

Cefalo, James

From: Cefalo, James
Sent: Monday, January 04, 2016 11:51 AM
To: 'loydbriggs@gmail.com'
Cc: Fritz, Cooper
Subject: Water Right 15-7174

Mr. Briggs,

I'm sorry if poor cell phone reception made you miss part of our conversation this morning. I'll try to cover all of the same information in this email.

You filed Application for Permit 15-7174 in August 1999. IDWR approved the permit in October 1999. The permit included a condition requiring proof of beneficial use to be filed by November 1, 2004. Shortly before the proof due date, you filed a request for extension of time, asking for additional time to develop the permit. Your request stated: "Well has been drilled and cased and well has been cleaned, plunged out, and casing perforated." The request also stated: "I do not have the money this fall to install the pump and column to get the well producing."

The request for extension was approved and the proof due date was extended to November 1, 2006. On November 2, 2006, you filed a second request for extension of time to develop the permit. That request was denied because the law only allowed for one extension of time. Because the extension of time was denied, the proof of beneficial use was due by November 1, 2006. You filed proof of beneficial use shortly after you learned that the second request was denied.

As IDWR reviews permits for licensing, we must determine the extent of beneficial use occurring during the authorized development period. In the case of Permit 15-7174, we must determine what amount of beneficial use occurred prior to November 1, 2006. As I reviewed the water right file, something jumped out and caused me concern. In your second request for extension (received by IDWR on November 2, 2006) you stated: "Well has been drilled, cased, cleaned, plunged out and casing perforated. Small pump has been installed for testing water in well. Have been unable to get adequate three phase power line extended to the well location of the size necessary to support the pump horsepower necessary to lift the water to hook into the present irrigation system." If your statement reflects the status of the project on November 1, 2006, it seems that the permit was not developed prior to the proof due date.

In Idaho, permit holders are required to develop proposed projects within a specified amount of time. There are many reasons for this limited development window. The primary reason is to prevent speculation (where a speculator would appropriate large amounts of water and hold the permits into perpetuity with no intent to develop, thereby restricting future development in an area). To prevent speculation, the Idaho Code includes very strict limits on the development of permits. Idaho Code Section 42-204 states: "The department shall require that actual construction work and application of the water to full beneficial use shall be completed within a period of five years from the date of such approval . . . and the permit shall set forth the date when beneficial application of the water . . . shall be made." Section 42-204 also states: "The holder of any permit who shall fail to comply with the provisions of this section within the time or times specified shall be deemed to have abandoned all rights under his permit."

The information available at this time suggests that Permit 15-7174 may not have been developed prior to November 1, 2006. I recognize, however, that I might not have all of the information that may exist about the system. That is why I am contacting you, to see if you have any other information (receipts, invoices, work orders, recollections, affidavits, power records, diesel fuel records, etc.) that will help me understand the status of the ground water system prior to November 1, 2006. I won't take any action on this permit in January. That gives you about one month to review your records. Please scan and email (or mail, if you prefer) me any information you think would be helpful.

James Cefalo
Water Resources Program Manager

RECEIVED

JAN 25 2016

Department of Water Resources
Eastern Region

January 21, 2016

Re: Water Permit No. 315-7174

Dear Mr. James Cefalo,

In response to your Jan. 4, 2016 email regarding the above referenced Water Permit No., I appreciate you contacting me. I do not keep old operating expense receipts for more than 5 years back, but I do keep receipts & invoices for capital expenditures and was able to find the "enclosed" invoice from American Pump Co. for bowls (pump) column, pump head & gear drive for the irrigation well.

As I recall, I wanted to install a larger electric submersible pump in the well, but decided that I had better install column, tube, shaft, bowls & gear head so I could use a 6 cylinder Deutz diesel engine that I already owned.

I had anticipated that getting adequate 3-phase electricity installed to the well site and purchasing a larger electric motor would take more time and money than I had at this time. I went ahead with the diesel engine hookup to the well head & pumped water from the irrigation well into the existing system on the field.

I did hope that IDWR would grant an additional extension so I would have additional time and money to get the 3-phase electric system installed as diesel fuel was very expensive in 2006. As soon as I learned that my request for extension had been denied, I filed an Application for Proof of Beneficial Use, using the existing diesel system.

Cooper Fritz (IDWR) called me in April, 2015, to make an appointment to come measure the well's output. On July 9, 2015, he came to my farm & he measured the well's output.

I hope this information clarifies what was done.

If you need anything further please contact me.

Thank you.

Sincerely, Lloyd W. Briggs

Cell phone: (208) 329-1971

email: logdbriggs@gmail.com

American Pump Co.
P.O. BOX 267
10758 NORTH YELLOWSTONE HWY
UGON, ID 83454-0267
United States

Voice: 208-529-4517
Fax: 208-529-4587

INVOICE

Invoice Number: 015590
Invoice Date: Jul 10, 2006
Page: 1

Bill To:
LOYD BRIGGS 410 N. 2100 W. MALAD, ID 83252

Ship to:

Customer ID	Customer PO	Payment Terms
BRIGGL		Net 15 Days
		Ship Date: Due Date
		7/25/06

Quantity	Item	Description	Unit Price	Amount
1.00		10STG 10H75	7,500.00	7,500.00
240.00		8" COLUMN, TUBE, & SHAFT	33.50	8,040.00
1.00		PUMP HEAD	1,500.00	1,500.00
1.00		RIGHT ANGLE GEAR DRIVE	1,000.00	1,000.00
1.00		CONE STRAINER	300.00	300.00
1.00		INSTALL PUMP	1,500.00	1,500.00
3.00		8" GATE VALVES	550.49	1,651.47
60.00		8" PVC	5.38	322.80
1.00		8" WYE TEE	237.10	237.10
6.00		8" FLANGES	24.74	148.44
5.00		ROTATORS	17.45	87.25
2.00		8" PIP COUPLERS	38.00	76.00
Subtotal				22,363.06
Sales Tax				
Freight				
Total Invoice Amount				22,363.06
Payment/Credit Applied				
TOTAL				22,363.06

Return PIP - 76.00

Check/Credit Memo No:

PLEASE PAY FROM THIS INVOICE
1.5% SERVICE CHARGE AFTER 30 DAYS
WE NOW ACCEPT VISA & MASTER CARD