

RECEIVED

JUN 10 2006

FORM 202 10/07

WATER RESOURCES
WESTERN REGIONIdent. No. 103-33064

Should questions arise during the processing of this application please contact:
Steven Hannula - ERO Resources Corp. (208) 373-7983

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

1. Name of Applicant Lawrence and Kay Hansen Phone (208) 884-0118
 Mailing address 1440 E. Mary Lane Meridian, Idaho 83642 Email _____
2. Source of water supply Ground water which is a tributary of N/A
3. Location of point of diversion is Township 3N Range 1E Sec. 31, in the _____ ¼,
SE ¼, NE ¼, Govt. Lot _____ B.M., ADA County;
 additional points of diversion if any: _____
4. Water will be used for the following purposes: 3/01
 Amount 0.12 cfs for IRRIGATION purposes from 3-45 to 11-15 (both dates inclusive)
 (cfs or acre-feet per annum)
 Amount 0.04 cfs for COMMERCIAL 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) 0.16 cfs and/or (b) _____
 Cubic feet per second acre feet per year
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source 6-inch well, 306 feet deep, static water level at 130 feet, 3 hp pump set at 180 ft.
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet;
 total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is _____ 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? Approx 1962; Drilling firm Unknown;
 Well was drilled for (well owner) Gilbert Rice; Drilling Permit No. Unknown
7. Time required for completion of works and application of water to proposed beneficial use is 5 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 if 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. Commercial use for future winery, washing of equipment etc.

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	
3N	1E	31				6/C													6

Total number of acres to be irrigated: 6

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping?

11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. Irrigation use is for 6 acres, commercial use is for a future planned winery.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" 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.

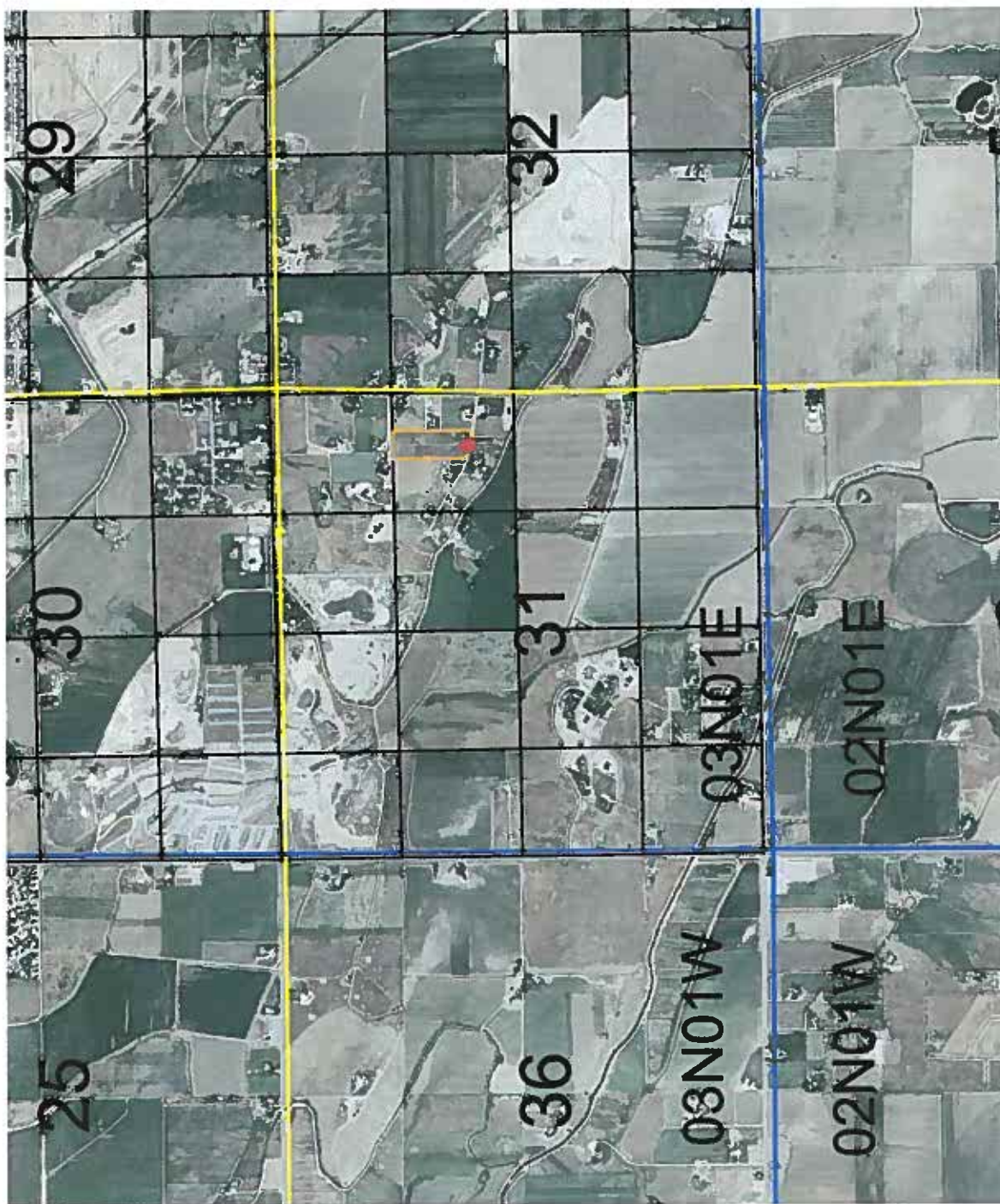
Lawrence A. Hansen Kay M Hansen
Signature of Applicant

Lawrence A. Hansen Kay M Hansen
Print Name (and title, if applicable)

For Department Use:

Received by JAL Date Dec 10 2008 Time _____ Preliminary check by _____
 Fee \$ 100- Receipted by DB Receipt No. W036585 Date 6-10-08
 Publication prepared by DB Date 12/23/2008 Published in IDAHO STATESMAN
 Publication approved _____ Date _____ Dates Published JANUARY 1 & 8
 2009

Location Map of Hansen Property (T3N R1E Section 31, Ada County)



- Well
- Hansen POU
- Township
- Sections
- QQ

1000 0 1000 2000 Feet

Prepared by: ERO Resources
3314 Grace St
Boise, Idaho 83703
(208) 373-7983

123-33064



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

December 24, 2008

SEE ATTACHED DISTRIBUTION LIST

Re: Application No(s). 63-33063 & 63-33064

Dear Interested Party:

Attached are copies of one or more applications that may be of interest to you. Please contact the applicant(s) if you have concerns about the application(s).

If you desire to file a formal protest against approval of the application(s), a written protest along with the \$25.00 protest fee for each application protested must be received in this office by January 20, 2009.

Please contact this office at 208-334-2190 if you have any questions regarding the application(s).

Sincerely,

A handwritten signature in black ink that reads "Denise Buffington". The signature is written in a cursive, flowing style.

Denise Buffington
Administrative Assistant

Enclosure

MAILING DISTRIBUTION LIST

**APPLICATION FOR PERMIT 63-33063 FOR JEAN BROBECK VANCE
APPLICATION FOR PERMIT 63-33064 FOR LAWRENCE & KAY HANSEN**

FRED NITZ
5325 S LOCUST GROVE RD
MERIDIAN ID 83642

RON WILKINSON
SHERRY WILKINSON
1310 E MARY LN
MERIDIAN ID 83642

HERB NITZ
JOANNE NITZ
5445 S LOCUST GROVE RD
MERIDIAN ID 83642

JOHN JOBE
CATHY JOBE
5495 W LOCUST GROVE RD
MERIDIAN ID 83642

BRUCE C MARTIN
1135 MARY LN
MERIDIAN ID 83642

HERB LLOYD
JUDY LLOYD
1360 E TANYA LN
MERIDIAN ID 83642

Buffington, Denise

From: Buffington, Denise
Sent: Tuesday, December 23, 2008 3:19 PM
To: legals@idahostatesman.com
Subject: Legal Notices
Attachments: Ada County Cover Letter.RTF; 63-33063 Ad.RTF; 63-33064 Ad.RTF; 63-33079 Ad.RTF; 63-33139 Ad.RTF

Attached please find (4) legal notices being submitted for advertising. Please contact me immediately if you have any questions or if you are not able to run the notices on the dates listed.

Thank You and Happy Holidays,

Denise Buffington
Administrative Assistant
Dept of Water Resources
Western Region

12/23/2008

December 23, 2008

Legal Notice Department
IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

RE: Application for Permit No. 63-33063, 63-33064, 63-33079 & 63-33139

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 01/20/2009. Your cooperation is appreciated.

Sincerely,

Denise Buffington
Administrative Assistant

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-33064

LAWRENCE HANSEN
KAY HANSEN
1440 E MARY LN
MERIDIAN ID 83642

Point(s) of Diversion SENE S31 T03N R01E ADA County Source GROUND WATER

Use: IRRIGATION 03/01 To 11/15 0.12 CFS

Use: COMMERCIAL 01/01 To 12/31 0.04 CFS

Total Diversion: 0.16 CFS

Date Filed: 06/10/2008

Place Of Use: IRRIGATION

T03N R01E S31 SENE

Number of Acres 6

Place Of Use: COMMERCIAL

T03N R01E S31 SENE

Remark: Water bearing zone to be appropriated is from 130 to 306 feet.

Commercial Use is for wine processing

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 01/20/2009. The protestant must also send a copy of the protest to the applicant.

DAVID R. TUTHILL, JR., Director

Published on January 1st & 8th, 2009



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

July 21, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

LAWRENCE HANSEN
KAY HANSEN
1440 E MARY LN
MERIDIAN ID 83642

RECEIVED

JUL 23 2008

WATER RESOURCES
WESTERN REGION

RE: RENTAL OF WATER FROM THE WATER SUPPLY BANK. WATER
RIGHT NO. 63-31479

Dear Lawrence and Kay Hansen:

Please find enclosed a receipt in the amount of \$ 378.00 and a copy of a fully executed Water Supply Bank Rental Agreement in connection with the rental of 27.0 acre-feet of ground water for irrigation use for 2008. Upon receipt of this fully executed agreement, you are authorized to divert water in compliance with the conditions of water use described in the agreement. An annual payment of \$ 378.00 shall be received by the Department prior March 1 in all subsequent years for the duration of the rental period. The agreement will be void if the payment is not received for a given year.

Please feel free to contact me with any questions regarding this matter at 287-4943.

Sincerely,

Aaron Marshall
Water Allocation Bureau

Encl: 2

c: John Westra – IDWR Western Regional Office
Steve Hannula – ERO Resources Corp.

Idaho Department of Water Resources Receipt

Receipt ID: C087296

Payment Amount	\$378.00	Date Received	7/17/08 2:31	Region	STATE
Payment Type	Check	Check Number	3594		
Payer	HANSEN LARRY A. OR KAY M.				

Comments Water Bank Rental Fee: 63-31479

Fee Details

Amount	Description	Fund	Fund Detail	PCA	Subobject
\$37.80	WATER BANK-DEPARTMENT SHARE	0229	21	55109	1205
\$340.20	WATER BANK-OWNER SHARE	0229	21	55109	1205



Signature Line (Department Representative)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT

COPY RECEIVED

JUL 17 2008

DEPARTMENT OF
WATER RESOURCES

This is to certify that: **LAWRENCE HANSEN**
KAY HANSEN
1440 E MARY LN
MERIDIAN ID 83642
(208) 884-0118

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board") being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

	<u>Water Right</u>	<u>Rented Rate</u>	<u>Annual Rented Volume</u>	<u>Total Rented Acres</u>
	Permit 63-314709	0.12 CFS	27.0 AF	6.0 AC
COMBINED	<i>AM</i>			
RENTAL TOTALS:		0.12 CFS	27.0 AF	6.0 AC

TERM OF RENTAL:

March 1, 2008 to November 15, 2008

March 1, 2009 to November 15, 2009

March 1, 2010 to November 15, 2010

March 1, 2011 to November 15, 2011

March 1, 2012 to November 15, 2012

RENTAL FEE:

\$378.00

The fee for rental of the above-described water is \$378.00 per year. An annual payment shall be received by the Department prior to March 1, the start of the irrigation season, each year for the duration of the rental period. The agreement will be void if the payment is not received in a given year.

Detailed water right specific limitations and conditions attached.

The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:

Dated this 16 day of July, 2008.

By: Lawrence A. Hansen
(Print Name)

Lawrence A. Hansen
(Signature)

(Title if on behalf of company or organization)

Having determined that this agreement satisfies the provisions of Section 42-1763, Idaho Code, and, IDAPA 37.02.03030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board this 21st day of July, 2008.

David R. Tuthill, Jr.
FOR DAVID R. TUTHILL, JR., Director
Department of Water Resources

SCANNED

JUL 21 2008

WATER RIGHT NO. 63-31479 **WATER SUPPLY BANK RENTAL AGREEMENT**

The renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described below:

Renter: LAWRENCE HANSEN
 KAY HANSEN
 1440 E MARY LN
 MERIDIAN ID 83642
 (208) 884-0118

Priority Date: 04/16/2002

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 11/15	0.12 CFS	27.0 AF
	Total:		0.12 CFS	27.0 AF

LOCATION OF RENTER'S POINT(S) OF DIVERSION:

GROUND WATER SE¼NE¼ Sec. 31 Twp 03N Rge 01E ADA County

RENTER'S PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	01E	31				6.0													6.0

Total Acres: 6.0

CONDITIONS OF WATER USE

1. The use of water under this agreement shall be subject to the provisions of Section 42-1766, Idaho Code.
2. Rental of the specified permit from the bank does not, in itself, confirm the validity of the right or any elements of the permit, or improve the status of the permit. It does not preclude the opportunity for review of the validity of this permit in any other department process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized by the permit and/or again be available to rent from the bank.
4. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
5. This rental agreement does not authorize the construction of a well.
6. Use of water under this agreement shall not prejudice any action of the Department in its consideration of the application for permit filed by the renter for this same use.
7. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
8. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
9. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the permit or portion thereof being rented.
10. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.

SCANNED

JUL 21 2008



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

July 8, 2008

C. L. "BUTCH" OTTER
Governor

RECEIVED

DAVID R. TUTHILL, JR.
Director

LAWRENCE HANSEN
KAY HANSEN
1440 E MARY LN
MERIDIAN ID 83642
(208) 884-0118

JUL 09 2008

WATER RESOURCES
WESTERN REGION

RE: APPLICATION TO RENT WATER FROM THE WATER SUPPLY BANK
WATER RIGHT PERMIT NO. 63-31479

Dear Renter:

The Department of Water Resources ("Department") acknowledges receipt of your application to rent water from the Water Supply Bank ("Bank"). Please find enclosed a Water Supply Bank Rental Agreement for your review and signature. Upon signature and return of the original agreement, together with the rental fee described below, the Department will also sign the original agreement and return an executed copy to you. Execution of the agreement and compliance with the conditions of approval authorize diversion and use of water as provided in the agreement.

A rental fee of **\$378.00** per year was calculated based on the current rental rate of \$14.00 per acre-foot times a diversion volume of 27.0 acre-feet. An annual payment shall be received by the Department prior to the execution of this agreement and prior to March 1 in all subsequent years for the duration of the rental period. The agreement will be void if the payment is not received for a given year. Please send a check made payable to the Idaho Department of Water Resources together with the signed rental agreement to my attention within ten (10) days of receipt of this letter so I can complete the processing.

Please note that applications for rental of water must be reviewed in accordance with Section 42-1763, Idaho Code, and the Department's Water Supply Bank Rule 30 (IDAPA 37.02.03.030). This includes consideration of whether there will be injury to other water rights, whether the proposal would constitute an enlargement of the water rights, whether the water will be put to a beneficial use, whether the water supply available from applicable rights in the Bank is sufficient for the use intended and whether the proposal is in the local public interest. While a one-year rental usually involves a general review of the water rights and proposed use, rental of water over multiple years may require more comprehensive review, notice to advise anyone who desires to protest the proposed water use, and approval by the Idaho Water Resource Board.

If you have questions regarding this matter, please contact me at (208) 287-4943.

Sincerely,

Aaron Marshall
Water Allocation Bureau

Enc: 1

c: John Westra – IDWR Western Regional Office
Steve Hannula – ERO Resources Corp.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER SUPPLY BANK RENTAL AGREEMENT

This is to certify that: **LAWRENCE HANSEN**
KAY HANSEN
1440 E MARY LN
MERIDIAN ID 83642
(208) 884-0118

filed an application to rent water from the Water Supply Bank ("Bank"). The Idaho Water Resource Board ("Board") being authorized to operate a Bank and to contract by and through the Director of the Idaho Department of Water Resources ("Director, Department") for rental of water from the Bank agrees to rent water as follows:

Summary of Water Rights or Portions Rented from the Bank

	Water Right	Rented Rate	Annual Rented Volume	Total Rented Acres
	Permit 63-31470	0.12 CFS	27.0 AF	6.0 AC
COMBINED RENTAL TOTALS:		0.12 CFS	27.0 AF	6.0 AC

TERM OF RENTAL: March 1, 2008 to November 15, 2008
March 1, 2009 to November 15, 2009
March 1, 2010 to November 15, 2010
March 1, 2011 to November 15, 2011
March 1, 2012 to November 15, 2012

RENTAL FEE: **\$378.00**

The fee for rental of the above-described water is \$378.00 per year. An annual payment shall be received by the Department prior to March 1, the start of the irrigation season, each year for the duration of the rental period. The agreement will be void if the payment is not received in a given year.

Detailed water right specific limitations and conditions attached.

The undersigned renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described in this agreement:

Dated this _____ day of _____, 20_____.

By: _____
(Print Name)

COPY
Signature

(Title if on behalf of company or organization)

Having determined that this agreement satisfies the provisions of Section 42-1763, Idaho Code, and, IDAPA 37.02.03030 (Water Supply Bank Rule 30), for the rental and use of water under the terms and conditions herein provided, and none other, I hereby execute this Rental Agreement on behalf of the Idaho Water Resource Board this ____ day of _____, 20_____.

DAVID R. TUTHILL, JR., Director
Department of Water Resources

WATER RIGHT NO. 63-31479

WATER SUPPLY BANK RENTAL AGREEMENT

The renter agrees to use the water rented under this agreement in accordance with the Water Supply Bank rules and in compliance with the limitations and conditions of use described below:

Renter: LAWRENCE HANSEN
KAY HANSEN
1440 E MARY LN
MERIDIAN ID 83642
(208) 884-0118

Priority Date: 04/16/2002

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 11/15	0.12 CFS	27.0 AF
	Total:		0.12 CFS	27.0 AF

LOCATION OF RENTER'S POINT(S) OF DIVERSION:

GROUND WATER SE¼NE¼ Sec. 31 Twp 03N Rge 01E ADA County

RENTER'S PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	01E	31				6.0													6.0

Total Acres: 6.0

CONDITIONS OF WATER USE

1. The use of water under this agreement shall be subject to the provisions of Section 42-1766, Idaho Code.
2. Rental of the specified permit from the bank does not, in itself, confirm the validity of the right or any elements of the permit, or improve the status of the permit. It does not preclude the opportunity for review of the validity of this permit in any other department process.
3. Use of water under this agreement does not constitute a dedication of the water to renter's place of use and upon expiration of this agreement, the points of diversion and place of use of the water shall revert to those authorized by the permit and/or again be available to rent from the bank.
4. This rental does not grant any right-of-way or easement to use the diversion works or conveyance works of another party.
5. This rental agreement does not authorize the construction of a well.
6. Use of water under this agreement shall not prejudice any action of the Department in its consideration of the application for permit filed by the renter for this same use.
7. Renter agrees to comply with all applicable state and federal laws while using water under this agreement.
8. Renter agrees to hold the Board, the Director and the state of Idaho harmless from all liability on account of negligent acts of the renter while using water.
9. Renter acknowledges and agrees that the Director may terminate diversion of water if the Director determines there is not a sufficient water supply for the priority of the permit or portion thereof being rented.
10. Failure of the renter to comply with the conditions of this agreement is cause for the Director to rescind approval of the rental agreement.



ERO Resources Corp.
3314 Grace Street
Boise, ID 83703-5836
(208) 373-7983
Fax: 373-7985
Denver • Boise • Durango
www.eroresources.com
eroboise@eroresources.com

RECEIVED

JUN 10 2008

WATER RESOURCES
WESTERN REGION

June 9, 2008

Mr. John Westra
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

RE: Application for Permit and to Rent Water for Larry and Kay Hansen

Dear Mr. Westra,

In a letter dated April 22, 2008, several neighbors near Larry and Kay Hansen submitted a letter to you at IDWR outlining problems and concerns they are facing with their domestic wells. The neighbors attributed their concerns in part to the misuse of domestic ground water by Larry and Kay Hansen.

In response to the neighbor's concerns and to show their willingness to resolve any conflicts, Larry and Kay Hansen (applicants) contacted me at ERO Resources for help in filling out the various forms that you suggested they file to help resolve the problem.

Enclosed, please find an Application for Permit that seeks 0.12 cfs for irrigation use and 0.04 cfs for commercial use. The grape vineyard described by the applicants will not use 0.12 cfs (see enclosed letter by the applicants detailing the water use), but because the vineyard covers most of the property (6 acres), and they are seeking an irrigation right with the standard irrigation rate of 0.02 cfs/acre.

Also, as described in the applicant's letter, the commercial use is in anticipation of a winery operation in the future, wherein the water would be used for washing and cleaning of equipment.

To provide water right coverage in the interim, the applicant's are also filing an application to rent water from the water supply bank.

The filing fee of \$100 for the permit and a well upgrade fee of \$125 are included.

The applicants hope that these measures will lessen the concerns of the neighbors. If you have any questions, please call.

Regards,

Steven R. Hannula

May 19, 2008

RECEIVED

JUN 10 2008

WATER RESOURCES
WESTERN REGION

John Westra
Idaho Department of Water resources
2735 Airport Way
Boise ID 83705

Dear John,

Let me open by telling you how heartsick we are over the receipt of your letter. We did not intend nor expect to be in violation of our water rights with the system we have put into operation. Despite our best efforts and intentions it appears that we may have made mistakes. Not the least of which, may be our ignorance of the codes pertaining to our rights. I depended on the advice/opinion of others for this. Last year, I consulted with 2 different irrigation companies and 2 different pump companies. It was the unanimous advice of these irrigation professionals to use our well for this application. I want you to know that we will cooperate to the best of our ability, both physically and financially, to resolve any infraction that may exist.

Water Rights:

We are owners of 2 parcels located on Mary Ln. One is 1+ acres in size (S1131141900) and one is 5 acres (S1131141950). At the time of the purchase of the property we were told that we had water rights for both properties. I assumed this to mean the same as the water rights we have associated with our property located on Ustick Rd. (S1105120665). With that property, our rights made us parties to the Snake River Drought Relief Adjudication. We received drought relief funds to offset the cost of installing a new well. How do our rights with regard to the Mary Ln. properties differ from those we have on our Ustick Rd. property?

Infraction:

Our home located on Mary Ln. has a private well. The area of the home site is about 0.3 acres in size, with typical lawn and trees. This is also the location of Windy Ridge Estate Vineyard. It is a registered personal business with the State of Idaho. I have made every effort to ensure that the dripline system provided for the needs of the vines with the minimum amount of wasted water.

This fledgling vineyard presently consists of 57 rows of vines spaced 10' apart, the area between rows is not irrigated. In the rows, we set the plants at a spacing of 6'. The water for the plants is supplied by "state of the art" Netafim dripline. I can provide you with the specific model number if you would like. The dripline is supported by a dedicated wire about 20" above the ground. We form a droop in the line in the area of the plants to concentrate and conserve the application of the water. This ensures the maximum benefit from the minimum amount of water.

The Netafim dripline has 0.5gal./hr pressure compensating emitters spaced at 2' intervals along its length. This is the minimum gallonage emitter size available. The rows are a maximum of 192' in length. Therefore each row consumes $((192/2)*0.5\text{gal./hr})/60 = 0.8\text{gal./min}$ while in service. I have performed soil saturation tests that indicated that 6hrs of watering yield a wet zone ~2' in diameter and ~2' deep. This saturation zone size is adequate for the young vines.

We have divided the 57 rows into 4 watering zones. The largest of these zones has 15 full-length rows. The maximum rate of consumption is $15*0.8 = 12\text{gal./min}$. Over the necessary 6hr watering time, this equates to a delivery of 4,320 gallons. Given the fact that 50% of these vines were planted over the last 6wks, it is imperative that we water them weekly at this time. This however is a temporary requirement. As vines mature, the frequency of watering diminishes. I can't speculate as to how much our water requirement will diminish in the future, but I've been told by local growers that they may only water their vineyards a few times per year. Presently, we water 1 of these zones per day over a 4 day period. I estimate our **weekly** grand total watering amounts to between 16,000 and 17,000 gallons.

Based on the 18gal./min limit, I think we are well below this. Based on the 13,000 gal./day limit, I know we are also well below this. A gal./week limit was not specified.

Extenuating circumstances:

The reason we chose this property is that it sits atop a hill, ideal for location of a vineyard. Due to its location, it does not have direct access to an irrigation canal. Our property is however capable of receiving low pressure, high volume flood type irrigation water from a buried pipe. This buried pipe is supplied by a pump at the bottom of a hill several hundred feet away from our property. The volume of this water supply is easily 5 times our consumption rate. I discussed this fact with the irrigation professionals I mentioned above.

You may ask why not just flood irrigate the vines. Grapevines are not suited to flood type irrigation practices. The pooling of water around the base of the roots is unhealthy for them. In addition, it promotes the growth of surface vegetation between and around the plants that in turn, compete with the vines. If I chose to employ the flood irrigation source, the people I talked with concluded that I would have to find a way to route 4/5 of the water delivered to some collection canal. To my knowledge, no such collection system exists downhill from our property. This is evidenced by the frequent flooding of the low-lying area at the corner of Locust Grove and Amity. This high volume of "waste water" would also cause erosion issues and the possible flooding of our neighbors' properties. In addition, the irrigation and pump companies indicated that it would be very difficult to configure a reliable pumping system given the remote flood irrigation pump. This system would also require a complex filtering system due to the water purity requirements of the Netafim dripline.

For these reasons and the advice of the professionals I consulted, we chose the path we have. Until receipt of your letter, I was honestly proud of the way it was executed and of

the way it performed. Given the increasing popularity of vineyards in the press, I thought our system could be a model for others to emulate in Ada County.

Future Goals:

The vines we are planting are unique Tempranillo clones. The Tempranillo grape originates from Spain and can be found in wines available in the Basque market. Given our local Basque population we thought it would be nice to create an Idaho Tempranillo. Most of the vines we have planted this spring are from the Foundation Block at UC Davis. To our knowledge they can not be found anywhere else in Washington or Idaho.

We purchased them from the University and had them grown in a nursery in Washington last year. We brought them to Idaho at the end of March. These are certified plants that may be traced to the particular vine from which they originated at UC Davis. I think they are very important to the future of Idaho's wine industry. I look forward to supplying cuttings to other potential Idaho growers. They have come to us at a very high financial price. As of this recent planting, our vineyard may be the largest Tempranillo vineyard in the state of Idaho. I know we are the only one to have 5 of the 6 Tempranillo clones brought into the United States.

Our plan was to finish planting next year. Cuttings were removed from the special clones for additional nursery propagation this year. In the end, we would have about 30 more full rows and 13 - ½ rows. As you may have guessed, we do not intend to have just a vineyard. We wish to construct a Winery on this site in the future. Our dream is to devote ourselves full-time to our vineyard and winery after we retire from our careers. What water rights do we need to secure for such an enterprise? I see wineries being built around Ada and Canyon counties, what restrictions govern their water usage?

Next Steps:

By now you must think that I've strayed far from the point. I wanted to give you the full picture and context of this issue. I am completely sincere when I tell you how much this vineyard means to us personally. It is our full intention to operate within the requirements of the law and furthermore to enable the development of our winery in the near future. What do you propose we do to rectify the present situation? What can we do to secure the rights that will be required in the future?

Sincerely,

Larry & Kay Hansen
Windy Ridge Estate Vineyard
1440 E. Mary Ln.
Meridian, ID. 83642

April 22, 2008

Attn: John Westra
Water Resources
2735 Airport Way
Boise, ID 83705

RECEIVED

APR 30 2008

WATER RESOURCES
WESTERN REGION

Mr. Westra:

We are writing this letter to express our concern regarding the misuse of domestic ground water for larger usage than the ½ acre allocation

Water levels in the last few years have dropped causing low pressure and lower water levels. There has been an extremely bad iron/sulfur smell in the water, which has caused some residents to have to install expensive water treatment systems to remove the odor from the water.

There needs to be an immediate stop put to this type of usage before there is no water. These people need to utilize the irrigation surface water for their pastures, crops and oversized yards. Below is a list of the obvious properties in the area that are using the domestic ground water to irrigate more than their ½ acre allocation. A closer look on your part of the surrounding area for other violators would be necessary.

Larry & Kay Hansen
1440 E. Mary Ln.
Meridian, Idaho 83642
Parcel # S1131141900
S1131141950

Harley & Jean Vance
5370 S. Locust Grove Rd.
Meridian, Idaho 83642
Parcel # R8847000055

Stone Crofts
1770 E. Mary Ln.
Meridian, Idaho 83642
Parcel # R8847000040
R8847000045

Gary & Diana Hanson
1921 E. Mary Ln
Meridian, Idaho 83642
Parcel # R8847000140

We would appreciate your attention to this matter. We have listed our contact information of the concerned neighbors in the area. We would also appreciate a follow-up on this situation and how it will be handled.

Fred Nitz - 870-0741
5325 S. Locust Grove Rd
Meridian ID 83642

Fred Nitz
Caulyn Nitz

Ron & Sherry Wilkinson
1310 E. Mary Lane 887-0857
Meridian, ID 83642

Ron & Sherry Wilkinson

Herb & JoAnne Nitz
5445 So. Locust Grove Rd
Meridian Id. 83642

Herb Nitz
Jo Anne Nitz
888-1298

Saw: Cathy Jones

5495 W Locust Grove Rd
Meridian, ID 83642 888-7197

Cathy Jones

Bruce C. Martin

1135 Mary Lane
Meridian, Idaho 83642

Bruce C. Martin

Herb & Judy Lloyd

1360 E. Tanya Ln
Meridian, ID 83642

Herb Lloyd 888-2901

cc:

C.L. "Butch" Otter, Idaho Governor
Russell Fulcher, Idaho State Senator
Clifford Bayer, Idaho State Representative
John Vander Woude, Idaho State Representative
Ada County Commissioners

cc from complaint file

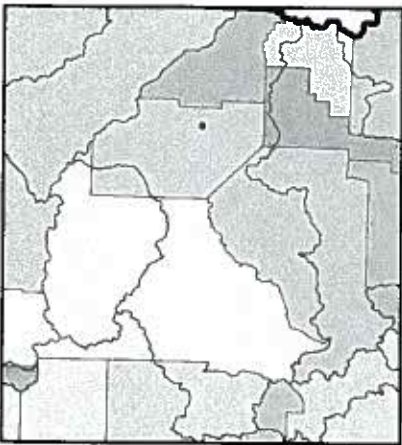


Water Right
63-9869
(IRRIGATION)

Idaho Department of Water Resources

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters
- Taxlots



Ada County
IDWR Basin 63

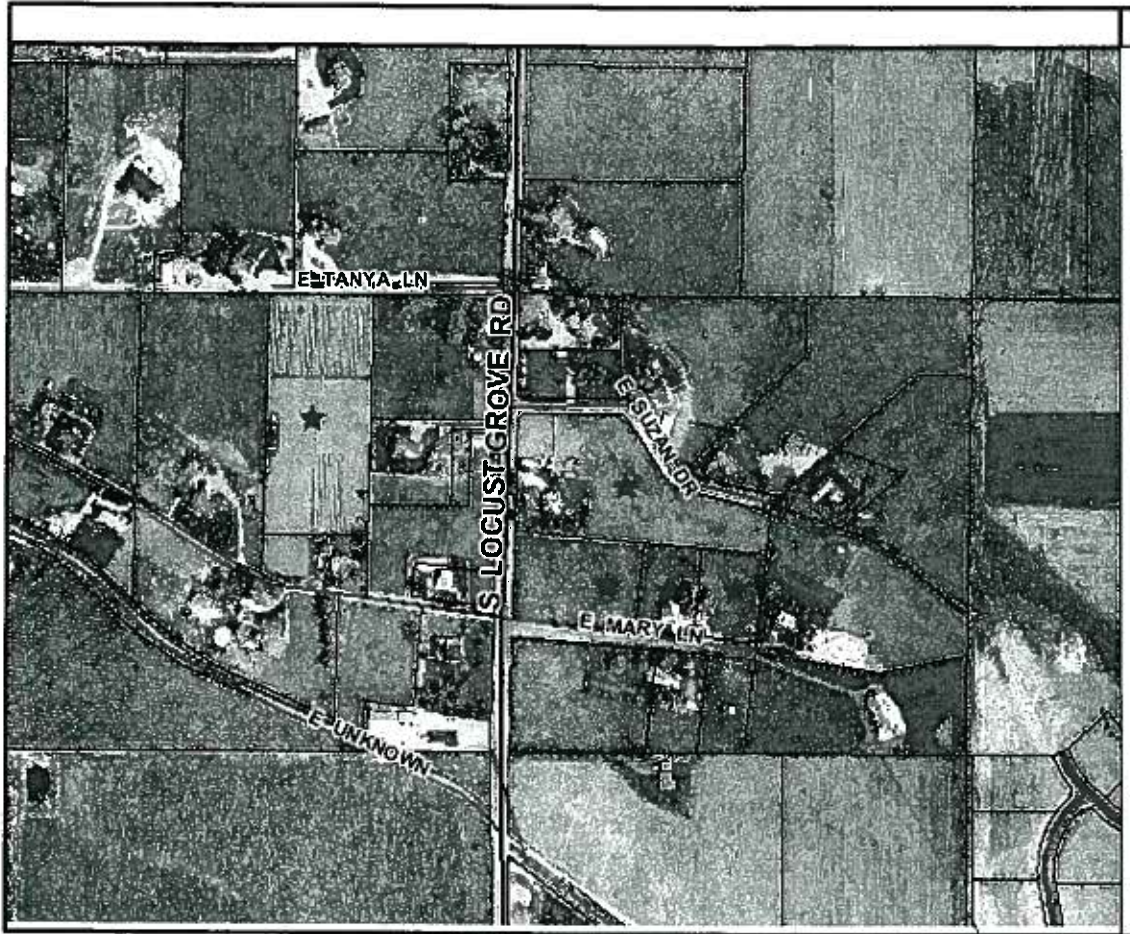
Prepared by John Westra
On Tuesday, May 13, 2008
2004 Aerial Photography



0 0.05 0.1 0.2
Miles



Untitled Map



SE
NE

THIS MAP NOT INTENDED FOR NAVIGATIONAL USE

SW/NW

<u>Ba</u>	<u>Sequence</u>	<u>Basis</u>	<u>Source</u>	<u>Priority Date</u>	<u>Two Range</u>	<u>Sec</u>	<u>QQQ</u>	<u>Rate(c)</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>
63	4089	Statutory	C GROUND WATER	18/12/1960	03N 01E	31	SENE	0.03	DOMESTIC	NITZ, HERBERT (Current)
63	4972	Decreed	GROUND WATER	01/01/1970	03N 01E	31	SENE	0.02	DOMESTIC	STEWART, DARLENE R (Current)
63	22711	Decreed	GROUND WATER	04/09/1961	03N 01E	31	SENE	0.06	DOMESTIC	ST(NITZ, HERBERT H (Current); NITZ, JO ANNE (Current)
63	24067	Decreed	GROUND WATER	01/01/1960	03N 01E	31	SENE	0.06	DOMESTIC	ST(GLODOWSKI, MARGARET (Current)
63	27125	Decreed	GROUND WATER	05/03/1973	03N 01E	31	SENE	0.04	DOMESTIC	WILKINSON, RONALD C (Current)
63	27790	Decreed	GROUND WATER	01/09/1962	03N 01E	31	SESEN	0.04	DOMESTIC	RICE, GILBERT T (Current); RICE, GLADYS (Current)
63	28777	Decreed	GROUND WATER	30/09/1972	03N 01E	31	SENE	0.04	DOMESTIC	LEAVITT, CAROL LEE (Current); LEAVITT, ELDEN (Cur