



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 North Skyline Drive, Suite A Idaho Falls Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER - Governor
Gary Spackman - IDWR Director

March 24, 2014

Dale Jeffrey
2050 East Medicine Wheel Lane
King Hill, ID 83633

RE: Permit 61-12274

Dear Mr. Jeffrey:

On March 19, 2014, I received your letter raising concerns and asking questions about the Preliminary Order Issuing Permit 61-12274. By March 19th, the preliminary order had already become a final order of the Department and could not be amended. However, I think it is still important to address your concerns and questions.

First, your letter stated a concern that the preliminary order only described five permanent sprinklers instead of the fifteen sprinklers which are actually in place. This was an error in the order. The photograph provided with Exhibit A1 and the hand-drawn picture submitted with the original application clearly show that there are currently fifteen solid set sprinklers at the irrigation place of use. The evidence was somewhat confusing because the testimony offered at the hearing described five sprinklers (which were used to irrigate ½ acre in 2012 and 2013).

I believe the error of listing five sprinklers instead of fifteen sprinklers is of no consequence. Permit 61-12274 does not in any way limit the number of sprinklers that can be used to irrigate the authorized 1.5 acres. As long as you do not exceed a total diversion rate of 0.01 cfs (4.7 gpm) and do not exceed 1.5 acres of irrigation, the number of sprinklers used in your system is not important.

Second, you asked whether the term "fire break" should be added as a specific beneficial use on the permit. A natural result of irrigating the ravine area will be the creation of a wet area that should act as a barrier to wild fire. Fire suppression (as a result of maintaining green vegetation) is an inherent benefit of irrigation and does not need to be listed as a separate beneficial use on the permit.

Permit 61-12274 requires you to maintain a lockable device as part of the diversion works that will provide suitable control of the diversion. Because you will use electric power to operate the pump, the electrical panel serves as an adequate lockable device. If it is ever needed, the Department or a watermaster could shut off and lock your diversion at the power box.

Your last question relates to proof of beneficial use. As stated in the permit, proof of beneficial use is due by April 1, 2015. I have enclosed the proof of beneficial use form and instructions. You only are required by law to file the form and the applicable filing fee. However, you are free to provide any other information you feel would be helpful to the Department (such as photos of the irrigated area). After proof of beneficial use is received, the Department will conduct a licensing review to determine the extent of beneficial use occurring under the permit.

I hope this information is helpful. If you have any other questions relating to Permit 61-12274 or the process of providing proof of beneficial use, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Cefalo', written in a cursive style.

James Cefalo
525-7161

Encl: Proof of Beneficial Use Form and Instructions

Cc: Robert Hall, Edward Potucek, Jerry Rigby