

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF PERMIT NO. 65-23487)
IN THE NAME OF JESSE LLC)
C/O STEVE LOOMIS)
_____)

**PRELIMINARY ORDER
REINSTATING A PERMIT**

This matter having come before the Idaho Department of Water Resources (“Department”), the Department finds, concludes and orders as follows:

FINDINGS OF FACT

1. On March 22, 2013, the Department issued Permit No. 65-23487 (“Permit”) in the name of Jesse LLC c/o Steve Loomis (“Permit Holder”) authorizing the diversion of 0.04 cubic feet per second of surface water for irrigation and stockwater uses in the Government Lot 3 (SW $\frac{1}{4}$ NW $\frac{1}{4}$) and Government Lot 8 (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 33 of Township 07 North, Range 02 East, B.M., Boise County. A condition of permit approval required the Permit Holder to submit proof of beneficial use of water to the Department on or before March 1, 2018.
2. On December 29, 2017, the Department notified the Permit Holder by certified mail that proof of beneficial use was due and instructed the Permit Holder of the steps to be taken to submit a *Statement of Completion for Submitting Proof of Beneficial Use* (“Proof”), or a *Request for Extension of Time* (“Extension Request”).
3. On February 9, 2018, the Permit Holder filed an Extension Request for an additional five years to submit proof of beneficial use for the Permit. The Department approved this Extension Request based on reasonable diligence and good cause. The approved Extension Request established a new proof of beneficial use due date of March 1, 2023.
4. On December 30, 2022, the Department notified the Permit Holder by certified mail that proof of beneficial use was due and instructed the Permit Holder of the steps to be taken to submit a Proof or an Extension Request.
5. On March 1, 2023, the Permit lapsed because the Department had not received an acceptable Proof or Extension Request.
6. On March 10, the Department notified the Permit Holder the Permit lapsed because no Proof or Extension Request had been received.
7. On March 23, 2023, the Permit Holder filed an acceptable Proof.

SCANNED
APR 04 2023

CONCLUSIONS OF LAW

Idaho Code § 42-218a(1) states, in pertinent part:

A permit upon which the proof of beneficial use..., has not been submitted, or a request for extension of time has not been received on or before the date set for such proof or incremental statement, shall lapse and be of no further force nor effect... . Notice of said lapsing shall be sent by the department to the permit holder at the address of record by regular mail.

Idaho Code § 42-218a(2) states, in pertinent part:

Within sixty (60) days after such notice of lapsing the department may, upon a showing of reasonable cause, reinstate the permit with the priority date advanced a time equal to the number of days that said showing is subsequent to the date set for proof.

By submitting an acceptable Proof, the Permit Holder has shown reasonable cause why this Permit should be reinstated. The Permit should be reinstated based upon the March 23, 2023 filing date.

ORDER

IT IS HEREBY ORDERED that Permit No. 65-23487 is **REINSTATED** and the Permit's priority date is advanced to May 1, 2012.

DATED this 29th day of March, 2023.



Shelley W. Keen, Chief
Water Allocation Bureau

MAR 23 2023

DEPARTMENT OF
WATER RESOURCESSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
STATEMENT OF COMPLETION
FOR SUBMITTING PROOF OF BENEFICIAL USE

FOR OFFICE USE ONLY

Amt. of Fee \$ 50
Receipt No. C115671
Received By KY
Date Received 3.23.23

The Idaho Department of Water Resources (Department) considers this form a statement that the permit holder(s) applied water to beneficial use and completed development of a water right to the extent described below. This form must be accompanied by an examination fee, when necessary, or by a completed Beneficial Use Field Report prepared by a certified water right examiner (CWRE). Please refer to the instructions and fee schedule for this form. If ownership of the permit has changed, complete a Notice of Change in Water Right Ownership form. If you wish to relinquish your permit because you have not established the authorized water use and are not applying for an extension, please notify the Department in writing.

1. Permit No. 65 23487 Name of Permit Holder(s) Jesse LLC
Telephone No. 208 859 8115 Email loomis@jw@gmail.com
Mailing Address 7154 W State #187 City Boise State ID Zip 83714

2. Source of Water Spring If Ground Water (well), Date Drilled mo. ____ / yr. ____
Drilling Permit/Tag No. ____ Drilling Company's Name ____

3. Extent of use(s) completed as authorized by the water right permit:

Domestic (No. households) ____ Irrigation (No. acres) .5 Stockwater (No. and stock type) 100 head cattle
Other Stock Tank

4. Total diversion rate or volume (storage only) for which proof is submitted .02 cfs OR ____ af
If the total developed water use is 5 acres of irrigation or less, is stockwater storage of 14.6 acre-feet or less, or has a diversion rate of less than 0.24 cfs, attach a map of the place of use and point of diversion and photographs showing beneficial use.

5. Describe the diversion and delivery system from the water source to the use (pump, lift, irrigation method, etc.)

Collection pool at spring - into 1 1/2" pipe - to stock tank & small vineyard

6. Permit condition compliance. Refer to the permit approval conditions and check all the items required, then check "Yes" or "No" to indicate whether the required items were established, submitted, and/or installed:

Required? Yes No (If "Yes", attach required data, evidence of compliance, or evidence of installation)

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | Ground water level data, pumping information, or other diversion data |
| ☐ | ☒ | Mitigation plan |
| ☐ | ☒ | Lockable controlling works |
| ☐ | ☒ | Measuring device |
| ☐ | ☒ | Fish screen |
| ☐ | ☒ | Other requirements of the water right permit |
| ☐ | ☒ | Reasonably Anticipated Future Needs ("RAFN") Municipal use |

If RAFN Municipal use, additional increment of beneficial use developed? ☐ Yes (attach CWRE report) ☐ No

7. Fee Enclosed \$ 50 or ☐ CWRE field report attached or ☐ No fee required
See fee schedule on page 3 of the instructions. Proof statements filed without an appropriate fee are incomplete.

8. Person to contact to accompany a Department representative during the field examination of the water system:

Name: Steve Loomis Telephone No. 208 859-8115 Email loomis@jw@gmail.com
Mailing Address 7154 W State #187 City Boise State ID Zip 83714

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 and applied to beneficial use. I understand that any undeveloped portion of the permit is relinquished to the State of Idaho.

SIGNATURE OF PERMIT HOLDER*

PRINTED NAME AND TITLE

DATE

*Attach power of attorney if completing on behalf of permit holder.

Steve Loomis - Manager 3/21/23

Jesse LLC

SCANNED

APR 04 2023



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little
April 3, 2023

Director Gary Spackman

JESSE LLC
C/O STEVE LOOMIS
7154 W STATE ST # 187
BOISE ID 83714-7421

PROOF ACKNOWLEDGEMENT LETTER

RE: Permit No. 65-23487

Dear Permit Holder:

The Department acknowledges receipt of the Proof of Beneficial Use form ("proof") and license examination fee for the above-referenced water right permit. Enclosed is an order that reinstates this permit since proof and the license examination fee were submitted after the proof deadline. Please note that the priority date for this permit has been advanced to **May 01, 2012**, pursuant to Idaho Code § 42-218a(2).

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 according to the conditions of the permit.

Please be advised that Idaho Code § 42-248, 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 or at the Department's website at www.idwr.idaho.gov.

If you have any questions concerning this permit, please contact the State Office of the Department located in Boise at (208) 287-4800.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures

c: HDR INC – *via email*

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APR 04 2023

CERTIFICATE OF SERVICE

I hereby certify that on **April 3, 2023** I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (**PRELIMINARY ORDER REINSTATING A PERMIT**) to the persons listed below:

RE: Preliminary Order in the Matter of Permit No. **65-23487**

**JESSE LLC
C/O STEVE LOOMIS
7154 W STATE ST # 187
BOISE ID 83714-7421**

**HDR INC – *via email*
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE ID 83706-6660
lori.graves@hdrinc.com**



**Debbi Judd
Technical Records Specialist**

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APR 04 2023