

Holliday, Michael

From: Andy Waldera <andy@sawtoothlaw.com>
Sent: Friday, July 19, 2024 10:58 AM
To: Tracy, Ryan
Cc: Holliday, Michael
Subject: RE: Ryan Ward Replacement Well Application

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Awesome; thank you Ryan.

Appreciate the update.

Regards,
Andy

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From: Tracy, Ryan <Ryan.Tracy@idwr.idaho.gov>
Sent: Friday, July 19, 2024 10:38 AM
To: Andy Waldera <andy@sawtoothlaw.com>
Subject: RE: Ryan Ward Replacement Well Application

Good Morning Andy,

Sorry for the slow reply I have been out of the office. This drilling permit had been approved about a month ago. I had worked with the driller to get the information I needed to approve it. Attached is the approved drilling permit.

Ryan Tracy

Sr. Water Resource Agent
Idaho Dept. of Water Resources
900 N Skyline Dr. Ste A
Idaho Falls ID 83402
ryan.tracy@idwr.idaho.gov
208-497-3791 phone



IDAHO DEPARTMENT OF
WATER RESOURCES

From: Andy Waldera <andy@sawtoothlaw.com>
Sent: Monday, July 15, 2024 4:21 PM
To: Tracy, Ryan <Ryan.Tracy@idwr.idaho.gov>
Cc: Holliday, Michael <Michael.Holliday@idwr.idaho.gov>
Subject: FW: Ryan Ward Replacement Well Application

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Good afternoon, Ryan.

Any word on the below and the attached?

Thank you.

Andy

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From: Andy Waldera
Sent: Tuesday, July 9, 2024 8:51 AM

To: Tracy, Ryan <Ryan.Tracy@idwr.idaho.gov>
Cc: Holliday, Michael <Michael.Holliday@idwr.idaho.gov>
Subject: FW: Ryan Ward Replacement Well Application

Good morning, Ryan.

Just wanting to ensure that you received the email below on July 2?

Thanks,
Andy

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From: Andy Waldera
Sent: Tuesday, July 2, 2024 2:02 PM
To: Tracy, Ryan <Ryan.Tracy@idwr.idaho.gov>
Cc: Holliday, Michael <Michael.Holliday@idwr.idaho.gov>; Carolyn Kirk <ckirk@sawtoothlaw.com>
Subject: FW: Ryan Ward Replacement Well Application

Good afternoon, Ryan.

And Michael—thank you for putting us together.

I meant to get to this sooner, but lost ~3.5 weeks from late May through later June to the EPSA curtailment order fallout and 2024 irrigation season stipulation negotiations and I am now starting to dig out after the Director's issuance of the June 20 order lifting the curtailment with respect to the IGWA member districts (I represent Magic Valley and North Snake Ground Water Districts). So, my apologies for my tardy response.

For some context, my primary contact on the Dredge and Ward families' shared irrigation well (of which Ward BRBA Claim 15-7504 is a part) is Steve Dredge, Jr. But, I also assist the Wards given their connection to the well. This said, I've largely been on a "need to know" basis as Micheal gleaned because I had no idea of Transfer Application No. 88338. I also did not know that Ryan Ward filed BRBA Claim No. 15-7504 until Michael alerted me to that fact. **BTW Michael,**

given the IDWR websites issues with recent document digital availability, can you please forward me a copy of the Ward claim . . . I only have access to IDWR's data entry report?

I am surprised by the BRBA claim filing because claims taking (at least by the Court) has yet to begin in Basin 15 (at least so far as I am aware). And upon review of the IDWR data entry report, I need to get with Ryan Ward and have him amend the claim because the claimed priority, quantity, and irrigated acreage diverge a bit (not much, but some) from his (Ryan's) affidavit (copy attached, along with a copy of the Louis Dredge, Sr. affidavit). For example, Ryan should at a minimum claim a 1946 priority date based on the Dredge affidavit (Louis is older than Ryan, and because their affidavits address the development and use of the same well, Louis' older priority date substantiation should govern).

All this said, I agree that the attached *Application for Well Drilling Permit* (Apr. 1, 2024) ("Application") is problematic. The purpose of the affidavits is to prove up the shared well and provide sufficient evidence allowing the replacement of the old and failing (if not entirely failed) well. This has nothing to do with Transfer No. 88338.

My core question for you Ryan is: Based on revisions to the Application attached (my proposed revisions in red ink), can the Ward and Dredge families proceed with replacing the well that is the subject of the attached affidavits and that is plainly visible from aerial and roadside imagery (attached)? I will make sure that Ryan instructs the well driller to follow the attached revisions accordingly when filling out a new (clean) application.

It was my understanding that this was where Ryan and Steve were headed all along, as opposed to working on a transfer application separate from the attached affidavits. Presuming that a well drilling permit consistent with the attached revisions can/will issue, I will recommend that Ryan withdraw the transfer application and simply pursue his portion of that water right in a separate BRBA claim because the transfer application process should not be necessary to advance the ball on drilling the replacement well.

I am not sure how the well driller (applicant) got so confused, and certainly understand why this process went sideways for bit with IDWR questions.

To the extent it still needs answered (which question was posed to me while I was unaware of the transfer application): the well mechanical characteristics are found in Paragraph 9 and Exhibit E of the Dredge Affidavit, and its output was 100 miner's inches (900 gpm) (2.0 cfs).

Please advise and I will go from there.

Thanks,
Andy

P.S., Michael—

Should there still be issues with the well drilling permit for the replacement well, I will need to circle back with Ryan. I hate to ask, but as a contingency plan may I please have until August 9 to work on the transfer angle if need be. I hoping that the transfer will be withdrawn in favor of the above-discussed approach, but hedge nonetheless.

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From: Holliday, Michael <Michael.Holliday@idwr.idaho.gov>
Sent: Monday, May 20, 2024 4:10 PM
To: Andy Waldera <andy@sawtoothlaw.com>
Cc: Chris Ward <crw756@gmail.com>; wardrd207@gmail.com; Tracy, Ryan <Ryan.Tracy@idwr.idaho.gov>
Subject: FW: Ryan Ward Replacement Well Application

Andy,

I talked with James about the well, and he suggested I talk with Ryan Tracy, our agent in Eastern Region who specializes in well drilling. Ryan said there were several problems with the application for drilling permit filed by Michael Frandsen (see attachments).

1. The drilling permit application referenced water right 15-7506, which is the split portion of the Marcus Jones right currently associated with transfer application 88338. The right is not active and won't be active until the transfer is approved. Based on our conversation this morning, you may be better off referencing BRBA claim 15-7504, since the well that needs to be replaced is currently associated with active AJ claim 15-7504.
2. The proposed well location is unclear. The GPS point listed is about 18 miles from the legal description listed.
3. Item #5 on the application shows both new well and replacement well. If the plan is to abandon the existing well and drill a replacement well in the same quarter-quarter, then only "replace" should be marked. If the plan is to add a well or to drill a replacement well in a different quarter-quarter, then you will need to file an application for transfer to add and/or change the point of diversion of BRBA claim 15-7504 (it's not likely that a drilling permit would be issued before the transfer is approved).

Please direct any drilling permit questions to Ryan Tracy.

Andy, as for transfer 88338, we will grant you additional time to provide the requested documentation that shows the historical development of 15-4195. If we do not receive the requested information by July 12, 2024, your application for transfer will be denied. Another option would be to withdraw the transfer and file an adjudication claim.

Let me know if you have any questions.

Michael Holliday

From: Tracy, Ryan
Sent: Monday, May 13, 2024 12:21 PM
To: MWWD24@gmail.com
Subject: Ryan Ward Replacement Well Application

I was working on the application for Ryan Ward and I am coming across some issues. The PLSS and Lat. & Long. don't match up to where the authorize point of diversion for the statutory claim 15-7506. I have attached a map showing where the well is proposed (upper dot) and where the well is allowed (lower dot). The other problem I am seeing is that technically 15-7506 doesn't even exist yet because it is part of an on-going transfer and will only be created if the transfer is approved. Can you do some digging on your end to track down the correct drilling location. thanks

Ryan Tracy
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