 _____

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Ellensohn, Fease Ident. Number _____

Copies White-State, Yellow-Claimant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. _____

Date Received _____

Receipt Number _____

**NOTICE OF CLAIM
TO A
WATER RIGHT**
ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Kathy A Ellensohn, Timothy F Fease Phone (208) 939-2402Mailing Address 4557 Old Valley Road, Eagle, ID Zip 836162. Date of Priority (Only one per claim) 8/1/1988 Month/Day/Year3. Source of water supply (Check one) (☒) Groundwater or Other () (a) _____
which is tributary to (b) _____ Name or kind of source4. Location of point of diversion is: Township 4N Range 1WSection 12 , _____ 1/4 of SW 1/4 of SW 1/4, Govt. Lot _____, B.M.,County of Ada

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. 6-inch x 130-foot well, drilling permit 63-89-C-0200

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For domestic purposes from 01-01 to 12-31 amount 0.04 (cfs)For _____ purposes from _____ to _____ amount _____
(Both dates are inclusive)

7. Total quantity claimed _____ (cfs)

8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) one home and lawn

AG 3.30484

New well
new priority
old home

10. Place of use is: Township: N Range 1W

Section 12, SW 1/4 of SW 1/4, Govt. Lot _____, B.M.,

County of Ada for (Circle One) (Domestic) Stock Domestic and Stock

Additional places of use, if any _____

11. In which county (ies) are lands listed above as place of use located? Ada

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
A63-17846 is older artesian well for same home

14. Remarks: Lots 9 and 10 Compton-Andrews Tract. This claim for newer well is
is filed to clarify remarks in A63-17846 and A63-17848. This claim and 17846
when combined provide 0.04 cfs to house served by two wells/claims of different

15. Basis of Claim (Circle One) (Beneficial Use) Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood the form entitled "How you will receive notice in the Snake River Basin Adjudication". (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____, that I have signed the foregoing

document in the space below as _____ of _____
Organization Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day of _____ 19 _____

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

Last Name Ellensohn, Fease Ident No. _____

*remarks continued - priorities. Same two wells served second home A63-17848.

Copies: White-State, Yellow-Claimant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. A63-17846 (amended)

Date Received _____

Receipt Number _____

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.**old pl 2"
old well artesian
old priority

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Kathy A Ellensohn, Timothy F Fease Phone (208) 939-2402Mailing Address 4557 Old Valley Road, Eagle, ID Zip 836162. Date of Priority (Only one per claim) 12/31/1888 Month/Day/Year3. Source of water supply (Check one) (☒) Groundwater or Other () (a) _____
which is tributary to (b) _____ Name or kind of source4. Location of point of diversion is: Township 4N Range 1W
Section 12 , 1/4 of SW 1/4 of SW 1/4, Govt. Lot _____, B.M.,
County of Ada

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. 2-inch artesian well and pipeline

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For domestic purposes from 01-01 ^{Month/Day} to 12-31 ^{Month/Day} amount 0.04 (cfs)
(Both dates are inclusive)

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed 0.04 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) one home with lawn

10. Place of use is: Township: N Range 1W

Section 12, SW 1/4 of SW 1/4, Govt. Lot _____, B.M.,

County of Ada for (Circle One) (Domestic) Stock Domestic and Stock

Additional places of use, if any _____

11. In which county (ies) are lands listed above as place of use located? Ada

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

New claim being filed to show 1988 well for this same house

14. Remarks: Lots 9 and 10 Compton-Andrews Tract, well on Lot 10, This claim filed to clarify previous remarks. This claim for artesian well only. *1/2 provide / new to main (ok) home.*

15. Basis of Claim (Circle One) (Beneficial Use) Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number A63-17846

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood the form entitled "How you will receive notice in the Snake River Basin Adjudication". (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____, that I have signed the foregoing

document in the space below as _____ of _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day of _____ 19 _____

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

Last Name Ellensohn, Fease Ident No. A63-17846

Copies: White-State, Yellow-Claimant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. A63-17848 (amended)

Date Received _____

Receipt Number _____

**NOTICE OF CLAIM
TO A
WATER RIGHT**
ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

*New old + new well
new priority**2" art. + new 8"*

Please type or print clearly

1. Name of Claimant (s) Kathy A Ellensohn, Timothy F Fease Phone (208) 939-2402Mailing Address 4557 Old Valley Road, Eagle, ID Zip 836162. Date of Priority (Only one per claim) 8/1/1988 Month/Day/Year3. Source of water supply (Check one) (☒) Groundwater or Other () (a) _____

which is tributary to (b) _____ Name or kind of source

4. Location of point of diversion is: Township 4N Range 1WSection 12 1/4 of SW 1/4 of SW 1/4, Govt. Lot _____, B.M.,County of AdaAdditional points of diversion if any: second well at same location5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. 2-inch artesian well (backup), 6-inch x 130-foot well (main source), pressure tank, pump, and pipeline

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For domestic purposes from 01-01 to 12-31 amount 0.04 (cfs)(Both dates are inclusive)
For _____ purposes from _____ to _____ amount _____7. Total quantity claimed 0.04 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) one home with lawn

10. Place of use is: Township: 1N Range 1W

Section 12, SW 1/4 of SW 1/4, Govt. Lot _____, B.M.,

County of Ada for (Circle One) (Domestic) Stock Domestic and Stock

Additional places of use, if any _____

11. In which county (ies) are lands listed above as place of use located? Ada

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
none

14. Remarks: Lots 9 and 10 Compton-Andrews Tract. This claim is amended to show that second home is served by two wells under 1988 priority. Artesian well is available for backup. Non-artesian well drilled under drlg permit 63-89-C-0200.

15. Basis of Claim (Circle One) (Beneficial Use) Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number A63-17848

provides h2o to new d/i

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood the form entitled "How you will receive notice in the Snake River Basin Adjudication". (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or _____)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day of _____ 19 _____

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

Last Name Ellensohn, Fease Ident No. A63-17848

Copies: White-State, Yellow-Claimant

November 10, 1997

Steve Lester
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Dear Mr. Lester,

This letter is a response to your letter of October 31, 1997, regarding a complaint from Lisa O'Toole and Kenley Hinrichs. The complaint alleges that 1) we are using water illegally to irrigate our nursery and 2) our irrigation practices are causing the level of their pond to drop.

In the matter of illegal water use, it was our understanding, after consulting with IDWR over this past year, that we could divert our irrigation water from the Ballentyne ditch to our pond and use it to sprinkle irrigate the nursery during the irrigation season. It was also our understanding that we could use up to 2,500 gallons per day from our pond beyond the irrigation season without a permit. We had planned our nursery production for this year based on that information and are surprised to find out now that it was not correct. We recognize that this was only intended to be a temporary solution to the irrigation needs for our nursery and have been working with IDWR on a permanent solution.

The allegation that our irrigation practices for the nursery are causing the O'Toole/Hinrichs pond to drop a foot or so every time the sprinklers in our nursery come on is completely unfounded. During the irrigation season, we added water to the pond every 10 days -our rotation on the Ballentyne ditch- and monitored it with a gauge in the pond. Sprinkling the nursery had no affect on the water level whatsoever, but by the end of the 10 days the extra water had usually seeped away and the pond was back to its normal level. If our pond had any influence on the O'Toole/Hinrichs pond, it would have been raising their water level, not lowering it.

The O'Toole/Hinrichs pond is about 50 feet from our property and we walk by it several times a day, but somehow did not see the alleged drops in level they are claiming. Just to make certain, I checked with Jerry Day, whose property is about 75 feet west of the O'Toole/Hinrichs pond and he concurred with our observations. He offered to speak with someone from IDWR about this matter if necessary.

This Fall, a 10 inch drain pipe was installed between the O'Toole/Hinrichs pond and their irrigation ditch. On September 16, they began filling their pond with ditch water and raised the level about a foot or so higher than normal. They continued this practice throughout the irrigation season and each time it would drop back down to its normal level within a few days. I believe their allegation that we somehow affected the level of their pond while they were trying to maintain it artificially high is completely irresponsible.

We regret the error over water use beyond the irrigation season and hope we can resolve this problem with IDWR soon. Any additional information you might need in this matter we will be happy to provide. In an effort to expedite a solution to our situation, I have employed Scanlon Engineering to help us sort through the regulations and fill out the appropriate applications.

Thank you,

Tim Fease

CONVERSATION MEMORANDUM

DATE 11/4/97

FILE _____

NAME OF PARTY Tim FEASEEMPLOYEE FLRE: Office Visit e Irrig. Use

Tim visited today to discuss his irrig. use in response to my 10/31/97 letter. He said the last irrig. was a weekend of 10/25 i that was only minor amount of water. He anticipates blowing out lines this weekend to winterize system.

He will submit letter asap detailing his situation. Meanwhile, he had many questions to clarify what type of filings he can pursue.

Appears will have prologue of filings to address his irrigation uses very soon.

CONVERSATION MEMORANDUM

DATE 11/3/97

FILE _____

NAME OF PARTY Tim FEASEEMPLOYEE JL

RE: _____

Called in response to my 10/31 letter
stated

- last irrig from pond was weekend of 10/25
 - just spot-watering e meadow, less than 2500 gpd.
 - probably only needs spot-water through 11/85.
 - has own gauge on his pond, even in summer at peak irrig pond does not flux more than a $\frac{1}{64}$ ".
 - other neighbors (Dongs) can verify that ponds flux is related to River flux, not to other factors.
 - working on filing
 - IRWA claim, art. well, irrig
 - " " amend domestic claims
 - transfer e ditch shares
- (art. well xfer not looking for good re Ricks' well e this time).

Will send letter asap e his situation - will
request clarification from IOWA e this
marginal use this time of year

fax REC'd 10/29/97

42
To: Steve Lester, Dept. of Water Resources
From: Lisa O'Toole and Kenley Hinrichs
4695 Old Valley Rd.
Eagle, ID 83616
939-0762

Date: 10/29/97

Subject: Old Valley Farms' continued illegal, commercial use of water.

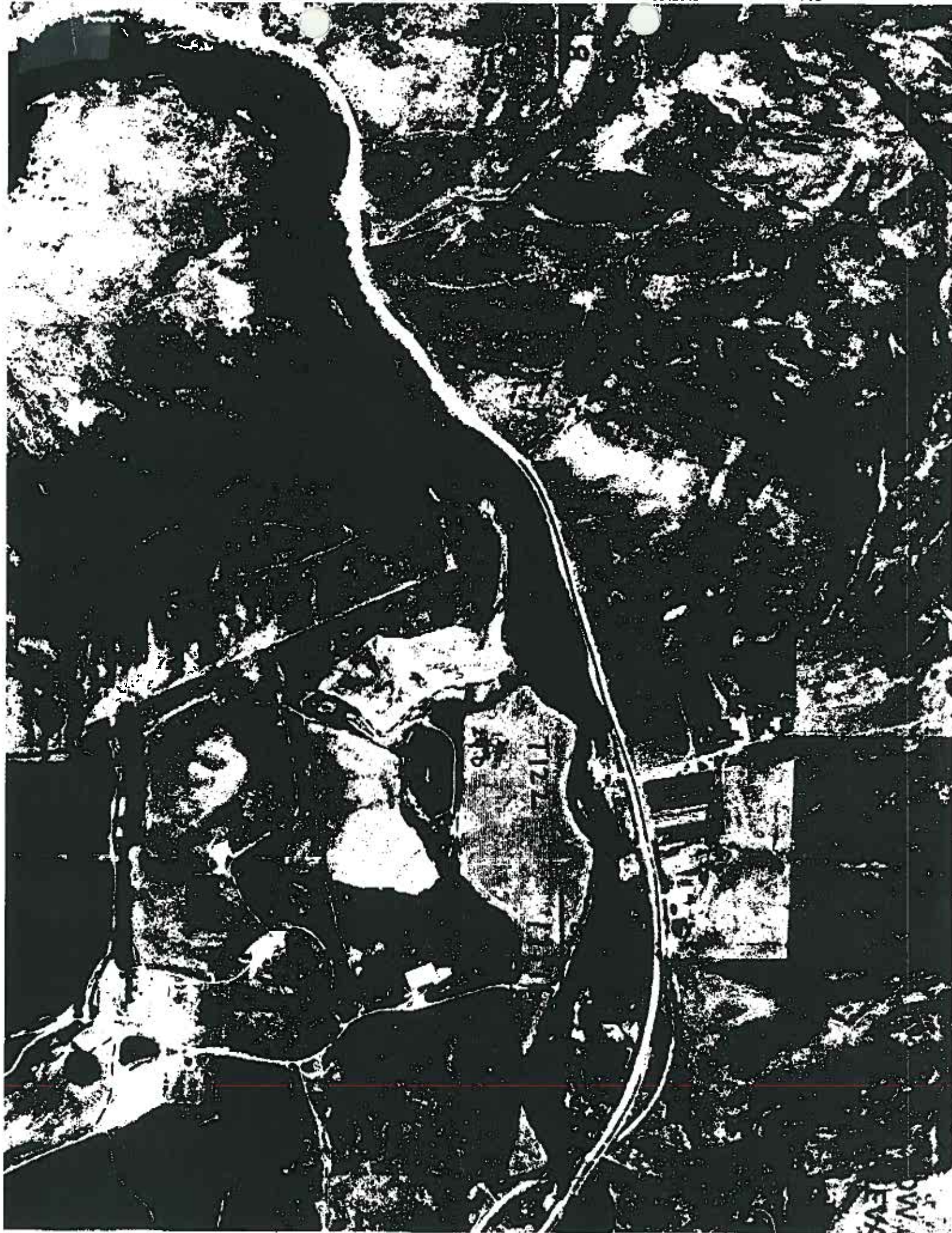
We are writing to formally complain about illegal water use by Old Valley Farms, a wholesale nursery operation and our neighbor. On both October 25 and 26, 1997 we observed Old Valley Farms irrigating (via a large sprinkler system) nursery plants, by pumping the water out of their pond. Ballentyne Ditch Company, who delivers surface water to Old Valley Farms, ceased delivering water on October 15, 1997.

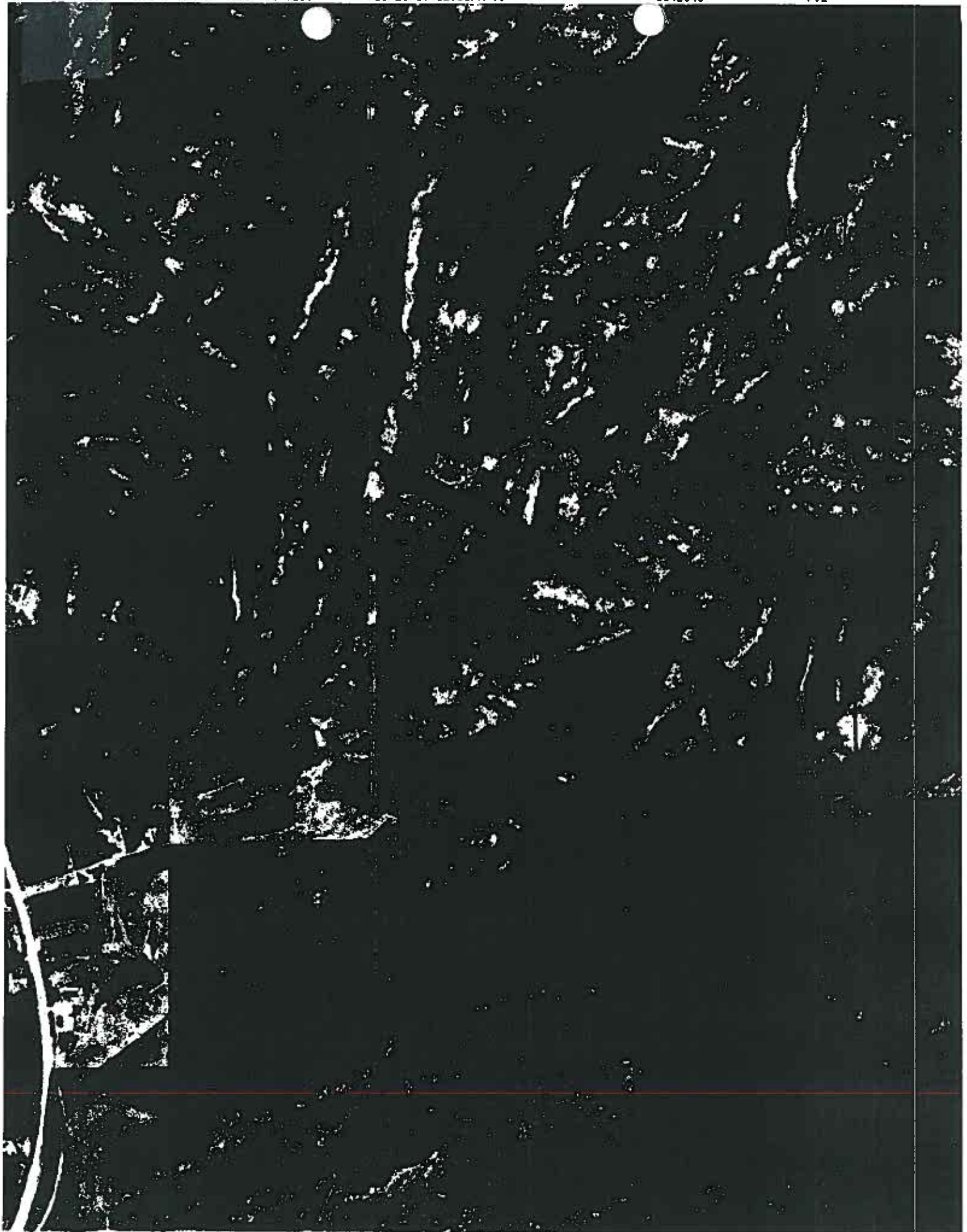
In an August 7, 1997 letter, signed by Gary Spackman, IDWR informed both us and Old Valley Farms that "IDWR will not allow the diversion of water after the irrigation company's ditches are not delivering surface water."

We suspect that, although Old Valley Farms has been using their surface water all summer, they have been using additional water from their pond. Every time their nursery sprinklers come on, our pond drops a foot or so. Because of this, we have been forced to add some of our surface irrigation water to our pond just to keep it full. Since the effective end of the irrigation season, our pond is being progressively drawn down by Old Valley Farms illegal water use, and we have no way to refill it.

We are aware that Old Valley Farms uses water year-round (to maintain heated greenhouses, at the minimum), and that, to date, Old Valley Farms has not made any application for commercial water use, although they have been in business for at least 6 years. We very much want IDWR to put a stop to this abuse of Idaho's water at best, and the abuse of neighboring properties, at least.

Thank you.





F A X

To: IDWR
Company:
Fax number: +1 (208) 3342348
Business phone:

From: Kenley Hinrichs
Fax number: +1 (208) 939-0762
Business phone:
Home phone:

Date & Time: 10/29/97 1:36:47 PM
Pages: 2
Re:

CONVERSATION MEMORANDUM

DATE 10/27/97

FILE _____

NAME OF PARTY Lisa O'LearyEMPLOYEE FLRE: Irrig. from POND c FEASE PROPERTY

She called today to inform dept. that

1) Ballentynes Ditch no longer has irrig water delivery

2) FEASE still irrigates from his pond for nursery.

Refered to gs's letter c continued use from pond. What will be dept's next step?

10/29/97

Called Lisa - need written complaint if they want IOWA to follow up.

She will fax a letter ASAP.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE:

10/23/97

TO:

Tim Fense

FROM:

Steve Latta

fax 939-2484

DOCUMENT DESCRIPTION:

Have info packet ready for you - it's not amenable to faxing. I can mail it or you can pick it up at office - let me know what you prefer.

TOTAL PAGES SENT:

~~0~~

+ COVER SHEET

CONTACT:

Tim

10/23

(1)

Getting started

\$25 1) New Abq. claim to show new well serves main house

no fee 2) Amend 2 existing Abq. claim to show: 1 claim = art. well for main house; 1 claim = both wells for second house

\$50 3) New app. for permit for pond; art. well for year around non-rising. Use of pond; can process without delays

\$50 4) possible: New app. for permit for art. well; pond for irrigation; would not be processed now but may be useful for future situation.

(2)

After evaluating options - file Add'l things to cover irrig. (regular season 3/15-11/15; maybe slightly outside of that)

\$50 plus \$1 per acre 1) New subsurface claim to cover art. well for irrigation use - show has been supplemented some mostly but maybe has also been primary source for limited irrig. when ditch water not available.

" = grandfather claim "

2) possible transfer app. to change or existing right:

\$100 per transfer app. a) maybe include another art. well (Tom Ricketts?) to provide coverage for year art. well for irrig. in regular season if/when ditch water not delivered.

(5)

5) maybe invite change in
some d. it's same to now
that now respect by
shallow ground water captured
by pond (not well water)
to allowing reason use
at nursery.

I can meet with you + Tom
if you'd like to discuss
the ant. well pump
option for fully.

If you retain a consultant or
attorney, will be glad to meet
also with him or her.

-JK

FEASE/ELLEN SOHN WATER RIGHTS & ADJUDICATION NOTES ¹

EXISTING FACILITIES

2 wells, 2 homes, 1 pond & nursery area. Also other on-site acres irrigated with Ballentyne Ditch Company shares (about 24 shares for about 18 acres).

ADJUDICATION CLAIMS

Update 2 domestic claims A63-17846 & A63-17848 to show that both wells serve both homes. The artesian well has not been replaced, rather it has been augmented with a newer well. A 3rd domestic claim can be filed to explain this arrangement since it is not feasible to claim a post-1987 diversion for a pre-1987 use. Third claim (\$25) to clarify this is easier & less expensive than "transfer application" (\$100) to modify the older domestic claim.

Explore option of filing a "grandfather" claim to record supplemental irrigation (\$50 plus \$1 per irrigated acre) from the artesian well assuming that such use originated prior to March, 1963 (cutoff date for grandfather filings from ground water source). Possible that artesian well supplemented ditch water when ditch deliveries were in use and that well may have served as primary supply for short periods of irrigation season in some years when ditch water was not available &/or not usable for one reason or another. Also see transfer of water rights, below.

Claimants may have information summarizing how artesian well water was routed (as waste water) at least in part to slough area now occupied by pond and if well was used as primary irrigation source at times, e.g. dry years. Pond has been expanded & re-oriented since claimants purchased land in early 1986. Thus it is conceivable that pond & artesian well with irrigation component might represent a re-configuration of older water uses on the site without being considered an expansion of use.

ESTABLISHING NEW WATER RIGHTS

File an Application for Permit (\$50 for up to .20 cfs &/or 20 af of storage) for year around non-irrigation pond storage similar to neighbor's recent application (63-12384, now protested by Fease). Might include artesian well to extent well use does not exceed mandatory permit threshold (up to .04 cfs not to exceed 2500 gallons/day from well). Basis of application is similar to 63-12384: pond on wetted area, no new consumptive use etc.

¹October 20, 1997 summary of field and office notes by Steve Lester of IDWR based on information attributed in part to Tim Fease. These are notes, not necessarily statements of fact, and should be considered valid only to the extent that additional documentation can be found.

Consider filing another Application for Permit to cover pond and artesian well for irrigation use (probably also \$50 fee). This would be similar to neighbor's application 63-12385: filing would be held pending changes in irrigation application processing in local area. This might be considered a back up approach to next step, transfer of water rights.

TRANSFERRING WATER RIGHTS

Instead of (or in addition to?) a new permit to cover irrigation use related to the pond and artesian well, might cover this by changing existing water rights &/or adjudication claims by filing an Application for Transfer of Water Rights. The idea is to decrease use under an existing right(s) to cover applicant's existing &/or proposed uses. No net increase in water use would occur. A transfer application might supplement a grandfather adjudication claim regarding irrigation via well water.

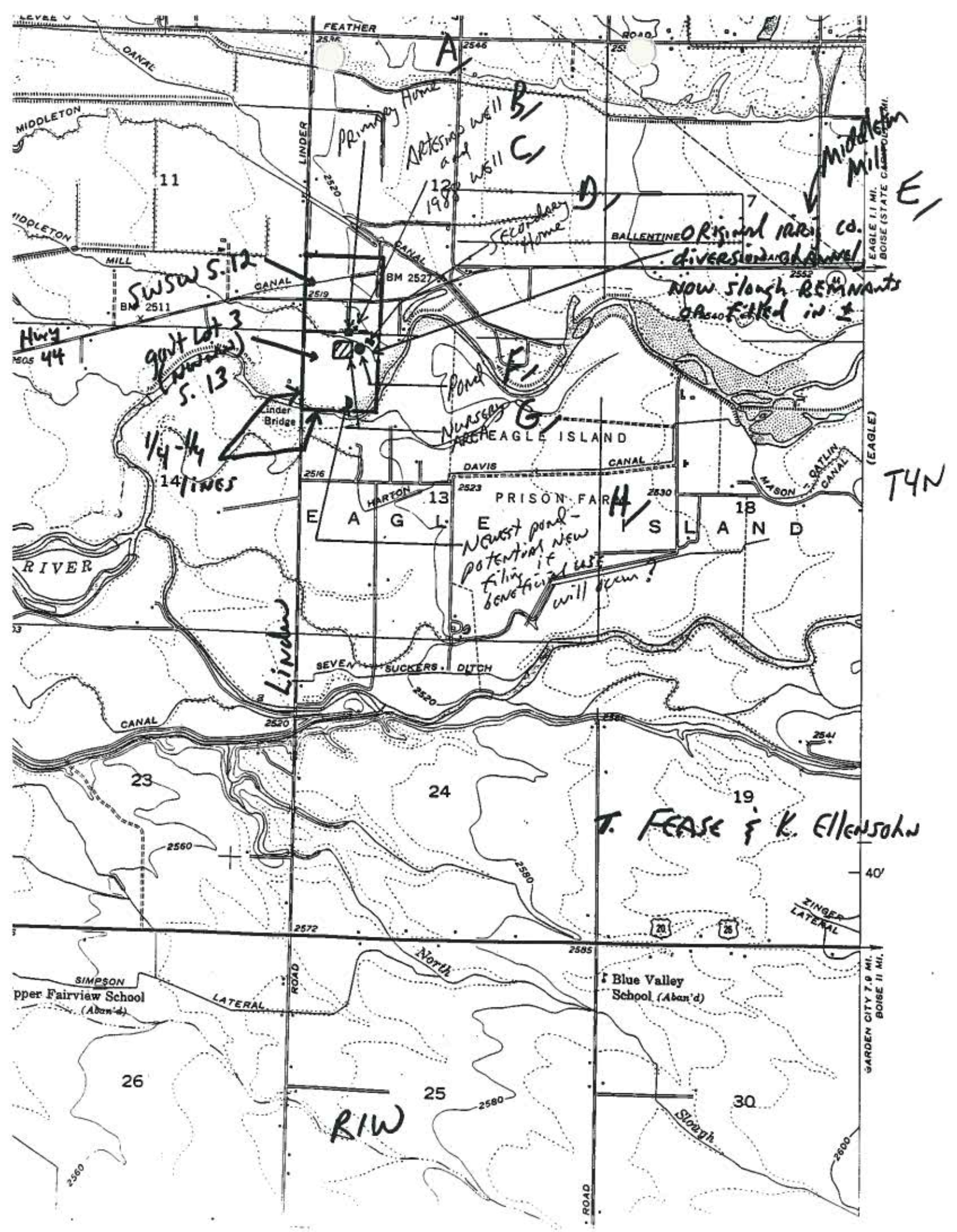
Consider transferring use from an existing artesian well that is protected by valid irrigation right(s). If the artesian well right to be transferred has been a supplemental right, applicant would need to document extent of use of water right and how original well right will be reduced to allow applicant's well use to be protected. It is possible that a portion of the right to be transferred can be retired and moved to applicant's site for irrigation season use and that another portion of right to be transferred can be retired and moved to applicant's site for irrigation use outside of the local maximum season of March 15-November 15 and/or to cover times when ditch water is not available. Complications about transferring water from a supplemental artesian well could be addressed by showing that primary water supply use will also decrease at site of right being transferred: propose to dry up X number of acres at site of right to be changed.

Possibly consider another option. File a transfer application to change use of some ditch shares to store water during the irrigation season in a larger pond that would provide adequate irrigation water for the nursery. Include a request to use a minor amount of this water slightly outside of the irrigation season to cover unusual weather and/or nursery demand. This would include diversion to storage and irrigation storage only when ditch water is available but use from storage would be for a longer period. Such a request would include retiring an appropriate number of acres now served by ditch water to free that water for pond role and nursery use.

The main challenge in the nursery operation is to provide coverage of the artesian well use via pond for nursery irrigation. It would help to know the typical rate of flow and daily volume of artesian well water used in the nursery for any of the choices discussed here - new rights or changing old rights.

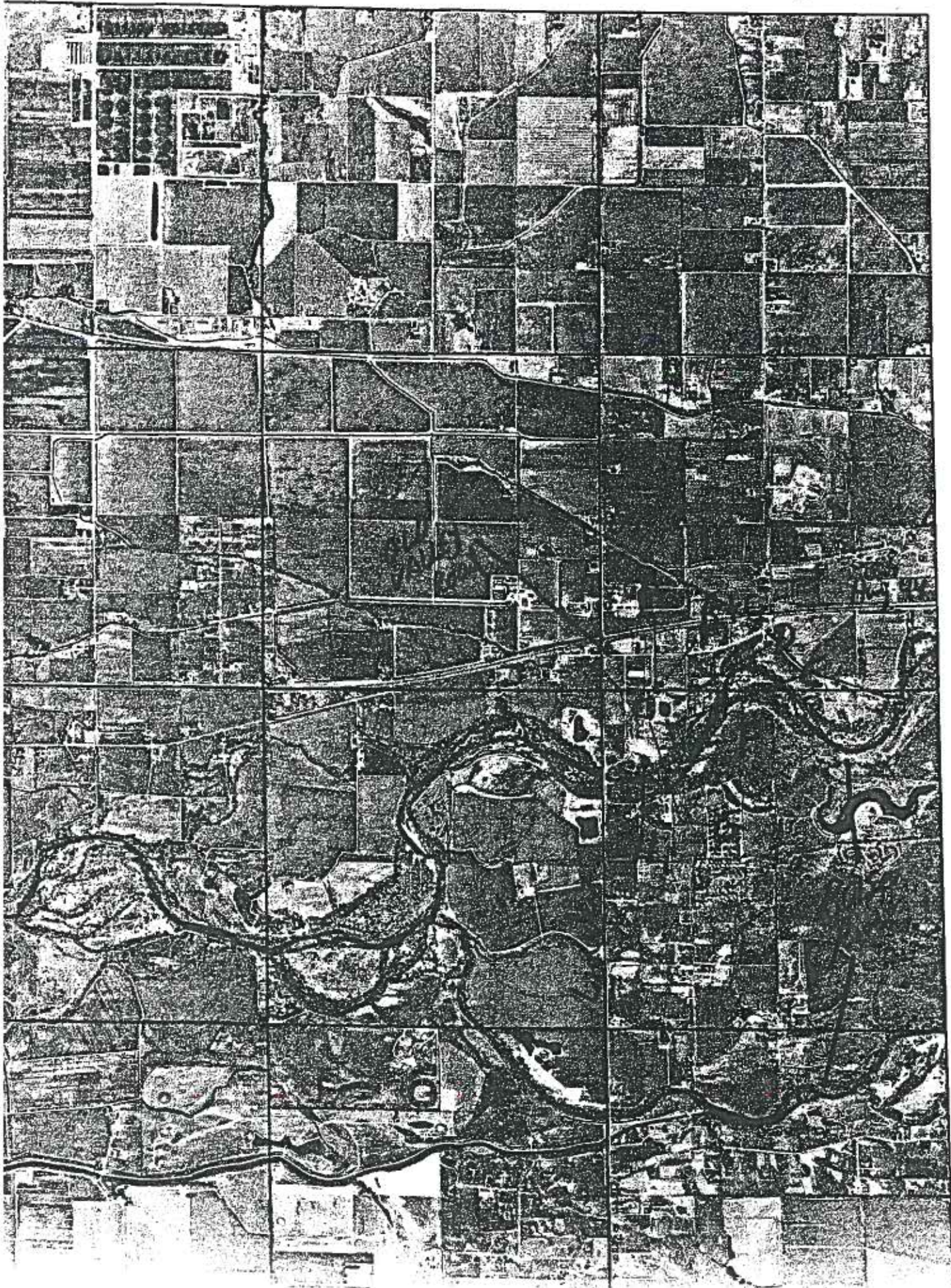
All transfer applications include a \$100 filing fee. See the enclosed handout for more information about the transfer process.

It is recommended that the water users consult with qualified legal and/or technical resources beyond IDWR to make the best filing choices to cover irrigation use from the pond and artesian well. IDWR staff must remain neutral in this controversy and therefore cannot recommend the best course of action for a water user in this situation.

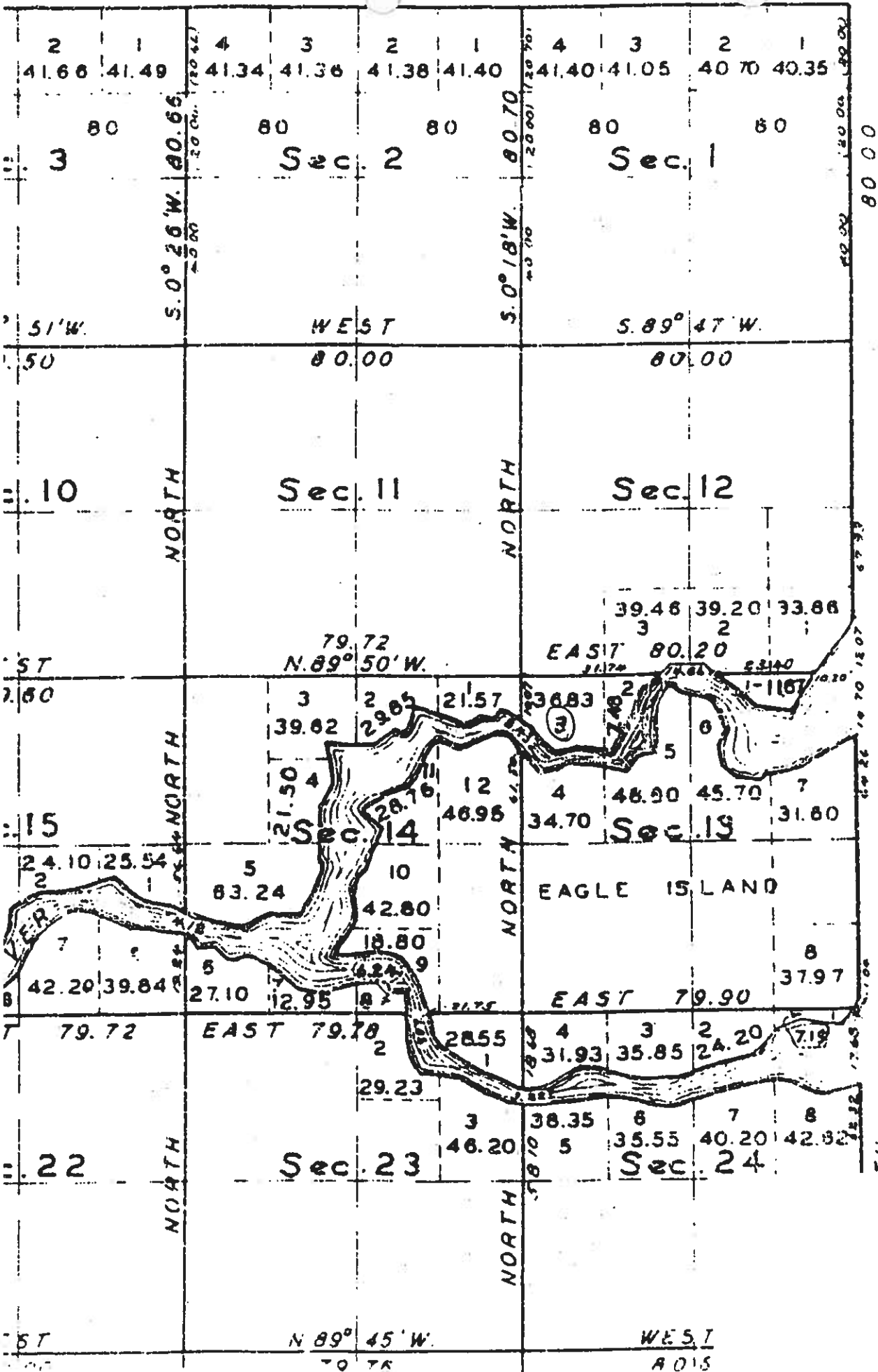


7

Scanned Airphotos



IOWA 1994 I.R. photo c 7 1/2' topo scale (1:24,000)



4N
1W
gov't
lot
plat
NONE IN
TWSW S.12
L.3 IN
NWNW S.13.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

For New water
Right
MIN Irrigation

1. Name of Applicant _____ Phone _____
Mailing address _____

DRAFT

2. Source of water supply groundwater which is a tributary of N/A

3. Location of point of diversion is Township 4N Range 1W Sec. 12 in the SW 1/4, SW 1/4, Govt. Lot —, B.M., Ada County;

additional points of diversion if any: gov't Lot 3 (Nunn) S.13 T4N R1W

4. Water will be used for the following purposes:

Amount .04 for Diversion to Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount — for Recreation Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)
Amount — for Aesthetic Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)
Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) .04 cubic feet per second and/or (b) — acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source Antenna well, excavated pond, system in place

b. Height of storage dam N/A (excavated pond) feet; active reservoir capacity — acre-feet; total reservoir capacity — acre-feet

c. Proposed well diameter is 2 inches; proposed depth of well is ? feet

d. Is ground water with a temperature of greater than 85°F being sought? NO

e. If well is already drilled, when? ?; Drilling firm unknown; Well was drilled for (well owner) ?; Drilling Permit No. N/A

7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in KW. —

b. Stockwatering; list number and kind of livestock. —

c. Municipal; show name of municipality. —

d. Domestic; show number of households. —

e. Other; describe fully. personal use & rec/aesth. pond

* enter pond capacity @ 1 Ave x — ft. average depth = capacity in Ave feet

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols. ✓ X is OK

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1W	13						X											—

Total number of acres to be irrigated —

10. Describe any other water rights used for the same purposes as described above. use none for this

11. a. Who owns the property at the point of diversion? } Applicants

b. Who owns the land to be irrigated or place of use? —

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: —

12. Remarks: Existing pond on wetted AREA holds shallow ground water considered tributary to River. Site is original Middleton Mill diversion, then became slough & portion of expanded pond area was irrigated with Ballentine ditch share. No new consumptive use involved. Artesian well (same as A63-17846 & A63-17848) use limited to 18 gpm (.04 cfs) not to exceed 2500 gallons/day. Pond covers approx 1 acre & averages about 3 ft. deep. Additional filings will be made to address irrigation role of pond and well.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

See attached maps - well is SWSW 5.12, shallow g. water in NWNW 5.13 (pond location)

X
Signature of Applicant (and title, if applicable)

Received by — Date — Time — Preliminary check by —
 Fee \$ 50.00 Receipted by — # — Date —
 Publication prepared by — Date — Published in —
 Publication approved — Date —

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

*for new
Right for
Irrigation*

1. Name of Applicant _____ Phone _____
Mailing address _____

DRAFT

2. Source of water supply _____ which is a tributary of _____

3. Location of point of diversion is Township _____ Range _____ Sec. _____, in the _____ 1/4, _____ 1/4, Govt. Lot _____, B.M., _____ County;
additional points of diversion if any: _____

4. Water will be used for the following purposes:

* Amount _____ for Diversions to storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for Irrig. Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for Imp. from Storage purposes from maybe to longer? (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) _____ and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source Same

b. Height of storage dam N/A feet; active reservoir capacity Same acre-feet; total reservoir capacity Same acre-feet

c. Proposed well diameter is Same inches; proposed depth of well is _____ feet

d. Is ground water with a temperature of greater than 85°F being sought? no

e. If well is already drilled, when? Same; Drilling firm _____

Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 1? years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in KW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. _____
e. Other; describe fully. _____

*N/A - non-irrig uses
covered in other filing*

* $cfs = \frac{gpm}{448.8}$ list flowing capacity or estimated flow if think may pump it in future.
Acre-feet list same capacity for period as in non-irrig appl.

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1W	13																	

does actual irrigation have or might have via this setup

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. Exploring possibl "grandfather claim" for irrigation in the adjudication process

11. a. Who owns the property at the point of diversion? Same

b. Who owns the land to be irrigated or place of use? Same

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: Application will be held pending clarification of irrigation processing in local AREA (mountain). Use might be covered in adjudication filings if adequate documentation can be obtained. Use could possibly be covered in transfer process depending on available documentation & other factors.
Brilliant type ditch shares used on other acres on adjacent's land.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Use is for nursery stock inside & around greenhouses. (explain why need longer season of irrigation outside of 3/15-11/15 desired.)

X
Signature of Applicant (and title, if applicable) _____

Received by _____ Date _____ Time _____ Preliminary check by _____
 Fee \$ 50.00 Received by _____ # _____
 Publication prepared by _____ Date _____ Published in _____ Date _____
 Publication approved _____ Date _____

DATE: 09/23/97
PAGE: 1

63-12412

WR5809NP
No. 63-02560

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/22/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	FRED W. TURNER	02/28/1941	IRRIGATION	00/00 00/00	0.600 CFS	
C	MERRILL M. TURNER		DOMESTIC	00/00 00/00		
TOTAL DIVERSION:					0.600 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T04N R01W S08 NWSW ADA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE														
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac				
04N	01W	8	:					:					:					:								
												30	:													30.0
												TOTAL ACRES												30.0		

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

Pou County: ADA

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
63-02521 63-09016 63-12412

Other Water Rights Listing Overlapping Place(s) of use:
63-02406

Dates:	App. Received:	Priority Date:	02/28/1941
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:	08/28/1979	

Misc: Water District Number: Field Exam Fee:

Audit: 05/20/85 05/01/88 CONVERT

3. The applicant carries the burden of coming forward with evidence that the proposed change will not injure other water right holders, will not constitute an enlargement of the use of water and will be consistent with principles of conservation of the water of the state of Idaho.

4. Both the applicant and the protestants have the responsibility of coming forward with evidence regarding matters of public interest of which they are each most cognizant.

5. The applicant has the ultimate burden of persuasion for the criteria of Section 42-222, Idaho Code.

6. The measure of a water right is the extent to which the right has been applied to a beneficial use. The applicant has estimated the extent of use which may have been made under the license based upon calculations and a number of assumptions, but has not determined or shown the extent of actual beneficial use of water under the license.

7. The nature of a supplemental water right is that the right is to be used during times when the primary water right(s) do not provide a full supply of water. If the supplemental right is not needed, it should not be diverted. Under this standard, a supplemental right normally should not be subject to forfeiture for non-use. Licensed water right No. 37-07575, however, has been so infrequently used (not used from 1981 through 1994) including five (5) of the most severe drought years in Idaho, that it is unlikely a significant portion of the right can now be used on a year-round basis without enlarging the water use. }

*

8. The 69 acre tract for which the applicant seeks to change the supplemental groundwater right to a permanent right already has a full supply of water consisting of surface water and supplemental groundwater under the license. Any action of the applicant to change the supplemental right to a primary right by removing the surface water from the tract or other action will enlarge the extent of beneficial use authorized under the supplemental right.

9. Approval of the applications would constitute an enlargement in use of the water right, since all of the land originally irrigated would be irrigated after the transfers, plus a water supply would be provided for two (2) dairies.

10. The applicant met its initial burden of coming forward with evidence relative to local public interest for the Section 10 Dairy. The applicant did not adequately show how it planned to operate the proposed dairy and waste system or meet the zoning ordinances of Gooding County. The applicant's response that it had not yet applied to Gooding County for a CAFO is not sufficient reason to be unable to describe with reasonable detail how it planned to operate the dairy and appurtenant facilities to comply with county ordinances.

11. Based on the evaluation criteria described in IDAPA 37.03.08045.01.e (Water Appropriation Rule 45.01.e), the applicant

* RELEVANCE to artesian well serving
AS supplemental supply to ditch water
around STAR AREA.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 16, 1997

RE: In the Matter of Application for Transfer Nos. 4722 and 4723
of Water Right No. 37-07575 in the name of North Valley Milk,
Inc.

Dear Interested Parties:

The accompanying order is a "final order" issued by the
department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

(1) If the presiding officer is the agency head, the
presiding officer shall issue a final order.

(2) If the presiding officer issued a recommended order, the
agency head shall issue a final order following review of that
recommended order.

(3) If the presiding officer issued a preliminary order, that
order becomes a final order unless it is reviewed as required in
section 67-5245, Idaho Code. If the preliminary order is reviewed,
the agency head shall issue a final order.

(4) Unless otherwise provided by statute or rule, any party
may file a petition for reconsideration of any order issued by the
agency head within fourteen (14) days of the issuance of that
order. The agency head shall issue a written order disposing of
the petition. The petition is deemed denied if the agency head
does not dispose of it within twenty-one (21) days after the filing
of the petition.

(5) Unless a different date is stated in a final order, the
order is effective fourteen (14) days after its issuance if a party
has not filed a petition for reconsideration. If a party has filed
a petition for reconsideration with the agency head, the final
order becomes effective when:



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 9/24/97

TO: Tim FENSE

FROM: Steve Lester
Water Rights Supervisor

fax 939-2484

DOCUMENT DESCRIPTION: Tim - its 6 p.m. & I realize its
not going to come together today. Attached notes confirm
we are in process of covering the bases for your property.
I'll get back to you soonest upon my return in
mid October. Sorry couldn't complete - just ran
out of time.

TOTAL PAGES SENT: 01 + COVER SHEET

CONTACT: _____

Tim

9/24/97

This fax confirms that you are in process of filing water rights &/or adjudication claims to:

- 1) correct minor info in 2 adjud. claims for 2 domestic wells, 2 homes.
- 2) file new water right for year round use of pond by nursery for non-irrigation use.

- 3) file beneficial use ("grandfather") claim for some irrigation (acres + amount of water to be determined) via artesian well where:

supplements ditch water &/or provides primary use when ditch water not present but between standing irrig. season of 3/15-11/15, re nursery.

and/or

- 4) possibly file transfer of water right &/or adjudication claim to provide irrig. use of artesian well, re nursery.

I have a lead regarding a nearby artesian well irrig. right that might be available to move to your well & nursery.

Steve Laster DWR



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

October 9, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

K HINRICH & L OTOOLE
4695 OLD VALLEY RD
EAGLE ID 83616

RE: COPIES OF RECORDS

Dear Kenley and Lisa:

As you requested, enclosed are copies of the records regarding your well and the Fease/Ellensohn wells. Specifically, the following copies are included.

1. Your well log (originally Bridgewater) for a domestic well drilled in 1991. A well log is identified as a "well driller's report".
2. Fease/Ellensohn well log for a domestic well drilled in 1988.
3. Fease/Ellensohn Snake River Basin Adjudication (SRBA) claim no. A63-17846 dating to 1888 for well water for what appears to be the original home on the site, now their current dwelling.
4. Fease/Ellensohn SRBA claim no. A63-17848 dating to 1988 for a well drilled in that year for a second home on the site.

A well log cannot be found in department records for the artesian well. That is not unusual for older wells.

The drilling permit issued for the 1988 well was not a replacement ("replacement" implies abandonment of original well) drilling permit, instead it was for a new well. This means that both wells are to be used for domestic purposes as needed. The SRBA claims can be clarified by the claimants to remove any confusion that might be suggested by the remarks shown on both claims.

As we discussed earlier, the notice of violation regarding the newer pond by the river is not an Idaho Department of Water Resources notice but instead is a county matter as far as I can determine. Of course, that pond can be part of any discussion that ensues between the interested parties and this department.

Sincerely,

Steve Lester
Water Rights Supervisor

c: T. Fease & K. Ellensohn

FIELD INSPECTION

FEASE/ELLENSOHN PROPERTY

FILE NUMBER: APPLICATION 63-12459

August 19, 1997

Conducted by Steve  Lester accompanied by Tim Fease.

ATTACHED

- FIELD NOTES
- DIAGRAMS
- TOPO MAP
- 1994 IR MAP
- OCTOBER 1996 AERIAL PHOTOS
- PHOTOGRAPHS FROM INSPECTION
- WELL INSPECTION FORMS

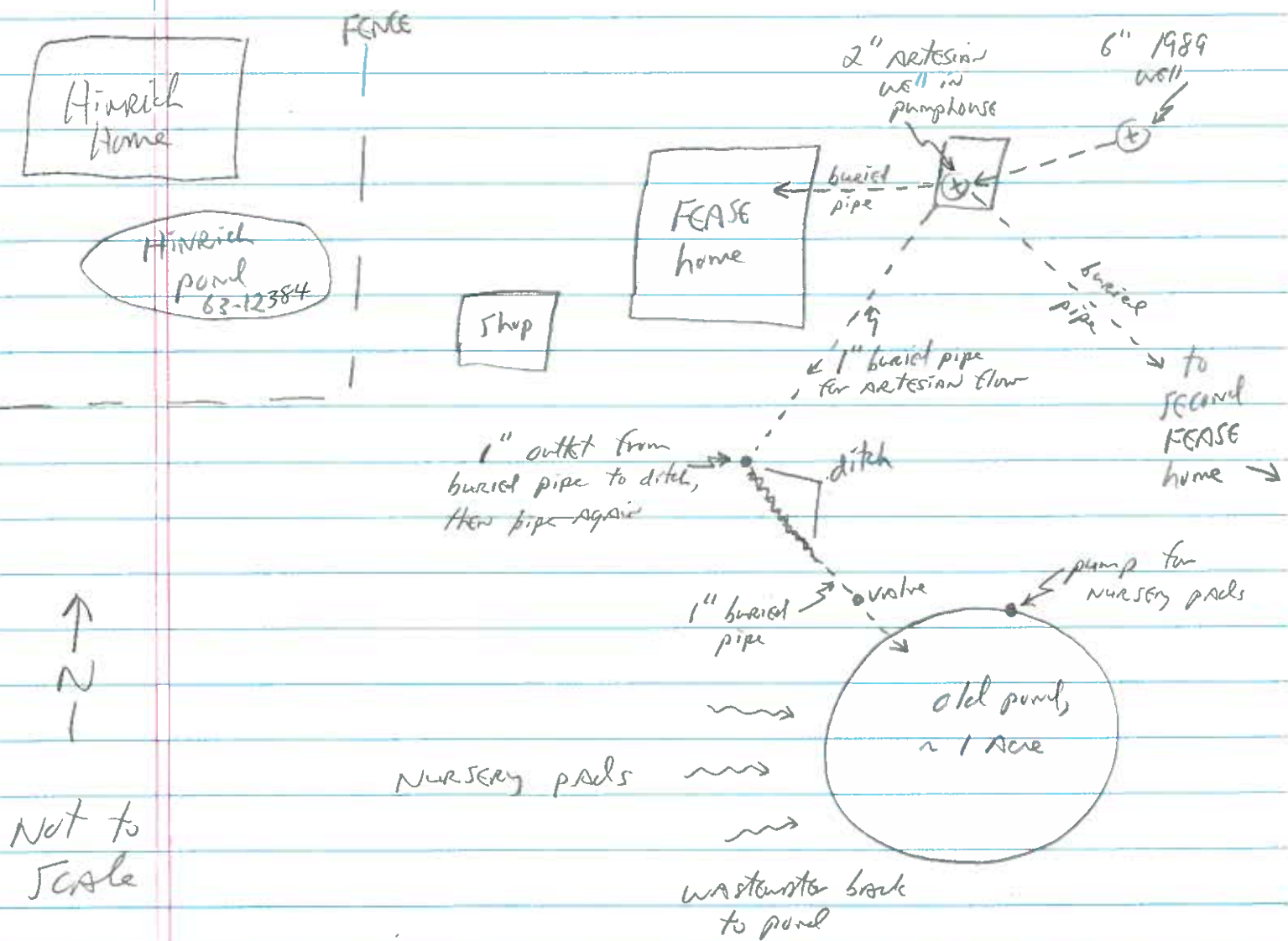
FEASE site visit

8/19/97 - JL

w/ Jim FEASE -

Overall layout of neighbors - see cc of Hinrich's 7/18/97 diagram from file 63-12384.

FEASE Layout re 2 wells + old pond for nursery and 2 homes:



Not to Scale

Pollot's purchasing to River & "New FEASE pond"
Air site? ↗

(2)

1989 Dom. well	6" ~130'	AG3-17848	} plumbed together
old Art. well	2" ~10' (?)	AG3-17846	

new well 1" supply D/2, art. well w/ control valve available for backup use if needed.

1" line from art. well buried to open channel ("ditch") ~ a landscaped channel ~ then to pipe, control valve, to old pond.
Viewing open channel - we both estimated c 10-15 gpm flows to pond.

Art. well helps maintain pond but also can be D/2 backup.

Amend AG3-17846 + AG3-17846 to show both wells as pld for each claim.

Tim said has info c Art. well used for some irrig < 1963 ...
E.L. B.L. irrig. claim or that?

Bollentyne Ditch Co. shares.

Total plow ~ 25 acres, has 23-24 shares (1"/share?).
Said reliability of ditch shares is uneven.

Pump station at pond - pond mostly shallow grows in old drainage AREA, helped w/ some art. flow, stays full $\pm$ all year. Normally does not send ditch shares to pond but can (if has) w/ 6" pipe connecting pump & irrig. delivery ditch.

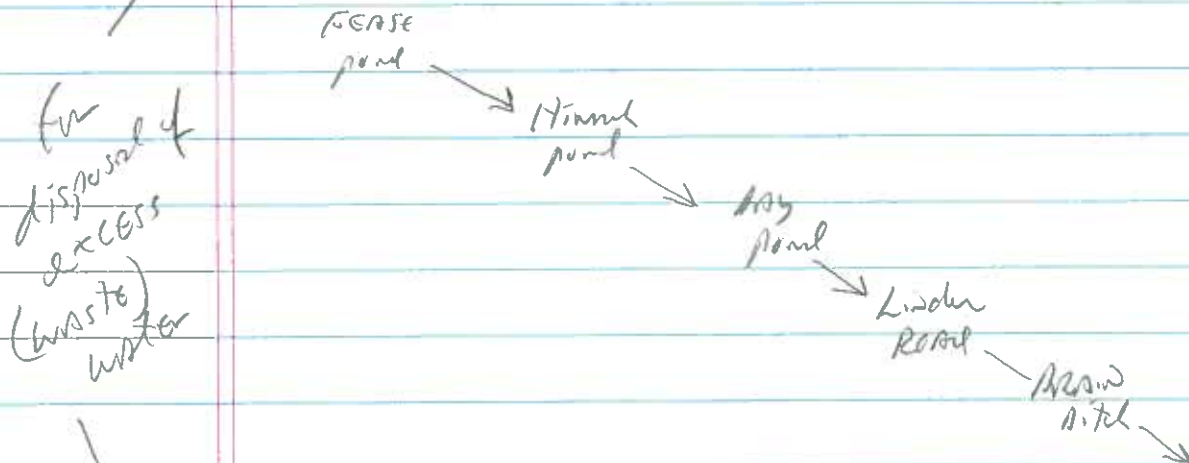
Usually pump from pond for nursery stock.

Pond is w/ naturally wetted AREA re slough.

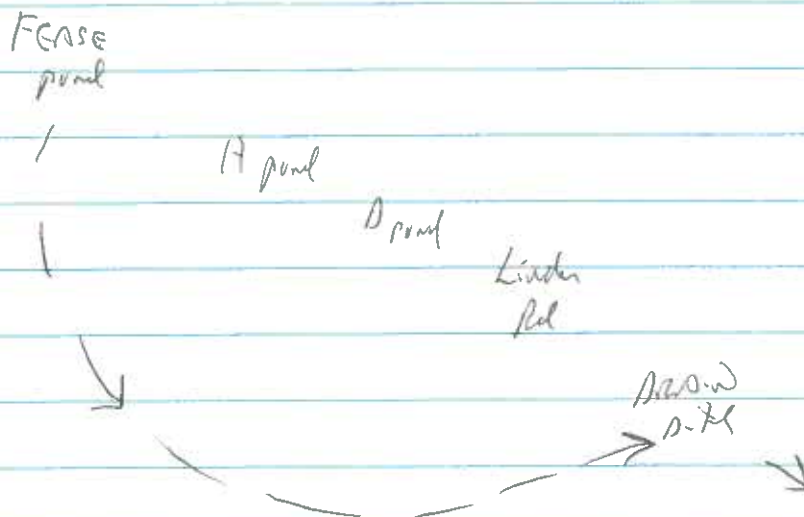
old slough
↓

Hinnich dug pond last winter after 10/4/96 photos Tim gave me.
FEASE has drainage problems since then... dispute w Hinnich e
dred pipe to / through H's pond.
NCHO approved FEASE's pumping of waste water around H's pond
due to problems:

FEASE desired drainage is traditional pattern:



NCHO approved this:



FENSE pond collects his waste water during rainy season since nursery ponds slope to pond.

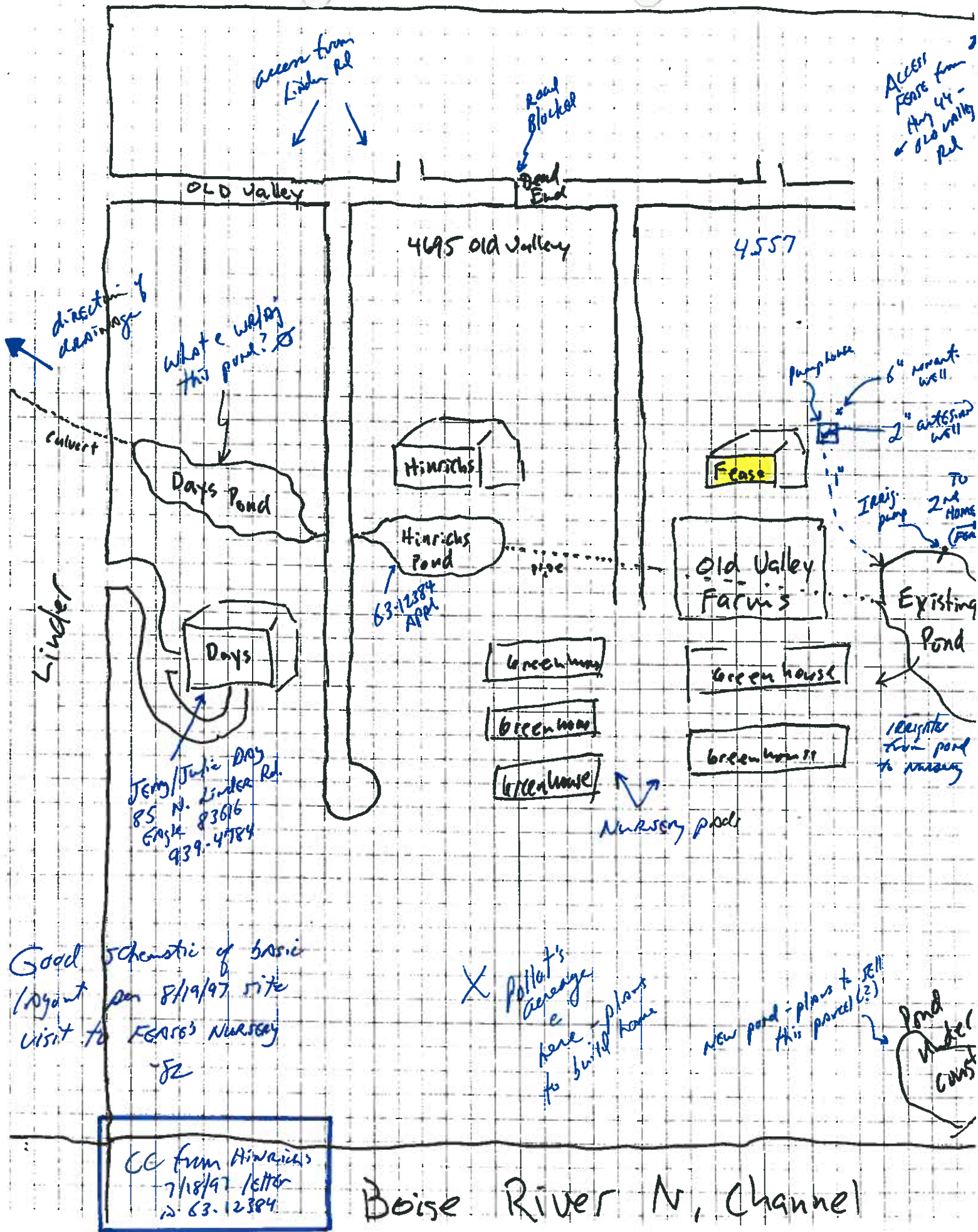
Pond irrig. is only for nursery area ~ 2 ac. ±.

"New pond" at S. end his place by river - result of gravel extraction for building - needed gravel + fill dirt. no B.W. of pond, selling this parcel (to Pullot?).

Photos taken

- ① in p'house 2" art. w/ central valve, plumbing links in 6" main (1989) well.
- ② view SE at pond w/ irrig. pump.
- ③ " S/SE pond + nursery ponds
- ④ " W main house + shop.
- ⑤ " 1" pipe outlet to channel, then to pond
- ⑥ typical in e ponds
- ⑦ view NW at H's pond + home.

TATE ST. / Hiway



Good schematic of basic layout per 8/19/97 site visit to Fease's Nursery - JZ

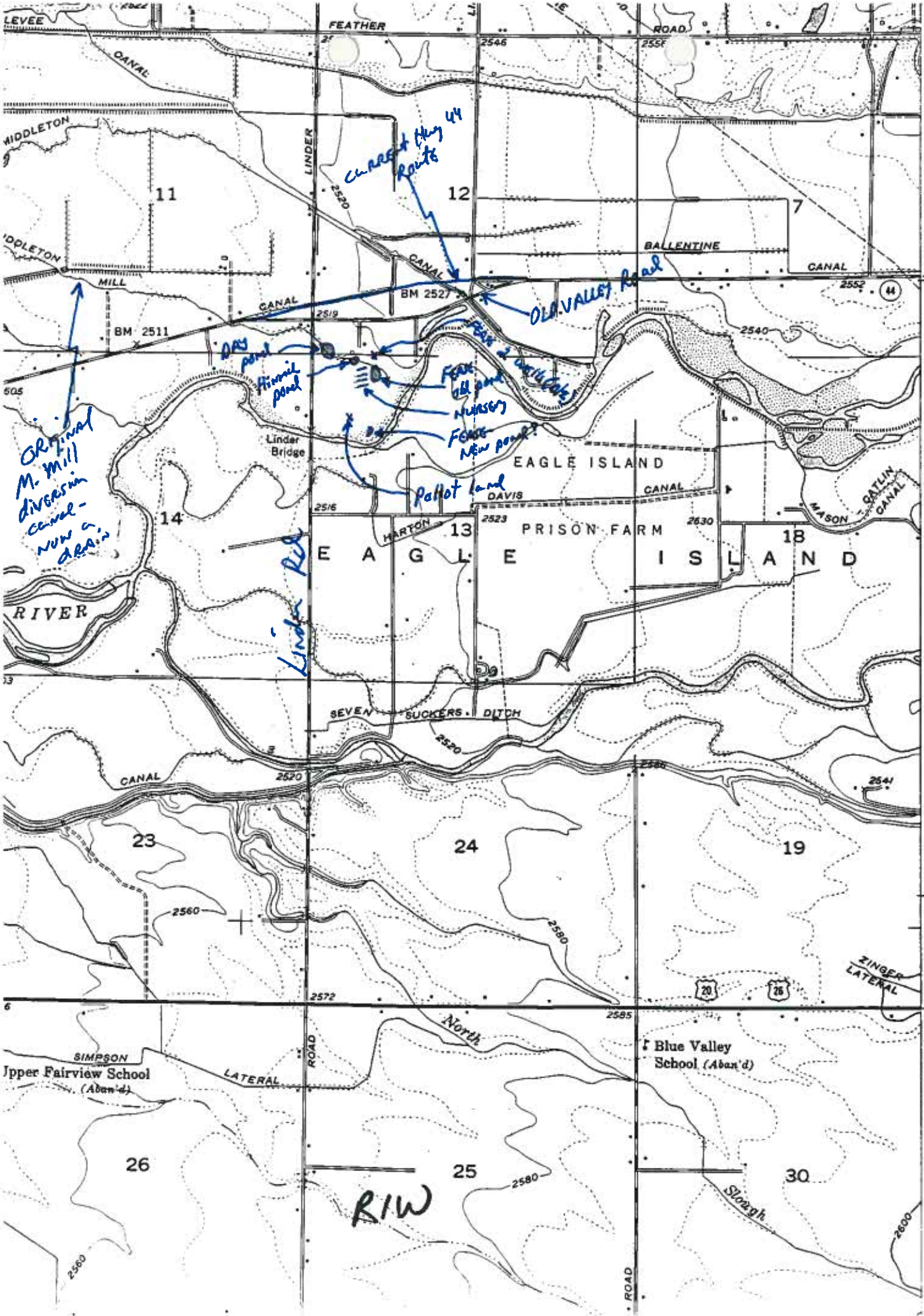
X Pollat's acreage here - plans to build home

New pond - plans to sell this parcel (?)

Pond under const

CC from Hinrichs 7/18/97 letter in 63-12384

Boise River N. Channel



T4N

8/19/97
Site visit to
Feas place

Down 1994, to 7 1/2' scale

Scanned Airphotos

8/19/97
Site
visit

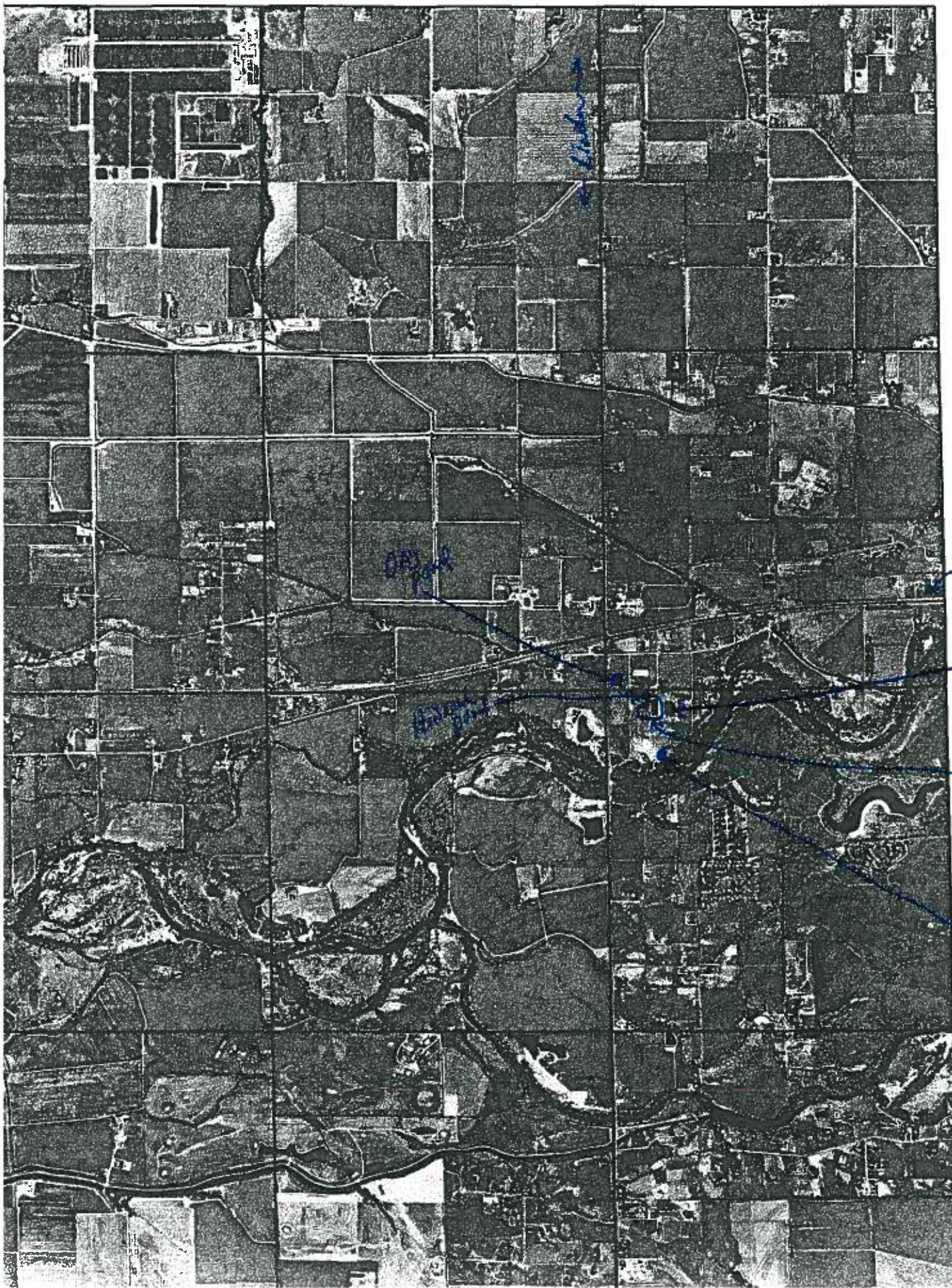
-5.12

Hwy 44

FEASE ponds
(irrig. etc.)
nursery
pond

-5.13

new
Fease
pond
(gravel
excavation)
is present
selling C?
So new
owner has
want
B. v.



FEASE SITE VISIT

8/19/97
-JR



① Looking South
Hwy 44 in
foreground,
Boise R. (N channel)
+ Eagle Island in
background.

FEASE	} lands in view
Hinrich	
DAY	
Pollot	



②
closer view of
above photo

Nursery and reas-
irrigation continues
for bedded/potted
plants

PHOTOS provided by T. FEASE 8/19/97. TAKEN 10/4/96
by J. G. HALL Co. PHOTOS per label on back.



2" Artesian
Well in
pumphouse.
Note
- control valve
- interconnections
with 1989
well next to
pumphouse.

PHOTO ONE-



View SE to
pond and
irrigation pump.

PHOTO TWO-



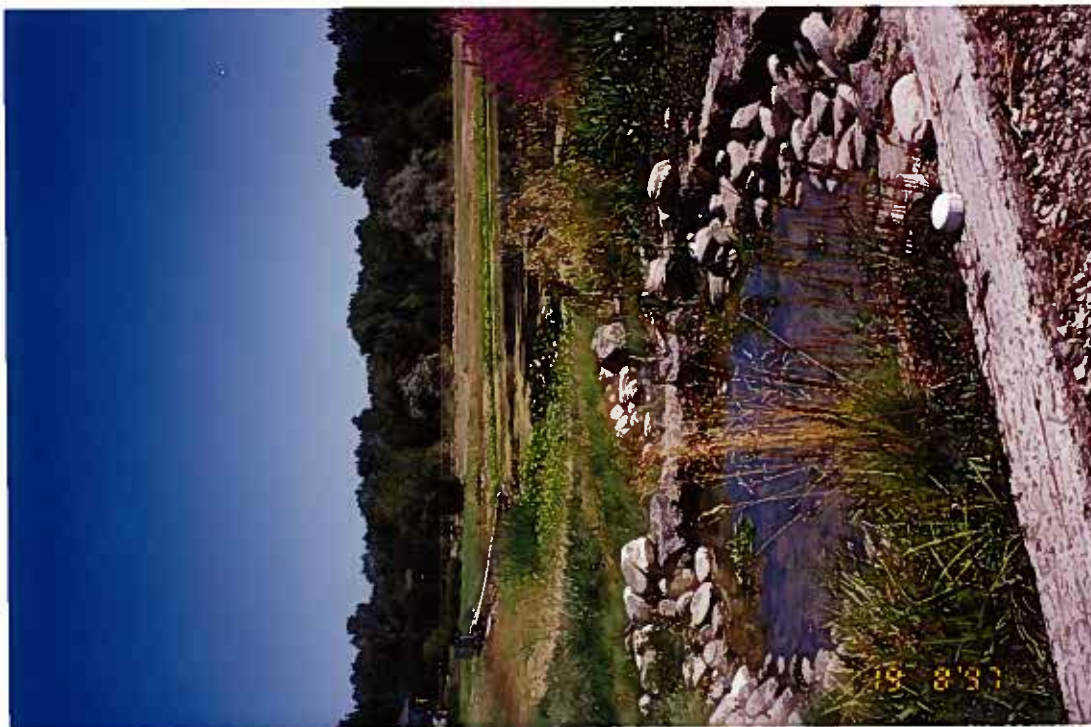
View S/SE
at pond &
Nursery ponds.

PHOTO THREE-



View West at
road home &
shop.

PHOTO FOUR-



1" pipe outlet from antenna
well to channel, then to
pond.

PHOTO FIVE-



typical irrigation
at nursery
parks.

PHOTO SIX-



View NW
of Hinrich
home & pond.

Seven
PHOTO ~~FIVE~~

PHOTO ~~SIX~~

IDAHO DEPARTMENT OF WATER RESOURCES
WELL INSPECTION FORM

2" flowing cold
H₂O artesian

1. DRILLING PERMIT NO: N/A OTHER APPLICABLE NO: A63-17846

2. OWNER: SEE A63-17846 & 63-89-C-0200-nv* Phone: _____
Address: (another well)

3. WELL LOCATION: Twp as above, Rge. _____, Sec. _____, _____ 1/4 _____ 1/4
County _____ (Provide sketch map and photo on reverse.)

4. DRILLER: ? Lic. No. _____
When Drilled? late 1800's per file

5. WELL CONSTRUCTION:

Casing Diameter 2 inches Water tight cap? ☒ Yes ☐ No Access Port: ☐ Yes ☒ No
Casing $\geq$ 12 inches above ground? ☒ Yes ☐ No - Describe _____
Depth of Casing 100 ft. (?) Method Drilled (depth = claimant's info)
Condition of Well Casing: ☐ Good ☒ Fair ☐ Poor Describe _____
Control Valve? ☒ Yes ☐ No Pressure Gauge: ☐ Yes ☒ No
Condition of Piping and Valving fair
Auger to a depth of _____ ft. Evidence of Annular Seal ☐ Yes ☐ No
Are there obvious construction problems that may be a source for contamination or waste of water?
☐ Yes ☒ No (Describe in Remarks and Attach Photo - On Reverse)

6. HYDROLOGIC INFORMATION:

Depth to Static Water _____ ft. Water Temperature cold °F
Flowing Artesian ☒ Yes ☐ No Pressure: _____ (psi)
Water Sample Taken? ☐ Yes ☒ No If yes, describe purpose _____
Water Quality Measurements/Observations (Describe) _____

7. WELL USE:

☒ Domestic ☐ Irrigation ☐ Stock
☐ Test ☐ Municipal ☐ Industrial
☐ Abandoned ☐ Waste Disposal/Injection ☐ Not Used
☐ Other: _____

SERVES 2 homes per A63-17846 & 17848

* D.A. for
this one

8. POSSIBLE CONTAMINATION SOURCES:

Is there evidence of Chemigation? ☐ Yes ☒ No

If yes, is there a check-valve present? ☐ Yes ☐ No

Is there a possible source of contamination nearby? ☐ Yes ☒ No

If yes, what Type? _____

How far away from the well is this source? _____

9. REMARKS: Arterio well now routed to pond (re: masonry work).

Well is pump house next to Fense/Ellensjohn 1^o home.

Well is plumbed as backup source for 0/2 covered by
2 SPBA claims. MA-2 0/2 well is 63-89-C-0200 (see
A63-17848 also).

Claims will be amended & add'l wr/aj coverage to be
filed per this visit & following work.

Steve Lester Water Rights Sup'r
Signature of Dept. Representative & Title

8/19/97
Inspection Date

PHOTOS, DRAWINGS, OTHER ATTACHMENTS:

Original: See SL's "Fense" file

WR/aj work in progress to complete needed
wr/aj protection

cc: DB for d'entry of well
inspection inventory (d'entry maybe N/A where
drilling permit N/A?)

IDAHO DEPARTMENT OF WATER RESOURCES

WELL INSPECTION FORM

6" cold H₂O
non-artesian

1. DRILLING PERMIT NO: 63-89-C-0200-000 OTHER APPLICABLE NO: A63-17848

2. OWNER: See Phone: _____
Address: _____

3. WELL LOCATION: Twp 24N, Rge. _____, Sec. _____, _____ 1/4 _____ 1/4
County Blaine (Provide sketch map and photo on reverse.)

4. DRILLER: as above Lic. No. _____
When Drilled? _____

5. WELL CONSTRUCTION:

Casing Diameter 6 inches Water tight cap? ☒ Yes ☐ No Access Port: ☒ Yes ☐ No
Casing $\geq$ 12 inches above ground? ☒ Yes ☐ No - Describe _____
Depth of Casing 122 ft. Method Drilled Cable
Condition of Well Casing: ☒ Good ☐ Fair ☐ Poor Describe _____
Control Valve? ☒ Yes ☐ No Pressure Gauge: ☒ Yes ☐ No
Condition of Piping and Valving good
Auger to a depth of _____ ft. Evidence of Annular Seal ☐ Yes ☐ No
Are there obvious construction problems that may be a source for contamination or waste of water?
☐ Yes ☒ No (Describe in Remarks and Attach Photo - On Reverse)

0' BASE LOG
info but not
found

6. HYDROLOGIC INFORMATION:

Depth to Static Water 2 ft. Water Temperature 55 °F
Flowing Artesian ☐ Yes ☒ No Pressure: _____ (psi)
Water Sample Taken? ☐ Yes ☒ No If yes, describe purpose _____
Water Quality Measurements/Observations (Describe) _____

pressure gauges
in p'house &
p. tanks

7. WELL USE:

☒ Domestic ☐ Irrigation ☐ Stock
☐ Test ☐ Municipal ☐ Industrial
☐ Abandoned ☐ Waste Disposal/Injection ☐ Not Used
☐ Other: _____

SERVES 2 homes per A63-17846 & 17848

8. POSSIBLE CONTAMINATION SOURCES:

Is there evidence of Chemigation? ☐ Yes ☒ No

If yes, is there a check-valve present? ☐ Yes ☐ No

Is there a possible source of contamination nearby? ☐ Yes ☒ No

If yes, what Type? _____

How far away from the well is this source? _____

9. REMARKS: See Remarks in well inspection form # A63-17846.

Steve Lester Water Right Eng'n

Signature of Dept. Representative & Title

8/19/97

Inspection Date

PHOTOS, DRAWINGS, OTHER ATTACHMENTS:

original: SL's "FEAR" file

WR/SJ work in progress to complete needed
WR/SJ protection.

cc: DB for d'entry of well inspection inventory

From: DWR80::GSPACKMA 18-AUG-1997 10:37:42.05
To: @WESTERN.LIS
CC: GSPACKMA
Subj: Tim Fease/Kenley Hinrich

Two people named Tim Fease/Kenley Hinrich have been complaining to IDWR staff about each other and the other person's water use for about six months. Fease and Hinrich are adjoining landowners near the Boise River just east of Linder Road in Eagle, Idaho. Steve Lester and I have both spent considerable time on this dispute. It will not be resolved easily. I also understand that a couple of office day people have unsuspectingly been drawn into the discussion. Tim Fease in particular has not always revealed that he has worked with someone else in the office.

If someone inquires about the Fease or Hinrich, you should refer the matter to Steve Lester.

Gary

8/11/97 office visit
Tim FEAR (w/ RON H.)

had appt w/ Mom to amend or
file a J (claim) she was sick
so O.D. person (RON) took.

Lots discussion a complex issue.

Advised him ^{Tim} to wait for mag's
*letter a issue, then see how
to proceed

Then we'll follow up

* = Gary's 8/7/97
letter sent

- JK

MR. FEARE (939-2402)

APPLICATIONS
FOR PERMITS



1888

Amend

2 AC IRRIG

GW / 2 ACRES
By HOUSES



IRRIG
App for
Permit
Continue
IRRIG
2 ACRES

TRANS

Comm.
use -
nursery

with sack
Sack
to
other
nursery's

ARRSIAH

Long notes

SD-0601-2 Last Name: FEASE

STATE

S	First	O	Water	Priority		Total	Use	
E	Name	W	Right No.	Date	Source	Diversion	Code	Desc
L		N						
FEASE								
TIMOTHY F		C	A63-17848	08/01/1988	GROUNDWATER	0.040	43	DOMEST
FEASENHISER								
KENNETH L		C	A63-29985	12/31/1940	GROUNDWATER	0.060	04	STOCK
							43	DOMEST
BETHEL E		C	A63-29985	12/31/1940	GROUNDWATER	0.060	04	STOCK
							43	DOMEST
FEASE								
TIMOTHY F		C	A63-17846	12/31/1888	GROUNDWATER	0.040	43	DOMEST
TIMOTHY F		C	R63-17846	12/31/1888	GROUNDWATER	0.040	43	DOMEST
TIMOTHY F		C	R63-17848	08/01/1988	GROUNDWATER	0.040	43	DOMEST

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

ADJUDICATION MEMOR DUM

CLAIM NO.: A⁶³~~18~~-17846, A63-17848

EMPLOYEE: TTTTincucci

SUBJECT: Water Rights for Green houses

DATE: 5/6/1997

Tim ~~Fea~~ Fease came into the office to discuss his use of water for some greenhouses on his property. He has a pond on his property which gets water from seepage, ~~run off~~ overflow from his artesian domestic well, waste water, and canal water. He pumps water from the pond to the greenhouses (first developed in 1990). He needs either a new water right for his artesian well (greenhouses) or perhaps a better option is to use his canal shares for the greenhouses. The greenhouses are on ground previously irrigated with canal water.

Mr. Fease would like to get all his ducks in a row concerning the legality of his water use. Please call him to advise about the best course of action.

Tim Fease
"Old Valley Farm"
939-2402 (-2484 fax)

5/9 Spoke w/ his wife (?)
he'll call me next wk. for Appt.

Appt 5/14 3:30

W023506

3/11/1998

FEASE, TIMOTYHY F.

ADJUDICATION FEE	41503	337	1155	84.00
APPLICATION FOR PERMIT	62103	229 21	1155	50.00

CHECK

5189

\$

134.00

Water Right Numbers

A63-30484

A63-30485

-

-

-

Region: WESTERN

Signature: _____

63-12459