

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

CONSENT ORDER AND AGREEMENT

IN THE MATTER OF A NOTICE OF VIOLATION)
ISSUED TO DON BRANDT ON FEBRUARY 18, 2004)
FOR FAILURE TO PROPERLY ABANDON A WELL)
AS REQUIRED BY SPECIFIC CONDITIONS OF)
DRILLING PERMIT NO. D0029625)

This Consent Order and Agreement is reached between the Idaho Department of Water Resources (department) and Don Brandt (Brandt) as a result of a compliance conference held on March 15, 2004. The department agrees to consider the Notice of Violation (NOV) to be resolved and Brandt may use the new well to supply water under existing water rights, provided that Brandt complies with the following requirements:

- 1) Brandt will temporarily abandon the old well by capping the well with a fully welded $\frac{1}{4}$ in steel plate, and submit a statement that the old well is not equipped with a pump or connected to power.
- 2) Brandt will submit a completed application for transfer along with the appropriate fee seeking to use the old well and the new replacement well as points of diversion under existing water rights.
- 3) Brandt shall post a cash bond in favor of the Director in the amount of \$1000 to be held in abeyance pending department action on the water right transfer application.
- 4) Brandt agrees that said bond shall be forfeited in the event that the director issues a final order to deny the application for transfer and he does not properly abandon the old well within 90 days of such order. If the department denies the application for transfer and abandonment is required, Brandt agrees to have the well properly abandoned by a licensed well driller in accordance with the existing authorization and consistent with administrative rules.

Additionally, the department agrees to make a reasonable effort to expedite processing of Brandt's application for transfer and if said transfer is approved, the civil penalty shall be suspended entirely and the \$1000 bond will be released upon written request by Brandt. If the transfer is approved and Brandt seeks to modify either well, Brandt shall comply with the drilling permit requirements of Section 42-235, IC.

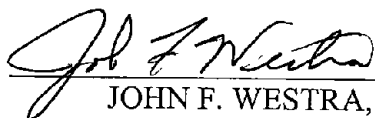
Brandt Consent Order/Agreement

Execution of agreement

The undersigned do hereby agree to the terms and conditions set forth in this agreement.

RESPONDENT  DATE 4-2-04
DON BRANDT

IT IS HEREBY ORDERED ON THIS 2nd April Day of ~~MARCH~~, 2004


JOHN F. WESTRA,
Manager, Western Region