

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.

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

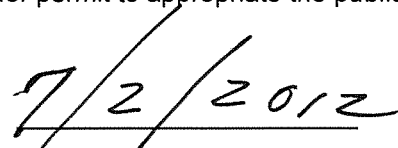
APPLICATION FOR PERMIT

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 original



Jeffrey #61-12294

Dale Jeffrey

Medicine Wheel Ranch

Monday, July 02, 2012

RECEIVED

JUL 03 2012

WATER RESOURCES
WESTERN REGION

**Mr. John Westra; Western Regional Manager
Department of Water Resources; State of Idaho
2735 Airport Way
Boise, Idaho 83705-5082**

Dear Mr. Westra:

Please find enclosed application for permit.. I have signed the application and marked the well and area of use as indicated on the enclosed map.

If I may be of any service at any time don't hesitate to let me know how I may help.

Faithfully,



Louis D. "Dale" Jeffrey

*2050 East Medicine Wheel Lane
King Hill, Idaho 83633*

*Equipment Rent
Feed, Seed, Lumber
Wagons, Horses & Tack*

Home Phone: 208-366-3001

Phone: 208-869-1002

Fax: 208-366-2870

Email: dalejeffrey@equinedentistry.com

Business Web Site: www.equinegnathology.com

Ranch Web Site: www.medicinewheelranchretreat.com

Original

RECEIVED

JUN 12 2012

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESIdent. No. 61-12274

APPLICATION FOR PERMIT

WATER RESOURCES
WESTERN REGION

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) LOUIS D. JEFFREY Phone 208-869-1002
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address: 2050 E. Medicine Wheel Lane City King Hill
 State ID Zip 83633 Email: dalejeffrey@equinedentistry.com
 2. Source of water supply Well which is a tributary of _____
 3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
<u>5S</u>	<u>10E</u>	<u>33</u>		<u>SE</u>	<u>NW</u>	<u>SW</u>	<u>FLMORF</u>	<u>Well</u>	<u>0040383</u>

Location: .45 mi. past medicine wheel lane on down road left side
King Hill

4. Water will be used for the following purposes:

Amount .03 for IRRIGATION purposes from 3/15 to 11/15 (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)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)

5. Total quantity to be appropriated is (a)
- .03
- 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. 1/2 horse submersible
Pump

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 _____ inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No

e. If well is already drilled, when? 4/18/2012 drilling firm Artesian Co.

Hugh Hardin

Well was drilled for (well owner) 1/yr; Drilling Permit No. 914097-862727

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. 30-50 head of horses & or cattle

c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. _____

d. Domestic; show number of households None at this time

e. Other; describe fully. Wild life water and grazing area for

about 100 head of mule deer that travel
through during fall winter & spring.

8. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
55	10E	33														X	X		1.5 - 1.85

Total number of acres to be irrigated: 1.5 - 1.85

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? Not at present

- Who owns the property at the point of diversion? Louis D. Jeffrey
- Who owns the land to be irrigated or place of use? Louis D. Jeffrey
- 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. To irrigate 1.5-1.8 acres from my livestock well creating a small greenbelt area in a natural waterway on my farm. Farm is all dryland grazing, approx 44-55 acres.

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 8½" 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.

Louis D. Jeffrey
Signature of Applicant

Signature of Applicant

LOUIS D. JEFFREY
Print Name (and title, if applicable)

Print Name (and title, if applicable)

For Department Use:

Received by RS Date 6-12-12 Time 11:50am Preliminary check by _____
Fee \$ 100 Received by RS Receipt No. W040254 Date 6-12-12

Louis D Jeffrey
 .45 Miles West of 2050 E. Medicine Wheel Lane
 King Hill, Idaho 83633
 208-869-1002

Rosevear Road

Rosevear Road

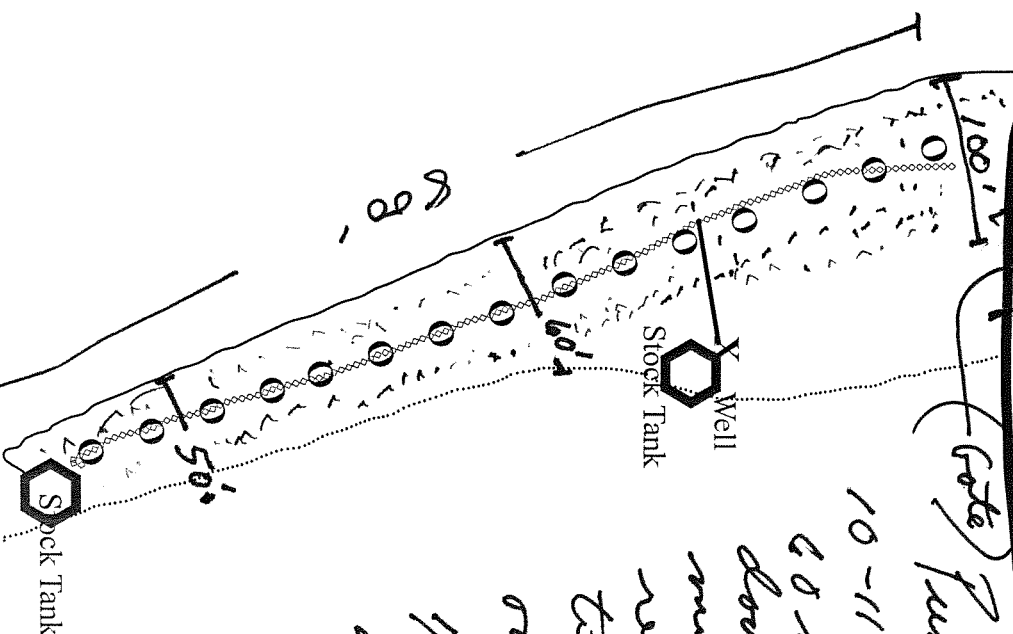
① = Buckle
 15-Buckle Total

Currently seeded to
 - Indian Rice grass &
 wheat grass.

Boundary

12' m

gate



(Gate)

Pump currently produces
 10-11 gal per min. for first
 60 min. then reduces
 down to about 6 gal per
 min until allowed to
 recharge. It seems
 to be improving slightly
 over a period of time. 1/2
 horse pump is set
 at 300'. Water static
 level 44'.
 I run 1 Buckle
 at a time, change
 about every 8 hours.

Buckle

Dale Jeffrey

Medicine Wheel Ranch

RECEIVED

JUN 12 2012

WATER RESOURCES
WESTERN REGION

Sunday, June 10, 2012

**Mr. John Westra; Western Regional Manager
Department of Water Resources; State of Idaho
2735 Airport Way
Boise, Idaho 83705-5082**

Dear Mr. Westra:

Please find enclosed application for permit and \$100.00 check for same. I have included a drawing and comments to the best of my ability.

The new well seems to be improving slightly with continued pumping producing 10 to 11 gallon per minute for the first hour and then dropping to about 6 gallons per minute with continued pumping. The pump is $\frac{1}{2}$ horse power and will pump about eleven gallon per minute max. with the well at its highest static level of about 44 feet. The well is about 740 feet deep and the pump is set at 300 feet.

My intent is to water 1.85 acres with the well running one 5/32 birdie at a time for 8 hour intervals. This seems to put out about 6 gallons per minute or 360 gallons per hour or 8640 gallons per day. It may be that I could change the pump to 1 horse power, set it a little deeper and come a little closer to pumping the 13000 gallon per day limit, but this is not in my current plan.

If I may be of any service at any time don't hesitate to let me know how I may help.

Faithfully,



Louis "Dale" Jeffrey

**2050 East Medicine Wheel Lane
King Hill, Idaho 83633**

**Equipment Rent
Feed, Seed, Lumber
Wagons, Horses & Tack**

Home Phone: 208-366-3001

Phone: 208-869-1002

Fax: 208-366-2870

Email: dalejeffrey@equinedentistry.com

Business Web Site: www.equinegnathology.com

Ranch Web Site: www.medicinewheelranchretreat.com



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
Interim Director

July 12, 2012

EDWARD T POTUCEK
1890 E POTUCEK LN
KING HILL ID 83633

Re: Application No. 61-12274

Dear Interested Party:

Attached are copies of one or more applications that may be of interest to you. Please contact the applicant(s) if you have concerns about the application(s).

If you desire to file a formal protest against approval of the application(s), a written protest along with the \$25.00 protest fee for each application protested must be received in this office by August 6, 2012. A copy of the protest(s) must also be sent to the applicant(s).

Please contact this office at 208-334-2190 if you have any questions regarding the application(s), or you may visit our website at www.idwr.idaho.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mandi Pearson', is written over a light blue horizontal line.

Mandi Pearson
Office Specialist II

Enclosure



Pearson, Mandi

From: Pearson, Mandi
Sent: Wednesday, July 11, 2012 4:51 PM
To: 'sswenson@mountainhomenews.com'
Subject: Legal Ad
Attachments: Elmore County Cover Letter.docx; Elmore County Legal Ad.docx

Stacy,

Please see the attached legal ads for publication 7/18 and 7/25.
Please confirm that these are ok to publish as shown.

Thanks!

Mandi Pearson

Office Specialist 2
Idaho Department of Water Resources, Western Region
208-334-2190 (ph)
208-334-2348 (fax)

July 11, 2012

LEGAL NOTICE DEPARTMENT
MOUNTAIN HOME NEWS
PO BOX 1330
MOUNTAIN HOME, ID 83647-1330

RE: Application For Permit No.(s): 61-12274

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 8/6/2012. Your cooperation is appreciated.

Sincerely,

Mandi Pearson
Office Specialist II

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

61-12274

LOUIS D JEFFREY
2050 E MEDICINE WHEEL LN
KING HILL, ID 83633

Point of Diversion NWSW S33 T05S R10E ELMORE County Source GROUND WATER
Use: 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
Total Diversion: 0.06 CFS
Date Filed: 6/12/2012
Place Of Use: IRRIGATION, STOCKWATER, WILDLIFE
T05S R10E S33 NESW NWSW
Total Acres: 2

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s), please see www.idwr.idaho.gov/apps/ExtSearch/WRFiling.asp. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 8/6/2012. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on 7/18/12, 7/25/12



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

June 26, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

Louis D Jeffery
2050 E Medicine Wheel LN
King Hill ID 83633

RE: Application for Permit #61-12274 Complaint

Dear Mr. Jeffery:

This letter is to acknowledge your application for permit received by our office on June 12, 2012. Our staff has reviewed your application and has made the following changes/additions to reflect the water uses:

Item #4: Water Uses

Irrigation Rate of flow has been increased to **.06 cfs** for 1.85 acres rounded to 2.0 acres
Stockwater use added 01/01 to 12/31 **.02 cfs** for 50 head mixed stock.
Wildlife use added 01/01 to 12/31 **.06 cfs** for wildlife

Item #5: Total Quantity = **.06 cfs**

Item #8: Irrigation rounded to **2** acres. Place of uses should be in the NWSW and NESW.

Map: Mark the approx. well location and irrigated place of use

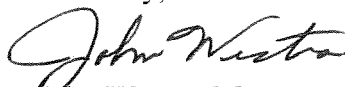
A new amended application form is enclosed, please sign, date and return it to this office. Once returned, our staff will continue to process the application with public notice made in the county newspaper soon to follow. During the public notice, the complainant will also be notified by letter and have the opportunity to make comments or protest the application.

Complaint/Compliance

As discussed in our phone conversation of June 6, 2012, our state water statutes exempt the water right requirement for domestic use of ground water associated with a residence. The exemption limits use to 13,000 gallon per day and up to ½ acre of irrigation. *Until your application for permit is approved, you are limited to ½ acre of irrigation. Please be advised, our agency may make unannounced site visits to confirm your compliance.* A confirmation of noncompliance will result in enforcement penalties and fines by our agency.

Should you have questions, please contact me at the Western Regional Office, phone 334-2190.

Sincerely,



John Westra, Manager

Enclosure: original app. copy, amended new application, map
Cc: Complainant

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

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.

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? ☐

Sign + Date

ICES

MIT

te of Idaho

mit to appropriate the public

BE IT KNOWN that
waters of the State

Applicant

Date

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

Receipt No. W040254

Date: _____

Received by: _____



NWSW

NESW

Jeffery

↑
- Mark approx.
well location

- Outline approx.
place of use.

RECEIVED

STATE OF IDAHO

Ident. No. 61-12274

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

WATER RESOURCES
WESTERN REGION

1. Name of applicant(s) LOUIS D. JEFFREY Phone 208-869-1002
 Name connector (check one) ☐ and ☐ or ☐ and/or
 Mailing address: 2050 E. Medicine Wheel Lane City King Hill
 State ID Zip 83633 Email: dalejeffrey@equinedentistry.com
 2. Source of water supply Well which is a tributary of _____
 3. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
5S	10E	33		SE	NW	SW	FLMORF	Well	0060383

Location: .45 mi. past medicine wheel lane on driveway and left side
King Hill

4. Water will be used for the following purposes:
 Amount .03 for IRRIGATION purposes from 3/15 to 11/15 (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)
 Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
 5. Total quantity to be appropriated is (a) .03 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. 1/2 horse submersible pump
 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 _____ inches; proposed depth of well is _____ feet.
 d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
 e. If well is already drilled, when? 4/18/2012; drilling firm Artesian Co. Hugh Hardin
 Well was drilled for (well owner) Yes; Drilling Permit No. 914097-862727
 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. 30-50 head of horses & or cattle
 c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. _____
 d. Domestic; show number of households None at this time
 e. Other; describe fully. Wild life water and grazing area for about 100 head of mule deer that travel through during fall winter & spring.

COPY

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	
5S	10E	33														X	X		1.85 - 1.8

Total number of acres to be irrigated: 1.85 - 1.85

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? Not at present

10. a. Who owns the property at the point of diversion? Louis D. Jeffrey
- b. Who owns the land to be irrigated or place of use? Louis D. Jeffrey
- 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. To irrigate 1.85 - 1.8 acres from my livestock well creating a small greenbelt area in a natural waterway on my farm. Farm is all dryland grazing, appx 44 - 55 acres.

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 8½" 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.

Louis D. Jeffrey
Signature of Applicant

LOUIS D. JEFFREY
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

For Department Use:

Received by RS Date 6-12-12 Time 11:50am Preliminary check by _____
Fee \$ 100- Received by RS Receipt No. W040254 Date 6-12-12

Louis D. Jeffrey
 .45 Miles West of 2050 E. Medicine Wheel Lane
 King Hill, Idaho 83633
 208-869-1002

Rosevear Road

Rosevear Road

Bzene

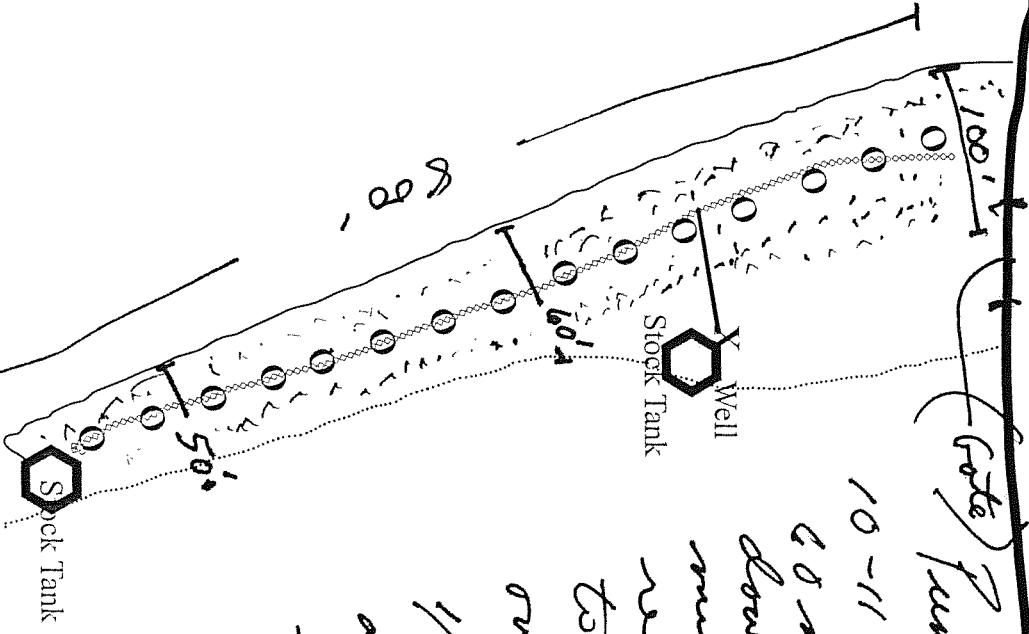
15 = Bickie
 15 - Bickie Total

Currently needed to
 chop / Rice grass &
 wheat grass.

Boundary

12, m

gate



(Gate) Pump currently produces
 10-11 gal per min. for first
 60 min. then reduces
 down to about 6 gal per
 min until allowed to
 recharge. It seems
 to be improving slightly
 over a period of time. 1/2
 horse pump in act
 at 300'. Water at
 level 44'.

at near / Bickie
 at a time, change
 about every 8 hours



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

June 4, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

LOUIS D JEFFREY
2050 MEDICINE WHEEL LN
KING HILL ID 83633

**RE: Pending Notice of Violation—Illegal Use of Ground Water.
Certified Mail**

Dear Mr. Jeffrey:

Recently, the Idaho Department of Water Resources (Department) received a written complaint alleging you have been irrigating parcel 5500 with a domestic well. The described area is parcel 5500 located in Township 05S, Range 10E, Section 33, NW1/4 of SW1/4 under your ownership. Although the complaint is unconfirmed, our records show no ground water rights listed for this location.

Under Idaho Code (IC) §42-111, domestic use is defined as the use of water associated with a residence, up to ½ acre of irrigation, and not to exceed 13, 000 gallons per day, **OR** other uses under 2,500 gal./day and 18 gal./min. The use of ground water under this definition is exempt from water right requirements under IC §42-227. However, all other beneficial ground water uses require a valid water right under the law. Use of water without a valid water right is considered an illegal diversion/use, and is subject to enforcement penalties and fines by the Department (ref. IC § 42-351 & 42-1701B).

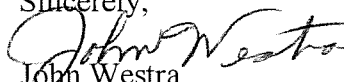
The Department requires **one** of the following actions be taken by **July 2, 2012**:

1. Submit proof to the Department your beneficial use of water is within the definition parameters of domestic use as outlined above.
2. **Cease and desist** all diversions other than domestic use as described above. Provide written documentation to the Department this has been done.
3. Provide written documentation to the Department that you have a valid water right.

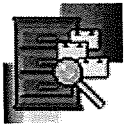
If our office does not receive a response from you by the July 2, 2012 deadline, a field inspection will be scheduled to confirm the allegations. Enforcement actions will be considered if the allegations are proven valid.

Should you have any questions, please contact me at the Western Regional Office, phone 334-2190.

Sincerely,


John Westra
Western Regional Manager

Enclosure: referenced Idaho Codes.



Idaho Statutes

TITLE 42

IRRIGATION AND DRAINAGE -- WATER RIGHTS AND RECLAMATION

CHAPTER 2

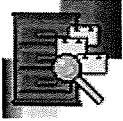
APPROPRIATION OF WATER -- PERMITS, CERTIFICATES, AND LICENSES -- SURVEY

42-227. DRILLING AND USE OF WELLS FOR DOMESTIC PURPOSES EXCEPTED. The excavation and opening of wells and the withdrawal of water therefrom for domestic purposes shall not be subject to the permit requirement under section 42-229, Idaho Code; providing such wells and withdrawal devices are subject to inspection by the department of water resources and the department of environmental quality and providing further that the drilling of such wells shall be subject to the licensing provisions of section 42-238, Idaho Code. Rights to ground water for such domestic purposes may be acquired by withdrawal and use.

History:

[42-227, added 1951, ch. 200, sec. 2, p. 423; am. 1970, ch. 187, sec. 1, p. 541; am. 1978, ch. 324, sec. 1, p. 819 ; am. 2001, ch. 103, sec. 79, p. 318.]

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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.

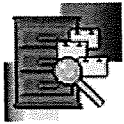
(2) For purposes of the sections listed in subsection (1) of this section, domestic purposes or domestic uses shall not include water for multiple ownership subdivisions, mobile home parks, or commercial or business establishments, unless the use meets the diversion rate and volume limitations set forth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

TITLE 42

IRRIGATION AND DRAINAGE -- WATER RIGHTS AND RECLAMATION

CHAPTER 3

APPROPRIATION OF WATER -- CANCELATION OF PERMITS

42-351. ILLEGAL DIVERSION OR USE OF WATER -- ENFORCEMENT PROCEDURE -- INJUNCTIVE RELIEF. (1) It is unlawful for any person to divert or use water from a natural watercourse or from a ground water source without having obtained a valid water right to do so, or to divert or use water not in conformance with a valid water right.

(2) It is unlawful for any person to divert or use water in substantial violation of any provision of this title, or any rule, permit, condition of approval or order issued or promulgated pursuant to this title that is related to the diversion or use of water.

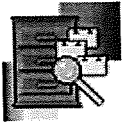
(3) Upon investigation of available information, the director of the department of water resources shall have the discretion to issue a written notice of violation to the person in accordance with the provisions of section 42-1701B, Idaho Code, for the illegal diversion or use of water.

(4) Notwithstanding the issuance of a notice of violation, the director may also file an action seeking injunctive relief directing the person to cease and desist the activity or activities alleged to be in violation of applicable law or any existing water right.

History:

[42-351, added 1986, ch. 313, sec. 8, p. 774; am. 1988, ch. 83, sec. 3, p. 145; am. 1994, ch. 450, sec. 5, p. 1438; am. 1998, ch. 173, sec. 4, p. 602; am. 2003, ch. 165, sec. 1, p. 467.]

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Idaho Statutes

TITLE 42

IRRIGATION AND DRAINAGE -- WATER RIGHTS AND RECLAMATION

CHAPTER 17

DEPARTMENT OF WATER RESOURCES -- WATER RESOURCE BOARD

42-1701B. ENFORCEMENT PROCEDURE -- NOTICE -- CONSENT ORDER -- CIVIL ACTION. (1) Authority to commence actions. The director of the department of water resources is authorized and may commence and pursue enforcement actions to remedy the designated violations set out in title 42, Idaho Code.

(2) Notice. When the director commences an administrative enforcement action the notice of violation shall be served upon the alleged violator in person or by certified mail. The notice of violation shall identify the alleged violation and shall specify each provision of the designated chapter, rule, permit, condition of approval or order which has been violated. The notice of violation shall state the remedy, including any demand to cease and desist, restoration and mitigation measures, and the amount of any civil penalty the director seeks for redress of the violation. Factors the director may consider in seeking the appropriate remedy include the impact of the violation and whether the violation was willful, a repeat violation for which the violator had been given a prior written warning, or the violator has otherwise refused to comply with the department's lawful directives. The notice of violation shall inform the person to whom it is directed of an opportunity to confer with the director or the director's designee in a compliance conference concerning the alleged violation.

(3) Response. A written response may be required within fourteen (14) days of the receipt of the notice of violation by the person to whom it is directed. If a recipient of a notice of violation contacts the department within fourteen (14) days of the receipt of the notice, the recipient shall be entitled to a compliance conference. The conference shall be held within twenty-one (21) days of the receipt of the notice unless a later date is agreed upon between the parties. If a compliance conference is not requested, the director may proceed with a civil enforcement action as provided in this section.

(4) Compliance conference and consent order. The compliance conference shall provide an opportunity for the recipient of a notice of violation to explain the circumstance of the alleged violation and, where appropriate, to present a proposal for remedying the damage caused by the violation and assuring future compliance. If the recipient and the director agree on a plan to remedy damage caused by the alleged violation and to assure future compliance, they may enter into a consent order formalizing their agreement. The consent order may include a provision providing for payment of any agreed civil penalty. The consent order shall be effective immediately upon signing by both parties and shall preclude a civil enforcement action for the same alleged violation. If a party does not comply with the terms of the consent order, the director may seek and obtain in any appropriate district court, specific performance of the consent order and other relief as authorized by law. If the parties cannot

agree to a consent order within fifty-six (56) days after the receipt of the notice of violation, or if the recipient does not request a compliance conference, the director may commence and prosecute a civil enforcement action in the district court in accordance with this section.

(5) Civil enforcement actions.

(a) The director may initiate a civil enforcement action through the attorney general as provided in this section. Civil enforcement actions shall be commenced and prosecuted in the district court in and for the county in which the alleged violation occurred, and may be brought against any person who is alleged to have substantially violated any provision of title 42, Idaho Code, or any rule promulgated pursuant to that title. The action may be brought to compel compliance with provisions of title 42, Idaho Code, or rules promulgated pursuant to that title. The director shall not be required to prosecute an administrative enforcement action before initiating a civil enforcement action.

(b) Nothing in this section shall preclude employees of the department designated by the director from issuing Idaho uniform citations or written administrative orders directing persons to cease and desist as authorized by law.

(c) If the person who is the subject of the notice of violation fails to cease and desist the activity or activities constituting the alleged violation within the time limits set in the notice of violation, the director may seek, by and through the attorney general, injunctive relief in the district court pending the outcome of the administrative enforcement action.

(d) In an action brought against a person for diverting water without having obtained a valid water right to do so, the director need not allege or prove that irreparable injury to the state or to other water users will occur should the preliminary injunction not be issued or that the remedy at law is inadequate, and the preliminary injunction or permanent injunction shall issue without those allegations and without that proof.

(6) Penalties.

(a) Any person determined in a judicial civil enforcement action to have substantially violated any designated provision of title 42, Idaho Code, or any rule promulgated pursuant to that title, shall be liable for a civil penalty not to exceed ten thousand dollars (\$10,000) per violation or one hundred fifty dollars (\$150) per day for a continuing violation, whichever is greater; except that persons determined to be in violation of section 42-351, Idaho Code, shall be liable for a civil penalty not to exceed:

(i) For nonirrigation uses, fifty dollars (\$50.00) per one-tenth (0.1) cubic feet per second of water or part thereof diverted per calendar day, or fifty dollars (\$50.00) per two tenths (0.2) of an acre foot of water or part thereof diverted to storage, up to a maximum penalty of fifty thousand dollars (\$50,000) per year for water illegally used or diverted;

(ii) For irrigation uses, three hundred dollars (\$300) annually for each acre irrigated, in whole or in part, by the illegal use or diversion.

(b) Civil penalties shall not be assessed for violations that have occurred more than twelve (12) months prior to the issuance of the notice of violation. The court shall determine the amount of the penalty based upon the willfulness of the violation, the economic value obtained by the violator and the damage to public resources and

other water right holders. A method of recovery of the penalty shall be a civil enforcement action in and for the county where the violation occurred.

(c) All civil penalties collected under this section shall be paid into the water right[s] enforcement account established pursuant to section 42-1778, Idaho Code.

(d) Parties to an administrative enforcement action may agree to a civil penalty as provided in this subsection.

(7) No action taken pursuant to this section shall relieve any person from any civil liability and damages that may exist for injury or damage resulting to others.

(8) Upon request of the director, it shall be the duty of the attorney general to institute and prosecute civil enforcement actions pursuant to this section.

History:

[42-1701B, added 1998, ch. 173, sec. 8, p. 607; am. 2003, ch. 165, sec. 2, p. 468.]

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