

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 Transfer

Pursuant to Idaho Code §42-222

1. Authority to file a transfer application?
2. Evaluation of Water Right Validity—Is this a valid right?
3. Injury to other water rights?
4. Enlargement of use
5. 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 transfer be contrary to conservation of water resources within the State of Idaho?
7. Effect on economy and Ag. economy of local area

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 23, 2006

COPY

Scott L. Campbell
Moffatt Thomas Chtd.
101 S Capitol Blvd 10th Fl.
PO Box 829
Boise ID 83701

**RE: Consent Order and Agreement in the Name of Jerry Tlueck
Water Right #63-62184**

Dear Mr. Campbell:

This letter is to acknowledge receipt of items #1, #2, #3, #4, #5 on March 15, 2006 pursuant to the Tlueck Consent Order and Agreement.

This acknowledgement shall also serve as notice that Mr. Tlueck has fully complied with the terms of the Consent Order and Agreement; therefore, the Department shall not pursue a civil enforcement action related to the violation, ref. item #8. Pending the transfer application approval (item #7) the violation shall be considered closed.

Our office appreciates Mr. Tlueck's and your cooperation/timeliness in addressing this violation matter. Should you have any questions, please contact me at the Western Regional Office, phone 334-2190.

Sincerely,

John Westra
Western Regional Manager

Conferencing Handout

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

RECEIVED

MAR 15 2006

WATER RESOURCES
WESTERN REGION

Boise
Idaho Falls
Pocatello
Twin Falls

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
John S. Simko
John C. Ward
D. James Manning
Gary T. Dance
Larry C. Hunter
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas
Glenna M. Christensen
Gerald T. Husch
Scott L. Campbell
Robert B. Burns

Michael E. Thomas
Patricia M. Olsson
Bradley J. Williams
Lee Radford
Michael O. Roe
David S. Jensen
James L. Martin
C. Clayton Gill
David P. Gardner
John O. Fitzgerald, II
Julian E. Gabiola
Angela Schaer Kaufmann
Michael W. McGreaham
Paul D. McFarlane
Kimberly D. Evans Ross
Jon A. Stenquist

Tyler J. Henderson
Jason G. Murray
Mark C. Peterson
Andrew J. Waldera
Tyler J. Anderson
Joel A. Flake, Jr.
Russell G. Metcalf

Robert E. Bakes, *of counsel*
Morgan W. Richards, *of counsel*

Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

March 15, 2006
via Hand Delivery

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

COPY

John Westra
Manager Western Region Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: Water Right 63-32184 in the Name of Jerry Tlucek
MTBR&F File No. 22377.1

Dear Mr. Westra:

Pursuant to the terms and conditions of the Consent Order dated February 7, 2006, I am providing you with the following information or documents on behalf of my client, Jerry Tlucek:

1. Item No. 1 under the Consent Order requires that Mr. Tlucek provide the Department with documentation showing irrigated lands above the canal have been annexed into the boundaries of the Boise-Kuna Irrigation District. Enclosed please find a copy of a letter with enclosures from Boise-Kuna Irrigation District to you dated March 7, 2006, advising of Mr. Tlucek's request for annexation, approval of the annexation request at the January 3, 2006 board meeting, and the annexation order will be signed following the expiration of 90 days per statute.
2. Item No. 2 under the Consent Order requires that Mr. Tlucek install a measuring device as part of the ground water diverting works under water right no. 63-32184. The measuring device has been ordered and will be installed upon receipt. Please see attachments to the Water Management Plan, also provided herewith, for the meter specifications.
3. Item No. 4 under the Consent Order requires that Mr. Tlucek file a transfer application with the Department authorizing 53.2 acres of irrigation in a permissible place of use under water right no. 63-32184. Enclosed please find a copy of the Application for Transfer of Water Right for water right no. 63-32184, which was filed today with the Department. In addition to the above, Item No. 4 required that Mr. Tlucek submit a management plan outlining the system modifications and resulting water management.

Concurrence Handwritten

John Westra
March 15, 2006
Page 2

Enclosed herewith please find a copy of the Water Management Plan prepared for Mr. Tlucek by ERO Resources.

4. Enclosed herewith please find a check in the amount of \$3,500 representing the agreed upon civil penalty.

Please let me know if you have any questions.

Very truly yours,


Scott L. Campbell

SLC/tmh

Enclosures

cc: Jerry Tlucek (w/encls.)

COPY

Conf. Handout

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-32184

WATER RIGHT NUMBER: 63-32184

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	NANCY ANN CRAM 18058 S ROBINSON RD MELBA, ID 83641 (208)495-2643
Original Owner	MICHAEL CRAM 18058 S ROBINSON RD MELBA, ID 83641 (208)495-2643
Current Owner	JERRY L TLUCEK 15188 S CAN-ADA RD MELBA, ID 83641 (208)495-2550
Attorney	SCOTT L CAMPBELL MOFFATT THOMAS BARRETT ROCK & FIELDS CHTD PO BOX 829 BOISE, ID 83606 (208) 345-2000

COPY

Priority Date: 02/21/1968

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	1.060 CFS	239.40 AF
	<u>Total Diversion:</u>	1.060 CFS	239.40 AF

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4	Sec. 19, Twp 01S, Rge 01W, B.M.
ADA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	01W	19	21.7			.5													22.2
01S	01W	20					10.0	21.0											31.0

Total Acres: 53.2

Conference Handout

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-32184

COPY

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. S39 The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
3. This right is a split from former right 63-7068.
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
5. W45 Use of this right is combined with water from Boise-Kuna Irrigation District.

Remarks:

Comments:

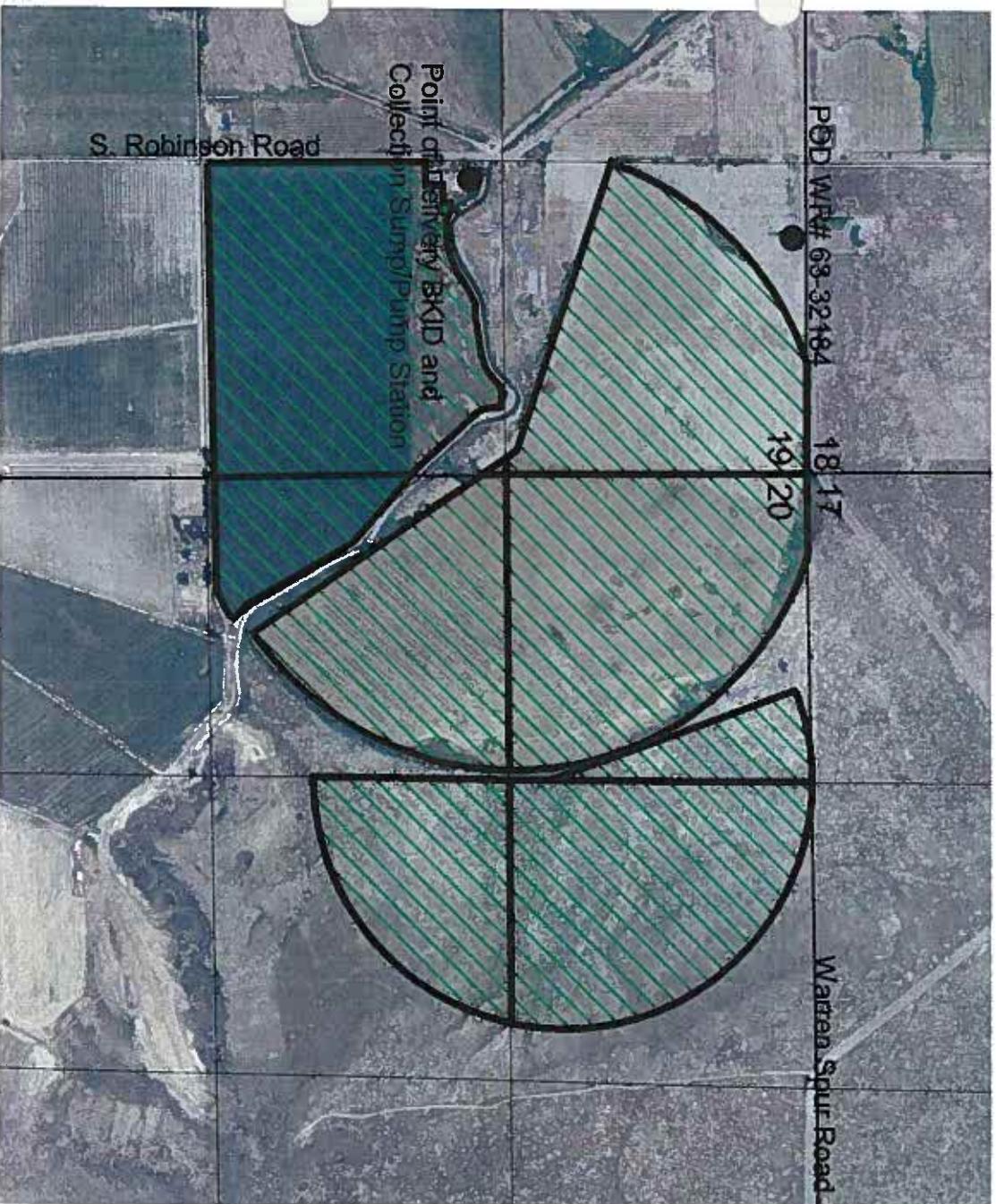
1. kbrown 11/21/2005 63-7068
Comment: This right is a split from former right 63-7068.

Water Supply Bank:

asn f. hand-out

COPY

Jerry Tluczek - Snake River Farms T01S R01W Ada County



Place of Use:

174.96 acres described as follows:
28.82ac in NE4 NE4 Section 19
35.04ac in SE4 NE4 Section 19
27.9ac in NE4 NW4 Section 20
38.03ac in NW4 NW4 Section 20
28.41ac in SW4 NW4 Section 20
16.76ac om SE4 NW4 Section 20

Existing Water Rights:

WR# 63- 32184 - 53.2 acres
BKIDistrict - 121.76 acres

 **174.96 Irrigated Acres**

Prepared By: Paul E. Drury, P.E.

Date: June 22, 2006

Data Source: IDWR and NAIP



ERO Resources, Corp
Boise, Idaho

Conference Handout.