



IDAHO DEPARTMENT OF
WATER RESOURCES

Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

September 26, 2022

JASON AND SHELLEY MONKS
3865 S BLACK CAT RD
NAMPA, ID 83687-9040
VIA Email - jasonamonks@gmail.com

Re: Withdrawal of Application for Permit No. 63-4852 (Jason and Shelley Monks)

Dear Applicant:

The department has received your recent withdrawal of the above-referenced application. For your convenience, a copy of the application and the withdrawal are enclosed.

This action classifies the application as null, void, and of no further consideration by the department. Further, the withdrawal of the application resolves the contested case created by protests to the application and no further action regarding the contested case will be considered by the department.

Please feel free to contact our office at 208-334-2190 if you have additional questions in this matter.

Sincerely,

Nick Miller
Manager, IDWR Western Regional Office

Enclosures

Cc: Nampa and Meridian Irrigation District c/o Bryce Farris, Sawtooth Law - bryce@sawtoothlaw.com

Miller, Nick

From: Jason Monks <jasonamonks@gmail.com>
Sent: Saturday, September 24, 2022 9:14 PM
To: Miller, Nick
Cc: Bryce Farris
Subject: Re: Contested Application for Permit 63-34852
Attachments: withdrawal-of-application-for-permit-monks.pdf

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Hi Nick,

THanks for following up with me. We do not wish to proceed with the application process.

Sincerely,

Jason Monks

On Sep 23, 2022, at 1:07 PM, Miller, Nick <Nick.Miller@idwr.idaho.gov> wrote:

Hello Mr. Monks and Mr. Farris:

The message below appears to be the last correspondence I have regarding this application. I realize it has been a long two years since it was sent, so I thought I'd reach out and specifically ask Mr. Monks whether he intends to continue to pursue the application and, if so, whether the settlement is acceptable or if we should schedule a settlement conference to move the application along. I have attached a withdrawal form if you no longer intend to pursue the application.

Mr. Monks, please let me know by the end of next week how you would like to proceed, or I will assume you no longer have an interest in pursuing the application and I will take steps to void the application.

Nick Miller
Manager, IDWR Western Region

From: Bryce Farris <bryce@sawtoothlaw.com>
Sent: Tuesday, October 27, 2020 9:54 AM
To: Miller, Nick <Nick.Miller@idwr.idaho.gov>; Jason Monks <jasonamonks@gmail.com>
Subject: [WARNING: UNSCANNABLE EXTRACTION FAILED]RE: Contested Application for Permit 63-34852

Nick:

I sent the Stipulation to Mr. Monks back in July (See attached) and I don't see where it has been returned to me.

Thanks,

S. Bryce Farris

Attorney at Law

SAWTOOTH LAW OFFICES, PLLC

1101 W. River St., Ste. 110

P.O. Box 7985

Boise, ID 83707

Tel: (208) 629-7447

Fax: (208) 629-7559

bryce@sawtoothlaw.com



SAWTOOTH LAW
OFFICES, PLLC

From: Miller, Nick <Nick.Miller@idwr.idaho.gov>
Sent: Tuesday, October 20, 2020 12:38 PM
To: Jason Monks <jasonamonks@gmail.com>
Cc: Bryce Farris <bryce@sawtoothlaw.com>
Subject: RE: Contested Application for Permit 63-34852

Hi Jason and Bryce,

I was going through my list of contested applications and realized I don't think we have spoken about this since May. I thought I should check in to make sure I didn't miss something that you sent in or that you are otherwise waiting on me for something.

Could you let me know if we are still waiting on a stipulation?

Hope all is well with both of you,

Nick.

From: Jason Monks [<mailto:jasonamonks@gmail.com>]
Sent: Thursday, May 28, 2020 10:09 PM
To: Miller, Nick <Nick.Miller@idwr.idaho.gov>
Subject: Re: Contested Application for Permit 63-34852

Hi Nick,

Thanks, I just emailed Bryce today asking him to send me a copy of the stipulated agreement so that I can sign it and send it on. Hopefully he will send it tomorrow and I can get it to you.

Thanks for checking in on this.

Jason Monks

On May 28, 2020, at 4:16 PM, Miller, Nick <Nick.Miller@idwr.idaho.gov> wrote:

Hi,

As I said about a month ago, I am checking again in to see how settlement is progressing. Sounded like you were close last month.

Still no pressure from my end.

Unless I hear otherwise from either of you, I'll plan to check back in in another month or so.

Hope all is well with both of you.

Nick.

From: Jason Monks [<mailto:jasonamonks@gmail.com>]

Sent: Tuesday, April 28, 2020 12:59 PM

To: Bryce Farris <bryce@sawtoothlaw.com>

Cc: Miller, Nick <Nick.Miller@idwr.idaho.gov>; Thorneycroft, Kensie <Kensie.Thorneycroft@idwr.idaho.gov>; Greg Curtis <gcurtis@nmid.org>

Subject: Re: Contested Application for Permit 63-34852

Bryce - that makes perfect sense. Thanks for the clarification - I thought the permit also covered my residence. It appears as though we are in agreement and can move forward with your proposed language.

Jason Monks

On Apr 28, 2020, at 12:22 PM, Bryce Farris <bryce@sawtoothlaw.com> wrote:

Jason:

Your new application is not for domestic use and the exemption you are reference is specific to domestic use. The statute and exemption specifically states that it does not apply to commercial or business uses. See I.C. section 42-111(2). Thus, as long as your application is for commercial and irrigation use then the condition requiring the use of the existing surface water for irrigation is applicable to the entirety of the application and you cannot "carve out" an exemption for irrigation of ½ an acre.

Give me a call if this doesn't make sense or if you have any questions.
Thanks,

S. Bryce Farris

Attorney at Law

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P.O. Box 7985
Boise, ID 83707
Tel: (208) 629-7447
Fax: (208) 629-7559
bryce@sawtoothlaw.com

<image002.png>

From: Jason Monks <jasonamonks@gmail.com>
Sent: Monday, April 27, 2020 7:14 PM
To: Bryce Farris <bryce@sawtoothlaw.com>
Cc: Miller, Nick <Nick.Miller@idwr.idaho.gov>; Thorneycroft, Kensie <Kensie.Thorneycroft@idwr.idaho.gov>
Subject: Re: Contested Application for Permit 63-34852

Hi Bryce,

My apologies, I guess I don't know what I'm really asking for. I was under the impression that a homeowner isn't required to get a water right for domestic use and irrigation for up to 1/2 acre around their home (which is why I wasn't required to apply for a water right to begin with. However, being that we were looking to build an even center and we would need to drill a new well, or increase the capacity of our existing well, I asked whether or not it would be prudent to include that we could use the well water to irrigate 1/2 of landscape without being required to only use the surface water unless the surface water was unavailable. I'm not sure if that makes sense, and if not, feel free to give me a call.

Thanks again for your assistance in this matter.

Sincerely,

Jason Monks

On Apr 27, 2020, at 4:46 PM, Bryce Farris
<bryce@sawtoothlaw.com> wrote:

Jason:

I'm not sure I fully understand your question, but the use of water for up to one-half acre for irrigation is applicable to a domestic well. You have applied for an irrigation right for up to .06 for irrigation use. Please give me a call if you have any questions.
Thanks,

S. Bryce Farris
Attorney at Law
SAWTOOTH LAW OFFICES, PLLC

1101 W. River St., Ste. 110
P.O. Box 7985
Boise, ID 83707
Tel: (208) 629-7447
Fax: (208) 629-7559
bryce@sawtoothlaw.com

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From: Jason Monks <jasonamonks@gmail.com>
Sent: Friday, April 24, 2020 1:59 PM
To: Bryce Farris <bryce@sawtoothlaw.com>
Cc: Miller, Nick <Nick.Miller@idwr.idaho.gov>;
Thorneycroft, Kensie
<Kensie.Thorneycroft@idwr.idaho.gov>
Subject: Re: Contested Application for Permit 63-34852

Hello,

Thanks for the reminder. I just looked at the language again and wanted to know if we could have a provision that also allowed that some of the well water could be used for landscaping as is allowed in code. I believe it says something to the effect that up-to a half acre around a residence and a half acre around the proposed event center can be watered with well water. It might be implied or understood via statute, but would it be beneficial if we actually listed that?

I'm not an expert on these matters so if I am off base you won't hurt my feelings by telling me that :-)

Thanks,

Jason Monks

On Apr 24, 2020, at 1:05 PM, Bryce Farris <bryce@sawtoothlaw.com> wrote:

Nick:

I think we are close. I have sent a proposed Stipulation to resolve the protest over to Mr. Monks for approval on March 23, 2020.

Thanks,

S. Bryce Farris
Attorney at Law
SAWTOOTH LAW OFFICES, PLLC
1101 W. River St., Ste. 110
P.O. Box 7985
Boise, ID 83707
Tel: (208) 629-7447
Fax: (208) 629-7559
bryce@sawtoothlaw.com

From: Miller, Nick
<Nick.Miller@idwr.idaho.gov>
Sent: Thursday, April 23, 2020 1:18 PM
To: Bryce Farris
<bryce@sawtoothlaw.com>; Jason
Monks <jasonamonks@gmail.com>
Cc: Thorneycroft, Kensie
<Kensie.Thorneycroft@idwr.idaho.gov>
Subject: RE: Contested Application for
Permit 63-34852

Just checking in. It has been a month,
and I haven't seen anything. I realize it
hasn't been an easy or normal month,
so no surprises that things may be
lagging.

No pressure from my end.

Unless I hear otherwise from either of
you, I'll plan to check back in in another
month or so.

Hope all is well with both of you.

Nick.

From: Miller, Nick
Sent: Monday, March 23, 2020 2:19 PM
To: 'Bryce Farris'
<bryce@sawtoothlaw.com>; Jason
Monks <jasonamonks@gmail.com>
Subject: RE: Contested Application for
Permit 63-34852

Sounds good. I'll keep an eye open for a
stipulation and check back in in a month
or so if I don't see anything.

Nick.

From: Bryce Farris
[mailto:bryce@sawtoothlaw.com]
Sent: Monday, March 23, 2020 12:23 PM
To: Miller, Nick
<Nick.Miller@idwr.idaho.gov>; Jason Monks <jasonamonks@gmail.com>
Subject: RE: Contested Application for Permit 63-34852

Nick:
Mr. Monks spoke with Greg Curtis at NMID about the application and I am in the process of preparing a stipulation to resolve the protest. I hope to send it out to Mr. Monks later today. Thus, I don't think there is any need to schedule a prehearing conference at this point.
Thanks,

S. Bryce Farris
Attorney at Law
SAWTOOTH LAW OFFICES, PLLC
1101 W. River St., Ste. 110
P.O. Box 7985
Boise, ID 83707
Tel: (208) 629-7447
Fax: (208) 629-7559
bryce@sawtoothlaw.com

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From: Miller, Nick
[mailto:Nick.Miller@idwr.idaho.gov]
Sent: Monday, March 23, 2020 10:55 AM
To: Jason Monks; Bryce Farris
Subject: Contested Application for Permit 63-34852

Dear Parties,

On March 3, 2020, this office sent you a letter and asked that you contact us if you reach settlement or if you would like a prehearing conference to

facilitate settlement. In that letter, the department also said it would reach out to you after a few weeks to see how things are progressing. This email message is being sent to give you an opportunity to let me know if you need anything from the department and if settlement is still ongoing.

Please write me back and let me know whether settlement is ongoing and whether or not either of you see a need to hold a prehearing conference or if I can be of assistance in helping to move this matter along.

Thank you,

Nick Miller
Manager, IDWR Western Region.