

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/23/2020

Water Permit 47-7490

Owner Type Name
Current Owner KENNETH HAWKES

Status: Lapsed

Source

Tributary

Beneficial Use

From

To

Diversion Rate

Volume

Source and Point(s) of Diversion

Place Of Use

Conditions of Approval:

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

4/86

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESFor Office Use Only
\$15 FEE Received by ADM
Date 12/1/88
Receipt # 5004117

DEC - 1 1988

REQUEST FOR EXTENSION OF TIME

Department of Water Resources
Southern Region OfficeTo provide additional time in which to submit proof
of beneficial use for a water right permit

Lapsed 1-10-1990

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 47-07490Name(s) of Permit Holder: Kenneth HawkesPost Office Address: Rt. 4 Box 252Telephone No. 543-6918Date Proof Is Due: Jan. 1 1989

Describe what work has been completed toward the development of this water right:
(This must be filled out! If no work has been completed, show "none".)

Ponds have been constructed & fish are being raised. The
remaining work to be completed is the installation of weirs
to measure water for licensing.

(Note Adjud. Claim has been filed)

Costing \$ \$5000⁰⁰

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

I have been in a law suit with William Wannenber over the use of
this water and other matters (Case # 34507, Twin Falls Co.) which has not
yet been dismissed. I did not wish to pour the court for the
weirs until law suit was settled and fish successfully raised in the
ponds, & (over)

Permit holder(s) request an extension to Jan. 1, 19 90.
(1 yr. minimum)

Kenneth Hawkes
(Signature)*

FEE: \$15.00

*IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

Signed this _____ day of _____, 19____.

47-7490

MAR 7 1984

For Office Use Only

Fee Received 15.00Date 2-16-84Receipt # 33753

RECEIVED

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

FEB 16 1984

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit
proof of beneficial use on a water right permit

Department of Water Resources

Kenneth Hawkes of RT #4, Bulw
(Name) (Address)

State of Idaho, deposes and says:That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of the State of Idaho No. 47-7490.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before _____, 19 ____.

That he has heretofore performed the following work described under said permit: excavated

(This must be filled out! If no work has been completed put none.)

400 ft., improved water flow, did not place
wiers because they would be inadequate
purchased fish.Costing \$ 8,000.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:

due to neighbor (William Wonenberg) misusing
backhoe to change water flow. lawsuit has
been filed.Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to Jan. 1, 19 89.
(1 yr. minimum, 5 yrs. maximum)

NOTE

AS OF JULY 1, 1980,
THERE IS A \$15.00
CHARGE FOR REQUESTS
FOR EXTENSION OF
TIME.Kenneth Hawkes

(Signature)*

*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit the statement of beneficial use is extended to January 1, 1989.IT IS FURTHER ORDERED that the permit be REINSTATED and the priority advanced to November 22, 1978, pursuant to Section 42-218a, Idaho Code.Signed this 5th day of March, 1984.J. Glen Saxton
Chief, Operations Bureau

47-7490

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AMENDED

APPLICATION FOR PERMIT

APPROVED

Department of Water Resources
Southern District Office

To appropriate the public waters of the State of Idaho

Department of Water Resources
Southern District Office

1. Name of applicant Kenneth Hawkes Phone 543-5456

Post office address Route 4, Buhl, Idaho 83316

2. Source of water supply J-3 Coulee which is a tributary of I Coulee

3. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 13 Township 9S

Range 14E B.M. Twin Falls County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 2.0 cfs for fish prop. purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 2.0 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. check dams in stream bed to form 2
ponds

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 13 Township 9S
Range 14E B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____

(5) If water is to be used for other purposes describe: commercial fish propagation

47-7490

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

Total number of acres to be irrigated

c. Describe any other water rights used for the same purposes as described above.

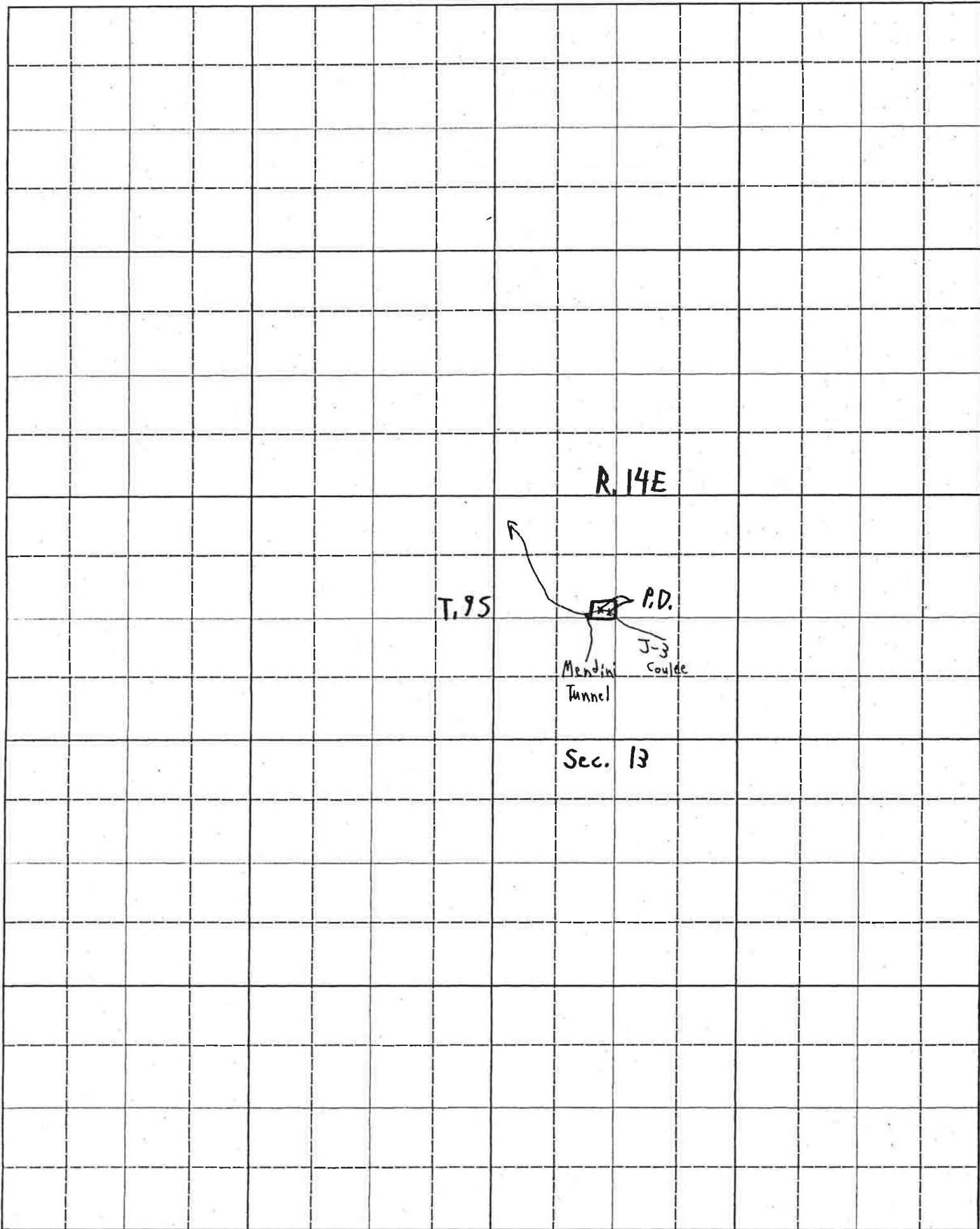
9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks Although water from Mendini Tunnel enters J-3 Coulee on Glendale Ranch
property just west of the place of use, there are no plans to use Mendini
Tunnel water as part of this application for permit.

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Kenneth H. Hanks
(Applicant)



Proposed Priority 9-27-78

Received by JS

Date 11-28-78 Time 1:30pm

Preliminary check by _____

Fee \$ 20.00

Received by JS

Date 11-28-78 # 12624

Publication prepared by _____

Date _____

Published in Times-News

(Amended)

Publication dates 12/14/78 & 12/21/78

Publication approved _____

Date _____

Protests filed by: None received

Copies of protests forwarded by N/A

Hearing held by N/A

Date _____

Recommended for approval

denial

by JS J.S.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 47-7490, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 19 84.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. Other: (1) Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge. (2) The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Witness my hand this 19th day of January, 1979.

L. Glen Saxton

Chief, Operations Bureau

RECEIVED

January 18, 1989

JAN 19 1989

Department of Water Resources
Southern Region Office

Kenneth Hawkes
Rt. 4, Box 252
Buhl, ID 83316

RE: Permit No. 47-7490

Dear Mr. Hawkes:

This is to remind you of the letter sent December 16, 1988. The department needs more information regarding the litigation involving your permit.

Please note, you indicated one of the reasons for requesting another extension is that development has been delayed by litigation. The department has a copy of the initial complaint and reply to counterclaim. These documents, however, were executed in 1982 and 1983 respectively. What is the status of this suit at present? Please provide some documentation.

Please advise the department of the status of this litigation as soon as possible.

If you have questions concerning this matter, feel free to contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

c: S. Region

47-7490

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DEC 21 1988

Department of State Resources
Southern Region Office

December 16, 1988

Kenneth Hawkes
Rt. 4 Box 252
Buhl, ID 83316

Dear Mr. Hawkes:

Re: Permit No. 47-7490

On December 9, 1988, this office received the request for extension of time.

You indicate one of the reasons for requesting another extension is that development has been delayed by litigation. The department has a copy of the initial complaint and reply to counterclaim. These documents, however, were executed in 1982 and 1983 respectively. What is the status of this suit at present. Please provide, if possible, some documentation.

Please notify the department within thirty days of the status of the litigation.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

✓ c: Southern Region

47-7490