

# Idaho Department of Water Resources

## 63-31988

T04N R01W S3, 4



- Point of Diversion
- Place of Use
- Sections
- Quarter Quarter



500 0 500 1000 Feet

IDWR

Prepared by: Sandy Egbert

Date: 7-27-05

1987 NAPP Photography

pg 5 of 6

PART 3

T5N, R1W

T4N, R1W

33 34

4 3

NENE

Lot 1

41.0

NWNW

Lot 4

39.0

SENE

40.0

SWNW

40.0

NESE

40.0

NWSW

40.0

Pond

Waste  
Water

Waste  
Water

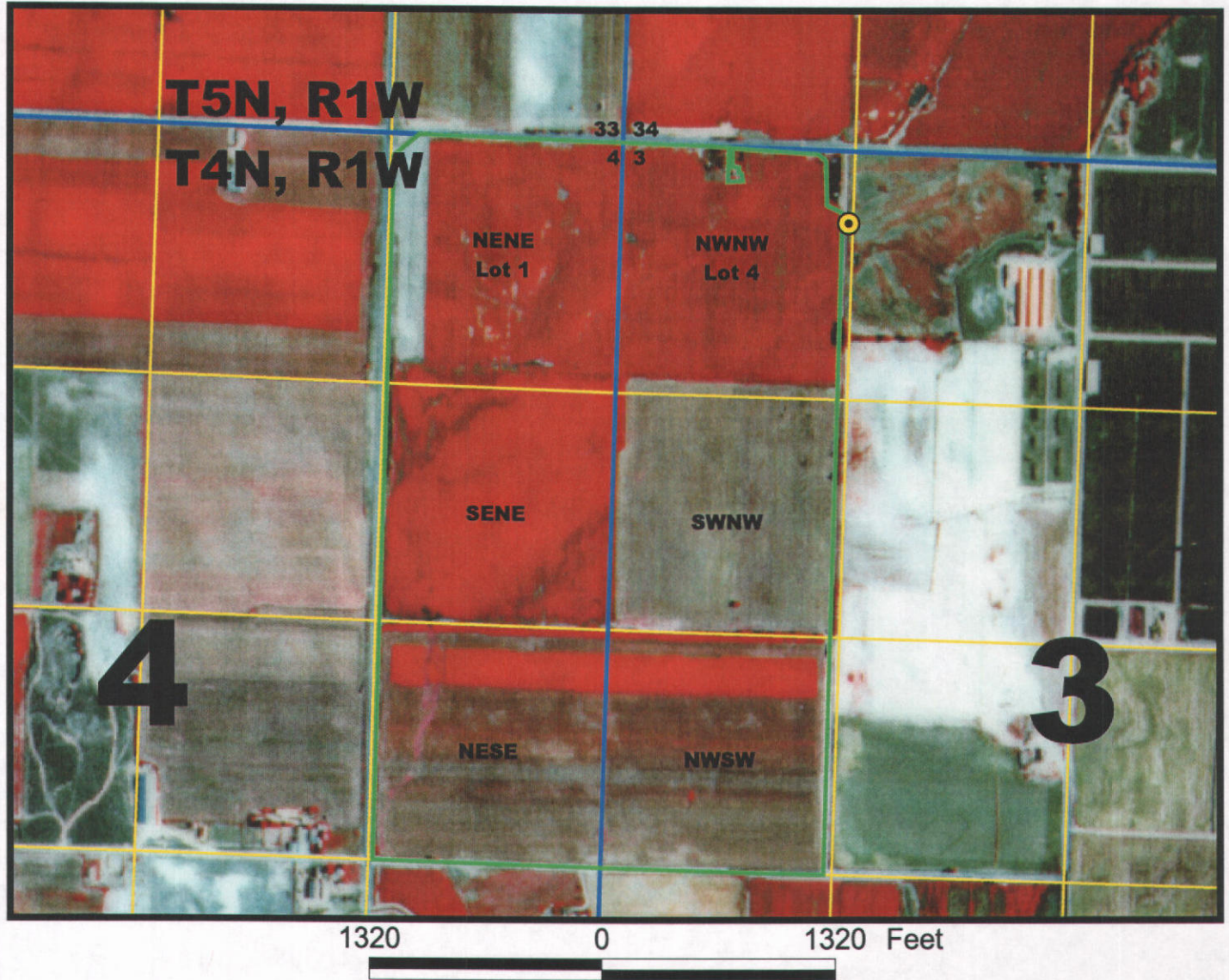
Plu old  
Pond  
2000



# STATE OF IDAHO

Department of Water Resources  
Western Region

## Water Right(s): 63-31988



**Total Irrigated Acres: 240.0**

-  Point of Diversion
-  Place of Use
-  Quarter Quarter Lines
-  Section Lines



GIS Place of Use Illustration  
1987/1988 NAPP Photography  
Prepared by: C. Saxton  
Date: September 2004

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,  
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-31988  
Date Received: 9/16/2004  
Receipt No: W032232  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

HOOT NANNEY FARMS INC Phone: (208)484-5528  
C/O MICHAEL L DIXON  
RT 1 BOX 8542 FLOATING FEATHER RD  
EAGLE ID USA 83616

2. Date of Priority: 03/01/1976

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 Lot | County | Type |
|----------|-------|---------|--------|--------|---------|--------|------|
| 04N      | 01W   | 3       | NW     | NW     | 4       | ADA    |      |
| 04N      | 01W   | 3       | NW     | NW     | 4       | ADA    |      |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 03/01 | 11/15 | 1.16   | 522        |

7. Total Quantity Appropriated is:  
1.16 C.F.S. and/or 522 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township    | Range | Section | 1/4 of 1/4    | Lot | Use | Acres      |    |
|-------------|-------|---------|---------------|-----|-----|------------|----|
| 04N         | 01W   | 3       | NW            | NW  | 4   | IRRIGATION | 39 |
|             |       |         | SW            | NW  |     | IRRIGATION | 40 |
|             |       |         | NW            | SW  |     | IRRIGATION | 40 |
|             |       |         | Section Acres |     |     |            |    |
| 04N         | 01W   | 4       | NE            | NE  | 1   | IRRIGATION | 41 |
|             |       |         | SE            | NE  |     | IRRIGATION | 40 |
|             |       |         | NE            | SE  |     | IRRIGATION | 40 |
|             |       |         | Section Acres |     |     |            |    |
| Total Acres |       |         |               |     | 240 |            |    |

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

The total instantaneous diversion of water from all points of diversion under Rights 63-2958 and 63-31988 shall not exceed 2.40 cfs, nor a total combined annual volume of 1080.0 af for the irrigation of a total of 240 acres.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

Right 63-31988 is an enlargement of Right 63-2958.

This right is limited to the irrigation of 116 acres within the place of use described above in a single irrigation season.

Right 63-2958 is also diverted through the points of diversion described above.

15. Basis of Claim: Beneficial Use

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,  
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number  
Date Received:  
Receipt No:  
Received By:

63-31988  
9-15-04  
W.C. 3232  
ES

**ENLARGEMENT**

**NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW**

**ENLARGEMENT**

1. Name of Claimant(s)

HOOT NANNEY FARMS INC Phone: (208)484-5528

C/O MICHAEL L DIXON  
8542 FLOATING FEATHER RD  
EAGLE ID USA 83616

2. Date of Priority: 03/01/1976

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 04N      | 01W   | 3       | NW NW 4               | ADA    |      |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| IRRIGATION | 3/01 | 11/15 | 2.32   |            |

7. Total Quantity Appropriated is:  
2.32 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 Lot | Use        | Acres |
|----------|-------|---------|----------------|------------|-------|
| 04N      | 01W   | 3       | NW NW 4        | IRRIGATION | 40    |
|          |       |         | SW NW          | IRRIGATION | 40    |

|     |     |   |    |    |   |               |     |
|-----|-----|---|----|----|---|---------------|-----|
|     |     |   | NW | SW |   | IRRIGATION    | 40  |
|     |     |   |    |    |   | Section Acres | 120 |
| 04N | 01W | 4 | NE | NE | 1 | IRRIGATION    | 40  |
|     |     |   | SE | NE |   | IRRIGATION    | 40  |
|     |     |   | NE | SE |   | IRRIGATION    | 40  |
|     |     |   |    |    |   | Section Acres | 120 |
|     |     |   |    |    |   | Total Acres   | 240 |

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

Actual irrigated acreage is 116 acres.

15. Basis of Claim: **Beneficial Use**

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

For Organizations:

I do solemnly swear or affirm that I am Michael L. Quinn of  
Hoot M. Quinn, Inc. Title  
Organization, that I have signed the foregoing  
document in the space below as \_\_\_\_\_ of  
\_\_\_\_\_ Title  
Organization and that the statements contained in the  
foregoing document are true and correct. \_\_\_\_\_  
Signature of Authorized Agent

\_\_\_\_\_  
Title and Organization

\_\_\_\_\_  
Date

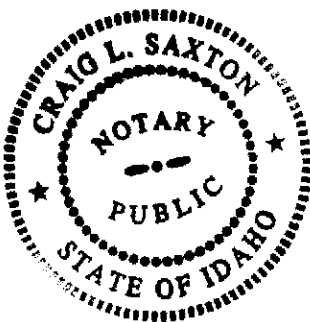
State of Idaho )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 15<sup>th</sup>  
of Sept 2004

Craig L. Saxton  
Notary Public

Residing at Ada CO

My commission Expires 8/14/07



# Idaho Department of Water Resources Receipt

Receipt ID W032232

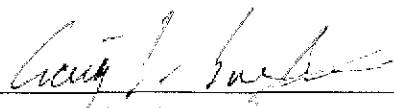
Payment Amount \$50.00 Date Received 9/16/2004 3:31:03 PM Region Western Status ☐  
Payment Type Check Check Number 3405

Payer MICHAL L. DIXON

Comment Niew claim 63-31988. Enlargement - Acres paid for under  
reciept W002554

## Fee Detail

| Amount  | Description             | Fund | FD    | PCA  | SO |
|---------|-------------------------|------|-------|------|----|
| \$50.00 | ADJUDICATION FILING FEE | 0337 | 42503 | 1155 |    |

  
Signature Line (Dept. Representative)

# The Idaho Statesman

RECEIVED  
DEC 07 2005  
RECEIVED  
DEPARTMENT OF  
WATER RESOURCES  
DEC 08 2005

P.O. Box 40, Boise, Idaho 83707-0040

## LEGAL ADVERTISING PROOF OF PUBLICATION

|                                                                       |         |                             |                               |
|-----------------------------------------------------------------------|---------|-----------------------------|-------------------------------|
| Account #                                                             | DTI#    | Identification              | Amount:                       |
| 120934                                                                | 1393427 | ENLARGEMENT OF WATER RIGHTS | \$225.50                      |
| Attention:                                                            |         | P.O. #                      | Run Dates                     |
| DANNI SMITH                                                           |         |                             | NOVEMBER 28, DECEMBER 5, 2005 |
| IDAHO WATER RESOURCES / LEGAL<br>PO BOX 83720<br>BOISE, ID 83720-0098 |         |                             | Number of Lines<br>2 X 63     |
|                                                                       |         |                             | Affidavit<br>1                |
|                                                                       |         |                             | Legal #<br>24126              |

### LEGAL NOTICE NOTICE OF ENLARGEMENT OF WATER RIGHT

The following claims to water rights have been filed in the Snake River Basin Adjudication as enlargements to existing water rights under Idaho Code §42-1426. Note that the places of use in Ada County are shown to the nearest section - more specific locations are available upon request.

**Water Right:** 63-31586  
**NAME & ADDRESS:** DALE M FRAZELL  
KATHLEEN KEYS  
15205 N MC FARLAND CREEK RD  
BOISE ID 83714  
**SOURCE:** SPRING  
**PRIORITY DATE:** 07/01/1983  
**POINT OF DIVERSION:** T05N R02E S29 SESWNW  
**PURPOSE OF USE:** FIRE PROTECTION  
FIRE PROTECTION STORAGE  
FIRE PROTECTION FROM STORAGE

**PLACE OF USE:** T05N R02E S29 SWNW  
This right is for an enlargement of 63-31247 and 63-32082 by adding fire protection uses within the place of use described for this right.

**Water Right:** 63-31588  
**NAME & ADDRESS:** HAROLD R BRUSH  
PATRICIA R BRUSH  
PO BOX 1768  
MC CALL ID 83638  
SPRINGS  
**SOURCE:** TRIBUTARY TO: MC FARLAND CREEK  
**PRIORITY DATE:** 07/01/1983  
**POINT OF DIVERSION:** T05N R02E S29 NESWNW  
**PURPOSE OF USE:** FIRE PROTECTION  
FIRE PROTECTION STORAGE  
FIRE PROTECTION FROM STORAGE

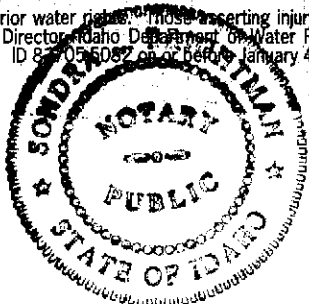
**PLACE OF USE:** T05N R02E S29 SWNW SENW  
This right is for an enlargement of 63-31587 by adding fire protection uses within the place of use described for this right.

**Water Right:** 63-31988  
**NAME & ADDRESS:** HOOT NANNY FARMS INC  
C/O MICHAEL L DIXON  
8542 FLOATING FEATHER RD  
EAGLE ID 83616  
**SOURCE:** GROUNDWATER  
**PRIORITY DATE:** 03/01/1976  
**POINT OF DIVERSION:** T04N R01W S03 LT4 (NWNW)  
LT4 (NWNW)  
**PURPOSE OF USE:** IRRIGATION  
**PLACE OF USE:** T04N R01W S03 LT4 (NWNW) SWNW NWSW  
S04 LT1 (NENE) SENE NESE

This right is for an enlargement of 124 acres irrigation within the place of use described for this right.

The water rights will be subject to all prior water rights. Those asserting injury from the enlargements may file petitions with the Director, Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-6082 on or before January 4, 2006.

Pub. Nov. 28, Dec. 5, 2005



24126

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of *The Idaho Statesman*, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in *The Idaho Statesman*, in conformity with Section 60-108, Idaho Code, as amended, for:

TWO

☒ consecutive weekly ☐ single  
☐ consecutive daily ☐ odd skip  
insertion(s)

beginning issue of: NOVEMBER 28, 2005  
ending issue of: DECEMBER 5, 2005

*Janice Hildreth*

STATE OF IDAHO )  
COUNTY OF ADA )

On this 5 day of DECEMBER in the year of 2005  
before me, a Notary Public, personally appeared before me  
Janice Hildreth 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 acknowledged to me that she executed the same.

Notary Public for Idaho  
Residing at: Boise, Idaho  
My Commission expires: 6/30/06

*Sandra L. Brightman*  
6/30/06

# The Idaho Statesman

RECEIVED

JAN 12 2006

WATER RESOURCES  
WESTERN REGION

P.O. Box 40, Boise, Idaho 83707-0040

## LEGAL ADVERTISING PROOF OF PUBLICATION

|                                                                       |         |                             |                               |
|-----------------------------------------------------------------------|---------|-----------------------------|-------------------------------|
| Account #                                                             | DT#     | Identification              | Amount                        |
| 120934                                                                | 1393427 | ENLARGEMENT OF WATER RIGHTS | \$225.50                      |
| Attention:                                                            |         | P.O. #                      | Run Dates                     |
| DANNI SMITH                                                           |         |                             | NOVEMBER 28, DECEMBER 5, 2005 |
| IDAHO WATER RESOURCES / LEGAL<br>PO BOX 83720<br>BOISE, ID 83720-0098 |         |                             | Number of Lines<br>2 X 63     |
|                                                                       |         |                             | Affidavit<br>1                |
|                                                                       |         |                             | Legal #<br>24126              |

### LEGAL NOTICE NOTICE OF ENLARGEMENT OF WATER RIGHT

The following claims to water rights have been filed in the Snake River Basin Adjudication as enlargements to existing water rights under Idaho Code §42-1426. Note that the places of use in Ada County are shown to the nearest section - more specific locations are available upon request.

**Water Right:** 63-31586  
**NAME & ADDRESS:** DALE M FRAZELL  
KATHLEEN KEYS  
15205 N MC FARLAND CREEK RD  
BOISE ID 83714  
**SOURCE:** SPRING **TRIBUTARY TO:** MC FARLAND CREEK  
**PRIORITY DATE:** 07/01/1983  
**POINT OF DIVERSION:** T05N R02E S29 SESWNW  
**PURPOSE OF USE:** FIRE PROTECTION  
FIRE PROTECTION STORAGE  
FIRE PROTECTION FROM STORAGE

**PLACE OF USE:** T05N R02E S29 SWNW  
This right is for an enlargement of 63-31247 and 63-32082 by adding fire protection uses Within the place of use described for this right.

**Water Right:** 63-31588  
**NAME & ADDRESS:** HAROLD R BRUSH  
PATRICIA R BRUSH  
PO BOX 1768  
MC CALL ID 83638  
**SOURCE:** SPRINGS **TRIBUTARY TO:** MC FARLAND CREEK  
**PRIORITY DATE:** 07/01/1983  
**POINT OF DIVERSION:** T05N R02E S29 NESWNW  
**PURPOSE OF USE:** FIRE PROTECTION  
FIRE PROTECTION STORAGE  
FIRE PROTECTION FROM STORAGE

**PLACE OF USE:** T05N R02E S29 SWNW SENW  
This right is for an enlargement of 63-31587 by adding fire protection uses Within the place of use described for this right.

**Water Right:** 63-31988  
**NAME & ADDRESS:** HOOT NANNEY FARMS INC  
C/O MICHAEL L DIXON  
8542 FLOATING FEATHER RD  
EAGLE ID 83616  
**SOURCE:** GROUNDWATER  
**PRIORITY DATE:** 03/01/1976  
**POINT OF DIVERSION:** T04N R01W S03 LT4 (NWNW)  
LT4 (NWNW)

**PURPOSE OF USE:** IRRIGATION  
**PLACE OF USE:** T04N R01W S03 LT4 (NWNW) SWNW NWSW  
S04 LT1 (NENE) SENE NESE

This right is for an enlargement of 124 acres irrigation Within the place of use described for this right.

The water rights will be subject to all prior water rights. Those asserting injury from the enlargements may file petitions with the Director, Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082 on or before January 4, 2006.

Pub. Nov. 28, Dec. 5, 2005

24126

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of *The Idaho Statesman*, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in *The Idaho Statesman*, in conformity with Section 60-108, Idaho Code, as amended, for:

TWO

☒ consecutive weekly ☐ single  
☐ consecutive daily ☐ odd skip  
insertion(s)

beginning issue of: NOVEMBER 28, 2005

ending issue of: DECEMBER 5, 2005

*Janice Hildreth*

STATE OF IDAHO )

.ss

COUNTY OF ADA )

On this 5 day of DECEMBER in the year of 2005  
before me, a Notary Public, personally appeared before me  
Janice Hildreth 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 acknowledged to me that she executed the same.

Notary Public for Idaho  
Residing at: Boise, Idaho  
My Commission expires:

RECEIVED

JAN 05 2006

ACCTS PAYABLE

11/02/2005 RECEIVED

NOV 22 2005

WATER RESOURCES  
WESTERN REGION

NOTICE OF ERROR  
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: November 18, 2005

Water right number: 63-31988

HOOT NANNEY FARMS INC  
C/O MICHAEL L DIXON  
RT 1 BOX 8542 FLOATING FEATHER RD  
EAGLE ID 83616  
Telephone Number: (208)484-5528

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11-16-05 SIGNATURE: Michael L. Dixon

Please print your name: MICHAEL L. DIXON

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

IDAHO DEPARTMENT OF WATER RESOURCES  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-31988

NAME AND ADDRESS: HOOT NANNEY FARMS INC  
C/O MICHAEL L DIXON  
RT 1 BOX 8542 FLOATING FEATHER RD  
EAGLE ID 83616

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.160 CFS  
522.000 AFY

The total instantaneous diversion of water from all points of diversion under Rights 63-2958 and 63-31988 shall not exceed 2.40 cfs, nor a total combined annual volume of 1080.0 af for the irrigation of a total of 240 acres.

PRIORITY DATE: 03/01/1976

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.

POINT OF DIVERSION:

T04N R01W S3 NWNW Lot 4 Within ADA County

T04N R01W S3 NWNW Lot 4 Within ADA County

Right 63-2958 is also diverted through the points of diversion described above.

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>         |
|-----------------------|----------------------|-------------------------|
| IRRIGATION            | 03/01 11/15          | 1.160 CFS<br>522.00 AFY |

PLACE OF USE: IRRIGATION Within ADA County

|                          |      |               |                          |           |
|--------------------------|------|---------------|--------------------------|-----------|
| T04N R01W S03 Lot 4 NWNW | 39.0 | T04N R01W S03 | SWNW                     | 40.0      |
| T04N R01W S03            | NWSW | 40.0          | T04N R01W S04 Lot 1 NENE | 41.0      |
| T04N R01W S04            | SENE | 40.0          | T04N R01W S04            | NESE 40.0 |

240 ACRES TOTAL

This right is limited to the irrigation of 124 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 63-02958 PURSUANT TO SECTION 42-1426, IDAHO CODE.

Right 63-31988 is an enlargement of Right 63-2958.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Water Right 63-31988 1

## IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

The right holder shall accomplish the change authorized by Transfer 71630 within one year of the date of the approval.

After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

# Idaho Department of Water Resources

## 63-31988

T04N R01W S3, 4



- ⊙ Point of Diversion
- ▭ Place of Use
- ▭ Sections
- ▭ Quarter Quarter



500 0 500 1000 Feet

IDWR  
Prepared by: Sandy Egbert  
Date: 7-27-05  
1987 NAPP Photography

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-31988 V1

WATER RIGHT NUMBER: 63-31988 V1

|                   |                                                                                                                       |
|-------------------|-----------------------------------------------------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                                                               |
| Current Owner     | HOOT NANNEY FARMS INC<br>C/O MICHAEL L DIXON<br>RT 1 BOX 8542 FLOATING FEATHER RD<br>EAGLE, ID 83616<br>(208)484-5528 |

Priority Date: 03/01/1976

Basis: Beneficial Use

Status: Active

|               |                  |
|---------------|------------------|
| <u>Source</u> | <u>Tributary</u> |
| GROUND WATER  |                  |

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION            | 03/01 to 11/15          | 1.160 CFS             | 522.00 AF            |
|                       | <u>Total Diversion:</u> | 1.160 CFS             | 522.00 AF            |

Location of Point(s) of Diversion

|              |                 |         |          |               |
|--------------|-----------------|---------|----------|---------------|
| GROUND WATER | L4 (NW1/4NW1/4) | Sec. 3, | Twp 04N, | Rge 01W, B.M. |
| ADA County   |                 |         |          |               |
| GROUND WATER | L4 (NW1/4NW1/4) | Sec. 3, | Twp 04N, | Rge 01W, B.M. |
| ADA County   |                 |         |          |               |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE   | NW   | SW   | SE | Totals |
|-----|-----|-----|------|------|------|----|--------|
| 04N | 01W | 3   | 39.0 | 40.0 | 40.0 |    | 119.0  |
| 04N | 01W | 4   | 41.0 | 40.0 | 40.0 |    | 121.0  |

Total Acres: 240

Conditions of Approval:

1. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. The right holder shall accomplish the change authorized by Transfer 71630 within one year of the date of the approval.

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-31988 V1

4. X36 Right 63-2958 is also diverted through the points of diversion described above.
5. C11 THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.
6. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
7. K02 THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 63-02958 PURSUANT TO SECTION 42-1426, IDAHO CODE.
8. Right 63-31988 is an enlargement of Right 63-2958.
9. X27 This right is limited to the irrigation of 124 acres within the place of use described above in a single irrigation season.
10. WB4 The total instantaneous diversion of water from all points of diversion under Rights 63-2958 and 63-31988 shall not exceed 2.40 cfs, nor a total combined annual volume of 1080.0 af for the irrigation of a total of 240 acres.
11. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
12. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Remarks:Comments:

1. csaxton 9/28/2004 Enlargement

Comment: This is an enlargement claim for 63-02958

2. csaxton 9/28/2004 Diversion Rate

Comment: Diversion rate recommended at same rate the parent right was licensed at.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 63-31988 V1

Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
| Contacts       | 9/28/2004 12:40:27 PM     | csaxton         |                           |                 | Active        |
| Priority Date  | 9/28/2004 12:43:56 PM     | csaxton         |                           |                 | Active        |
| POD            | 9/28/2004 12:44:14 PM     | csaxton         |                           |                 | Active        |
| Source         | 9/28/2004 12:45:25 PM     | csaxton         |                           |                 | Active        |
| POU            | 9/28/2004 12:46:27 PM     | csaxton         |                           |                 | Active        |
| Use            | 9/28/2004 12:47:47 PM     | csaxton         |                           |                 | Active        |
| Season         | 9/28/2004 12:48:27 PM     | csaxton         |                           |                 | Active        |
| Quantity       | 9/28/2004 12:50:17 PM     | csaxton         |                           |                 | Active        |
| Summary        |                           |                 | 09/28/2004                | csaxton         | Active        |

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|----------------|------------------------|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Contacts       | 9/28/2004 12:40:28 PM  | csaxton         | (No) 1. Do you want to schedule an appointment?<br><br>Comment for 1: FE on 9/15/04 conducted by Craig Saxton.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Source         | 9/28/2004 12:45:25 PM  | csaxton         | (No) 1. Is the basis of claim Decree or License?<br>(No) 2. Is the basis of claim an Application or Permit?<br>(No) 6. Is the basis of claim a Posted Notice?<br>(No) 7. Is there evidence that there has been a change in the source?<br>(Yes) 10. Does the file contain all the necessary information to verify the source?<br>(No) 11. Is a Source remark and/or condition required?<br>Description for Question 10 - FE on 9/15/04 conducted by Craig Saxton.                                                                                                                                             |
| Quantity       | 9/28/2004 12:50:17 PM  | csaxton         | (No) 1. Is the basis of this claim a Decree or License?<br>(No) 2. Is the basis of this claim a Application or Permit?<br>(No) 6. Is the basis of claim a posted notice?<br>(No) 7. Is a flow measurement required?<br>(Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?<br>(Yes) 10. Is a irrigation a purpose of use?<br>(Yes) 12. Is a Quantity remark or condition required?<br>Description for Question 7 - Enlargement claim. Only recommend diversion rate listed under license 63-02958.<br>Description for Question 10 - Determined as IDWR standard. |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-31988 V1

|               |                       |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------|-----------------------|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Summary       | 9/28/2004 12:55:35 PM | csaxton | <p>(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?</p> <p>(Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?</p> <p>(Yes) 5. Does this right have any combined use limits with other rights?</p> <p>(Yes) 6. Is an additional remark and/or condition required?</p> <p>(Yes) 7. Would you like to view the recommended right?</p> <p>(No) 8. Is this a split or combined right?</p> <p>(No) 9. Do you have documents you would like to attach or link to the file?</p> <p>(Yes) 10. Would you like to set the verification date?</p>                                                                                                                                                                                                                                                                               |
| Priority Date | 9/28/2004 12:43:56 PM | csaxton | <p>(No) 1. Should this water use have been included in a later court decree of the water rights from this source?</p> <p>(No) 4. Is the basis of claim decree or license?</p> <p>(No) 7. Is the basis of claim a Application or Permit?</p> <p>(No) 8. Is the basis of claim a posted notice?</p> <p>(Yes) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use?</p> <p>(Yes) 11. Is the claim for an expansion or enlargement under 42-1416B or 42-1426?</p> <p>(Yes) 12. Does the claim file contain sufficient evidence of Priority Date?</p> <p>(Yes) 15. Is the basis of claim coded correctly?</p> <p>(No) 16. Is a Priority Date remark and/or condition required?</p> <p>Description for Question 12/13 - Statement from claimant that the property was bought in 1974 and completion of land leveling, thus acquiring more acres, in 1976.</p> |
| POD           | 9/28/2004 12:44:14 PM | csaxton | <p>(No) 1. Is the basis of this claim a Decree or License?</p> <p>(No) 2. Is the basis of this claim a Application or Permit?</p> <p>(No) 6. Is there evidence that there has been a change in the POD?</p> <p>(Yes) 9. Does the file contain all the necessary information to verify the POD?</p> <p>(No) 10. Is a POD remark and/or condition required?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| POD           | 9/28/2004 12:44:39 PM | csaxton | Edited point location                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-31988 V1

|        |                       |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|--------|-----------------------|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POU    | 9/28/2004 12:46:27 PM | csaxton | (No) 1. Is the basis of this claim a Decree or License?<br>(Yes) 2b. Is the POU required?<br>(No) 3. Is the basis of claim a Application or Permit?<br>(Yes) 7. Is there evidence that there has been a change in the POU?<br>(Yes) 8. Can the claim be verified as an accomplished transfer?<br>(Yes) 13. Does the file contain all the necessary information to verify the POU?<br>(Yes) 14. Is a POU remark and/or condition required?<br>Description for Question 8 - Enlargement of 63-02958 in 1976.<br>Description for Question 13 - FE on 9/15/04 conducted by Craig Saxton. |
| POU    | 9/28/2004 12:46:53 PM | csaxton | Edited shape boundary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Use    | 9/28/2004 12:47:48 PM | csaxton | (No) 1. Is the basis of this claim a Decree or License?<br>(No) 2. Is the basis of this claim a Application or Permit?<br>(No) 6. Is there evidence that there has been a change in the Purpose of Use?<br>(Yes) 11. Does the file contain all the necessary information to verify the Water Use?<br>(No) 13. Is a Purpose of Use remark and/or condition required?<br>Description for Question 10,11,12 - FE on 9/15/04 conducted by Craig Saxton.                                                                                                                                  |
| Season | 9/28/2004 12:48:27 PM | csaxton | (No) 1. Is the basis of claim Decree or License?<br>(No) 2. Is the basis of claim a Application or Permit?<br>(No) 6. Is there evidence that there has been a change in the Period of Use?<br>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?<br>(No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined?<br>(Yes) 15. Is irrigation claimed as a Purpose of Use?<br>(No) 18. Is a Period of Use remark and/or condition required?             |

Water Supply Bank:

**WATER RIGHT NO. 63-31988**  
**As Modified by Transfer No. 71630**

In accordance with the approval of Transfer No. 71630, Water Right No. 63-31988 is now described as follows.

**Right Holder:** HOOT NANNEY FARMS INC  
 C/O MICHAEL L DIXON  
 RT 1 BOX 8542 FLOATING FEATHER RD  
 EAGLE ID 83616

**Priority Date:** March 01, 1976

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/01       | 11/15     | 1.16 CFS              | 522.0 AF      |
|                       |             |           | 1.16 CFS              | 522.0 AF      |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |           |        |         |         |            |
|--------------|-----------|--------|---------|---------|------------|
| GROUND WATER | L4 (NWNW) | Sec. 3 | Twp 04N | Rge 01W | ADA County |
| GROUND WATER | L4 (NWNW) | Sec. 3 | Twp 04N | Rge 01W | ADA County |

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE   |    |    |      | NW   |      |    |    | SW   |    |    |    | SE   |    |    |    | Totals |
|-----|-----|-----|------|----|----|------|------|------|----|----|------|----|----|----|------|----|----|----|--------|
|     |     |     | NE   | NW | SW | SE   | NE   | NW   | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE |        |
| 04N | 01W | 3   |      |    |    |      | 39.0 | 40.0 |    |    | 40.0 |    |    |    |      |    |    |    | 119.0  |
|     |     |     |      |    |    |      | L 4  |      |    |    |      |    |    |    |      |    |    |    |        |
| 04N | 01W | 4   | 41.0 |    |    | 40.0 |      |      |    |    |      |    |    |    | 40.0 |    |    |    | 121.0  |
|     |     |     | L 1  |    |    |      |      |      |    |    |      |    |    |    |      |    |    |    |        |

Total Acres: 240

**CONDITIONS OF APPROVAL**

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

**WATER RIGHT NO. 63-31988**  
**As Modified by Transfer No. 71630**

**CONDITIONS OF APPROVAL**

6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
7. The total instantaneous diversion of water from all points of diversion under Rights 63-2958 and 63-31988 shall not exceed 2.40 cfs, nor a total combined annual volume of 1080.0 af for the irrigation of a total of 240 acres.
8. This right is limited to the irrigation of 124 acres within the place of use described above in a single irrigation season.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
10. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
11. Right 63-31988 is an enlargement of Right 63-2958.
12. Right 63-2958 is also diverted through the points of diversion described above.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 13<sup>th</sup> day of April, 20 05

  
Chief, Water Allocation Bureau

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 71630

This is to certify that: HOOT NANNEY FARMS INC  
C/O MICHAEL L DIXON  
RT 1 BOX 8542 FLOATING FEATHER RD  
EAGLE ID 83616  
(208)484-5528

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Change**

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 63-2958      | AJC/License         | 08/28/1953      | 2.40 cfs    | 558 af        | N/A               | 240.0              | GROUND WATER  |
| 63-31988     | AJC/Beneficial Use  | 03/01/1976      | 1.16 cfs    | 522 af        | N/A               | 240.0              | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 63-2958               | NO           | NO         | NO         | YES            | NO                   | NO                   |
| 63-31988              | NO           | NO         | NO         | YES            | NO                   | NO                   |

**Summary of Water Rights After the Approved Change**

| <u>Existing Right</u>  | <u>New No. (changed portion)</u> | <u>Transfer Rate</u> | <u>Transfer Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>New No. (remaining portion)</u> | <u>Remaining Rate</u> | <u>Remaining Volume</u> | <u>Remaining Acre Limit</u> | <u>Remaining Total Acres</u> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 63-2958                | <b>63-2958</b>                   | 2.40 cfs             | 558 af                 | 124.0             | 240.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| 63-31988               | <b>63-31988</b>                  | 1.16 cfs             | 522 af                 | 116.0             | 240.0              |                                    | N/A                   | N/A                     | N/A                         | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>2.40 cfs</b>      | <b>1080.0 af</b>       | <b>240.0</b>      | <b>240.0</b>       |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 13<sup>th</sup> day of April, 2005

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

**SUPPORT DATA**  
**IN FILE #** 63-2958

**JUN 12 2003**

Page 1 of 6

**STATE OF IDAHO** **WATER RESOURCES**  
**DEPARTMENT OF WATER RESOURCES** **WESTERN REGION**

Transfer No. 71630

Revised 6/12/03  
M.L.J.

# APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 1

Name of applicant

**Post Office address**

Phone 286-7803-4843328

83616

Eagle IV

**A. PURPOSE OF TRANSFER**

1. ☒ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use  
☐ Change nature of use ☐ Change period of use ☐ Other \_\_\_\_\_

- 2. Describe the reason for the proposed changes**

decreased capacity in Existing Well

**B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE**

- | 1. | Right Number | Priority | Amount<br>(cfs/ac-ft) | Nature of Use | Period of Use |
|----|--------------|----------|-----------------------|---------------|---------------|
|----|--------------|----------|-----------------------|---------------|---------------|

| File #  | Serial # | Date      | Time     | Location | Time | Location |
|---------|----------|-----------|----------|----------|------|----------|
| 11-3-54 | 63-4606  | 6/1/954   | 4.560    | Chicago  | 4/5  | to 10/5  |
| 11-3-54 | 63-2958  | 8/28/1953 | 2.4/558  | Irving   | 3/1  | to 11/15 |
| 11-3-54 | 63-31988 | 3/1/1976  | 1.16/522 | Irving   | 3/1  | to 11/15 |
| 11-3-54 |          |           |          |          |      | to       |

2. Total amount of water being transferred 4,562.4 cubic feet per second and/or 1080 acre-feet per annum.
3. Source of water ground water tributary to \_\_\_\_\_
4. Point(s) of Diversion: \_\_\_\_\_

[illegible]

5. Lands irrigated or place of use: *N-C*

[illegible]

Total acres \_\_\_\_\_

**PART 1**

6. General Information:

a. Description of diversion system Wells - pumps + sprinklers

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? \_\_\_\_\_ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

N-C

d. Remarks:

"Replacement well" drilled recently per TAG D29401. But now discovered need both wells to fully irrigate P/L. Seeking water bank lease to cover second well while transfer is processed.

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Transfer of Water Rights No. \_\_\_\_\_

And said application is hereby \_\_\_\_\_, subject to the following limitations and conditions:

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

**IDAHO DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 2**

Transfer No. \_\_\_\_\_  
Receipt No. \_\_\_\_\_

**Current Water Right No.** 63-2958

**Priority Date:** 08/28/1953

**Origin:** Adjudication Recommendation

**Basis:** License

**Status:** Active

**Source:** GROUND WATER

**Tributary to:**

| <u>Beneficial Use</u> | <u>From To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|----------------|-----------------------|---------------|--------------------|
| IRRIGATION            | 03/01 11/15    | 2.40 CFS              | 558.0 AFA     |                    |
| Total Diversion       |                | 2.40 CFS              | 558.0 AFA     |                    |

Source and Point(s) of Diversion:

GROUND WATER                      L4 ( NWNW)      04N 01W      3      ADA

PLACE OF USE: IRRIGATION

| Twp Rge Sec | NE   |    |    |      | NW |      |      |    | SW |      |    |    | SE   |    |    |    | Totals |
|-------------|------|----|----|------|----|------|------|----|----|------|----|----|------|----|----|----|--------|
|             | NE   | NW | SW | SE   | NE | NW   | SW   | SE | NE | NW   | SW | SE | NE   | NW | SW | SE |        |
| 04N 01W 3   |      |    |    |      |    | 39.0 | 40.0 |    |    | 40.0 |    |    |      |    |    |    | 119.0  |
|             |      |    |    |      |    | L 4  |      |    |    |      |    |    |      |    |    |    |        |
| 04N 01W 4   | 41.0 |    |    | 40.0 |    |      |      |    |    |      |    |    | 40.0 |    |    |    | 121.0  |
|             | L 1  |    |    |      |    |      |      |    |    |      |    |    |      |    |    |    |        |

Total Acres: 240

Conditions/Remarks:

1. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. Use of this right with Right No. 63-31988 is limited to a total combined diversion rate of 2.4 cfs.
4. USE OF THIS RIGHT WITH RIGHT NO. 63-31988 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 240 ACRES IN A SINGLE IRRIGATION SEASON.
5. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 124.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use? No

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 2**

Current Water Right No. 63-31988

Priority Date: 03/01/1976

Origin: Adjudication Recommendation

Basis: Beneficial Use

Status: Active

Source: GROUND WATER

Tributary to:

| <u>Beneficial Use</u> | <u>From To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|----------------|-----------------------|---------------|--------------------|
| IRRIGATION            | 03/01 11/15    | 1.16 CFS              | 522.0 AFA     |                    |
| Total Diversion       |                | 1.16 CFS              | 522.0 AFA     |                    |

Source and Point(s) of Diversion:

GROUND WATER                      NWNW              04N 01E      3      ADA

PLACE OF USE: IRRIGATION

| Twp | Rge | Sec | NE   |    |    |      | NW   |      |    |    | SW   |    |    |      | SE |    |    |       | Totals |
|-----|-----|-----|------|----|----|------|------|------|----|----|------|----|----|------|----|----|----|-------|--------|
|     |     |     | NE   | NW | SW | SE   | NE   | NW   | SW | SE | NE   | NW | SW | SE   | NE | NW | SW | SE    |        |
| 04N | 01E | 3   |      |    |    |      | 39.0 | 40.0 |    |    | 40.0 |    |    |      |    |    |    |       | 119.0  |
|     |     |     |      |    |    |      | L 4  |      |    |    |      |    |    |      |    |    |    |       |        |
| 04N | 01E | 4   | 41.0 |    |    | 40.0 |      |      |    |    |      |    |    | 40.0 |    |    |    | 121.0 |        |
|     |     |     | L 1  |    |    |      |      |      |    |    |      |    |    |      |    |    |    |       |        |

Total Acres: 240

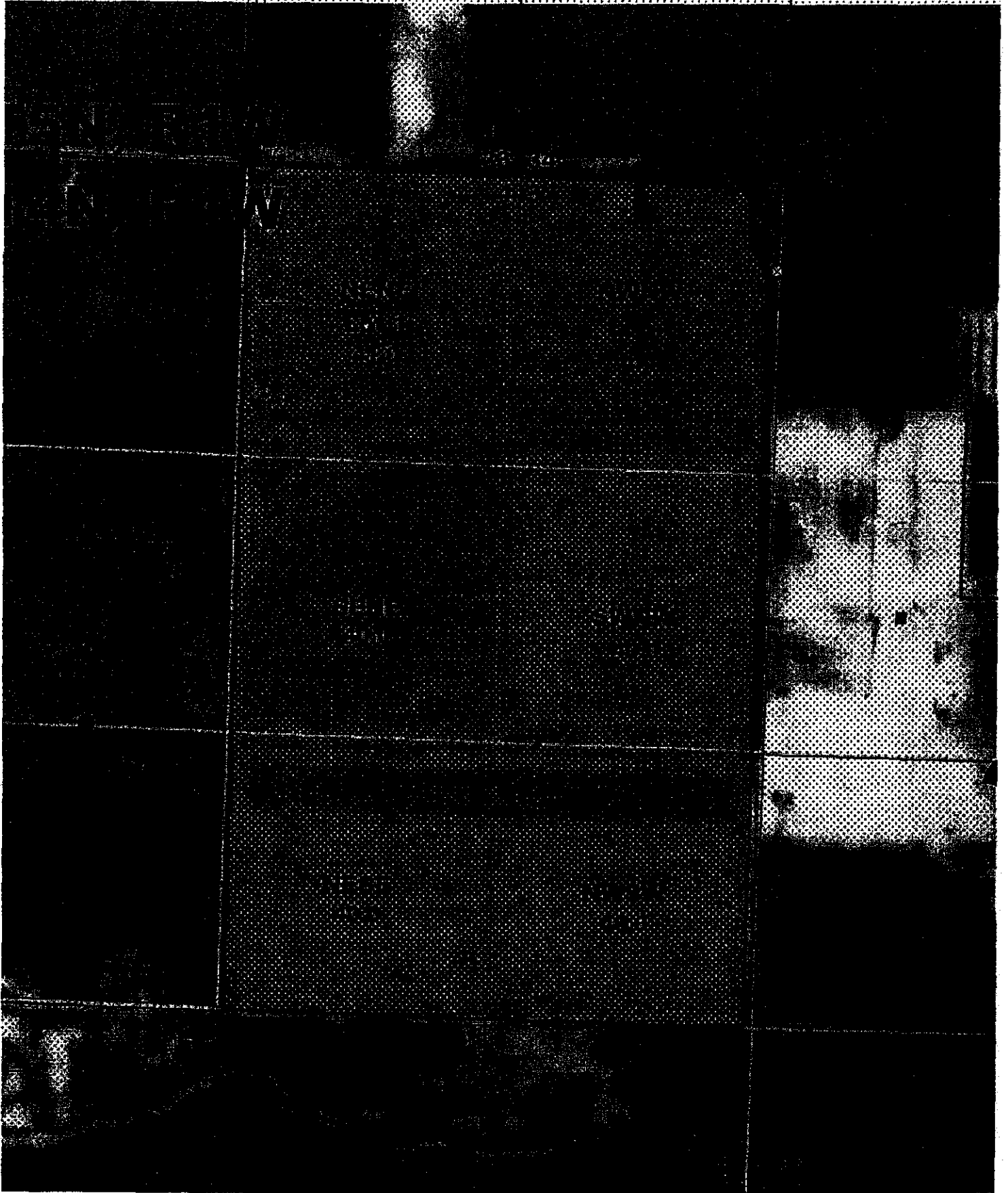
Conditions/Remarks:

- RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.
- This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
- Use of this right with Right No. 63-02958 is limited to a total combined diversion rate of 2.4 cfs.
- USE OF THIS RIGHT WITH RIGHT NO. 63-02958 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 240 ACRES IN A SINGLE IRRIGATION SEASON.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use? No

pg 5 of 6

PART 3



**PART 3****B. CHANGES IN NATURE OF USE**

| 1 | New Nature of Use | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use |
|---|-------------------|-----------------------|-----------------|---------------|
|   |                   |                       |                 | to _____      |
|   |                   |                       |                 | to _____      |

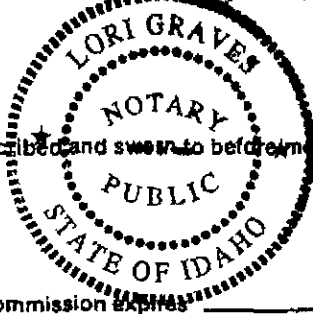
2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2003



(Signature of Applicant)

(Notary Public)

My commission expires \_\_\_\_\_

**FOR DEPARTMENT USE ONLY**Transfer contains 6 pages and 1 attachmentsReceived by 82 Date 6/12/03 Protest filed by \_\_\_\_\_Prelim. check by 82 Fee \$410Receipted by 82 Date 6/12/03 W030576

Published in \_\_\_\_\_ Copies of protest forwarded by \_\_\_\_\_

Pub. dates \_\_\_\_\_ Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendation requested on \_\_\_\_\_ Recommended for ☐ approval ☐ denial

\_\_\_\_\_ rec'd. \_\_\_\_\_ by \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_

## Well Proof Report

Permit No. 800346  
Metal Tag No. D0029401,  
Well ID # 371262  
Water Right No. 63-4606

Relationship: Applicant  
Name: HOOT NANNY FARMS Phone: (208) 286-7715  
Address: RT 1  
EAGLE ID 83616

Permit Status: Received

Well Location: Township 04N, Range 01W, Section 3, NW, NW  
COUNTY ADA

Address of Well Site: EMMETT RD  
EAGLE ID

Use of Well: Irrigation

Activity: Replacement

Region: Western

Construction Method:

Const Start Date: May 08 2003 Const End Date:

Well Drilling Company: RIVERSIDE INC (No. 333)

Card Hold Name:

Certifying Official:

Date Received:

Date Approved: May 05 2003

Date Inspected:

Completed Depth: Drilled Depth: 200 FT Surface Diameter: 16 inches

Primary Flow Depth: Overall Temp: Static Water Level:

Head Pipe Length: Tail Pipe Length Production Rate:

Closed in Pressure: Bottom Hole Temp: Low Temp Geothermal: NO

Control Device Desc:

Access Port Desc:

### Casing

| From | To | Diam | Type | Gauge | Join Type | Material |
|------|----|------|------|-------|-----------|----------|
|------|----|------|------|-------|-----------|----------|

### Seal

| From | To | Material | Amount | Method |
|------|----|----------|--------|--------|
|------|----|----------|--------|--------|

*Change to New well  
per 5-12-03*

*Attachment A, (2 pgs)*

att. Kathy  
IDAHO DEPARTMENT OF WATER RESOURCES  
WELL DRILLER'S REPORT

Office Use Only  
Inspected by \_\_\_\_\_  
Twp \_\_\_\_\_ Rge \_\_\_\_\_ Sec \_\_\_\_\_  
\_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4  
Lat : : Long: : :

1. WELL TAG NO. D 0029401  
 DRILLING PERMIT NO. 82-65-54-800346  
 Other IDWR No. 63-4606

**2. OWNER:**

Name Hoot Nanny Farms  
Address Rt. 1  
City Engle State Id Zip 83616

3. LOCATION OF WELL by legal description:

Sketch map location must agree with written location.

N  
 W  
 E  
 S  
 Twp. 4 North ☒ or South ☐  
 Rge. 7 East ☐ or West ☒  
 Sec. \_\_\_\_\_  
 Gov't Lot \_\_\_\_\_  
 County Ada <sup>30 acres</sup> 1/4 NW <sup>160 acres</sup> 1/4 NW  
 Lat. \_\_\_\_\_ Long. \_\_\_\_\_  
 Address of Well Site Emmett Rd  
To Beason Rd East  
 City Eagle  
 (Give at least north of road & distance to road in Longmont)

LT. \_\_\_\_\_ Elk. \_\_\_\_\_ Sub. Name \_\_\_\_\_

#### 4. USE:

☐ Domestic    ☐ Municipal    ☐ Monitor    ☒ Irrigation  
☐ Thermal    ☐ Injection    ☐ Other

5. TYPE OF WORK check all that apply

☐ New Well ☐ Modify ☐ Abandonment ☐ Other

## 6. DRILL METHOD

☐ Air Rotary    ☐ Cable    ☐ Mud Rotary    ☐ Other *Reverse*

## 7. SEALING PROCEDURES

| SEAL/FILTER PACK |      |      | AMOUNT             | METHOD              |
|------------------|------|------|--------------------|---------------------|
| Material         | From | To   | Sacks or Pounds    |                     |
| Reactive 5"      | 0    | 31'  | 6280 <sup>lb</sup> | Pour<br>From<br>Top |
| 3" Aggregate     | 31'  | 109' | 8414               |                     |
| Reactive 5"      | 109' | 138' | 6000 <sup>lb</sup> |                     |

Was drive shoe used? ☐ Y ☒ N Shoe Denture

Was drive shoe seal tested? ☐ Yes ☒ No How?

**8. CASING/LINER:**

| Diameter | From | To   | Gauge | Material | Casting                             | Liner                    | Welded                              | Threaded                 |
|----------|------|------|-------|----------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| 16"      | 73   | 32'  | 325   | Steel    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 16"      | 78   | 88'  | 325   | Steel    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 16"      | 108  | 188' | 318   | Steel    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Length of Headpipe \_\_\_\_\_ Length of Tailpipe \_\_\_\_\_

## 9. PERFORATIONS/SCREENS

## Perforations

## Métodos

સર્વજ્ઞ

Screen Type Tobacco Wire Mesh

| From | To   | Slot Size | Number | Diameter | Material   | Casing                              | Line                     |
|------|------|-----------|--------|----------|------------|-------------------------------------|--------------------------|
| 38'  | 28'  | 1040      |        | 16"      | Mild Steel | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 28'  | 108' | 1040      |        | 16"      | Mild Steel | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|      |      |           |        |          | Steel      | <input type="checkbox"/>            | <input type="checkbox"/> |

**10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:**

25' ft. below ground      Artesian pressure      lb.

Depth flow encountered \_\_\_\_\_ ft. Describe access port or control devices: 1 1/2" access port

## 11. WELL TESTS:

☒ Pump    ☐ Bailer    ☐ Air    ☐ Flowing Artesian

| Yield gal./min. | Drawdown | Pumping Level | Time  |
|-----------------|----------|---------------|-------|
| 690             | 60'      | 85'           | 2 hrs |
|                 |          |               |       |
|                 |          |               |       |

Water Temp. 60°

Bottom hole temp. \_\_\_\_\_

Water Quality test or comments:

## 12. LITHOLOGIC LOG: (Describe repairs or abandonment)

### Depth first Water Encounter

| Bore<br>Dia.         | From   | To        | Remarks: Lithology, Water Quality & Temperature | Y | N |
|----------------------|--------|-----------|-------------------------------------------------|---|---|
| 26'                  | 0      | 4         | Top soil                                        |   |   |
|                      | 4      | 15        | Sand & pea gravel                               |   |   |
|                      | 15     | 37        | Tan clay str. sand.                             |   |   |
|                      | 37     | 60        | Cobbles                                         |   |   |
|                      | 60     | 63        | Tan clay                                        |   |   |
|                      | 63     | 75        | Coarse sand                                     |   |   |
|                      | 75     | 91        | Brown clay                                      |   |   |
|                      | 91     | 108       | Cobbles & sand                                  |   |   |
|                      | 108    | 109       | Coarse blue sand                                |   |   |
|                      | 109    | 130       | Blue clay str. sand.                            |   |   |
|                      | 130    | 140       | Gray clay str. sand.                            |   |   |
|                      | 140    | 200       | Gray & blue clay with<br>a little str. sand.    |   |   |
| Change to "New Well" |        |           |                                                 |   |   |
| Completed            | Depth  | 188'      | (Measurable)                                    |   |   |
| Date: Started        | 5-8-03 | Completed | 6-11-03                                         |   |   |

### 13. DRILLER'S CERTIFICATION

1/We certify that all minimum wall construction standards were complied with at the time the rig was removed.

Company Name Riverside Inc. Firm No. 333

Firm Official \_\_\_\_\_ Date \_\_\_\_\_  
and \_\_\_\_\_  
Driller or Operator \_\_\_\_\_ Date 6-12-83  
(Sign once for Firm Official's Computer)

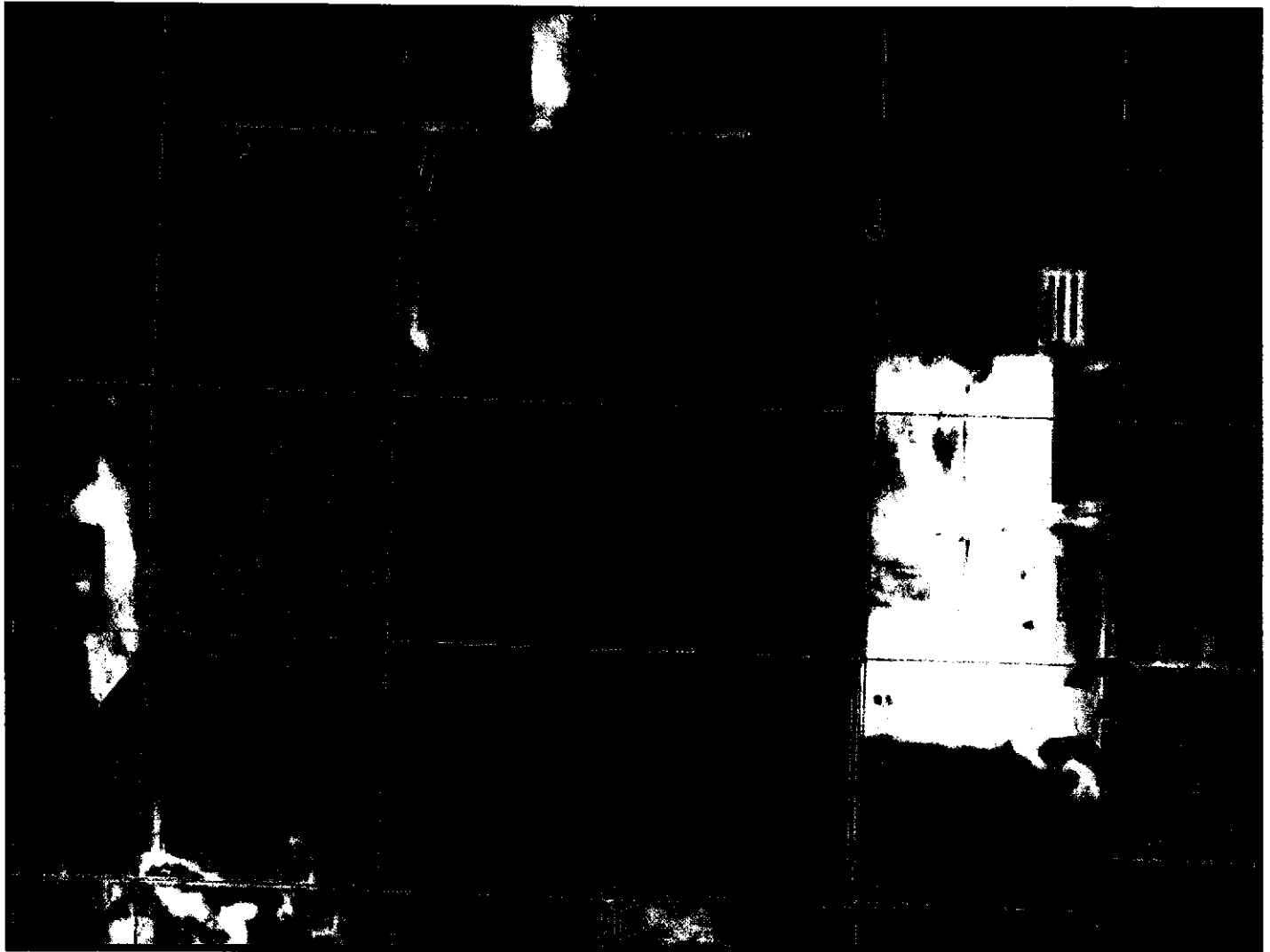
$$A_2$$



# STATE OF IDAHO

Department of Water Resources  
Western Region

Water Right(s): 63-31988



1320 0 1320 Feet

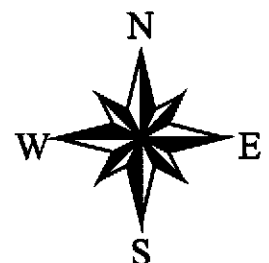
**Total Irrigated Acres: 240.0**

● Point of Diversion

□ Place of Use

□ Quarter Quarter Lines

□ Section Lines



GIS Place of Use Illustration  
1987/1988 NAPP Photography  
Prepared by: C. Saxton  
Date: September 2004

10/01/2004

IDAHO DEPARTMENT OF WATER RESOURCES  
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-31988

NAME AND ADDRESS: HOOT NANNEY FARMS INC  
C/O MICHAEL L DIXON  
8542 FLOATING FEATHER RD  
EAGLE ID 83616

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.160 CFS  
522.000 AFY

Use of this right with Right No. 63-02958 is limited to a total combined diversion rate of 2.4 cfs.

PRIORITY DATE: 03/01/1976

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.

POINT OF DIVERSION:

T04N R01E S3 NWNW Within ADA County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>         |
|-----------------------|----------------------|-------------------------|
| IRRIGATION            | 03/01 11/15          | 1.160 CFS<br>522.00 AFY |

PLACE OF USE: IRRIGATION Within ADA County

|                          |      |               |                          |           |
|--------------------------|------|---------------|--------------------------|-----------|
| T04N R01E S03 Lot 4 NWNW | 39.0 | T04N R01E S03 | SWNW                     | 40.0      |
| T04N R01E S03            | NWSW | 40.0          | T04N R01E S04 Lot 1 NENE | 41.0      |
| T04N R01E S04            | SENE | 40.0          | T04N R01E S04            | NESE 40.0 |

240 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 63-02958 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 240 ACRES IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 63-02958 PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

THIS RIGHT IS FOR AN ENLARGEMENT OF 116 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31988 V1

WATER RIGHT NUMBER: 63-31988 V1

|                   |                                                                                                              |
|-------------------|--------------------------------------------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                                                      |
| Current Owner     | HOOT NANNEY FARMS INC<br>C/O MICHAEL L DIXON<br>8542 FLOATING FEATHER RD<br>EAGLE, ID 83616<br>(208)484-5528 |

Priority Date: 03/01/1976

Basis: Beneficial Use

Status: Active

|               |                  |
|---------------|------------------|
| <u>Source</u> | <u>Tributary</u> |
| GROUND WATER  |                  |

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION            | 03/01 to 11/15          | 1.160 CFS             | 522.00 AF            |
|                       | <u>Total Diversion:</u> | 1.160 CFS             | 522.00 AF            |

Location of Point(s) of Diversion

|              |            |                                |
|--------------|------------|--------------------------------|
| GROUND WATER | NW1/4NW1/4 | Sec. 3, Twp 04N, Rge 01E, B.M. |
| ADA County   |            |                                |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE   |    |    |      | NW |      |      |    | SW |      |    |      | SE |    |    |    | Totals |
|-----|-----|-----|------|----|----|------|----|------|------|----|----|------|----|------|----|----|----|----|--------|
|     |     |     | NE   | NW | SW | SE   | NE | NW   | SW   | SE | NE | NW   | SW | SE   | NE | NW | SW | SE |        |
| 04N | 01E | 3   |      |    |    |      |    | 39.0 | 40.0 |    |    | 40.0 |    |      |    |    |    |    | 119.0  |
|     |     |     |      |    |    |      |    | L 4  |      |    |    |      |    |      |    |    |    |    |        |
| 04N | 01E | 4   | 41.0 |    |    | 40.0 |    |      |      |    |    |      |    | 40.0 |    |    |    |    | 121.0  |
|     |     |     | L 1  |    |    |      |    |      |      |    |    |      |    |      |    |    |    |    |        |

Total Acres: 240

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C11 THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-31988 V1

1. Quantity Use of this right with Right No. 63-02958 is limited to a total combined diversion rate of 2.4 cfs.
2. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 63-02958 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 240 ACRES IN A SINGLE IRRIGATION SEASON.
3. General THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 63-02958 PURSUANT TO SECTION 42-1426, IDAHO CODE.
4. Explanatory THIS RIGHT IS FOR AN ENLARGEMENT OF 116 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.

Comments:

1. csaxton 9/28/2004 Enlargement  
 Comment: This is an enlargement claim for 63-02958

2. csaxton 9/28/2004 Diversion Rate  
 Comment: Diversion rate recommended at same rate the parent right was licensed at.

Dates and Other Information:

Decreed Date:  
 Enlargement Use Priority Date:  
 Enlargement Statute Priority Date:  
 Defendant:  
 Plaintiff:  
 Civil Case Number:  
 Judicial District:  
 Notice of Error Flag:  
 State or Federal:  
 Owner Name Connector:  
 Water District Number:  
 Generic Max Rate Per Acre:  
 Generic Max Volume Per Acre:  
 Swan Falls Trust or Nontrust:  
 Swan Falls Dismissed:  
 DLE Act Number:  
 Carey Act Number:  
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
| Contacts       | 9/28/2004 12:40:27 PM     | csaxton         |                           |                 | Active        |
| Priority Date  | 9/28/2004 12:43:56 PM     | csaxton         |                           |                 | Active        |
| POD            | 9/28/2004 12:44:14 PM     | csaxton         |                           |                 | Active        |
| Source         | 9/28/2004 12:45:25 PM     | csaxton         |                           |                 | Active        |
| POU            | 9/28/2004 12:46:27 PM     | csaxton         |                           |                 | Active        |
| Use            | 9/28/2004 12:47:47 PM     | csaxton         |                           |                 | Active        |
| Season         | 9/28/2004 12:48:27 PM     | csaxton         |                           |                 | Active        |
| Quantity       | 9/28/2004 12:50:17 PM     | csaxton         |                           |                 | Active        |
| Summary        |                           |                 | 09/28/2004                | csaxton         | Active        |

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31988 V1

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------|------------------------|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Contacts       | 9/28/2004 12:40:28 PM  | csaxton         | (No) 1. Do you want to schedule an appointment?<br><br>Comment for 1: FE on 9/15/04 conducted by Craig Saxton.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Source         | 9/28/2004 12:45:25 PM  | csaxton         | (No) 1. Is the basis of claim Decree or License?<br>(No) 2. Is the basis of claim an Application or Permit?<br>(No) 6. Is the basis of claim a Posted Notice?<br>(No) 7. Is there evidence that there has been a change in the source?<br>(Yes) 10. Does the file contain all the necessary information to verify the source?<br>(No) 11. Is a Source remark and/or condition required?<br>Description for Question 10 - FE on 9/15/04 conducted by Craig Saxton.                                                                                                                                                |
| Quantity       | 9/28/2004 12:50:17 PM  | csaxton         | (No) 1. Is the basis of this claim a Decree or License?<br>(No) 2. Is the basis of this claim a Application or Permit?<br>(No) 6. Is the basis of claim a posted notice?<br>(No) 7. Is a flow measurement required?<br>(Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?<br>(Yes) 10. Is a irrigation a purpose of use?<br>(Yes) 12. Is a Quantity remark or condition required?<br>Description for Question 7 - Enlargement claim.<br>Only recommend diversion rate listed under license 63-02958.<br>Description for Question 10 - Determined as IDWR standard. |
| Summary        | 9/28/2004 12:55:35 PM  | csaxton         | (No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?<br>(Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?<br>(Yes) 5. Does this right have any combined use limits with other rights?<br>(Yes) 6. Is an additional remark and/or condition required?<br>(Yes) 7. Would you like to view the recommended right?<br>(No) 8. Is this a split or combined right?<br>(No) 9. Do you have documents you would like to attach or link to the file?<br>(Yes) 10. Would you like to set the verification date?                           |

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31988 V1

|               |                       |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|---------------|-----------------------|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Priority Date | 9/28/2004 12:43:56 PM | csaxton | (No) 1. Should this water use have been included in a later court decree of the water rights from this source?<br>(No) 4. Is the basis of claim decree or license?<br>(No) 7. Is the basis of claim a Application or Permit?<br>(No) 8. Is the basis of claim a posted notice?<br>(Yes) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use?<br>(Yes) 11. Is the claim for an expansion or enlargement under 42-1416B or 42-1426?<br>(Yes) 12. Does the claim file contain sufficient evidence of Priority Date?<br>(Yes) 15. Is the basis of claim coded correctly?<br>(No) 16. Is a Priority Date remark and/or condition required?<br>Description for Question 12/13 - Statement from claimant that the property was bought in 1974 and completion of land leveling, thus acquiring more acres, in 1976. |
| POD           | 9/28/2004 12:44:14 PM | csaxton | (No) 1. Is the basis of this claim a Decree or License?<br>(No) 2. Is the basis of this claim a Application or Permit?<br>(No) 6. Is there evidence that there has been a change in the POD?<br>(Yes) 9. Does the file contain all the necessary information to verify the POD?<br>(No) 10. Is a POD remark and/or condition required?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| POD           | 9/28/2004 12:44:39 PM | csaxton | Edited point location                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| POU           | 9/28/2004 12:46:27 PM | csaxton | (No) 1. Is the basis of this claim a Decree or License?<br>(Yes) 2b. Is the POU required?<br>(No) 3. Is the basis of claim a Application or Permit?<br>(Yes) 7. Is there evidence that there has been a change in the POU?<br>(Yes) 8. Can the claim be verified as an accomplished transfer?<br>(Yes) 13. Does the file contain all the necessary information to verify the POU?<br>(Yes) 14. Is a POU remark and/or condition required?<br>Description for Question 8 - Enlargement of 63-02958 in 1976.<br>Description for Question 13 - FE on 9/15/04 conducted by Craig Saxton.                                                                                                                                                                                                                                                                         |
| POU           | 9/28/2004 12:46:53 PM | csaxton | Edited shape boundary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31988 V1

|        |                       |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|--------|-----------------------|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Use    | 9/28/2004 12:47:48 PM | csaxton | (No) 1. Is the basis of this claim a Decree or License?<br>(No) 2. Is the basis of this claim a Application or Permit?<br>(No) 6. Is there evidence that there has been a change in the Purpose of Use?<br>(Yes) 11. Does the file contain all the necessary information to verify the Water Use?<br>(No) 13. Is a Purpose of Use remark and/or condition required?<br>Description for Question 10,11,12 - FE on 9/15/04 conducted by Craig Saxton.                                                                                                                              |
| Season | 9/28/2004 12:48:27 PM | csaxton | (No) 1. Is the basis of claim Decree or License?<br>(No) 2. Is the basis of claim a Application or Permit?<br>(No) 6. Is there evidence that there has been a change in the Period of Use?<br>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?<br>(No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the <i>Period of Use administratively determined</i> ?<br>(Yes) 15. Is irrigation claimed as a Purpose of Use?<br>(No) 18. Is a Period of Use remark and/or condition required? |

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31988

WATER RIGHT NUMBER: 63-31988

Owner Type                      Name and Address  
 Current Owner                  HOOT NANNEY FARMS INC ✓  
                                          C/O MICHAEL L DIXON  
                                          8542 FLOATING FEATHER RD  
                                          EAGLE, ID 83616  
                                          (208)484-5528

Priority Date: 03/01/1976 ✓

Basis: Beneficial Use ✓

Status: Active ✓

Source                                      Tributary

GROUND WATER ✓

| <u>Beneficial Use</u> | <u>From</u>             | <u>To</u> | <u>Diversion Rate</u>              | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------|------------------------------------|----------------------|
| IRRIGATION ✓          | 03/01 to                | 11/15 ✓   | 2.320 CFS<br><del>2.320</del> 1.16 | 522                  |
|                       | <u>Total Diversion:</u> |           | 2.320 CFS<br><del>2.320</del> 1.16 |                      |

Location of Point(s) of Diversion

GROUND WATER ✓                      NW1/4NW1/4      Lot 4      Sec. 3,      Twp 04N,      Rge 01E, B.M.  
 ADA County

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE  |    |    |      | NW   |      |    |    | SW   |    |    |    | SE   |    |    |    | Totals |
|-----|-----|-----|-----|----|----|------|------|------|----|----|------|----|----|----|------|----|----|----|--------|
|     |     |     | NE  | NW | SW | SE   | NE   | NW   | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE |        |
| 04N | 01E | 3   |     |    |    |      | 40.0 | 40.0 |    |    | 40.0 |    |    |    |      |    |    |    | 120.0  |
|     |     |     |     |    |    |      | L 4  |      |    |    |      |    |    |    |      |    |    |    |        |
| 04N | 01E | 4   | 41  |    |    |      | 39   |      |    |    |      |    |    |    | 40.0 |    |    |    | 120.0  |
|     |     |     | L 1 |    |    | 40.0 |      |      |    |    |      |    |    |    |      |    |    |    |        |

Total Acres: 240

Conditions of Approval:Remarks:

1. Explanatory This claimed was filed as an enlargement claim for 116 acres (csaxton 9/16/04).

Comments:

Claim Received Date: 9/16/2004  
 Mitigation Plan: False

C18  
 C11  
 Exp K99  
 Gen K92  
 E11  
 QN1

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION FIELD REPORT**

**Prior to Field Exam**

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
- ☐ Well logs (if needed) N/A
- ☒ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☒ Check POD & POU overlap, see below – include overlapping right for exam
- ☒ Evidence of Priority – if none, talk with claimant

**CLAIMANT INFORMATION – verify contact information is complete**Claim No(s) 63-31988

Owner: \_\_\_\_\_ Phone No. \_\_\_\_\_

Current Address: \_\_\_\_\_

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER \_\_\_\_\_
- ☐ No change Address
- ☐ NEW ADDRESS \_\_\_\_\_
- ☐ How long owned property? \_\_\_\_\_

Accompanied by: \_\_\_\_\_

**PRIORITY DATE**

- ☐ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 1976, 3-1

(If priority date, based on your exam, seems questionable, explain below.)

\_\_\_\_\_

\_\_\_\_\_

Source: Ground Water Tributary to \_\_\_\_\_

- ☐ No Change –SAME SOURCE
- ☐ Source found is different than claimed: \_\_\_\_\_

**POINT OF DIVERSION**

- ☒ No change
- ☐ POD found is different than claimed: \_\_\_\_\_
- ☐ If different, when did POD change? \_\_\_\_\_

**DIVERSION AND DELIVERY SYSTEM**

Points of Diversion:

| ID # | Govt Lot # | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Method of Determination/Remarks<br>GPS ID |
|------|------------|-----|-----|-----|------|------|------|--------|-------------------------------------------|
|      |            |     |     |     |      |      |      |        |                                           |
|      |            |     |     |     |      |      |      |        |                                           |
|      |            |     |     |     |      |      |      |        |                                           |
|      |            |     |     |     |      |      |      |        |                                           |

Description of diverting works

**OVERLAP REVIEW**Other water rights with the same point of diversion: 63-02958

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

**WATER USES**☒ No change☐ Different Uses

Use \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_ Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA  
Use \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_ Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA  
Use \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_ Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA

**TOTAL VOLUME – Groundwater only**

- ☐ Incomplete on claim, the total is, Amount 1.16 CFS 522 AFA  
☐ Changes found, the new total is, Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA  
☐ More than 1" per Acre? Yes \_\_\_\_\_ (claimant must complete excess flow sheet)

**NON-IRRIGATION USES:**☒ No change☐ Changes Exam found: Domestic # of homes \_\_\_\_\_ Stock # \_\_\_\_\_

Types \_\_\_\_\_ Additional comments: \_\_\_\_\_

**PLACE OF USE:**☐ No Change☒ Changes shown below:

| Place of Use |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|--------------|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| TWP          | RGE | SEC | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Overlap with other water rights: 63-02958

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

No Flow increase, Additional Vol. same acres + source

Delivery System Narrative:

| Well or Diversion Identification No<br>GPS ID | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge size |
|-----------------------------------------------|------------|----|------------------|-----------|-----------------------------------|
|                                               |            |    |                  |           |                                   |
|                                               |            |    |                  |           |                                   |

#### FLOW MEASUREMENTS:

Attach appropriate documents

#### NARRATIVE/REMARKS/COMMENTS

This is an enlargement claim to cover additional  
16 ac added in 1976. No additional cfs added.

**AFTER EXAM THE FILE SHOULD CONTAIN:**

- ☒ Completed claim checklist
- ☐ Photographs of POD's and POU *W/A*
- ☒ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

DATE ~~EXAM~~ CONDUCTED: 9-28-04

*Review*  
FIELD EXAMINER: Cary L. Fisher

11-3-03

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION FIELD REPORT**

**Prior to Field Exam**

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☐ Check fees paid
- ☒ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☒ Evidence of Priority – if none, talk with claimant

**CLAIMANT INFORMATION – verify contact information is complete**Claim No(s) 63-04606Owner: \_\_\_\_\_ Phone No. Same

Current Address: \_\_\_\_\_

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☐ No change Address
- ☒ NEW ADDRESS 8542 Floating Feather Rd. W, Eagle, Id. 83616
- ☐ How long owned property? Can

Accompanied by: Mr. Dixon son of Hazel (husband Henry has passed away)**PRIORITY DATE**

- ☐ No change – Complete evidence submitted or not necessary
- ☒ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 1954 for original 124 acres licensed under 63-02958.

(If priority date, based on your exam, seems questionable, explain below.)

additional 111 acres put to use by 1976. (Started leveling the land in 1974) see commentsSource: GW Tributary to \_\_\_\_\_

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: \_\_\_\_\_

**POINT OF DIVERSION**

- ☒ No change for original POD but a new POD has been added in same POU (additional)
- ☐ POD found is different than claimed:
- ☐ If different, when did POD change? new POD added 2003 - see well log.

**DIVERSION AND DELIVERY SYSTEM**  
Points of Diversion:

new POD Lat. 43.7196700  
Long. 116.4474600

| ID # | Govt Lot # | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Method of Determination/Remarks<br>GPS ID |
|------|------------|-----|-----|-----|------|------|------|--------|-------------------------------------------|
|      | No Change  |     |     |     |      |      |      |        | Waypoint id - 001 - original POD          |
|      |            |     |     |     |      |      |      |        | Waypoint id - 003 - new POD               |

Description of diverting works

original POD Lat. 43.7201000  
Long. 116.4474100

original - 70' deep, motor + pump with pipe to ditches  
new - 200' deep, motor + pump with pipe to same ditches

**OVERLAP REVIEW**

Other water rights with the same point of diversion: No

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

**WATER USES**

\* Change season of use

☒ No change

☐ Different Uses

Use irrig From 3/1 To 11/15 Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA  
Use \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_ Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA  
Use \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_ Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA

**TOTAL VOLUME - Groundwater only**

☐ Incomplete on claim, the total is, Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA

☒ Changes found, the new total is, Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA see calc sheet

☐ More than 1" per Acre? Yes \_\_\_\_\_ (claimant must complete excess flow sheet)

**NON-IRRIGATION USES:**

☒ No change

☐ Changes Exam found: Domestic # of homes \_\_\_\_\_ Stock # \_\_\_\_\_

Types \_\_\_\_\_ Additional comments: \_\_\_\_\_

**PLACE OF USE:**

☐ No Change

☒ Changes shown below:

| Place of Use |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|--------------|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| TWP          | RGE | SEC | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 4A           | 1W  | 3   |    |    |    |    |    | 39 | 39 |    |    | 38 |    |    |    |    |    |    | 116    |
| 4A           | 1W  | 4   | 41 |    |    | 39 |    |    |    |    |    |    |    |    | 39 |    |    |    | 119    |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|              |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 235    |

Overlap with other water rights: 63-02958 License-No SRBA Claim

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: Static water level 25' for new well, assuming same for original well.

|      | Well or Diversion Identification No<br>GPS ID Tag # | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge size |
|------|-----------------------------------------------------|------------|----|------------------|-----------|-----------------------------------|
| A000 | 2041 original                                       | US Motor   | 20 | 1849829          | No Plate  |                                   |
| A000 | 2042 new                                            | unreadable | 40 |                  | Johnson   |                                   |

#### FLOW MEASUREMENTS:

Attach appropriate documents

#### NARRATIVE/REMARKS/COMMENTS

Photos 566 Motor name plate  
567 System facing S  
568 POU facing W from POU } original well

New well 569 motor name plate  
570 pump name plate  
571 System facing S  
572 Both wells

originally the licensed QQ's were partially hills-draws  
so not all acres were irrigatable, but current  
(over)

owners began leveling the land in 1974 and additional acres claimed were put into use by 1976.

The original well was not producing like it had originally so new well was drilled about 200' away (same QD) with the intent of abandoning old well but the new well didn't produce what was needed either so now claimant is using both wells.

Claimant states he has been told by somebody at EDWR that he can use both wells without a new application because he can rent the water needed.

**AFTER EXAM THE FILE SHOULD CONTAIN:**

- ☒ Completed claim checklist
- ☒ Photographs of POD's and POU
- ☒ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 11-3-03

FIELD EXAMINER: Karen Waters



## 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](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

September 21, 2004

HOOT NANNEY FARMS INC  
C/O MICHAEL L DIXON  
8542 FLOATING FEATHER RD  
EAGLE ID 83616

RE: Notice of Claim in the Snake River Basin Adjudication (SRBA) and application for permit for waste water use.

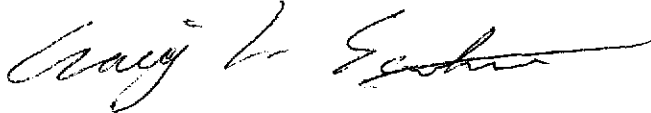
Dear Mr. Dixon,

Per our meeting on 9/15/04, I am enclosing some information:

- 1) I have enclosed a copy of your amended claim for groundwater. It was originally numbered as a statutory claim 63-04606. Since we amended the claim to reflect a license that was previously established, we renumbered the claim from 63-04606 to 63-02958.
- 2) I am enclosing a copy of the new enlargement claim you filed, 63-31988, along with a receipt for your payment of the filing fees.
- 3) I checked into your use of both wells to irrigate your ground. It appears that you already filed a transfer application to add the second point of diversion (well). This has not been processed and will not be until a recommendation is made on your SRBA claims. But for now you do not need to file anything else regarding this. When we left, I mentioned that I would have Rob Whitney contact you regarding this issue. It does not seem to be necessary at this point.
- 4) I have enclosed an application for permit that is to be used to secure your use of waste water. When completed please return it to this office.
- 5) We had spoke about having an IDWR employed contractor come out and conduct a measurement on your well. After further thought, this will not be necessary. Your license dictates the amount of water used in 1953, which is the year your license and the original well was developed. The new well was developed after the mandatory permit statute for new appropriation was set, March 25, 1963. Drilling the new well in conjunction with the transfer you filed in 2003, if approved, will allow you to divert the licensed diversion rate between both wells. Any new appropriation of ground water will require a new permit.

I hope this answers your questions. Please feel free to contact this office if you have any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Craig L. Saxton". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Craig L. Saxton  
Sr. Water Resource Agent  
Adjudication Bureau

## Memorandum

Date: September 20, 2004

To: File

From: Craig L. Saxton

Subject: Field Exam 63-04606

I met with Michael Dixon of Hoot Nanny Farms on 9-15-04. Hoot Nanny Farms originally filed on a statutory claim in the SRBA (63-04606) for 240 acres. During a field exam conducted by Karan Waters on 11-3-03, Karan was informed by the claimant that of the 240 acres irrigated, 111 (I found 116) were developed in 1976 through land leveling and other methods. My intention was to explain to Mr. Dixon that I felt it would be to his benefit to amend claim 63-04604 to a license that was not claimed in the SRBA – 63-02958 for 124 acres. And then file an enlargement claim to add the additional acres since that enlargement was after the mandatory permit statute.

Mr. Dixon was informed by myself that based on this, he would be licensed to pump 2.4 cfs which is greater than Karan Waters found through her theoretical measurements. Mr. Dixon was not pleased with this at all and said that he needed 4.56 cfs or 2000 gpm to run the farm. So during this conversation several things came up:

- 1) Mr. Dixon had a replacement well drilled in 2003 with the agreement to abandon the original well. He never did abandon the original well and is using both.
- 2) It is listed right on the well log of the new well that it only produces 650 gpm.
- 3) He did file a transfer to add the additional POD, but it has not been processed yet.
- 4) He also uses waste water from the NE side of his property. This use commenced in 1997 according to Mr. Dixon. He will need to file an application for permit.

Mr. Dixon did file the enlargement claim and amended the statutory claim to the license.

I told Mr. Dixon that I would have a contractor go out and measure the wells but in retrospect, it doesn't really matter. Any new appropriation would require an application for permit. There is no need to send a contractor out there. I will send out an application for permit to the claimant for his waste water use.