

CONVERSATION MEMORANDUM

DATE 7/14/98

FILE } T. 5284 - Ditch W.
 } 63-12459 } F/E
 } 63-30485 }

NAME OF PARTY Kenley Hinrichs & Lisa O'tuok

EMPLOYEE JE

← F/E

RE: Office Visit & Fense/Jellensohn Nursery, Pond etc.

Kenley & Lisa visited office today. We had extensive conversation about alleged illegal practices related to water use & nursery & other non-Ioww issues, e.g. drainage disputes. This is a summary of items discussed.

- ① possible protest to files noted above (ditch co. transfer & F/E non-irrig. use of pond).
- ② concerns @ 63-30485 ("grandfather filing" Artesian well, pond, irrig. includes nursery w/ commercial all yr.): does this SRBA claim have "color of water right" (validity?) Does it change Ioww's position with respect to divert from pond for nursery? Not sure at this point but will follow up on this.
- ③ how far will Ioww go (or not go?) to regulate F/E water use?
- ④ have lots date-back photos from this year before & after ditch co. water was delivered - shows sprinklers in use @ F/E pond, nursery, irrig pipe to control box (ditch shares to Kenley & Lisa?). Can provide set to Ioww if want them. I advised them to keep photos for conference or hearing if want to present there.
- ⑤ Reported that nitrate levels in their pond increasing & alleged is due to nursery. Concern that this will continue now that river flows declining. Again said F/E pond pumping causes Kenley-Lisa's pond to drop (measure own pond level a lot). Mentioned algae problems.

- continued -

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NAME OF PARTY Hinnichs/O'Toole

EMPLOYEE JL

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RE: Continued

(8) concerns e validity of Pillott's (is others?) protests of Kenky-Lisa w.r. Applications.

(7) wants Iowa to respond to issue e whether or not F/E can pump ~~from~~ from pond - when OK or not, what limits if any, etc.

(6) discussed the practical limits of enforcement activities is so forth. Is it feasible to regulate e this level or better to seek long term solution via water right appl. process?

Meeting lasted e 2 hrs total.