

Prehearing Conference Notes

Application for Permit #6112274 –Jeffrey

From: J. Westra

Date: 10/17/12

Protestant Hall

The Hall well already litigated with Idaho Fresh Pack agreement under right 61-7724. Fresh Pack well is off and the Hall well is flowing again. A new appropriation will only cause injury to existing appropriations

Protestant Potucek

The Potucek well is also included in the Fresh Pack agreement. The well also has recovered. Fresh pack well off. Arguments similar to Hall.

Protestant Idaho Fresh Pack

The ground water is a very limited resource in the area. Fresh Pack just paid for the repair/deepening of one of the agreement wells last season. Lease GW from John McCallum north of Glenns Ferry.

All Parties agreed to the following:

- Jeffrey may submit additional information with deadline 12/31/12
- Discovery may begin after the Jeffery information deadline.
- Hearing set for February- March 2013 send out calendars.

Attachment: Attendance roster, agenda, applicable statutes, map,

IDAHO DEPARTMENT OF WATER RESOURCES

ROSTER OF ATTENDANCE

Pre-hearing Conference

Louis D Jeffrey

Application for Permit No's:

61-12274

Place: IDWR Western Regional Office

Date: 10/18/2012

Rigby Law

208-256-3633

NAME

ADDRESS

Edward T. Patrick 1890 E Patrick Lane, Kona Hill, ID 83633
Robert K Hall 2905 W. LATTY Dr. Blennsferry, ID 83623
Louis D. JEFFREY 2050 E. MEDICINE WHEEL LANE King
Hill ID 83633

By conference phone - Idaho Fresh Pack LLC.

Jerry Rigby, Atty

Roger Warner

Rocky Mtn. Environmental

Christine Moore

Leo Herbert

Conference Agenda

Conference
Handouts

Application For Permit #61-12274-- Jeffrey

Date: 10/18/12

Location: IDWR Western Regional Office

-Introductions

-Conference Purpose—IDWR

-Concerns

Protestants: Potucek

--- Uninterrupted

Hall

Idaho Fresh Pack LLC

Applicant--- Jeffrey

-- Uninterrupted

Department

—Uninterrupted

-Comments/questions for the Department

-Discussion

-Options

-Specific Dates and deadlines:

Adjourn

Pre Hearing Conference Purpose

- Formulate/simplify the issues*
- Discuss settlements, make settlement offers*
- Address matters that may expedite conduct of the proceeding or settlement*
- Schedule hearings, discovery.*

Evaluation Criteria --Applications for Permit

Pursuant to Idaho Code §42-203A (5)

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply sufficient for the purposes intended?
3. Is the application made in good faith, for delay, or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest? *that is, the interests that the people in the area directly affected by a proposed water use have in the effects of such use on the public water resource.*
6. Will the proposed use be contrary to conservation of water resources within the State of Idaho?

Web References www.idwr.idaho.gov, select forms-rules-statutes

- Idaho Code 42-203A *Protests—Hearings Appeals*
- Rules of Procedure; IDAPA 37.01.01
- Water Appropriation Rules; IDAPA 37.03.08



Idaho Statutes

TITLE 42

IRRIGATION AND DRAINAGE -- WATER RIGHTS AND RECLAMATION

CHAPTER 1

APPROPRIATION OF WATER -- GENERAL PROVISIONS

42-111. DOMESTIC PURPOSES DEFINED. (1) For purposes of sections 42-221, 42-227, 42-230, 42-235, 42-237a, 42-242, 42-243 and 42-1401A, Idaho Code, the phrase "domestic purposes" or "domestic uses" means:

(a) The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to one-half (1/2) acre of land, if the total use is not in excess of thirteen thousand (13,000) gallons per day, or

(b) Any other uses, if the total use does not exceed a diversion rate of four one-hundredths (0.04) cubic feet per second and a diversion volume of twenty-five hundred (2,500) gallons per day.

(2) For purposes of the sections listed in subsection (1) of this section, domestic purposes or domestic uses shall not include water for multiple ownership subdivisions, mobile home parks, or commercial or business establishments, unless the use meets the diversion rate and volume limitations set forth in subsection (1)(b) of this section.

(3) Multiple water rights for domestic uses or domestic purposes, as defined in this section, shall not be established or exercised in a manner to satisfy a single combined water use or purpose that would not itself come within the definition of a domestic use or purpose under this section. The purpose of this limitation is to prohibit the diversion and use of water, under a combination of domestic purposes or domestic uses as defined in this section, to provide a supply of water for a use that does not meet the exemption of section 42-227, Idaho Code, and is required to comply with the mandatory application and permit process for developing a right to the use of water pursuant to chapter 2, title 42, Idaho Code.

History:

[(42-111) 1899, p. 380, part of sec. 12; reen. R.C. & C.L., sec. 3250; C.S., sec. 5566; I.C.A., sec. 41-111; am. 1990, ch. 319, sec. 1, p. 870; am. 1995, ch. 233, sec. 1, p. 790.]

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IDAHO DEPARTMENT OF WATER RESOURCES

WELL DRILLER'S REPORT

PAGE 1 OF 2 PAGES

802727

1. WELL TAG NO. D 0060383

Drilling Permit No 914097-862727

Water right or injection well #

2. OWNER:

Name Louis D. Jeffrey

Address 2050 Medicine Wheel Lane

City King Hill State ID Zip 83633

3. WELL LOCATION:

Twp. 5S North ☐ or South ☒ Rge. 10E East ☒ or West ☐
Sec. 33 SE 1/4 NW 1/4 SW 1/4

Gov't Lot County Elmore

Lat. N42 56.5922' (Deg and Decimal minutes)

Long. W115 16.8389' (Deg and Decimal minutes)

Address of Well Site 0.45 mile past Medicine Wheel Lane on

Rosevear Rd, Left side City King Hill

Lot Blk. Sub. Name

4. USE:

☒ Domestic ☐ Municipal ☐ Monitor ☐ Irrigation ☐ Thermal ☐ Injection
☐ Other

5. TYPE OF WORK:

☒ New well ☐ Replacement well ☐ Modify existing well
☐ Abandonment ☐ Other

6. DRILL METHOD:

☐ Air Rotary ☐ Mud Rotary ☒ Cable ☐ Other

7. SEALING PROCEDURES:

Seal material	From (ft)	To (ft)	Quantity (lbs or ft)	Placement method/procedure
#8granularBent	0	56.0	1450 lb	Pour in dry annulus

8. CASING/LINER:

Diameter (nominal)	From (ft)	To (ft)	Gauge/Schedule	Material	Casing	Liner	Threaded	Welded
8 5/8"	+2.1	56.0	0.322	Steel	☐	☐	☐	☒

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 56.02 ft

9. PERFORATIONS/SCREENS:

Perforations ☐ Y ☒ N Method

Manufactured screen ☐ Y ☒ N Type

Method of installation

From (ft)	To (ft)	Slot size	Number/ft	Diameter (nominal)	Material	Gauge or Schedule
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Length of Headpipe Length of Tailpipe

Packer ☐ Y ☒ N Type

10. FILTER PACK:

Filter Material	From (ft)	To (ft)	Quantity (lbs or ft)	Placement method
-----------------	-----------	---------	----------------------	------------------

11. FLOWING ARTESIAN:

Flowing Artesian? ☐ Y ☒ N Artesian Pressure (PSIG)

Describe control device

12. STATIC WATER LEVEL and WELL TESTS:

Depth first water encountered (ft) 64 Static water level (ft) 44

Water temp. (°F) 72-76 w/time Bottom hole temp. (°F) 83

Describe access port Remove 8 inch Well Cap

Well test:

Drawdown (feet)	Discharge or yield (gpm)	Test duration (minutes)	Pump	Bailer	Air	Flowing artesian
230	4.7	240	☒	☐	☐	☐
		240 & 240	☒	☐	☐	☐

Water quality test or comments:

13. LITHOLOGIC LOG and/or repairs or abandonment:

Bore Dia. (in)	From (ft)	To (ft)	Remarks, lithology or description of repairs or abandonment, water temp.	Water	
				Y	N
10	0	56	Grey Clay		X
8	56	738	Very Fine grained Grey Sediments	X	X
8	56	64	Grey Clay		X
	64	66	Very fine silty Sand 4 gal/hour	X	
	66	180	Grey Clay		X
	180	180+	Sand Streak	X	
	180+	195	Grey Clay w/very thin sand stringers	X	X
	195	198	Grey Clay, Very Sticky		X
	198	198+	Sand Streak	X	
	198+	227	Grey Clay w/very thin sand stringers	X	X
	227	228	Hard Shale		X
	228	338	Grey Clay w/very thin sand stringers	X	X
	338	340	Very fine silty Sand	X	
	340	343	Grey Clay, Very Sticky		X
	343	351	Grey Clay		X
	351	355	Clayey Sandstone	X	
	355	396	Grey Clay w/very thin sand stringers	X	X
	396	402	Grey Clay, Very Sticky		X
	402	403.5	Clayey Sandstone	X	
	403.5	461	Layers of Hard Grey Clay & Sticky		X
	461	463	Fine Silty Sand	X	
	463	521	Grey Clay		X
	521	522	Hard Shale		X
	522	526	Sand & Clay Layers	X	X
	526	527	Hard Sandstone	X	
	527	538	Grey Clay w/very thin sand stringers	X	X
	538	539	Hard Sandstone	X	
	539	556	Hard Grey Clay		X
	556	565	Black Sandstone	X	
	565	579	Black Clay		X
	579	690	Hard Grey Clay, Sticky		X
	690	710	Grey Clay w/very thin sand stringers	X	X

Completed Depth (Measurable): 738 ft

Date Started: December 27, 2011 Date Completed: April 17, 2012

14. DRILLER'S CERTIFICATION:

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name Artesian Co.

Co No 318

*Principal Driller Hugh Harden

Date 4/18/2012

*Driller Hugh Harden

Date 4/18/2012

*Operator II HUGH HARDEN

Date 4/18/2012

Operator I Date

* Signature of Principal Driller and rig operator are required.

RECEIVED

APR 20 2012

WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAmended

APPLICATION FOR PERMIT

Amended

To appropriate the public water of the State of Idaho

1. Name: LOUIS D JEFFREY
2050 E MEDICINE WHEEL LN
KING HILL ID 83633
(208) 336-3001
2. Source: GROUND WATER
3. Location of Point of Diversion:
#1 GROUND WATER NW1/4SW1/4 Sec. 33, Twp 05S, Rge 10E, B.M.
ELMORE County
4. Water will be used for the following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/01	to 11/15	0.06 CFS	
STOCKWATER	01/01	to 12/31	0.02 CFS	
WILDLIFE	01/01	to 12/31	0.06 CFS	

5. Total quantity to be appropriated is: 0.06 CFS

6. Proposed diverting works:

POINT OF DIVERSION #1

- a. Type and size of devices used to divert water from the source: 1/2 HP SUBMERSIBLE PUMP
- b. Height of storage dam _____ feet;
Active reservoir capacity _____ acre-feet;
Total reservoir capacity _____ acre-feet;.
- c. Proposed well diameter is _____ inches;
Proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85F being sought?
- e. If well is already drilled, when? _____;
Drilling Firm _____;
Drilling Permit No. _____.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 year(s).

- 8.

SCANNED

JUL 16 2012

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
05S 10E 33	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	2.0
									1.0	1.0							

Total Acres: 2

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
05S 10E 33	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
									X	X							

PLACE OF USE: WILDLIFE

Twp Rge Sec	NE				NW				SW				SE				Totals
05S 10E 33	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
									X	X							

9a. Who owns the property at the point of diversion? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

9b. Who owns the land to be irrigated or place of use? If other than applicant, describe the arrangement enabling the applicant to make this filing.

APPLICANT

10. Remarks:

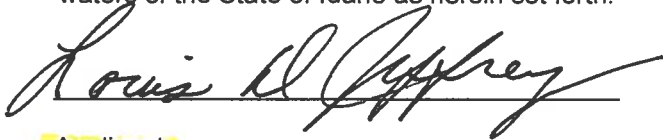
11. Map of proposed point of diversion and place of use attached? ☐

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

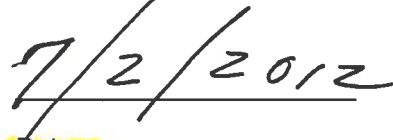
APPLICATION FOR PERMIT

To appropriate the public water of the State of Idaho

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.



Applicant



Date

Received by _____ Date _____ Time _____ Preliminary check by _____
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

Receipt No. W040254

Date: July 3, 2012 Amended. Application ReceivedReceived by: See originalSCANNED
JUL 16 2012



NWSW

NESW

Jeffery

SCANNED

JUL 16 2012

Jeffery #61-12294



Idaho Statutes

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10.15.12

11.30 PM

KRISTIN MOORE CALLED ON BEHALF
OF RORY MANTON AND IDAHO
FRESH PAK. SHE WANTED TO
SEE IF IT WAS POSSIBLE TO
CONFERENCE THEM IN FROM
THE EASTERN OFFICE. I CALLED
HER BACK, 524-2353, AND LET
HER KNOW SHE WOULD NEED TO
CONTACT THE ATTORNEY, JERRY
RISBY, AND HAVE HIM CONTACT
JOHN WESTER.

RF.

Pre-hearing Conference
Louis D Jeffrey
Application for Permit No:
61-12274

Reminder calls for a Pre-hearing conference scheduled on 10-18-2012

Louis D Jeffrey: (208)336-3001

10/11/12
CALLED @ 10:53 AM NO ANSWER AND NO ANSWER MACHINE TO LEAVE MESSAGE. RS

Edward Potucek: (208)366-7320 H (208)358-1807 C

CALLED ON 10/11/12 @ 10:58 AM LEFT MESSAGE ON ANSWER MACHINE. (HOME) R

Robert K Hall: (208)841-1105

CONFIRMED WITH "BOB" ON 10/11/12 @ 11:02 AM RS

Idaho Fresh Pak LLC: (208)356-3633

LEFT VOICE MESSAGE ON 10/11/12 @ 11:04 AM. RS

Rigby, Andrus, & Rigby CHTD: Same as Idaho Fresh Pak *

Rocky Mountain Env'tl Assoc Inc: (208)524-2353 KRISTIN MOORE

LEFT MESSAGE WITH JASON ON 10/11/12 @ 11:08 AM. RS