

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION	)	
FOR PERMIT NO. 78-12432 IN THE	)	
NAME OF BRANDON BECKER AND	)	PRELIMINARY ORDER VOIDING
STEPHENY VOS	)	APPLICATION FOR PERMIT
_____	)	

This matter having come before the Department of Water Resources (Department) as a result of an application to appropriate water, the Department finds, concludes, and orders as follows:

FINDINGS OF FACT

1. On August 6, 2015, Brandon M. Becker and Stepheny F. Vos (applicants) applied to the Department for a permit (application) to appropriate 0.04 cubic feet per second of water for the purposes of irrigation and domestic use from a ground water well within the NW ¼ NE ¼, Sec. 35, Township 20 North, Range 1 East, B. M.

2. On November 11, 2015, the Department sent a letter to the applicants requesting the application to be amended to meet department standards and to clarify the number of acres to be irrigated and the place of use. The applicants were notified the application will be void if a response is not received within thirty (30) days. The department did not receive a response to the letter.

3. On December 21, 2015, the Department sent the applicants a notice of intent to void based on the applicant's failure to provide the requested information or submit a written request for an extension of time. The notice provided an additional thirty (30) days for the applicants to respond. The department did not receive any communication from the applicants.

4. Idaho Code § 42-204 says, in pertinent part:

If upon such examination the application is found defective, it shall be the duty of the department of water resources to return the same for correction or to correspond with the applicant to obtain the needed information or amendments. If the application is returned to the applicant or the department shall request additional information and the applicant fails to return the corrected application or to supply the needed information within thirty (30) days, the department may void the record of said application and notify the applicant of such action.

CONCLUSIONS OF LAW

1. Idaho Code § 42-204 authorizes the Department to void an application if the applicant fails to supply requested information within 30 days.
2. The Department should void the application as provided in Idaho Code § 42-204.

ORDER

IT IS HEREBY ORDERED that Application for Permit No. 78-12432 in the name of Brandon Becker and Stepheny Vos is **VOIDED**.

Dated this 22nd day of January 2016.



Nick Miller

Manager, IDWR Western Region

RECEIVED
Original Application
AUG 06 2015
WATER RESOURCES
WESTERN REGION

VOID

Ident. No. 78-12432

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

1. Name of applicant(s) Brandon M. Becker and Stepheny F. Vos Phone 208 315-0458
Name connector (check one): ☒ and ☐ or ☐ and/or
Mailing address 3919 Cemetery Road City New Meadows
State ID Zip 83654 Email biggestspreadeagle@gmail.com
2. Source of water supply Groundwater which is a tributary of unnamed seep
3. Location of point(s) of diversion:

TWP	RGE	SEC	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
20N	1E	35			NW	NE	Adams	groundwater	66861

4. Water will be used for the following purposes:
- Amount .02 for Domestic purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)
- Amount .02 for irrigation purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
5. Total quantity to be appropriated is (a) .04 cubic feet per second (cfs) and/or (b) _____ acre feet per year (af).
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. Well, 225 depth, 6 inch casing for domestic use.
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11. For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☒ No
- c. Proposed well diameter is 6 inches; proposed depth of well is 225 feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
- e. If well is already drilled, when? 1997; drilling firm JRU Drilling;
well was drilled for (well owner) Richard Yelton; Drilling Permit No. 78-97 W 0006-000
7. Description of proposed uses (if irrigation only, go to item 8):
- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; complete and attach the Municipal Water Right Application Checklist.
- d. Domestic; show number of households 1 household
- e. Other; describe fully. watering of yard

Superseded by Amended Application
received 2/4/2016

back → 1

8. 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	
20N	1E	35		D															.02
				1/2 I															.02

Total number of acres to be irrigated: 1/2

9. 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?

Yard Watering

10. a. Who owns the property at the point of diversion? Brandon M. Becker and Stepheny F. Vos
- b. Who owns the land to be irrigated or place of use? Same
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

Application for water right for Domestic use, source is groundwater, tributary of unnamed stream. Some watering of yard. Well has been drilled and water is being put to beneficial use. Location of well is: T 20 North, Range 1 East, section 35, NWNE. POD = N 45 degrees 01.937, W. 116 degrees 18.028. POU = N 45 degrees 01.932, W 116 degrees 18.026.

12. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2" 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.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

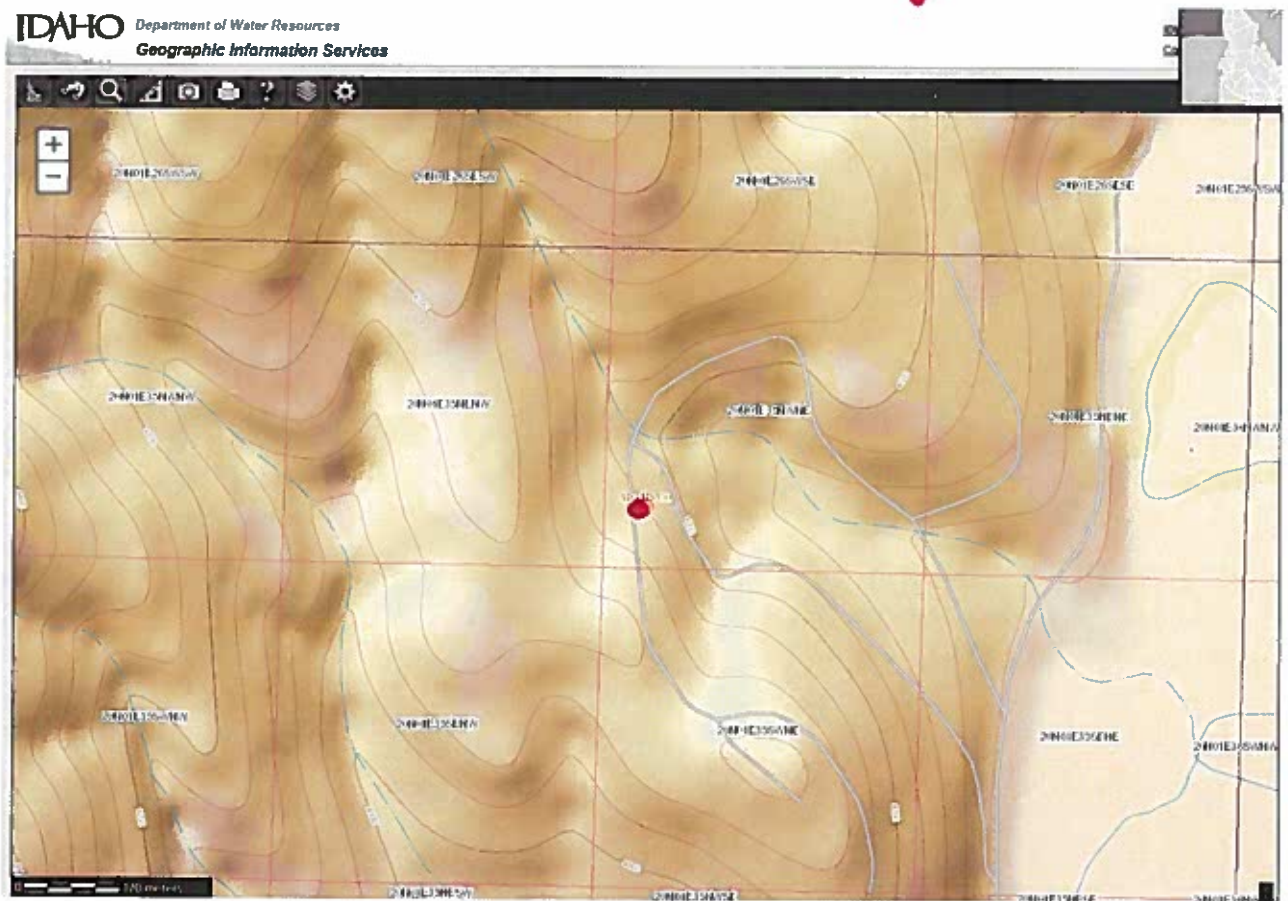
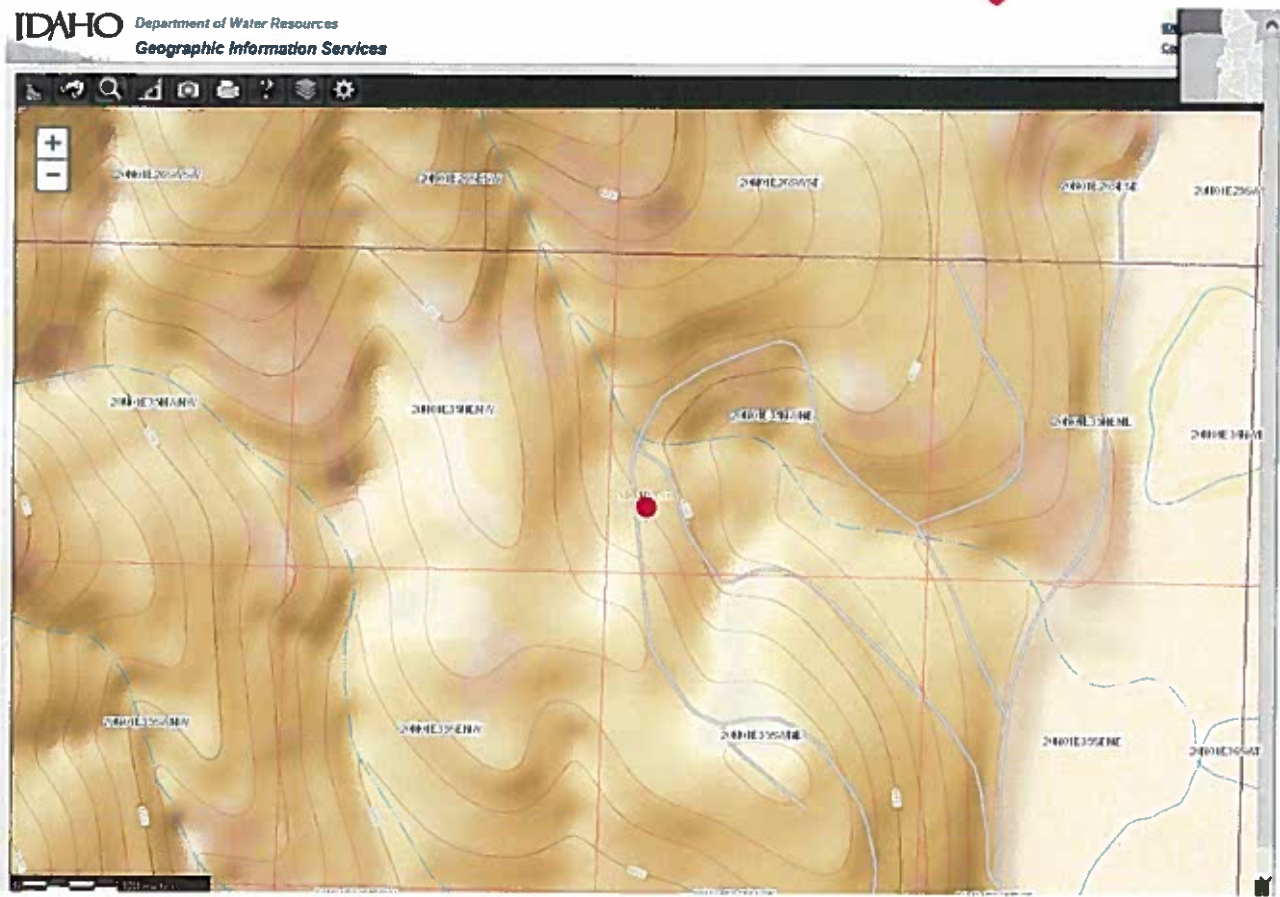
Brandon Becker
Signature of Applicant

Brandon Becker
Print Name (and title, if applicable)

Stepheny Vos
Signature of Applicant

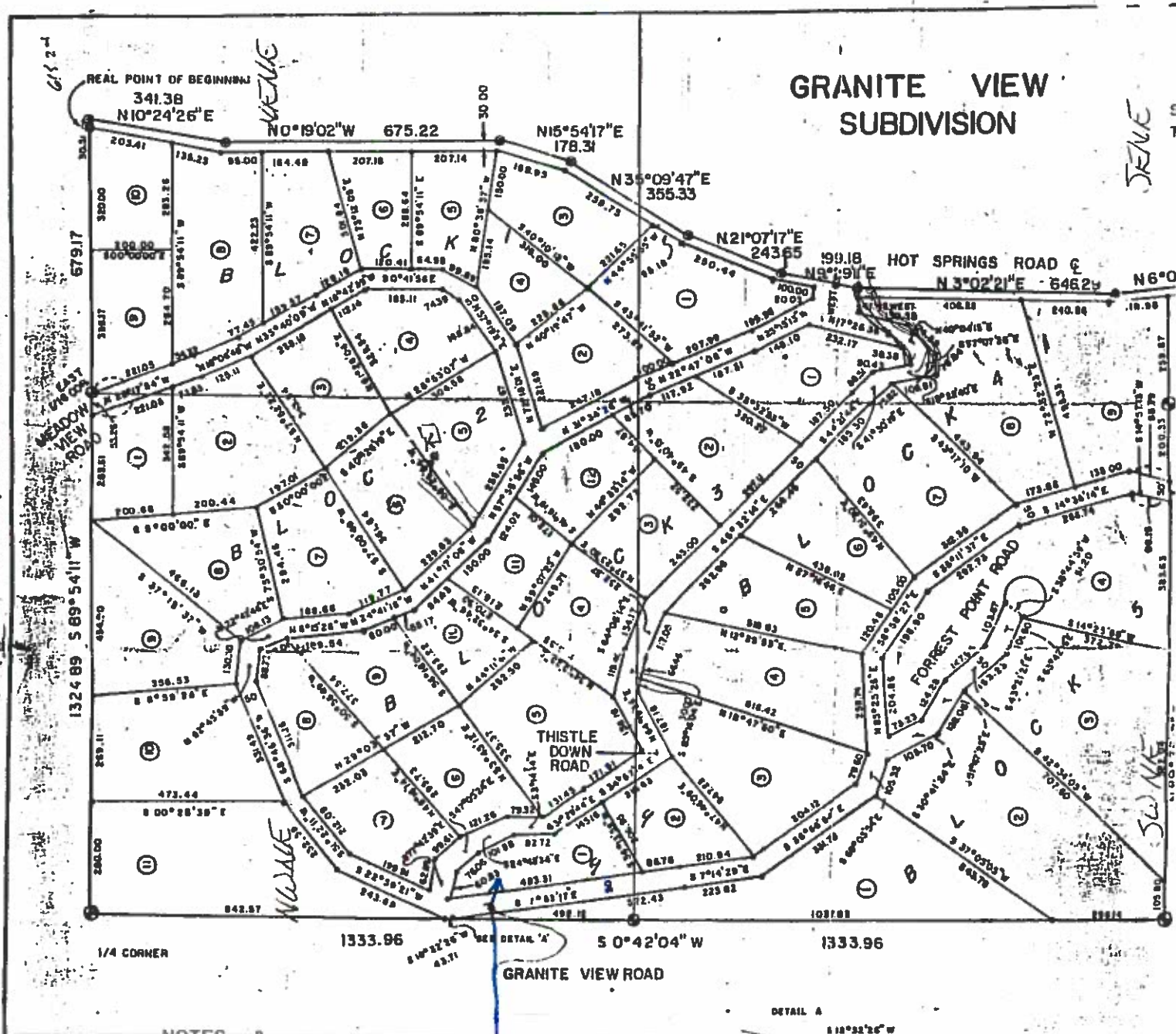
Stepheny Vos
Print Name (and title, if applicable)

Received by ds Date 8/6/15 Time 1:15 Preliminary check by W043386
Fee \$ 160.00 Receipted by ds Receipt No. W043386 Date 8/6/15





• = hydrant & home
(irrigation) (domestic)



Brandon M. Becker and Stepheny F. Vos; Lot 1 Block 4 Granite View Subdivision. Groundwater Application POD and POU, Township 20N, Range 1E, Section 35, NWNE



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

GARY SPACKMAN
Director

January 22, 2016

BRANDON M BECKER
STEPHENY F VOS
3919 CEMETERY RD
NEW MEADOWS ID 83654

Re: Preliminary Order in the matter of Permit No. 78-12432

Dear Interested Parties:

The accompanying order is a "**preliminary order**" issued by the Department. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as described in the enclosed information sheet.

If you have any questions regarding this matter, please call me at 208-334-2190.

Sincerely,

 Rachel Neely for:

Nick Miller
Western Regional Manager

Enclosures

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of January, 2016, true and correct copies of the foregoing **PRELIMINARY ORDER** were served by placing a copy of the same with the United States Postal Service certified mail, with return receipt requested, postage prepaid, and properly addressed to the following:

RE: 78-12432

BRANDON M BECKER
STEPHENY F VOS
3919 CEMETERY RD
NEW MEADOWS ID 83654



Rachel Neely
Administrative Assistant

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5). Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

12/21/2015

BRANDON M BECKER
3919 CEMETERY RD
NEW MEADOWS ID 83654

Re: Notice of Intent to Void Application For Permit 78-12432

Dear Applicant(s),

On 08/06/2015 the Department of Water Resources (IDWR) received your Application for Permit to appropriate water. The Department requested additional information via a letter dated 11/18/2015. The letter stated that a written reply must be made within thirty (30) days or the Department will void the application. As of 12/21/2015, no written correspondence was received by the Department. If it is your intent to further pursue your application, please provide written response to the original letter or request additional time to respond. If you do not intend to pursue your application for permit please use the enclosed form to withdraw your application and the Department will issue a refund. It is the intent of the Department to void your application within the next thirty (30) days if no response is received.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,

Phill Hummer
Water Resource Agent
Idaho Department of Water Resources
Phone: (208) 334-2190
Fax: (208) 334-2348
Email: phill.hummer@idwr.idaho.gov



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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

COPY

11/18/2015

BRANDON M BECKER AND
STEPHENY F VOX
3919 CEMETERY RD
NEW MEADOWS ID 83654

Re: Water Right Permit Application No. 78-12432

Dear Applicant:

Your recent application for permit proposing the use of water for irrigation and domestic use is being processed. The application has been assigned a priority date but cannot be processed further until the items are clarified:

- 2 - Source was not provided correctly.
According to the well log provided with the application water was not encountered until a depth of 200 feet during the initial drilling of the well. Therefore it is unlikely that the groundwater in your well is tributary to any seeps. Please remove the unnamed seep as tributary of the ground water from section 2 and section 11. Alternatively, if there is an unnamed seep on or near your proposed place of use then please mark it on the map.
- 4 - Proposed Use was not provided correctly.
 - 4b - Domestic Use.
The department has established a standard rate of 0.04 cfs for domestic use. We recommend applicants use this amount on their water right applications. You may use a lesser amount but this may limit the amount of water available to you when the water right is licensed.
 - 4b - Irrigation Use.
The department has established a standard rate of 0.03 cfs per acre for irrigation use on lands less than 5 acres. Using this rate on 0.5 acres will allow you to divert up to a total of 0.002 cfs. Alternatively, our tax lot data indicates the property size at the proposed place of use is 1.3 acres. If you intend to irrigate all the land on the property you can apply for a rate of 0.04 cfs for irrigation. You may apply for a lesser amount but this may limit the amount of water available to you when the water right is licensed.
 - 4c - Irrigation Period of Use.
The standard irrigation season at the proposed place of use is 4/1 – 10/31. Please amend the application to reflect this season of use.

- 5 - Total Quantity.
Please amend the total quantity to be appropriated to reflect any changes you have made to section 4, proposed use. It should be noted that increasing the total amount to be appropriated may change your priority date to the date of the amended application and might change the application processing fee (see the attached fee schedule).
- 8 - Place of Use was not provided correctly.
It appears that you have included the intended rate of diversion in the "totals" column of the POU table. This column is used for the summation of acres to be irrigated. To clarify the proposed place of use and avoid confusion please remove any numerical values related to the rate of diversion from this section. If you want to increase the number of acres to be irrigated (from "Proposed Use bullet point above) then please make the necessary changes to the table, totals column, and the total number of acres to be irrigated.
- 12 - Period of Time.
The department recommends applicants use the maximum time allowed to complete the project and submit proof of beneficial use, which is five (5) years.

Please submit the requested information within the next thirty (30) days. You may seek additional time to provide the information by making a written request to interrupt processing for up to six months. The application will be voided without a timely written reply within the next thirty (30) days. Refunds are not issued for voided applications.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Sincerely,

Phill Hummer
Water Resource Agent
Idaho Department of Water Resources
Phone: (208) 334-2190
Fax: (208) 334-2348
Email: phill.hummer@idwr.idaho.gov

Enclosure: Copy of Permit Application No. 78-12432
Fee Schedule