



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 25, 2003

John Mavencamp
1019 E 2900 S
Hagerman, ID 83332

RECEIVED
JUL 29 2003
Department of Water Resources
Southern Region

CERTIFIED MAIL

Re: Consent Order and Agreement
Brailsford Ditch Annual Water Measurement Reports and Fees

Dear Mr. Mavencamp,

Pursuant to our phone conversation on July 25, 2003, please find enclosed a Consent Order and Agreement regarding annual measurement and reporting of diversion of water to the Brailsford Ditch located near Hagerman, Idaho. Please note the terms of the agreement and all compliance dates and fees or civil penalties stipulated in the attached order.

Respectfully,

Tim Luke
Water Distribution Section

Cc: Frank Erwin, Watermaster
IDWR Southern Region

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

CONSENT ORDER AND AGREEMENT

In the matter of Notice of Violation issued to the Brailsford Ditch water users listed in Attachment A of this order, dated July 22, 2003, pursuant to Section 42-1701B, Idaho Code. As agreed between the Department and John Mavencamp, representative of the Brailsford Ditch water users, during a compliance telephone conversation on July 24, 2003, it is hereby ordered and agreed that:

TERMS OF AGREEMENT:

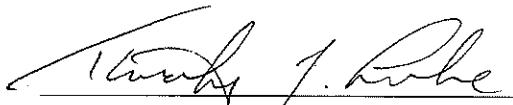
1) Term No. 1: The Idaho Department of Water Resources (IDWR) acknowledges that the Brailsford Ditch users did submit an annual report and report fee for year 2002 to IDWR in response to the Pending Notice of Violation sent to the users on April 30, 2003 and prior to issuance of the Notice of Violation issued by IDWR on July 22, 2003.

2) Term No. 2: The Brailsford Ditch water users, through its representative, John Mavencamp, will submit annual reports and the annual \$25.00 reporting fee to IDWR for 1998 through 2001. The users shall pay a reporting fee for each report, or a total of \$100.00. **The annual reports and report fees shall be submitted to IDWR on or before August 30, 2003.**

3) Term No. 3: The annual reports submitted shall include specific explanation as to why regular measurements may not have been taken and why annual reports were not submitted by the required deadlines. The users shall make a diligent effort to identify turn on and turn off dates, and if possible, make any estimates of weekly diversion rates during the annual period of use. The reports shall describe the method used, if any, to estimate diversion rates.

4) Term No. 4: Payment of \$10,000.00 civil penalty is set aside by the Idaho Department of Water Resources in acknowledgement of the prompt submittal of the 2002 annual report by the Brailsford Ditch users and upon this agreement to submit the remaining delinquent annual reports and report fees. This penalty may be re-imposed if the users fail to submit the delinquent reports in accordance with Term No. 2 and Term No. 3 of this agreement, and/or if the users fail to measure and annually report diversions for the Brailsford Ditch for any subsequent year or years.

Dated this 25th day of July, 2003


Tim Luke
Manager, Water Distribution Section

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Department of Water Resources
Southern Region

CONSENT

Respondent acknowledges in general the facts set forth and accepts fully the terms and conditions of this Order. These terms shall become effective upon execution by the parties. Respondent waives any right to contest this Order and consents to the issue hereof.

Signed this _____ day of _____, 2003.

**John Mavencamp, Representative
Brailsford Ditch Water Users**

Brailsford Ditch Water Users

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JUL 29 2000
Department of Water Resources
Southern Region

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