

01/03

Before the Idaho Water Resource Board

**APPLICATION TO RENT WATER
FROM THE WATER SUPPLY BANK**

JUN 10 2008

WATER RESOURCES
WESTERN REGION

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

Applicant Lawrence and Kay Hansen Phone (208) 884-0118

Address 1440 E. Mary Lane

City Meridian State Idaho Zip Code 83642

RECEIVED

JUN 11 2008

DEPARTMENT OF
WATER RESOURCES

A. DESCRIPTION OF WATER SOUGHT FOR RENTAL

1. Source of water Ground water
tributary to N/A
2. Maximum volume of water 27AF.
3. Maximum rate of diversion 0.12 cfs.

B. DESCRIPTION OF USE PROPOSED

1. Nature of intended use IRRIGATION
2. Location of point of diversion SE 1/4 NE1/4, Section 31,
Township 3N, Range 1E, B.M. ADA County.
3. Season of use: From 4-1 to 10-31
4. Description of diverting works:
Pump HP 3 hp Lift 130 Pump type Submersible.
Canal name, if appropriate _____
5. Place of use:
 - a. If water is for irrigation, describe the number of acres to be irrigated by
40-acre tract, section, township and range.

T3N, R1E Sec 31, SE NE

b. If water is not for irrigation, describe the nature of the intended use and the place of use.

6. Describe any other water rights used for the same purposes as rental water sought under this application.

None

7. Who owns the property at the point of diversion?

Applicant

8. Who owns the property at the place of use?

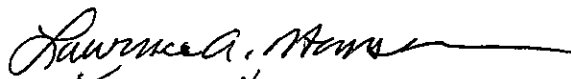
Applicant

9. Are you seeking a rental for more than one (1) year? yes (yes or no)

If yes, for how many years? For as long as needed until accompanying application for permit is approved.

10. Remarks: _____

June 6, 08
Date


Kay M Hansen
Signature of Applicant

FOR DEPARTMENT USE ONLY

Received by John VanOrder by JB Date 6-10-08 Time _____

Published in _____ Pub. Dates _____

Protests filed by _____

Hearing held by _____

Action recommended _____

Memorandum

To: Application for Permits

Jean Vance

Lawrence & Kay Hansen

From: J. Westra

Date: 06/12/08

RE: Background for Applications

The filing of the two individual applications are the result of a complaint filed by area neighbors, see files. Both applicants were beneficially using groundwater for irrigation beyond their domestic water rights. (Hansen 63-22790 & Vance 63-19136). Applicants have filed for water bank rental in the interim for this season.

Processor

**Please send the applications for protest/comments
to: Fred Nitz**

5325 Locust Grove RD

Meridian Id 83642



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

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JUN 10 2008

FORM 202 10/07

WATER RESOURCES
WESTERN REGION

Ident. No. _____

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 _____ $\frac{1}{4}$,
SE $\frac{1}{4}$, NE $\frac{1}{4}$, Govt. Lot _____ B.M., ADA County;
additional points of diversion if any: _____
1. Water will be used for the following purposes:
Amount 0.12 cfs for IRRIGATION purposes from 3-15 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
3. 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)
3. 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

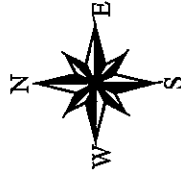
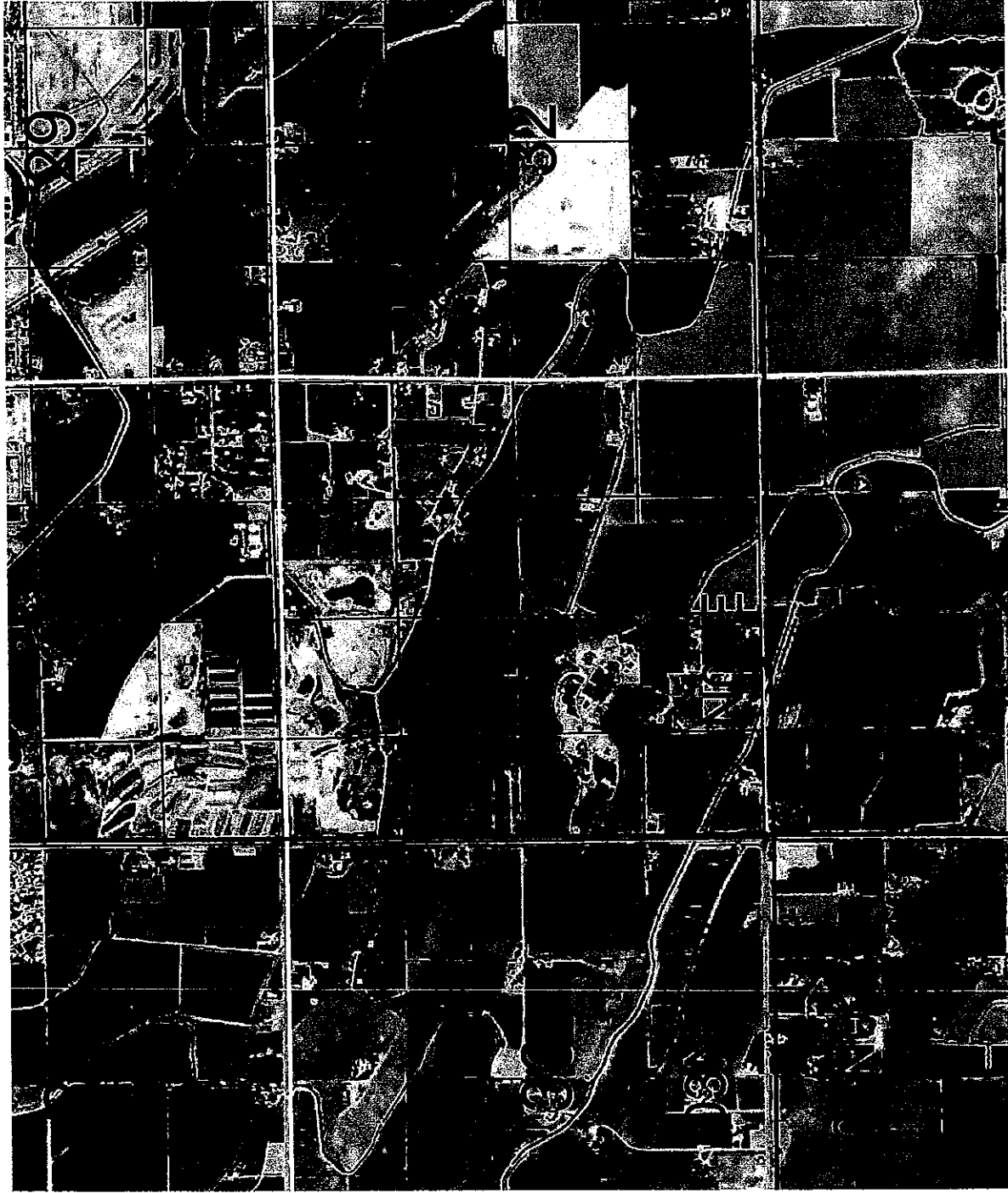
Lawrence A. Hansen Kay M Hansen
Print Name (and title, if applicable)

For Department Use:

Received by JAL Date June 10, 2008 Time _____ Preliminary check by _____
Fee \$ 100- Receipted by DB Receipt No. W036585 Date 6-10-08

Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____ Dates Published _____

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



- Well
- Hansen POU
- Township
- Sections
- QQ



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

RECEIVED

JUN 10 2008

WATER RESOURCES
WESTERN REGION

May 19, 2008

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 $((192/2)*0.5\text{gal./hr})/60 = \mathbf{0.8\text{gal./min}}$ 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 $15*0.8 = \mathbf{12\text{gal./min}}$. 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

Idaho Department of Water Resources Receipt

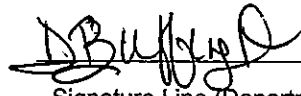
Receipt ID: W036585

Payment Amount	\$225.00	Date Received	6/10/08 9:14	Region	WESTERN
Payment Type	Check	Check Number	3581		
Payer	HANSEN, LARRY A / KAY M				

Comments APPLICATION FOR PERMIT: LAWRENCE & KAY HANSEN; 3N 1E S-31 SENE; 1440 E
MARY LN, MERIDIAN
WELL DRILLING PERMIT UPGRADE FEE

Fee Details

Amount	Description	Fund	Fund Detail	PCA	Subobject
\$100.00	PERMITS	0229	21	62103	1155
\$125.00	DRILLING PERMITS	0229	21	62134	1205



Signature Line (Department Representative)

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

Carol Nitz
Carol Nitz

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

Sherry Wilkinson

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

Herb Nitz
Jo Anne Nitz
888-1298

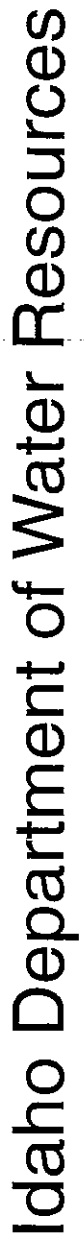
John & Cathy Jobe
5495 W Locust Grove Rd
Meridian, ID 83642 888-7197

John & Cathy Jobe

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



ROLE

Ⓒ Point of Diversion

Townships

Quarter Quarters

SENE
131



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



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>QQ</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