LODGED

District Court - SRBA
Fifth Judicial District
In Re: Administrative Appeals
County of Twin Falls - State of Idaho

MAY 27 2016

By _____ Clerk

_____ Deputy Clerk

Richard Parrott
1389 East 4400 North
Buhl, ID 83316
Telephone: (208)308-7113

PRO SE

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF STATE OF IDAHO,

IN AND FOR THE COUNTY OF TWIN FALLS

IN THE MATTER OF APPLICATION FOR REVIEW TRANSFER NUMBER 79357 AND 79380 TWIN FALLS, COUNTY	**Case No. CV-42-2015-4552**
RICHARD PARROTT	**Transfer Protest Parrott Brief**
Petitioner,	
vs	
IDAHO DEPARTMENT OF WATER RESOURCES AND Gary Spackman, in his official capacity as Director of IDWR And Cedar Ridge Dairy, LLC, Intervenor	
Respondents	

What seems and was a long time ago (April 2015), Cedar Ridge Dairy applied to IDWR for a water transfer from the Leno Ranch 40 miles south of the dairy and 1 mile north of the Nevada border.

Idaho Water, a water broker, had facilitated three transfers from Leno and they were previously unprotested. Two went in the Buhl area, north of the "Highlive Canal" of the Twin Falls Canal company where ample domestic amounts of water is found. The other went to an isolated farm 2 miles north of Hollister which has not been tapped yet.

When by accident, affected citizens learned of the proposed three (eventually four) transfers, protests were filed by twenty plus citizens and five more citizens operated under one individual.

Identities were requested hidden for fear of retribution by employers (i.e. banks and dairies).The twenty protests, on the record, should be given much weight as to the native knowledge of local underground and surface water.

Two slide shows were presented at Travis Thompson's office on the Canyon Rim (he has since moved to old Twin Falls Canal Company Office). Ten plus participants heard from Travis Thompson and the Cedar Ridge engineer. It was later learned that this sort-of off the record meeting was for compromise and settlement but none was offered.

A prehearing was conducted by Mr. Ceflo from Idaho Falls IDWR Office. The room was full. He had an assistant, Sharon. Upon a much later inquiry, Ceflo revealed that no records or tapes were made.

A citizen inquired about compromise and Ceflo stated that none had been offered by the Dairy. Mr. Ceflo inquired about water use records and two of the principals that were present, young Haflinger and Ryan Visser, said that there weren't any.Ceflo challenged them to get some.

Records were required by the original water permit for this operation from ten years ago, and as such is revealed in the 2700 plus pages IDWR record. Those records state the original water permit may be cancelled because of ground water pollution. A question from the group was "what about consequences for no records?" Ceflo's response was that they (IDWR) are not good at enforcement.

Protestants left angry, confused, and determined.

Led by the retired Colonel Ed Smith and his wife, Phong, protestants found practical hydrologist, Ed Squires to assist.

Bill Bonnichsen, a geologist who grew up in filer and whose adolescent playground included the Salmon Tract, was hired by Richard Parrot and his son Eric Parrott. Bonnichsen's background and knowledge is found in the record. Perhaps excluded from the transcript, was his comment that he, as a geologist, gathers the knowledge at public expense and professional hydrologists charge for it.

Protestants were told IDWR and the court would not listen to protestants information. Endless and apparent useless interrogatories followed. A forest service engineer was praised by Ed Squires for his knowledge and experience in water flow theory.

One protestant, a dairy nutritionist who was most affected by the proposed transfer to the 3300 North road, hired Attorney Coleman. This dairy nutritionist and other protestants live south of the 3300 North road in the Berger area. She has since sold her cherished ~~house~~ horse property.

The 3300 North Road transfer, within 400 plus feet of existing rural homes, was rejected by Ceflo based on a "case by case" decision (apparently based on potential damage to those in proximity). Three other transfers were approved by hearing officer Ceflo.

One labeled "Four Sisters" was promoted by IDWR to allow transfers between the east and west dairy sites on the 3100 North road. Two other transfers were proposed for two existing dairy sites.

→ Ceflo's stipulation was that the "cow cooling water" water right could not be used in the winter.

→ Ceflo also did not allow a 1970 water right priority date from Leno to be transferred to new wells at the 3100 road ___. The two existing dairy sites and their wells are hundreds of feet from the highline canal, which is charged and leaks 7-8 months of the year. The actual dairy sites are a mile apart.

South (higher in elevation) and north (lower in elevation) of the highline canal, there are hundreds of homes built since 1970 which would suffer in an eventual water call type action if the dairies proved to be draining the local water level.

In what appears to this author to be an act of greediness, Cedar Ridge took the matter of cooling water and priority date directly to Director Spackman.

Spackman overturned Ceflo on priority date (1970) and winter cow cooling water. Spackman issued a final order to that effect. Ed Smith did a scholarly brief explaining why Ceflo was right and Spackman was wrong.

The final order was contradictory and confused. Protestants could not follow it.

Cedar Ridge asked for clarification and an amended final order came forth. It was still very wrong--just plain wrong in conclusions of conductivity in the dairy site areas, and conflicting with the actual record.

Although Parrott challenged that Spackman had actually listened to the tapes, IDWR Attorney Baxter defended him at the status hearing, saying that he had listened.

The written and transcript record do not confirm Spackman's conclusions on conductivity. The result is underestimating drawdown to local home wells if a commercial user comes online.

Given a new set of deadlines, Parrott appealed the amended final order and was rejected and moved to water court with his pleadings. The late appeals to IDWR were to exhaust Parrott's administrative appeals as he assumed that could be used as a reason to not qualify for judicial review.

The final appeal to IDWR included water transfer numbers 79357 and 79380. In the initial filing with the water court one transfer was left out of the caption. Parrott corrected that mistake with additional information including a copy of a printed email to IDWR. 14 days are allowed to modify suit.

The court rejected the idea of two filings combined, as the code talks in the singular. The consequence of that approach would be $240 to Parrott and the time to do so has expired. The court rejected Parrott's idea of following the Supreme Court writings of the expediting and simplifying process (Parrott argued that the transfers were identical).

Parrott continues to object to both 79357 and 79380 transfers as invalid in basic requirement that the water right to transfer from Leno needs to have been used for 5 previous years.

2005 and on Google Earth images reveal water wasn't used on the Leno property. Nothing shows irrigated green.

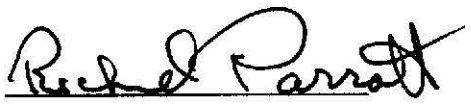
Diesel receipts in 2000 show volumes sufficient to pump for irrigation. Later receipts are insufficient to prove irrigation pump use. The volume would be adequate for swathing hay.

In the first of the transcript record, which begins at noon of the second day of the hearing, Ceflo states that he relies on past IDWR records, yet he actually relies on Cedar Ridge representations and the mentioned 47 pages justifying the previous three transfers from Leno are not in evidence.

The Protestants were not fully aware of these 47 pages at the time. The IDWR is obligated to investigate the validity of transfer applications, not just fill in the blanks on a transfer form.

In summary, the court should reaffirm Ceflo's decisions on winter "cow cooling water" and on no 1970 priority date. If the court cannot include the 47 pages in evidence (they have been filed with the court), it is Parrott's understanding that this may all be taken up in a timely requested trial De novo. The source for this statement is the Supreme Court's rules for District 5 and water court.

Parrott requests one week to add to this document.



Richard Parrott Pro se

May 27, 2016

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the _____ day of _____, 2016, I served true and correct copies of the foregoing upon the following by the method indicated:

SRBA District Court 253 3rd Ave. North PO Box 2707 Twin Falls, Idaho 83303-2707	_____ U.S. Mail, Postage Prepaid __✓__ Hand Delivery _____ Facsimile _____ Email
Garrick Baxter Meghan Carter Deputy Attorneys General Idaho Department of Water Resources	_____ U.S. Mail, Postage Prepaid _____ Hand Delivery _____ Facsimile __✓__ Email
Cedar Ridge Dairy, LLC Travis L. Thompson Paul Arrington 163 2nd Ave.West Box 63 Twin Falls, ID 83303-0063	_____ U.S. Mail, Postage Prepaid _____ Hand Delivery _____ Facsimile __X__ Email

Re: Fwd: Hydraulic Conductivity

A

Pwatt brief
27 May 2016
CV-42-2015-4552

Subject: Re: Fwd: Hydraulic Conductivity
From: "Ed and Phuong" <edphuong@filertel.com>
Date: Tue, 10 May 2016 09:16:32 -0600
To: "Richard Parrott" <ofarm@lightcom.net>

Hi Richard,
As I understand it the hydraulic conductivity is how fast the water will move through the underground terrain.

Lets say you are pumping from 300 feet depth and your well is surrounded by sand, which will have a high conductivity rate. The water seeping into the actual well will travel rapidly through the sand from a larger and larger diameter (the cone of depression) to backfill the water being pumped.

If on the other hand your well is surrounded by clay (or basalt) which has a low hydraulic conductivity rate, where the water does not travel easily through those materials to backfill the well water being withdrawn, then the cone of depression will be limited to essentially the area that is very close to the well hole, (a very narrow cone of depression). In this case the well will be limited to a small volume of pumped water (over a given period of time) since there is essentially no immediate and quickly accessible pool of "backfill" water in the surrounding area.

If the two wells in the above examples were to pump for the same amount of time, the sand well would produce a continuous "backfill" of water from a larger and larger area (a larger and larger cone of depression), while the clay/basalt well may go dry, since the "backfill" water will not travel fast enough to supply the well with new water (a narrow and limiting cone of depression).

That's as I see it, you may want to check with the local IDWR guys.

Thanks, Ed

From: Richard Parrott
Sent: Sunday, May 08, 2016 10:26 PM
To: eric parrott (verticalascenteric@msn.com) ; Brodie Parrott ; Orrin Parrott ; Ed and Phuong Smith
Subject: Fwd: Hydraulic Conductivity

can anyone explain this conductivity to me so I can fill in the judge

Parratt brief
27 May 2016
CV-42-2015-455C

B

On page 4 of the amended final order of transfer #79357 states the following:

> There are other domestic wells located approximately one-half mile away from the proposed well. Brockway did not model drawdowns in these wells caused by pumping the proposed wells. The relationship between the drawdown in the pumping well and the drawdown in the well 1.5 miles away is not linear. The slope of the cone of depression for drawdown is steeper near the pumping well. The slope of the cone of depression flattens at greater distances from the pumping well. Pumping from a well with a higher hydraulic conductivity (for example, 108 ft/day vs. 15.3 ft/day) will result in less drawdown near the pumping well, but the cone of depression reaches out a greater distance from the pumping well to deliver an equal quantity of water to the pumping well for diversion.
>
> By employing a hydraulic conductivity value of 15.3 ft/day, the predicted drawdown in a well 1.5 miles away is 1.5 inches. Even though the cone of depression for a pumping well with a higher value of hydraulic conductivity results in larger drawdowns at greater distances from the pumping well, the drawdown caused by the extended cone of depression will be fairly flat and approach the water table elevation in the distance between one-half mile and 1.5 miles from the pumping well. The drawdown one-half mile away caused by pumping the proposed well would likely not exceed several inches.

The statement that "Even thought the cone of depression for a pumping well with a higher value of hydraulic conductivity results in larger drawdowns at greater distances from the pumping well,...." does not appear to be accurate. One can look at Brockway's analysis and see that the **lower** hydraulic conducitivies cause **larger** drawdowns.