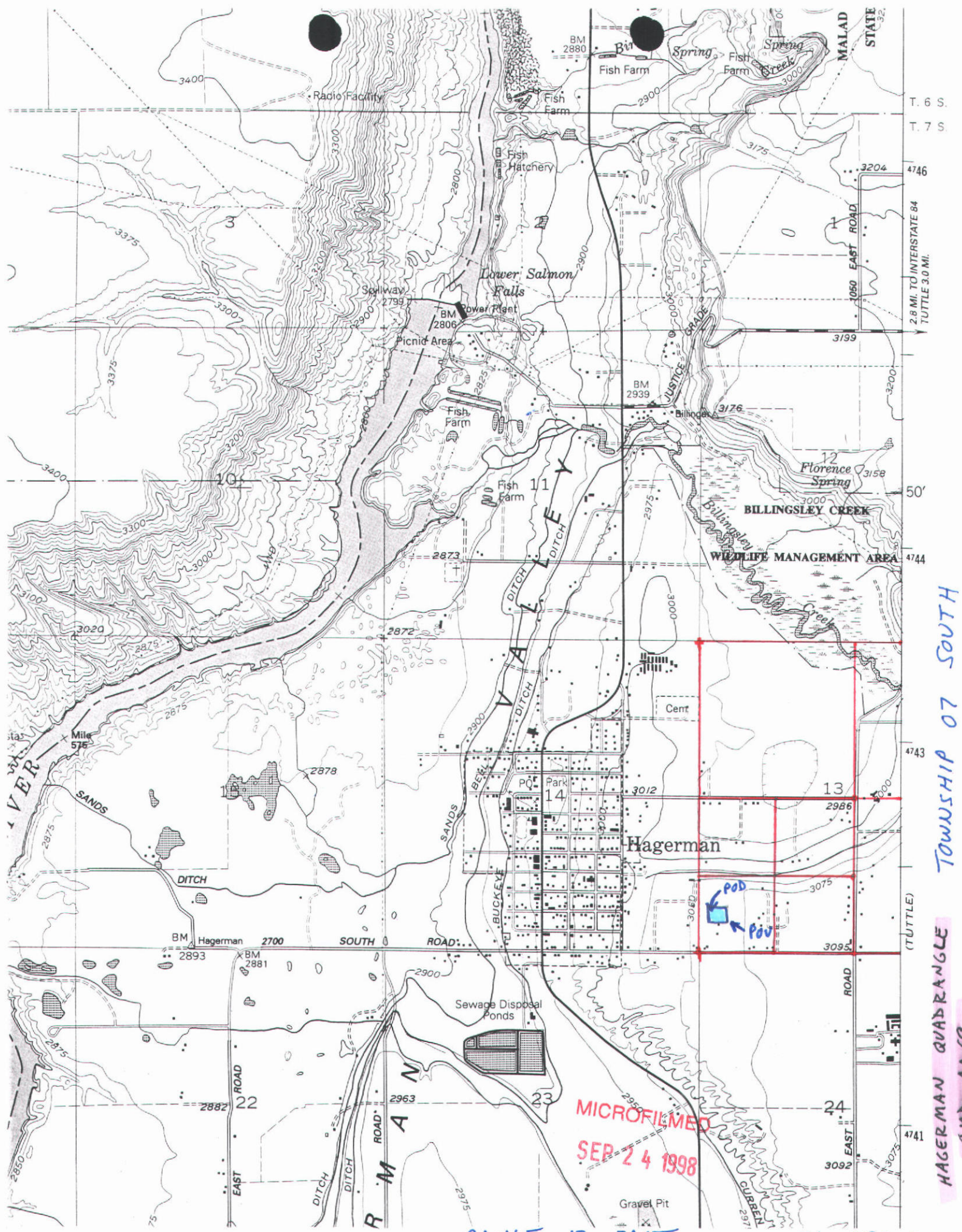




T. 6 S.
T. 7 S.

2.8 MI. TO INTERSTATE 84
TUTTLE 3.0 MI.

TOWNSHIP 07 SOUTH

HAGERMAN QUADRANGLE
QUAD AA 69

RANGE 13 EAST

36-08782

MICROFILMED
SEP 24 1998

POD LOCATION

WASTE WATER DITCH/DRAINAGE

Pond

pump for irrigation

00305001009A

10

00305001010A

12

13

Sylvan
Gordon
Trust

Block 1

6

5

5

7

4

4

8

3

3

Block 2

7

2

2

10

1

FIRST BAPTIST
CHURCH OF
TWIN FALLS
003050010010

MICROFILMED

SEP 24 1998

Sec. 13 T.7 R.13

WANDA: 00305001015A &
00305001002A

36-08782

AFFIDAVIT of PUBLICATION

State of Idaho }
County of Gooding } ss.

RECEIVED

SEP 01 1998

Department of Water Resources
Southern Region

Patty Nance, being first duly sworn,
deposes and says that she is the printer (publisher) of the Gooding County Leader, a
newspaper published every week in Gooding, County of Gooding, State of Idaho; that
said newspaper has been continuously and uninterruptedly published for a period of
seventy-eight consecutive weeks prior to the first publication of the annexed notice, and
is a newspaper qualified to publish legal notices as provided by act of the 1919 session
of the legislature of the State of Idaho, known as House Bill 145; that the annexed
advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in
supplement; that the date of the first publication of said advertisement was on the
20th day of August, 1998

and that date of the last publication was on the 27th day of
August, 1998.

On this 31st day of August
in the year of 1998, before me, a Notary Public, personally appeared
Patty Nance, known or identified to me to be the person
whose name subscribed to the within instrument, and being by me first duly sworn,
declared that the statements therein are true, and acknowledge to me that she executed
the same.

Norma De Voe
Notary Public for Idaho
Residing at Jerome, Id

My commission expires: 3/6/01

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2x

_____ Lines tabular at _____ 7¢/Pica

464.06 Lines straight at 27.84 6¢/Pica

464.06 Subsequent lines at 23.20 5¢/Pica

Affidavit Fee 2.25

TOTAL COST 53.29

36-08782 - JAYO
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

IDWR
BILL TO

COPY OF NOTICE

NOTICE OF APPLICATION FOR WATER PERMIT

The following application has been filed
to appropriate the public waters of the
State of Idaho:

JEFFERY R. JAYO
902 C JUSTICE GRADE
HAGERMAN ID 83332

Application for Permit No. 36-08782

Source: Waste Water (Big Springs
pipeline overflow) tributary to Sinks
Diversion Pt(s): SW1/4SW1/4, S13,
T07S, R13E; Gooding County.

Use: Aesthetic (0.15 afa) 1/1-12/31

Domestic-1 home (0.02 cfs) 4/1-10/31

Stockwater (0.15 afa) 1/1-12/31

Total Diversion: 0.02 cfs

In: SW1/4SW1/4, S13, T07S, R13E;
Gooding County.

Date Filed: 7/7/98

Any protest against the proposed
application(s) must be filed with the
Department of Water Resources,
Southern Region, 1341 Fillmore St.,
Suite 200; Twin Falls, ID 83301

PUE together with a protest fee of \$25.00 on
(Ida or before September 8, 1998 to be
considered by the Department in its)
decision to grant or deny any part of 7¢/Pica
7-8 the proposed application(s). The 6¢/Pica
7-8 protestant must also send a copy of the
7-8 Karl J. Dreher, Director 5¢/Pica
ins Published in the Gooding County
Leader on 8/20 & 8/27/98.

PUB: 8/20 - 8/27 G22786

No. 6861

22786
MICROFILMED

SEP 24 1998

JEFFERY JAYO APPLICATION FOR PERMIT



ABOVE: View (looking west) of Big Springs pipeline overflow/vent located east of Mr. Jayo's property. Water occasionally spills from this overflow/vent and runs down a channel/ditch below the powerline towards Mr. Jayo's property to the west. Water then enters a buried pipeline along the north boundary of Mr. Jayo's property.

BELOW: View (looking northwest) across Mr. Jayo's property. The Gooding County Assessor's office reports that Mr. Jayo owns 1.03 total acres. The buried pipeline from the channel/ditch that carries the waste water runs along the north edge of Mr. Jayo's property. Note location of the white and blue vehicles, they are located at the northwest corner of Mr. Jayo's property and are shown in the next view. MICROFILMED SEP 24 1998



36-08782

JEFFERY JAYO APPLICATION FOR PERMIT

View (looking south) of area at northwest corner of Mr. Jayo's property. Arrow indicates location of where waste water discharges from pipe from channel/ditch from Big Springs pipe overflow/vent. A small "pond" is located in the area near the power pole (around cattails, and russian olive tree) visible in this view. Some of the water from the pipe discharge, and "pond", is visible in this view. The "pond" is basically just a wide spot on the channel/ditch. The overflow from the "pond" continues on down the channel/ditch to the south, along the west edge of Mr. Jayo's property. The channel/ditch then turns to the west and heads towards the city of Hagerman. It appears that the channel/ditch catches other waste water and eventually sinks into a drain near the west edge of Hagerman. Russian olive trees exist along this channel/ditch indicating that it has carried water (probably off and on) for many years. Mr. Jayo's application is for the existing "pond" that is visible in this view (aesthetic use) and for domestic irrigation (not to exceed $\frac{1}{2}$ acre) for his property. Mr. Jayo plans on pumping water out of this small "pond" for irrigation. In addition he plans on having some stock (a couple of beef cattle) on his property. Mr. Jayo plans on letting the stock water out of the "pond" and the channel/ditch.



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SEP 24 1998

36-08782

RECEIVED
AUG 10 2001
Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

PROOF OF BENEFICIAL USE

AUG 13 2001

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 36-8782 Telephone No. (208)837-6564
2. Name of Permit Holder(s): Jeffery R Jayo
3. Mailing Address: 980 HILLSIDE DRIVE
City Hagerman State Id Zip 83332
4. Source of Water: DRAINAGE If **GROUNDWATER** (well), Date Drilled: mo. _____ / yr. _____
Well Driller: _____ Drilling Permit Number: _____
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): — Stockwater (No. and type of stock): 3 Farm Livestock
Irrigation (No. of acres): 2/3 Acre Other: —
6. Total rate of diversion and/or volume for which proof is submitted: .02 cfs OR _____ acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes _____ or No <u>X</u>
	Has the measuring device been installed?	Yes _____ or No <u>X</u>
8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: Jeff JAYO Telephone Number: (208)837-6564
~~(208)834-2252~~
Address: (SAME AS ABOVE) Hagerman, Id 83332
10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: _____

(include your title, if on behalf of company or organization)

Date: 8-10-01

MICROFILMED

OCT 02 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
REQUEST FOR EXTENSION OF TIME **RECEIVED**
AUG 18 2000
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT
Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

Permit No. 36-08782
Name(s) of Permit Holder: JEFFERY R JAYO
Address: 980 HILLSIDE Drive City NAGERMAN State Id Zip 83332
Telephone No. (208)837-6564 Date Proof is Due: OCT 1, 2000

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

Received Bids on Sprinkler system & Fence Material, Tree Removal,
Built 220' of New Fence, 6hrs Trackhoe for ESCAVATION OF POND
& DRAIN Ditch, Acquired water Pump, 8hr Backhoe to bury 700' of
8" pipe to replace old feed ditch - Purchased several YARDS of DIRT for fill
Costing \$3000⁰⁰

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Between JANUARY 1999 & March 2000 I Lost 40% of my
VISION due to blind spots (Anterior Ischemic Optic Neuropathy)
AFTER several tests & Doctors All my major Projects were
Pushed back.

Permit holder(s) request an extension to October 1st 2001

(Signature)*

*If other than permit holder, Power of Attorney must be supplied.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be
APPROVED and the time within which to submit proof of beneficial use is
extended to October 1, 2001.

Signed this 23rd day of August, 2000

L. Glen Saxton
L. Glen Saxton, Chief
Water Allocation Bureau

MICROFILMED

OCT 02 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
INSTRUCTIONS FOR EXTENSION OF TIME REQUEST
TO SUBMIT PROOF OF BENEFICIAL USE

If the water right development authorized by your permit is not complete and you need more time to submit proof of beneficial use of water under your permit, please read the following:

Under the provisions of Section 42-204, Idaho Code, the department can extend the proof due date of your permit only once, and then only if you can demonstrate that you have been pursuing development of the permit with due diligence.

The Request for Extension of Time form requires that you indicate the extent of development that has occurred, the cost, and the reason(s) the work has not been completed. This information must be provided in enough detail to show due diligence. Examples of work performed are: well drilled, pump installed, 10 acres now irrigated, fish propagation ponds constructed, sprinkler system purchased, etc.

If no work has been accomplished, the statutes provide that the Request for Extension of Time must be denied. **Lack of financial resources, the state of the economy or personal illness usually cannot be considered adequate reasons to approve a Request for Extension of Time.**

EXCEPTIONS TO ONLY ONE EXTENSION

The proof due date for a permit that has not been developed for one of the following reasons may be granted one or more extensions of time even though no work has been accomplished:

- When there is a lack of a required consent or final approval from a federal government agency (**evidence of delay must be submitted with the request**), i.e. right-of-way easement or land classification such as Desert Land Entry or Carey Act.
- When litigation related to title of the water has prevented development of the permit (**evidence must be submitted with the request**).
- When the water project is of a large scale – storage of more than 10,000 acre-feet or diversion of more than 25,000 acre-feet in one irrigation season for an irrigation project of at least 5,000 acres.
- When the water right permit is held by the United States of America (**reason for request must be submitted**).

A non-refundable filing fee of \$50.00 must accompany the Request for Extension of Time form.

***NOTE** that in no case should a Proof of Beneficial Use form and a Request for Extension of Time form both be submitted. If your water development project is completed, then the proof of beneficial use form should be completed and returned. If the project is started but not completed, then the Request for Extension of Time form should be completed and returned in compliance with the guidelines above. If the project has not been initiated and does not fit into one of the exceptions listed above, then neither form should be returned and the permit will lapse and become of no further force nor effect.*

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 36-08782

Proposed Priority: July 7, 1998

Maximum Diversion Rate:

0.02 CFS

This is to certify, that **JEFFERY R JAYO**

902 C JUSTICE GRADE

HAGERMAN ID 83332

has applied for a permit to appropriate water from:

WASTE WATER

tributary of **SINKS**

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
STOCKWATER STORAGE	01/01 to 12/31		0.2 AF
DOMESTIC	04/01 to 10/31	0.02 CFS	
AESTHETIC STORAGE	01/01 to 12/31		0.2 AF
	Totals	0.02 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 13, Township 07S, Range 13E
GOODING County

PLACE OF USE: STOCKWATER STORAGE

TWN RGE SEC

07S 13E 13

SWSW

PLACE OF USE: DOMESTIC, same as STOCKWATER STORAGE use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **October 1, 2000**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 36A.
5. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
6. Stockwater storage use is for 5 range cattle.
7. Domestic use is for 1 home.
8. Any irrigation use occurring under this domestic use is authorized only in connection with a home.
9. The surface area of the storage facility and the area irrigated when combined shall not exceed 1/2 acre.

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SEP 24 1998

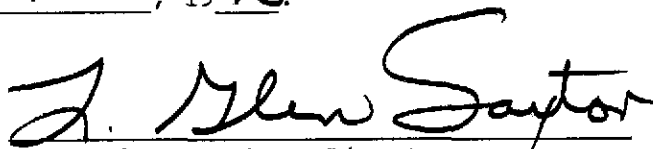
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 36-08782

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

23rd day of September, 1998.


Karl J. Dreher, Director
for



MICROFILMED

SEP 24 1998

Ident. No. 36-08782

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED
SEP 16 1998

DEPARTMENT OF WATER RESOURCES

1. Name of Applicant Jeffery R JAYO Phone (208) 837-6564
Mailing address 902 C Justice Grade, Hagerman, Idaho 83332
2. Source of water supply WASTE WATER which is a tributary of SINKS
3. Location of point of diversion is Township 7S Range 13E Sec. 13 in the SW 1/4.
SW 1/4, 1/4, Govt. Lot , B.M., Gooding County.
additional points of diversion if any: East of the Boise Meridian
4. Water will be used for the following purposes:
* Amount 0.15 AF for Aesthetic stor purposes from JAN 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.02 cfs for Domestic purposes from April 1 to Oct 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.15 AF for Stock water stor purposes from JAN 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.02 for Ditch storage purposes from 4/1 to 10/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.02 cfs and/or (b) 0.15 AF
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source Existing Pond AND Ditch -
A Pump From Pond to sprinkler system
 - b. Height of storage dam feet; active reservoir capacity 0.15 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 85°F being sought?
 - e. If well is already drilled, when? ; Drilling firm
Well was drilled for (well owner) ; Drilling Permit No.
- * 7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in KW.
 - b. Stockwatering; list number and kind of livestock. Beef Cattle - 2 or 3 MAX.
 - c. Municipal; show name of municipality.
 - d. Domestic; show number of households. ONE C.S.
 - e. Other; describe fully. Domestic Irrigation - less than 1/2 (half) Acre

* CHANGED PER 07/06/98 TELECOM WITH APPLICANT.

* volume rounded to nearest 1/10 AF per data entry standards. 9/21/98 cjs.

SEP 24 1998
P. SKINNER

9. 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	
7S	13E	13											D						$\frac{1}{2}$
													J						
													S						

Total number of acres to be irrigated $\frac{1}{2}$

10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? Jeffery R. Jayo

b. Who owns the land to be irrigated or place of use? Jeffery R. Jayo

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: Waste Water runs down ditch to existing Pond on property then drains into Another existing ditch on West side of property. Future Plan is to install small Pump in Pond for Domestic Irrigation. (less than $\frac{1}{2}$ Acre) Stock will water from Pond and Ditch Future Domestic well to be drilled to Service House AND SAME $\frac{1}{2}$ (half) Acre. Waste Water comes from Big Springs Overflow.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" 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.)

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

MICROFILMED

SEP 24 1998

Jeffery R. Jayo
Signature of Applicant (and title, if applicable)

Received by A. SKINNER Date 07/07/98 Time 12:19 Preliminary check by _____
Fee \$ 50.00 Received by C. SKINNER # 5021298 Date 07/07/98
Publication prepared by MB Date 8/5/98 Published in Gooding Co. Leader
Publication approved _____ Date _____

Sec. 13 177 R. 13

SEP 24 1966

MICROFILMED

1000

002050010010
Thee Tare
CHURCH OF
FIRST BAPTIST

00305001010A

003050010098

pump
 for
 irrigation

Page 1

WASTE WATER DITCH/DRAINAGE

POD LOCATION

Styrene
Glycerin
Linoleic
Trist

1 y 20/8

96.51

1000
 1000
 1000

RECEIVED

NOV - 5 2001

Department of Water Resources

MEMO

TO: FILE DATE: 11-2-01
FROM: JIM STANTON

RE: Proof of Ben. Use, Permit 36-8782

Permittee called today to say that he had made a mistake on the proof. He said that it should have said $\frac{1}{2}$ acre of irrigation, not $\frac{2}{3}$ of an acre. Permit is for $\frac{1}{2}$ acre. I told him that I would put a memo in the file regarding this, but that it was not a problem as the permit controls what will be licensed.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

August 15, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JEFFERY R JAYO
980 HILLSIDE DR
HAGERMAN ID 83332

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 36-08782

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use ("proof") form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Your permit authorizes Stockwater Storage, Domestic and Aesthetic Storage uses. According to paragraphs 8 & 9 in the Conditions of Approval and Remarks of your permit which refers to irrigation use as only in connection with a home, and that the surface area of the storage facility and the area irrigated when combined shall not exceed $\frac{1}{2}$ acre. My concern is that on the proof you filed you stated that Irrigation is for $\frac{2}{3}$ acre. Please review these conditions, and contact the Southern Regional office if you have any questions.

Be advised that Section 42-248, Idaho Code requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions concerning the field examination, please contact the Southern Regional Office of the department in Twin Falls at (208) 736-3033.

Sincerely,

Deborah Gibson
Administrative Assistant
Water Allocation Bureau

Encl.

c: IDWR - Regional Office

MICROFILMED

OCT 02 2001

ANALYSIS SHEET FOR PROOF OF BENEFICIAL USE

Permit No.: 36-8782

Reviewed By: dgibson

Date: August 14, 2001

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Proof received timely?	X		Drilling permit required?		X
License examination fee required?	X		Drilling permit No.:		
Appropriate fee submitted?	X		Drilling permit upgrade needed?		
Receipt No.:		S021298, S024241	Well driller's report filed?		X
Additional Amount Due:			Measuring device required?		X
Name and address same as permit?		X	Measuring device installed?		
Are the water uses correct?			Measure device waiver requested?		

Priority Calculation

Date proof received		08/10/2001
Date proof due	-	10/01/2001
Lapse notice sent	-	
No. of days late	=	0
Holiday allowance	+	
Priority date	+	07/07/1998
New priority date	=	07/07/1998

Deficiencies of Actions Items

Acknowledge proof. Verify that irrigation meets the permitted use.

July 31, 2001

JEFFERY R JAYO
980 HILLSIDE DRIVE
HAGERMAN, ID 83332

PROOF DUE NOTICE

RE: PERMIT NO. 36-8782

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before October 01, 2001. (See last page of your approval permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a completed field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

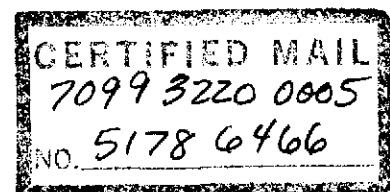
Sincerely,

Deborah J. Gibson, Admin. Asst.
Water Allocation Bureau

Enclosures

MICROFILMED

OCT 02 2001





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

August 23, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JEFFERY R JAYO
980 HILLSIDE DR
HAGERMAN ID 83332

RE: PERMIT NO. 36-08782

Dear Permit Holder:

I have enclosed a copy of the approved request for extension of time submitted in connection with the above referenced permit which extends the time within which to submit proof of beneficial use to **October 1, 2001**. Please note that the department granted the extension based on due diligence. Therefore, it is important that you work diligently towards completion of the project since the department **may not** be able to grant future extension requests based on due diligence.

Section 42-248, Idaho Code requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact this office or any regional office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner.

Please contact the department, if you have any questions regarding this matter.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: IDWR - Regional Office

MICROFILMED

OCT 02 2001

ANALYSIS SHEET FOR EXTENSION OF TIME

Permit No. 36-08782 Reviewed by D. Gibson Date 8/23/00

BASIC INFORMATION

8/18/00 Date stamp received
Yes Extension received timely
Yes Fee received and receipted
Yes Name and signature same as permit
Yes Address Change

BASIS FOR EXTENSION REQUEST

Yes Has adequate work been completed to demonstrate due diligence?
No Has the permit been involved in litigation?
Is supporting documentation needed to complete the file? _____ Requested? _____
No Is delay by a government agency?
Is supporting documentation needed to complete the file? _____ Requested? _____
No Is the project more than 25,000 acre feet for irrigation or 10,000 acre feet for a reservoir?

ACTION TAKEN

Approve request & ^{extend} advance proof due date to 10/1/01.

PRIORITY CALCULATION

Date extension received	<u>N/A</u>	=	<u>/</u>
Proof due date		=	<u>/</u>
Number of days late		=	<u>/</u>
Priority date		=	<u>/</u>
New Priority Date		=	<u>/</u>

DATA ENTRY

New Address 980 Hillside Dr., Hagerman, Id. 83332
Change Proof Due Date 10/1/01
Change Priority Date No

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: 2050172

Date: 8/18/2000
Time: 10:27:58

Received
From: JAYO, JEFFERY

Type of Payment	Program A cct	Amount
EXTENTION PERMIT #3608782	56103 229 21 1185	50.00
CHECK 9594		
	Total	\$ 50.00

Region: STATE

Signature: _____

MICROFILMED
OCT 02 2001

July 31, 2000

JEFFERY R JAYO
902 C JUSTICE GRADE
HAGERMAN ID 83332

PROOF DUE NOTICE

RE: PERMIT NO. 36-08782

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before October 1, 2000.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

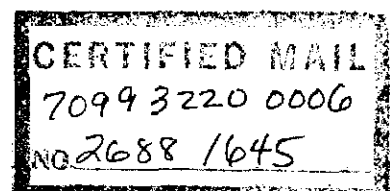
SINCERELY,

DEBORAH DREW-ELLIS
Administrative Assistant

Enclosures

MICROFILMED

OCT 02 2001





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

September 23, 1998

PHILIP E. BATT
GOVERNOR

JEFFERY R JAYO
902 C JUSTICE GRADE
HAGERMAN ID 83332

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 36-08782

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

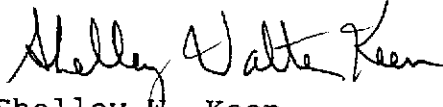
As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

If you have any questions, please call me at 208-327-7946.

Sincerely,


Shelley W. Keen
Water Rights Supervisor

SK:klt
Enclosures

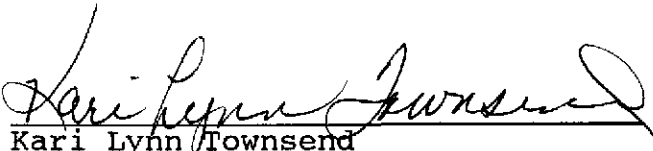
FILED
SEP 24 1998

CERTIFICATE OF MAILING

I hereby certify that on the 23rd day of **September, 1998**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved Permit)** to the person(s) listed below:

Water Right No. 36-08782

**JEFFERY R JAYO
902 C JUSTICE GRADE
HAGERMAN ID 83332**


Kari Lynn Townsend
Secretary

MICROFILMED

SEP 24 1998

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the order. 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED
SEP 24 1998

CERTIFICATE OF SERVICE

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

FINAL ORDER

The Department 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 Department 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 issuance 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.

APPLICATION FOR PERMIT STATE OFFICE ANALYSIS

by *Cindy Lou*

No.: 368782 Name: Jay Date: 9/18/98 Ad OK? ☒ Gvmt Lts: ☒

AREA OF CONCERN:

- No/Yes: ESRP Mor / SWMA / Trust / Non-trust

PROTESTED:

- 020 (Protest Agreement) or *W19 (Order)

SYSTEM COMPLETED:

> 1 year

- 264-P17

≤ 1 year/no proof

- P16

GROUNDWATER: (✓ FLO-CH)

WMD (✓ MAP)

> 0.24 cfs/5 acres

- North / East / West

≤ 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

WMD Supplemental use

> 0.24 cfs/5 acres

- No MD

≤ 0.24 cfs/5 acres

- 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

- 01M (report when notified)

- No MD

DRILLING PERMIT:

All wells (✓ WDQ3)

- 046-P23

In Basin 34?

- 085

Irr. within WD

- P05 (new well location)

SURFACE WATER: (✓ FLO-CH) (Surface water that doesn't sink is regulated):

FISH & GAME CONTACTED:

- Yes / No; RESPONSE: _____

IN/ABOVE MIN. STR. FLOW (✓ MAP)

- *WB9

WD (✓ MAP & LISTING)

> 0.10 cfs

- R04 (WD # 36A) → OK per water distribution due to *Hagerman*

≤ 0.10 cfs

- 01J-P08 (MD & LD)

WMD (✓ MAP)

> 0.24 cfs/5 acres

- ~~01J-P08 (MD)~~ or No MD (in-stream stock) *OIP*

≤ 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

- No MD

SPRINGS/INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

- 01M or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

RIVER BASINS: (*Surface water):

Snake R (01)

- *W22 -P04, NA

(02/03-irr)

- 007 (w/ remark *WB9 if above Weiser), NA

Payette R(65)

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

Salmon R (70's)

- 029 (fish screens), NA

Weiser R (67)

- 086, 087

USE:

Domestic surface

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

> 1 in rest. area

- 071-070

Fire Protection

- 077

Fish Propagation

- 029-007-042(req)-081 (WQ)-P10

Heating/Cooling

- R07 (injection well)

Irr ≤ 5 acres

- R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)

> 5 acres

- R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)

Mining

- 054(req)-081-P10

Municipal

- 022, 075, 004 (+memo?), NA (not in restricted area)

Power

- 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons. use);

17G (FERC) or 17M (FERG); 18B-P09; >25 cfs-P18

Stockwater

- R37 (BLM/USFS); NA

Storage (✓ 3 compo.)

- 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:

42-248 area

- P84 (in 20/30/40/50/60/70/80 (87) basin)

Boise Front LoGeo

- 058 (<85° GW temp only)

In-stream dev.

- P52 (stream channel alteration)

Mitigation

- 120

SWAN FALLS FLAG (See Code Chart)

Trust

- 051-052-053-P74 (Consumptive Uses), NA

Non-Trust (1)

- 048-049 (Consumptive Uses), NA

OWNERSHIP:

- 004 (PD/PU)

OTHER CONDITIONS:

- 04 mod

STANDARD REMARKS:

- Underwater ① area under inst stor not exceed 1/2 ac.

BENEFICIAL USE DUE:

- 10/1/2000

COMMENTS:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SEP 16 1998
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY C. SKINNER DATE 07/31, 1998
APPLICATION NO. 36-08782

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (see USGS quad for names of water sources)
☒ Point of diversion (10 Acres for spring, lot & block descriptions, subdivisions, local name, flow &/or volume.)
☒ County
☒ Quantity (flow &/or volume)
☒ Period of use
☒ Nature of proposed use (include description of use)
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map
☒ Signature (If applicant is corp., partnership, or municipality of signator is required)
☒ Fee
☒ Yes ☐ No* In form to receipt

---PROPOSED PRIORITY DATE
07/07 1998

ADDITIONAL INFORMATION

- ☒ Overlapping place of use(Describe source & relationship to previous application on the back. NONE, YET (APPLICANT PLANS ON DRILLING DOMESTIC WELL IN FUTURE))
☒ Overlapping point of diversion. NONE
☒ Yes ☐ No Field check required
☒ Yes ☐ No Field report attached by Greg Skinner 07/17/98
☒ Yes ☒ No Critical Ground water area
☒ Yes ☒ No Groundwater management area
☒ Yes ☒ No Send Dam safety information
☒ Yes ☒ No Send power requirement letter
☒ Yes ☒ No Send fish farm requirement letter
☒ Yes ☒ No Power residency affidavit.
☒ Yes ☒ No Power efficiency form
☒ Yes ☐ No Within trustwater boundary(If yes, attach trustwater supplementary analysis sheet.
☒ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet)

See reverse side for additional information.

* REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

Date Requested _____, 19____

PROCESSING ☒ Yes ☐ No In form for Advertising
☐ Yes ☒ No ~~No~~ Statewide Advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on app.

SEND COPIES TO: ☐ Idaho Dept of Health & Welfare ☐ USDI BLM
☒ Idaho Dept of Fish & Game ☐ USFS
☐ Idaho Dept of Lands ☐ Water Dist.
☐ Adjudication Bureau Unit ☐ Other _____

SHOULD HAVE
NO CONCERNS
WITH THIS

PARTICULAR APPLICATION.

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received.
☒ Yes ☐ No Application published correctly. If not, record action taken.
☒ Yes ☐ No Publication dates and paper, recorded on App.
☐ Yes ☒ No Protests received
Final date for Protest _____
N/A ☐ Yes ☐ No Protests, dates, resolution of protest, recorded on app.
☒ Yes ☐ No Recommendations attached
☐ Yes ☒ No Measuring device required
☐ Yes ☒ No Access port required
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what dist. _____
☐ Yes ☒ No Special conditions of approval or cover letter below. _____

See below for additional information

Date of priority recommended 7/7, 1998
By AD Date 9/12, 1998

STATE OFFICE REVIEW

See below for additional information

By _____ Date _____, 19 _____

ADDITIONAL INFORMATION:

FROM: Allen Merritt

DATE: September 14, 1998

TO: FILE: 36-08782 in the name of Jayo

SUBJECT: Review and Recommendation

This application proposes use of waste water to irrigate 1/2 acre area around a future house. The water will be ponded at the site for pumping & aesthetic purposes and for stockwater. A well will be drilled in the future for the home which may also serve the irrigated area.

I recommend that the application be approved subject to the following conditions:

- irrigation only be allowed in connection with a household use. When combined with future domestic groundwater use the total area irrigated is limited to no more than 1/2 acre.

- right is for waste water which is subject to original appropriator ceasing to waste the water.

MICROFILMED

SEP 24 1998

AFFIDAVIT of PUBLICATION

State of Idaho }
County of Gooding } ss.

RECEIVED

SEP 01 1998

Department of Water Resources
Southern Region

Patty Nance, being first duly sworn,
deposes and says that she is the printer (publisher) of the Gooding County Leader, a
newspaper published every week in Gooding, County of Gooding, State of Idaho; that
said newspaper has been continuously and uninterruptedly published for a period of
seventy-eight consecutive weeks prior to the first publication of the annexed notice, and
is a newspaper qualified to publish legal notices as provided by act of the 1919 session
of the legislature of the State of Idaho, known as House Bill 145; that the annexed
advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in
supplement; that the date of the first publication of said advertisement was on the
20th day of August, 1998

and that date of the last publication was on the 27th day of

August, 1998

On this 31st day of August

in the year of 1998, before me, a Notary Public, personally appeared

Patty Nance, known or identified to me to be the person
whose name subscribed to the within instrument, and being by me first duly sworn,
declared that the statements therein are true, and acknowledge to me that she executed
the same.

Jerome J. Doe
Notary Public for Idaho
Residing at Jerome, Id

My commission expires: 3/6/01

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2x

Lines tabular at _____ 7¢/Pica

464.06 Lines straight at 27.84 6¢/Pica

464.06 Subsequent lines at 23.20 5¢/Pica

Affidavit Fee 2.25

TOTAL COST 53.29

36-08782 - JAYO
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

JDWR
BILL TO

COPY OF NOTICE

NOTICE OF APPLICATION FOR WATER PERMIT

The following application has been filed
to appropriate the public waters of the
State of Idaho:

JEFFERY R. JAYO
902 C JUSTICE GRADE
HAGERMAN ID 83332

Application for Permit No. 36-08782

Source: Waste Water (Big Springs
pipeline overflow) tributary to Snake
Diversion Pt(s): SW1/4SW1/4, S13,
T07S, R13E; Gooding County.

Use: Aesthetic (0.15 afa) 1/1-12/31

Domestic-1 home (0.02 cfs) 4/1-10/31

Stockwater (0.15 afa) 1/1-12/31

Total Diversion: 0.02 cfs

In: SW1/4SW1/4, S13, T07S, R13E;
Gooding County.

Date Filed: 7/7/98

Any protest against the proposed
application(s) must be filed with the
Department of Water Resources,
Southern Region, 1341 Fillmore St.,
Suite 200; Twin Falls, ID 83301

PUB together with a protest fee of \$25.00 on
(Ida or before September 8, 1998 to be
considered by the Department in its
decision to grant or deny any part of
7-8 the proposed application(s). The 7¢/Pica
7-8 protestant must also send a copy of the 6¢/Pica
7-8 protest to the applicant.
7-8 Karl J. Dreher, Director
ins Published in the Gooding County 5¢/Pica
Leader on 8/20 & 8/27/98.

PUB: 8/20 - 8/27 G22786

No. 6861

22786
MICROFILMED

SEP 24 1998

**NOTICE OF APPLICATION FOR
WATER PERMIT**

The following application has been filed
to appropriate the public waters of the
State of Idaho:

JEFFERY R. JAYO

902 C JUSTICE GRADE

HAGERMAN ID 83332

Application for Permit No. 36-08782

Source: Waste Water (Big Springs
pipeline overflow) tributary to Sinks

Diversion Pt(s): SW1/4SW1/4, S13,
T07S, R13E; Gooding County.

Use: Aesthetic (0.15 afa) 1/1-12/31

Domestic-1 home (0.02 cfs) 4/1-10/31

Stockwater (0.15 afa) 1/1-12/31

Total Diversion: 0.02 cfs

In: SW1/4SW1/4, S13, T07S, R13E;
Gooding County.

Date Filed: 7/7/98

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application(s) must be filed with the
Department of Water Resources,
Southern Region, 1341 Fillmore St.,
Suite 200; Twin Falls, ID 83301
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or before September 8, 1998 to be
considered by the Department in its
decision to grant or deny any part of
the proposed application(s). The
protestant must also send a copy of the
protest to the applicant.

Karl J. Dreher, Director

Published in the Gooding County
Leader on 8/20 & 8/27/98.

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SEP 24 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

August 7, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LEGALS DEPT
MAGIC VALLEY PUBLISHING CO
ATTN Gooding County Leader
PO BOX 468
JEROME ID 83338

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Sr. Secretary

Enclosure

MICROFILMED

SEP 24 1998

NOTICE OF APPLICATION FOR WATER PERMIT

The following application has been filed to appropriate the public waters of the State of Idaho:

JEFFERY R. JAYO
902 C JUSTICE GRADE
HAGERMAN ID 83332

Application for Permit No. 36-08782

Source: Waste Water (Big Springs pipeline overflow) tributary to Sinks

Diversion Pt(s): SW1/4SW1/4, S13, T07S, R13E; Gooding County.

Use:

Aesthetic	(0.15 afa)	1/1-12/31
Domestic-1 home	(0.02 cfs)	4/1-10/31
Stockwater	(0.15 afa)	1/1-12/31

Total Diversion: 0.02 cfs

In: SW1/4SW1/4, S13, T07S, R13E; Gooding County.

Date Filed: 7/7/98

Any protest against the proposed application(s) must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before September 8, 1998 to be considered by the Department in its decision to grant or deny any part of the proposed application(s). The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Gooding County Leader on 8/20 & 8/27/98.

MICROFILMED

SEP 24 1998

MEMORANDUM

TO: Application For Permit 36-08782 File
FROM: Corey Skinner ^{CS}
DATE: August 7, 1998
SUBJECT: Information Regarding Application

Yesterday, I contacted Shelley Keen in the State Office seeking input on how the advertising of application 36-08782 should be worded, and how the application should be data entered.

During our discussion, Shelley mentioned that there has been some concern about the development period for applications that propose small domestic type of developments. The concern relates to allowing an applicant a five year development period for a small development that can obviously be completed in less than five years. Quite often, the Department has problems tracking down the applicant after five years, when soliciting proof filing and trying to arrange a field exam. This difficulty is further magnified, if the applicant sells the property involved with the application.

The enclosed application, 36-08782, was originally filed with a proposed 5 year development period. I assisted Mr. Jayo when he completed the application, but I could not remember exactly what Mr. Jayo's timeline for the development of his property was. Yesterday, morning I placed a call to Mr. Jayo to inquire about when he expected to be finished developing the property. I spoke with his wife because Mr. Jayo was not in. She said that he was planning on meeting with "the builder" (I assumed for the house) later that day, and that she would have Mr. Jayo call me.

Later on, I received a call from Mr. Jayo. We discussed the development of his property. He said that he had just written a check to the builder, and he was hoping that construction would start immediately. Mr. Jayo said that he was hoping to be living in his new house sometime this winter. He agreed to reduce the development period on his application (item 8c) to two years from the initial five years. He said that the development proposed under this application should be done within a year, but "we had better make it two years, just in case". After talking with Mr. Jayo, I reduced the specified development period on the enclosed application to two years, pursuant to our conversation.

MICROFILMED

SEP 24 1998



State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

August 5, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JEFFERY R. JAYO
902 C JUSTICE GRADE
HAGERMAN ID 83332

Re: Application for Permit No. 36-08782

Dear Applicant:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

This office has scheduled advertising the application in the Gooding County Leader for 8/20 & 8/27/98. A period of ten days following the second publication will be allowed for the submittal of protests.

If an application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If an application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. If a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely yours,

Corey Skinner, E.I.T.
Safety of Dams Engineer

cs:mb

MICROFILMED

SEP 24 1998

MEMORANDUM

TO: Jeffery Jayo Application for Permit File

FROM: Corey Skinner *CS*

DATE: August 3, 1998

SUBJECT: Staff Review

The enclosed application for permit, filed by Jeffery Jayo, seeks to develop a surface water source just east of the city of Hagerman. The surface water source consists of water that flows through a man made channel along Mr. Jayo's property. The channel is fed by excess flow (waste water) that occasionally flows from an overflow/vent from the Big Springs Water Users' pipeline.

Mr. Jayo has filed this application to record a water right for a small existing pond (aesthetic use) at the corner of his property. In addition, Mr. Jayo seeks to use the water for domestic irrigation (not to exceed $\frac{1}{2}$ acre) and stockwater use.

The application should be pretty straightforward. Mr. Jayo has a parcel of ground that is 1.03 acres in area. He plans on building a house on the ground and would like to use this water for irrigation to water a few head of stock. Mr. Jayo mentioned that he will eventually have a domestic well drilled on the property.

If the application is approved, a condition should be implemented that limits this irrigation use and any future irrigation from a domestic well to a total of $\frac{1}{2}$ acre, unless another water right is obtained. In addition, appropriate waste water conditions should be implemented.

MAY ALSO WANT TO CONDITION APPROVAL THAT IRRIGATION MUST BE IN CONNECTION WITH A HOME (PURSUANT TO 42-111) AND THAT TOTAL POND SURFACE AREA & IRRIGATED AREA NOT EXCEED $\frac{1}{2}$ ACRE?

PERHAPS, THE POND CAN BE CONSIDERED PART OF "THE IRRIGATION SYSTEM" DEPENDING ON THE "24 HOUR RULE OF THUMB" AND NOT BE INCLUDED IN THE $\frac{1}{2}$ ACRE IRRIGATION TOTAL. MAYBE THIS COULD BE CONSIDERED IN THE EVENTUAL LICENSING OF THE RIGHT, AFTER ALL DEVELOPMENT HAS OCCURRED.

08/07/98 *P. SKINNER*
MICROFILMED

SEP 24 1998

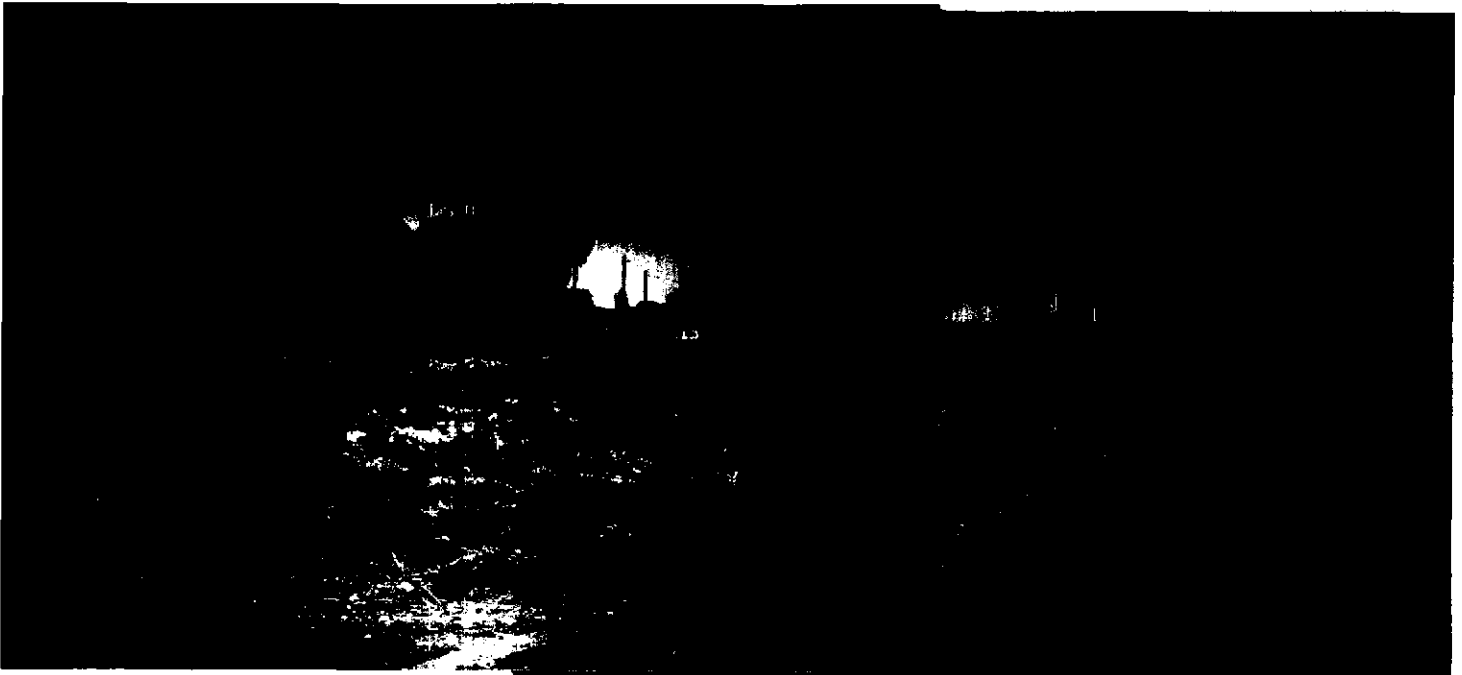
36-08782

JEFFERY JAYO APPLICATION FOR PERMIT



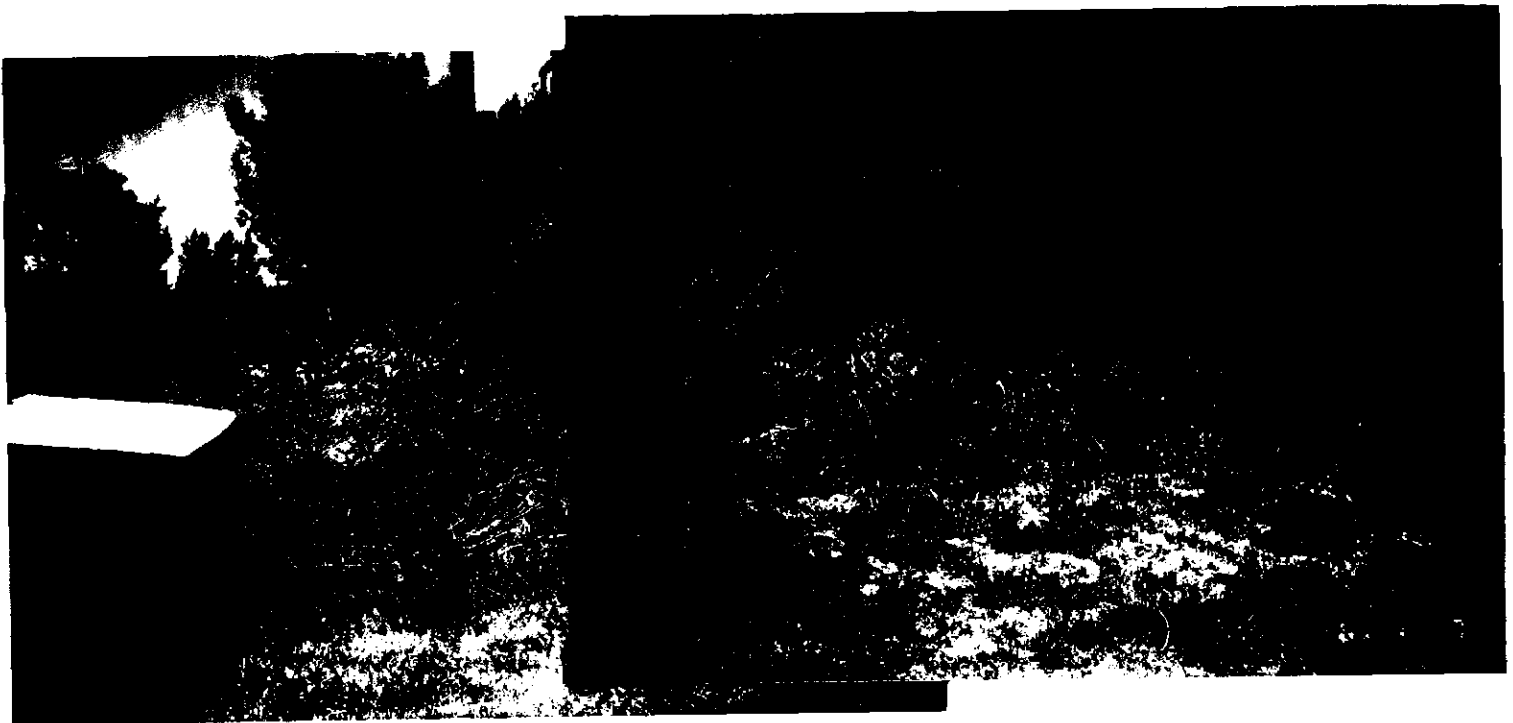
ABOVE: View (looking west) of Big Springs pipeline overflow/vent located east of Mr. Jayo's property. Water occasionally spills from this overflow/vent and runs down a channel/ditch below the powerline towards Mr. Jayo's property to the west. Water then enters a buried pipeline along the north boundary of Mr. Jayo's property.

BELOW: View (looking northwest) across Mr. Jayo's property. The Gooding County Assessor's office reports that Mr. Jayo owns 1.03 total acres. The buried pipeline from the channel/ditch that carries the waste water runs along the north edge of Mr. Jayo's property. Note location of the white and blue vehicles, they are located at the northwest corner of Mr. Jayo's property and are shown in the next view. MICROFILMED SEP 24 1998



JEFFERY JAYO APPLICATION FOR PERMIT

View (looking south) of area at northwest corner of Mr. Jayo's property. Arrow indicates location of where waste water discharges from pipe from channel/ditch from Big Springs pipe overflow/vent. A small "pond" is located in the area near the power pole (around cattails, and russian olive tree) visible in this view. Some of the water from the pipe discharge, and "pond", is visible in this view. The "pond" is basically just a wide spot on the channel/ditch. The overflow from the "pond" continues on down the channel/ditch to the south, along the west edge of Mr. Jayo's property. The channel/ditch then turns to the west and heads towards the city of Hagerman. It appears that the channel/ditch catches other waste water and eventually sinks into a drain near the west edge of Hagerman. Russian olive trees exist along this channel/ditch indicating that it has carried water (probably off and on) for many years. Mr. Jayo's application is for the existing "pond" that is visible in this view (aesthetic use) and for domestic irrigation (not to exceed $\frac{1}{2}$ acre) for his property. Mr. Jayo plans on pumping water out of this small "pond" for irrigation. In addition he plans on having some stock (a couple of beef cattle) on his property. Mr. Jayo plans on letting the stock water out of the "pond" and the channel/ditch.



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07/31/98 OVERLAP ANALYSIS BY CSRINNER

SWSW 1/4 SECTION 13 (T07S, R13E)

AJQ4

36-00022 } Big Springs
36-00023 } Water
36-15166 } Users

WRQ4

36-00159

AJQ5

no records
found

WRQ5

NO RECORDS
FOUND

07/31/98

Gooding County Assessors

Jeff Jayo total Lot 9 and part of Lot 10

1.03 acres

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