

**STARTING
LEFT
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FILE**

RECEIVED

JUL 15 1993

Department of Water Resources

OFFICE USE ONLY

Amt. of Fee \$ 125.00Date 7-18-93Receipt No. 5015981Receipt by J.F. Blanton

JUL 12 1993

Department of Water Resources
Southern Region OfficeSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 37-08720 Telephone No. 934-4956
2. Name(s) of Permit Holder(s): Faulkner Land & Livestock Co. Inc.
3. Mailing Address: 1989 S. 1875 E., Gooding, ID 83330
4. Source of Water: Groundwater

If **GROUNDWATER**, Well Driller's Name: Eaton Drilling Date Drilled: May 93

OPTIONAL:

Pump horsepower: 250 Pressure (psi): 0 Dynamic pumping level (ft.): 225

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 300 (No. of acres) Other 160

6. Total rate and/or volume for which proof is submitted 3.2 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? _____ Yes ☒ No _____ Installed? _____ Yes _____ No

OR

Flow Measurement Port: Required? ☒ Yes _____ No _____ Installed? ☒ Yes _____ No

8. Fee Enclosed: \$ 175.00 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

John Faulkner

Name

Telephone No.

Same

Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

12 July 1993

Date

John S. Faulkner
Signature (and title, if on behalf of a company or organization)

MAILED

AUG 26 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 4062 OF LICENSED)
RIGHT 37-8005B, APPLICATION FOR)
TRANSFER NO. 4063 OF LICENSED)
RIGHT 36-02504 AND AMENDMENT OF)
PERMIT NO. 37-08720 IN THE NAME)
OF FAULKNER LAND AND LIVESTOCK)
CO.)
_____)

MEMORANDUM
DECISION AND ORDER

This matter having come before the Idaho Department of Water Resources (department) in the form of protested applications for transfer and a protested application for amendment of a permit, the department having held a conference and a hearing in the matter, the Director of the department makes the following Findings of Fact, Conclusions of Law, Analysis and Order:

FINDINGS OF FACT

1. On November 15, 1962, the department issued license no. 36-02504 authorizing the diversion of 0.82 cfs of ground water from a well located in the SE1/4SE1/4 Section 32, T7S, R15E,B.M. for the irrigation of 74 acres in Section 32, T7S, R15E,B.M. The priority of use is August 7, 1961.

2. On March 23, 1987, the department issued license no. 37-08005 authorizing the diversion of 4.03 cfs of ground water from a well located in the NE1/4SW1/4 Section 8, T6S, R14E,B.M. for the irrigation of 264 acres in Section 8, T6S, R14E,B.M. The priority of use is March 20, 1982.

3. January 3, 1992, the department issued permit no. 37-08720 authorizing the diversion of 4.8 cfs of water from wells proposed in the SE1/4NE1/4 and SE1/4SW1/4 Section 9, T6S, R19E,B.M. for the irrigation of 240 acres in Section 9, T6S, R19E,B.M. On July 28, 1992, the department approved an amendment to the permit changing the place of use of 3.2 cfs of water to 160 acres in Section 8, T6S, R19E,B.M. The priority of use is April 23, 1991.

4. On October 7, 1992, December 24, 1992 and on January 8, 1993, Faulkner Land and Livestock Company (applicant) submitted applications for transfer nos. 4062 and 4063 and an application to amend permit no. 37-08720 (applications), respectively to the department proposing to change the place of use and point of diversion of all of right no. 36-02504 and portions of rights 37-8005 and 37-08720.

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5. The applications were advertised as required by law and were protested by the City of Hagerman, Edward Shokal, Big Springs Water User's Association, Hagerman Valley Citizens' Alert, Inc., Aldrich Bowler, Billingsley Creek Ranch and the Idaho Water Alliance.

6. On May 13, 1993, the department conducted a hearing in the matter at Gooding, Idaho. The applicant was present and was represented by Tom Arkoosh, attorney at law. Protestants Edward Shokal, Marion Pugmire for Big Springs Water Users Association, Ned Swisher for Hagerman Valley Citizens' Alert, Aldrich Bowler, Donnie McFadden for Billingsley Creek Ranch, and John LeMoyné for Idaho Water Alliance were present and represented themselves. Protestant City of Hagerman did not appear at the hearing.

7. Issues raised by the protestants include the following:

- a) that approval of the applications will injure existing water rights,
- b) that approval of the applications will conflict with the local public interest by adversely affecting the spring flows in the Hagerman valley.
- c) that the applications are not consistent with the conservation of water resources in Idaho,
- d) that the applications are not in the local public interest.

8. Exhibits received as a part of the record include the following:

- a) Applicant's Exhibit No. 1 - A map showing the original locations of the place of use of the licenses and the permit as related to the proposed new place of use.
- b) Applicant's Exhibit No. 2 - Page 33 of IDWR Water Information Bulletin No. 42 entitled Digital-model Analysis of the Effects of Water-Use Alternatives on Spring Discharges - Gooding and Jerome Counties, Idaho said bulletin being dated November 1976 (Bulletin No. 42).
- c) Applicant's Exhibit No. 3 - Page 36 of Bulletin No. 42.
- d) Applicant's Exhibit No. 4 - Page 40 of Bulletin No. 42.

9. The hearing officer officially noticed certain information including the following:

- a) The application for transfer file including the applications, the advertisement, the protests and related

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correspondence.

b) Water right records and water district files within the records of the department.

c) Past decisions of the department.

d) U.S. Geological Survey RASA studies of the Snake Plain conducted during the late 1970's through the late 1980's.

e) Snake Plain Computer Aquifer Model and associated data, of the University of Idaho and the department.

f) IDWR Water Information Bulletin No. 42 entitled Digital-model analysis of the Effects of Water-Use Alternatives on Spring Discharges - Gooding and Jerome Counties, Idaho - November 1976.

10. Applicant's Exhibit No. 1. shows the relative locations of the original rights to be changed with respect to the proposed new point of diversion and place of use. The change proposed to license no. 36-02504 would move 0.82 cfs of water about 6 miles north to the new place of use. The change to license no. 37-08005 would move 2.02 cfs of water about 6 miles to the southeast to the new place of use and the change to permit no. 37-08720 would move 3.2 cfs of water about 24 miles to the west to the new place of use. The new place of use consists of three (3) pivots.

11. The proposed new point of diversion and place of use is about 25 miles northeast of the Hagerman valley.

12. Applicant's proposed well will be approximately 260 feet to 300 feet deep. Applicant plans to pump from the well to a pond and then from the pond to a pivot system on the proposed place of use. Crops planned for the first year are corn and potatoes.

13. Protestants are most concerned about the cumulative effects of ground water development of the Snake Plain upgradient of the spring discharge in the Hagerman valley rather than the specific effect of the applicant's proposal.

14. Water Information Bulletin No. 42 published by the department in November 1976 includes a model of the effect of ground water diversion in the Wendell-Gooding-Shoshone area on water sources in the Hagerman valley. The proposal of the applicant is generally addressed by the digital modeling.

15. Idaho Power Company is building a three-phase power line to the site of the applicant's well. A manufacturing company plans to hook onto the three phase power line which will be constructed.

16. All parties at the hearing waived the issuance of a

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JUN 30 1993

proposed decision and agreed in the interest of time that the department should issue a final decision in the matter.

CONCLUSIONS OF LAW

1. Section 42-222, Idaho Code, provides in pertinent part as follows:

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code;

2. Section 42-211, Idaho Code, provides in pertinent part as follows:

Whenever a permit has been issued pursuant to the provisions of this act, and the permit holder desires to change the place, period, or nature of the intended use, or make other substantial changes in the method of diversion or proposed use or uses of the water, he shall file an application for amendment upon forms to be furnished by the department of water resources together with the statutory fee for filing and recording same, and upon receipt thereof it shall be the duty of the department of water resources to examine same and if approval thereof would not result in the diversion and use of more water than originally permitted and if the rights of others will not be adversely affected thereby, the director of the department of water resources shall approve said application ...

3. The moratorium order issued by the Director of the department on May 15, 1992 and amended on April 30, 1993, in connection with use of water from the Snake Plain aquifer provided that the terms of the moratorium did not apply to existing approved applications (permits).

4. The proposed change to permit 37-08720 is the only change to the three original rights that would cause water to be diverted closer to the Hagerman valley than the original rights. The effect of the proposed change, however, is of such a small size as compared to the discharge of water in the Thousand Springs complex that the effect is not measurable in the Hagerman valley.

5. Approval of the applications will not injure existing water rights.

6. Approval of the applications will not constitute an

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enlargement in water use over that amount already authorized if the approval is properly conditioned.

7. The applications are consistent with the conservation of water resources in Idaho.

8. The applications are in the local public interest.

9. The protest of the City of Hagerman should be set aside for failure to appear at the hearing.

10. The department should approve the applications with certain conditions and limitations.

ANALYSIS

Development under permit no. 37-08720 has not yet occurred and for that reason was considered to be an "enlargement" by some of the protestants, especially in view of the department's action on May 15, 1992 which designated a moratorium in connection with new development. The department specifically exempted, however, applications which the department had approved prior to the designation of the moratorium from the terms of the moratorium.

Hence, the development of permit no. 37-08720 on the original place of use or upon an amended place of use does not "enlarge" the authorized use of water.

ORDER

IT IS THEREFORE, hereby ORDERED that the protest of the City of Hagerman is **SET ASIDE** for failure to appear at the hearing.

IT IS FURTHER, hereby ORDERED that Application for Transfer No. 4062 of licensed right no. 37-08005B, Application for Transfer No. 4063 of licensed right no. 36-02504 and Amendment of permit no. 37-08720 in the name of Faulkner Land and Livestock Co. is **APPROVED** subject to the following conditions:

1. Prior to diversion and use of water under this approval, the applicant shall submit a written plan to the department for review and approval which will assure that not more than 2.01 cfs (the portion of license 37-08005 remaining at the original place of use will be diverted from the well located in NE1/4SW1/4 Section 8, T6S, R14E, B.M.).

2. Prior to diversion and use of water under this approval, the applicant shall install and maintain a flow measurement port or other device as specified by the department to provide for installation of measuring equipment and the determination of the rate of diversion by the department.

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3. The change authorized under this approval shall be accomplished within one (1) year.

4. The changes authorized under this approval does not grant any right-of-way or easement across the land of another.

5. The right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

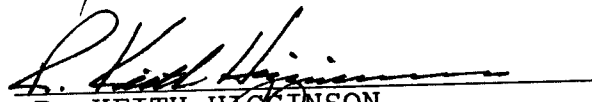
6. Construction of the well must comply with the minimum well construction standards.

7. The authorized place of use for license 36-02504 is changed from 74 acres shown on the license to 53 acres shown on transfer no. 4063.

8. Failure to comply with the conditions of this approval is cause for the Director to rescind approval of the transfers and amendment.

9. This approval does not preclude the opportunity for review of the validity of the water rights in the ongoing Snake River Basin Adjudication.

Signed this 26th day of May, 1993.


R. KEITH HIGGINSON
Director

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JUN 30 1993

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 2nd day of June, 1993, I mailed a true and correct copy of the foregoing Memorandum Decision and Order, postage prepaid, to the following:

John Faulkner
Faulkner Land & Livestock
1989 S 1875 E
Gooding, ID 83330

James G Martin
City of Hagerman
PO Box 158
Hagerman, ID 83332

Edward Shokal
963 Pioneer Rd
Hagerman, ID 83332

Marion Pugmire
Big Springs Water Users
2680 S 1050 E
Hagerman, ID 83332

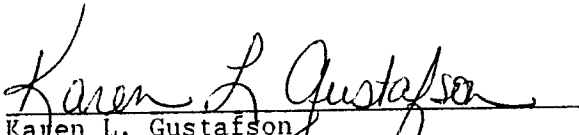
Ned Swisher
Hagerman Citizens Alert
PO Box 32
Hagerman, ID 83332

Aldrich Bowler
HC 60 Box 1110
Bliss, ID 83314

Donnie McFadden
Billingsley Creek Ranch
Rt 1 Box 216
Hagerman, ID 83332

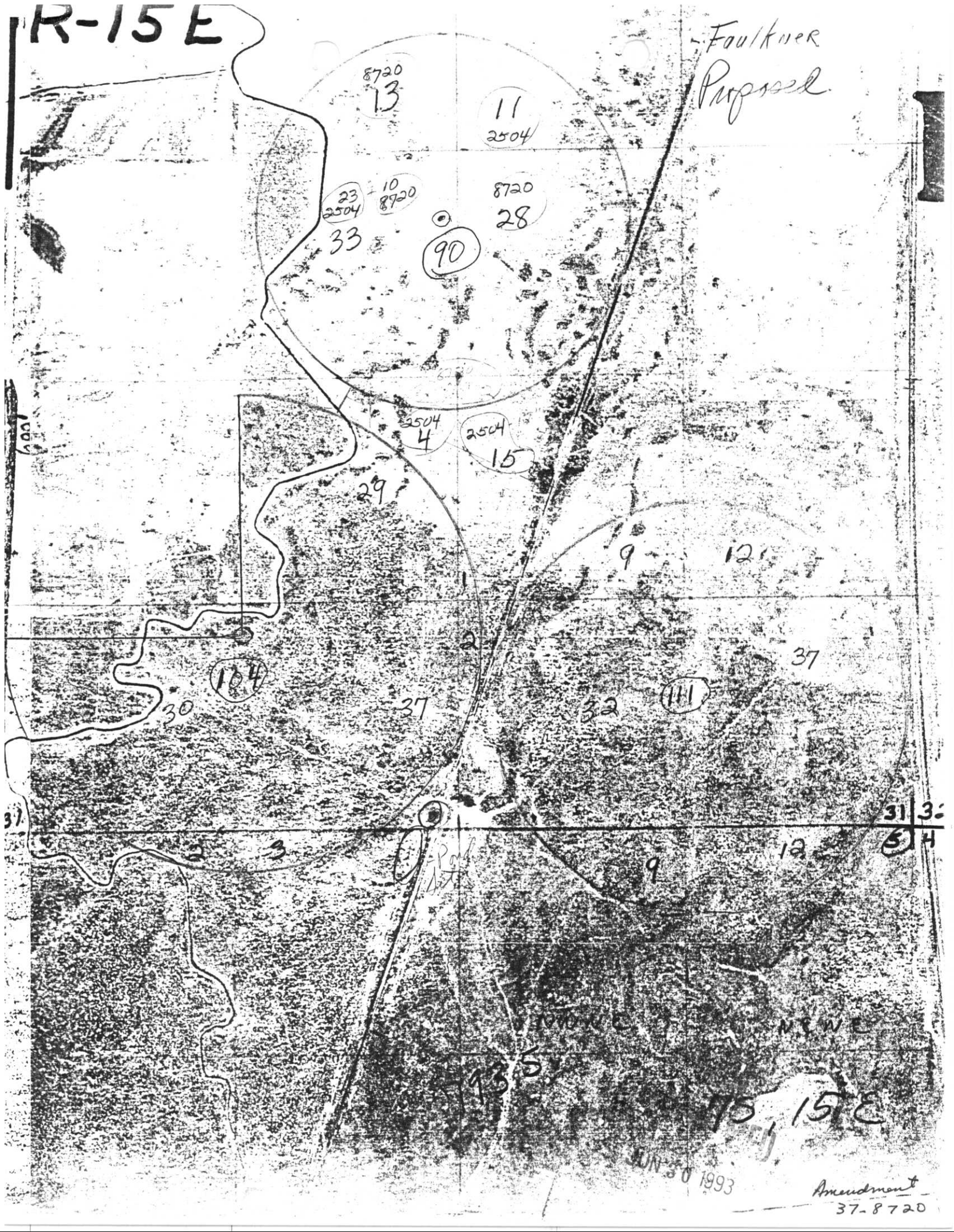
John Lemoyne
Idaho Water Alliance
Gridley Island
Hagerman, ID 83332

Thomas Arkoosh
Roden & Arkoosh
PO Box 2110
Boise, ID 83701


Karen L. Gustafson
Secretary/Records Manager

R-15E

Faulkner
Proposed



JUN 30 1993

Amendment
37-8720



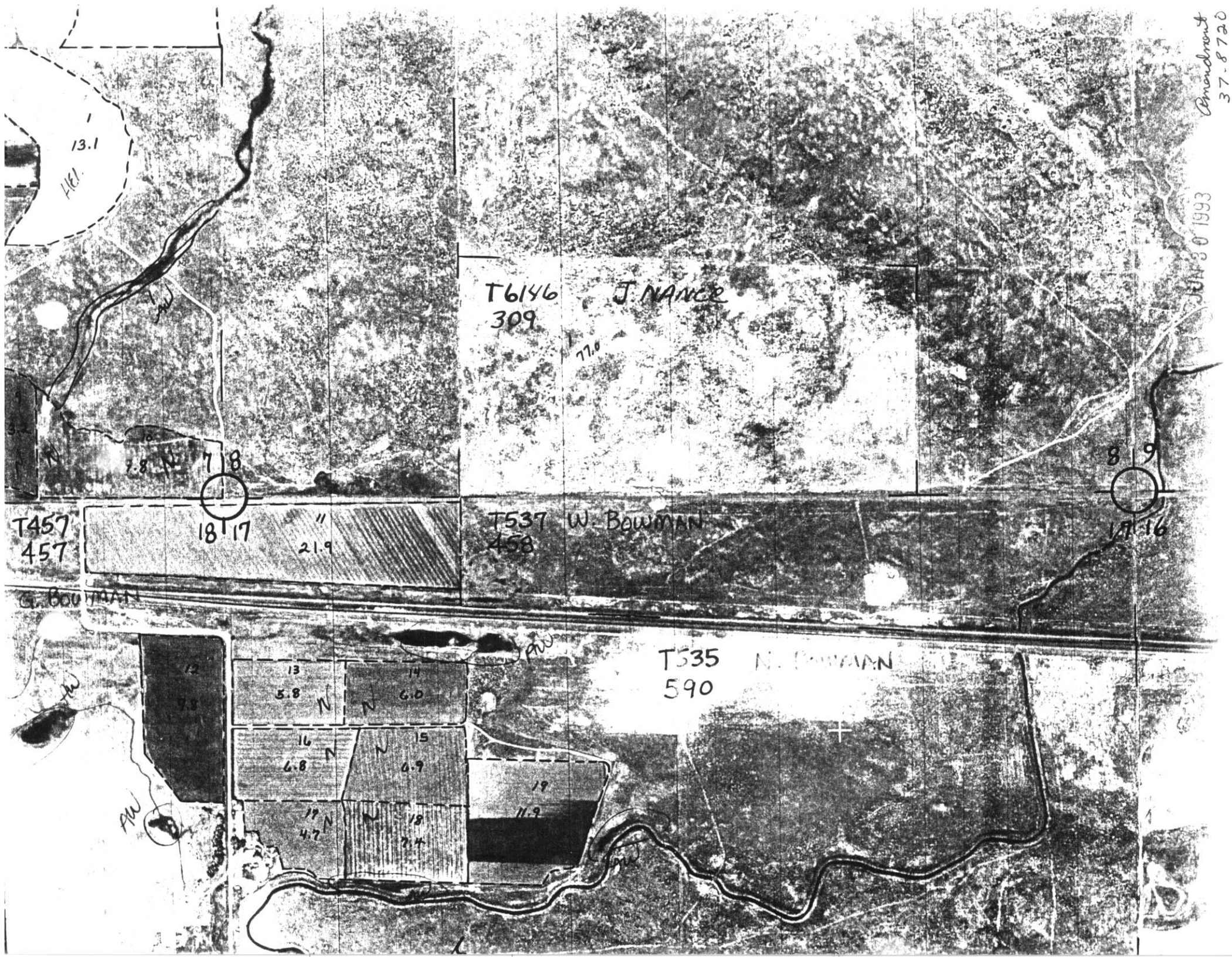
31 | 32
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JUN 30 1993

Amendment
37-8720

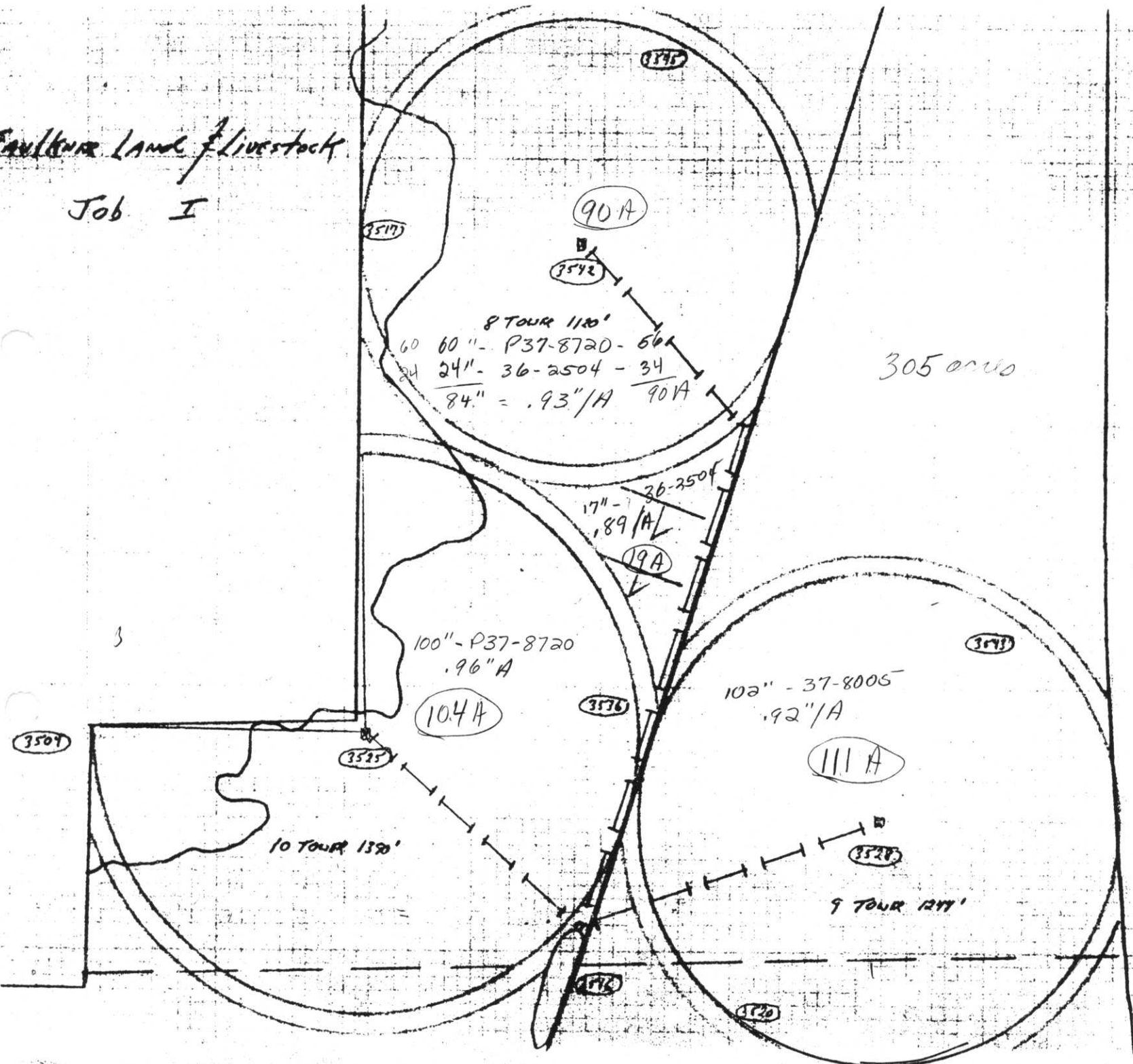
Amendment
37-8720

JUN 30 1993



PAULKNEE LAND & Livestock

Job I



1" = 660'

N

JUN 30 1993

Amendment
37-8720

State of Idaho
Department of Water Resources

ASSIGNMENT OF PERMIT

I, Jerry Nance, hereby assign to Faulkner Land & Livestock, Inc.
of 1989 South 1875 East, Gooding, Idaho 83330
Address

CHECK ONE

- ☒ All my right, title, and interest in and to Permit No. 37-8720
to appropriate the public waters of the State of Idaho.
- ☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.
(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 29th day of DEC, 19 92.

Jerry Nance
Permit Holder

X Patricia Nance
Spouse of Permit Holder

State of Idaho)
County of Lincoln) ss.

On this 29 day of December, 19 92, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

Lauran Adams
Notary Public residing at

seal

1998 Shoshone, Id.

My commission expires:
1998

JUN 30 1993

database updated 5/19/93 C.Z.

Amendment
37-8720

AFFIDAVIT of PUBLICATION

State of Idaho }
County of Lincoln } ss.

MAR 23 1993

Department of Water Resources
Southern Region Office

Patty Nance, being first duly sworn, deposes and says that she is the printer (publisher) of the Lincoln County Journal, a newspaper published every week in Shoshone, County of Lincoln, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 10 day of March, 1993,

and the date of the last publication was on the 17 day of March, 1993.

Subscribed and sworn to before me this 22nd day of March, 1993.

(SEAL)

Norma L. Doe
NOTARY PUBLIC

18772
LINCOLN COUNTY JOURNAL
Shoshone, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice _____
Number of Insertions 2X15

Lines tabular at _____ 6¢/Pica
594 Lines straight 29.70 5¢/Pica
Subsequent lines at 23.76 4¢/Pica
TOTAL COST 53.46

COPY OF NOTICE

(Paste Here)

Notice of Amendment to a Water Permit

TITLE OF NOTICE

37-08720

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resources
BILL TO

NOTICE OF AMENDMENT TO A WATER PERMIT

NO. 37-08720

Notice is hereby given that FAULKNER LAND & LIVESTOCK CO. of Gooding, ID is the holder of Approved Permit No. 37-08720 with a priority date of 04/23/1991 authorizing the diversion of 3.2 cubic feet per second of water from groundwater in SW1/4SE1/4, SE1/4SW1/4, S8, T06S, R19E, County of Lincoln, to be used for irrigation of 160 acres within E1/2SW1/4, S1/2SE1/4, S8, T06S, R19E.

This Application for Amendment proposes to change point of diversion and change place of use.

The permit holder has applied to the Department of Water Resources for an Amendment to the Permit, to be changed as follows:

Amount: 3.2 cfs

Period of Use: 4/1 to 10/31

Point of Diversion: SE1/4SW1/4, S31, T06S, R15E; Gooding County.

Place of Use: SW1/4NE1/4, E1/2NW1/4, NE1/4SW1/4, SW1/4SW1/4, SE1/4SW1/4, W1/2SE1/4, S31, T06S, R15E; N1/2NW1/4, S5, T07S, R15E.

Any protest against approval of the amending of Permit No. 37-08720 as set forth above must be filed with the Idaho Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 on or before March 29, 1993.

R. Keith Higginson, Director

Published in the Lincoln County Journal and Gooding County Leader on 3/10 & 3/17/93.

PUB: 3/10 and 17 L18772

AFFIDAVIT of PUBLICATION

State of Idaho }
County of Gooding } ss.

MAR 10 1993

Department of Water Resources
Southern Region Office

Patty Nance, being first duly sworn, deposes and says that she is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the

10 day of March, 1993,

and the date of the last publication was on the 17 day of

March, 1993.

Patty Nance

Subscribed and sworn to before me this 18th day of

March, 1993.

(SEAL)

Norma De Voe
NOTARY PUBLIC

18 446
GOODING COUNTY LEADER
Gooding, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2x's

Lines tabular at 594 6¢/Pica

Lines straight at \$29.70 5¢/Pica

Subsequent lines at 23.76 4¢/Pica

TOTAL COST \$53.46

JUN 30 1993

COPY OF NOTICE

(Paste Here)

Notice of Amendment to
A Water Permit
37-08720

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resources

BILL TO

NOTICE OF AMENDMENT TO A WATER PERMIT

NO. 37-08720

Notice is hereby given that FAULKNER LAND & LIVESTOCK CO. of Gooding, ID is the holder of Approved Permit No. 37-08720 with a priority date of 04/23/1991 authorizing the diversion of 3.2 cubic feet per second of water from groundwater in SW1/4SE1/4, SE1/4SW1/4, S8, T06S, R19E, County of Lincoln, to be used for irrigation of 160 acres within E1/2SW1/4, S1/2SE1/4, S8, T06S, R19E.

This Application for Amendment proposes to change point of diversion and change place of use.

The permit holder has applied to the Department of Water Resources for an Amendment to the Permit, to be changed as follows:

Amount: 3.2 cfs

Period of Use: 4/1 to 10/31

Point of Diversion:
SE1/4SW1/4, S31, T06S, R15E;
Gooding County.

Place of Use: SW1/4NE1/4,
E1/2NW1/4, NE1/4SW1/4,
SW1/4SW1/4, SE1/4SW1/4,
W1/2SE1/4, S31, T06S, R15E;
N1/2NW1/4, S5, T07S, R15E.

Any protest against approval of the amending of Permit No. 37-08720 as set forth above must be filed with the Idaho Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 on or before March 29, 1993.

R. Keith Higginson, Director
PUB: 3/10.17 G18446

APPROVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JAN 14 1993

Department of Water Resources
Southern Region Office

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Comes now Faulkner Land & Livestock Co.of (address) 19895 1875E Gooding, ID 83330, and represents to the
Director of the Idaho Department of Water Resources:That ^{it is} ~~he is~~ the owner and holder of Permit to appropriate the Public Waters of the State of Idaho
No. 37-8720, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SE 1/4 SW 1/4, Section 31, Township 6S, Range 15E, B.M.,
County of Gooding. Other points of diversion: _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 3.2 for Irrigation purposes from 4-1 to 10-31 (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)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	15E	31			28		13			10	32		30	37		3	2		155
7S	15E	5					3	2											5
							Lt 3	Lt 4											

Total number of acres to be irrigated = 160

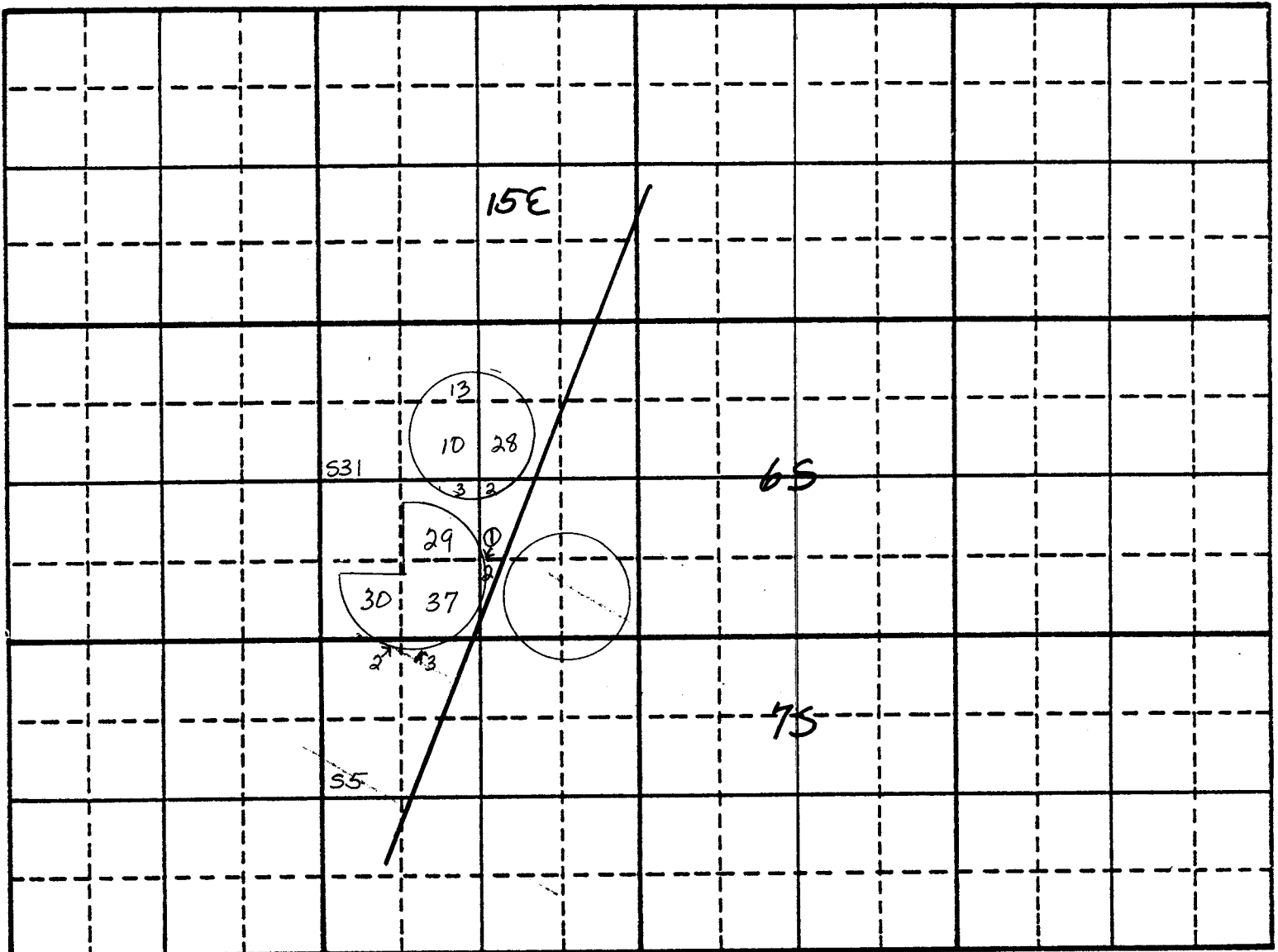
4. a. Who owns the property at the point of diversion? applicant
- b. Who owns the land to be irrigated or the place of use? applicant - Section 5
land is State of Idaho leased land.
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing: Applicant has a leasehold interest in
the 5 acres in S5, T8, 15E

MICROFILMED

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Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Twin Falls Id., this 24th day of DEC 1992, 1992.

John P. Paulsen
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$20.00

Received by MTS Date 1-8-93

Publication prepared by mtb Date 2/26/93

Published in Lucas Co. Journal

Publication dates 3/10 & 3/17/93

Gooding Co. Leader

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, R. KEITH HIGGINSON, Director of the Department of Water Resources hereby
approve the above referenced application for amendment. See Memorandum
Decision and Order for conditions.

Witness my hand this 26th day of May, 1993.

R. Keith Higginson
Director

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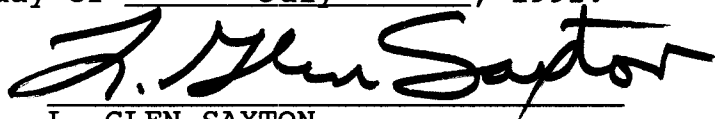
JUN 30 1993

CONDITIONS OF APPROVAL

Amendment of Permit No. 37-08720

1. The previous conditions as set forth in Permit No. 37-08720 must be met.
2. A well drilled pursuant to this permit must be located at least 500 feet from any existing well. Well spacing closer than 500 feet must be approved by the Department of water Resources.
3. Construction of the well must comply with Idaho well construction standards.

Dated this 28th day of July, 1992.



L. GLEN SAXTON
Chief, Water Allocation Bureau

MICROFILMED

AUG 10 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPROVED

03 AUG 1992

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Comes now Jerry & or Patty Nance

of (address) ~~4008~~ 814 Hwy. 24, Dietrich, ID 83324, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho
No. 37-08720, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SW 1/4 SE 1/4, Section 8, Township 6S, Range 19E, B.M.,
County of Lincoln. Other points of diversion: SE/SW Sec. 8 T. 6S R. 19E
(1 PD, exact location unclear)

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 3.2 cfs for Irrig. purposes from 4-1 to 11-1 (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)

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	19E	8									40			40			40	40	160

Total number of acres to be irrigated = 160

4. a. Who owns the property at the point of diversion? Applicants
b. Who owns the land to be irrigated or the 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: _____

MICROFILMED
AUG 20 1992

Show 40-acre subdivisions, townships, ranges and ditches.

Scale: 2 inches equal 1 mile.

Signed at Twin Falls, this 29 day of Jan, 1992.

Jerry Vance
(Signature)

Preliminary check by [Signature] Fee = \$20.00

Publication prepared by mf Date 3-10-92

Publication dates 3/18 & 3/25/92

Received by JS Date 1-29-92 5014/08
Published in Lincoln Co. Journal

I, L. GLEN SAXTON, Director of the Department of Water Resources hereby
approve the above referenced applicaiton for amendmant. See the attached sheet for
conditions of approval.

Witness my hand this 28th day of July, 1992.

[Signature]
Chief, Water Allocation Bureau

AUG 20 1992

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 37-08720

Proposed Priority: April 23, 1991 Maximum Diversion Rate: 4.80 CFS
This is to certify, that **JERRY NANCE**

PATTY NANCE
1008 E 170 S
DIETRICH ID 83324

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 11/01	4.80 CFS

LOCATION OF POINT(S) OF DIVERSION: NWSENE , Sec. 9, Township 06S, Range 19E
SESESW , Sec. 9, Township 06S, Range 19E
LINCOLN County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06S	19E	9	SWNE 40	SENE 40	NESE 40	
			NWSE 40	SWSE 40	SESE 40	240

Total number of acres irrigated: 240

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **January 3, 1994**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Prior to the diversion of water under this right a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
6. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
7. The Director retains jurisdiction of this right and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.

MICROFILMED

JAN 22 1992

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

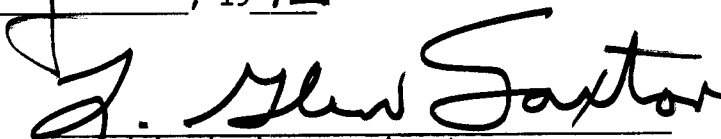
NO. 37-08720

CONDITIONS/REMARKS:

8. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
9. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

3rd day of January, 1992

for 
R. Keith Higginson, Director

MICROFILMED

JAN 22 1992

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APR 24 1991

To appropriate the public waters of the State of Idaho

Department of Water Resources

Southern Region Office

1. Name of applicant Jerry &/or Patty Nance Phone 544-2480

Post office address 1008 E. 170 S., Dietrich, ID 83324

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot _____

Sec. 9 Township 6S Range 19E B.M. Lincoln County; additional

points of diversion if any: on NW/SE/NE Sec. 9 T. 6S R. 19E

4. Water will be used for the following purposes:

Amount 4.8 cfs for Irrig. purposes from 4-1 to 11-1 (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 is (a) 4.8 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well, pump, sprinklers

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:

_____ to _____ inclusive.

c. Proposed well diameter is 14 inches; proposed depth of well is 320 feet.

d. Is ground water with a temperature of greater than 90°F being sought? No

7. Time required for the completion of the works and application of the water to the proposed beneficial use is

Two years (minimum 1 year).

RECORDED
JAN 22 1992

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
65	19E	9			40	40									40	40	40	40	240

Total number of acres to be irrigated 240

10. Describe any other water rights used for the same purposes as described above. Big Wood Canal Co. water

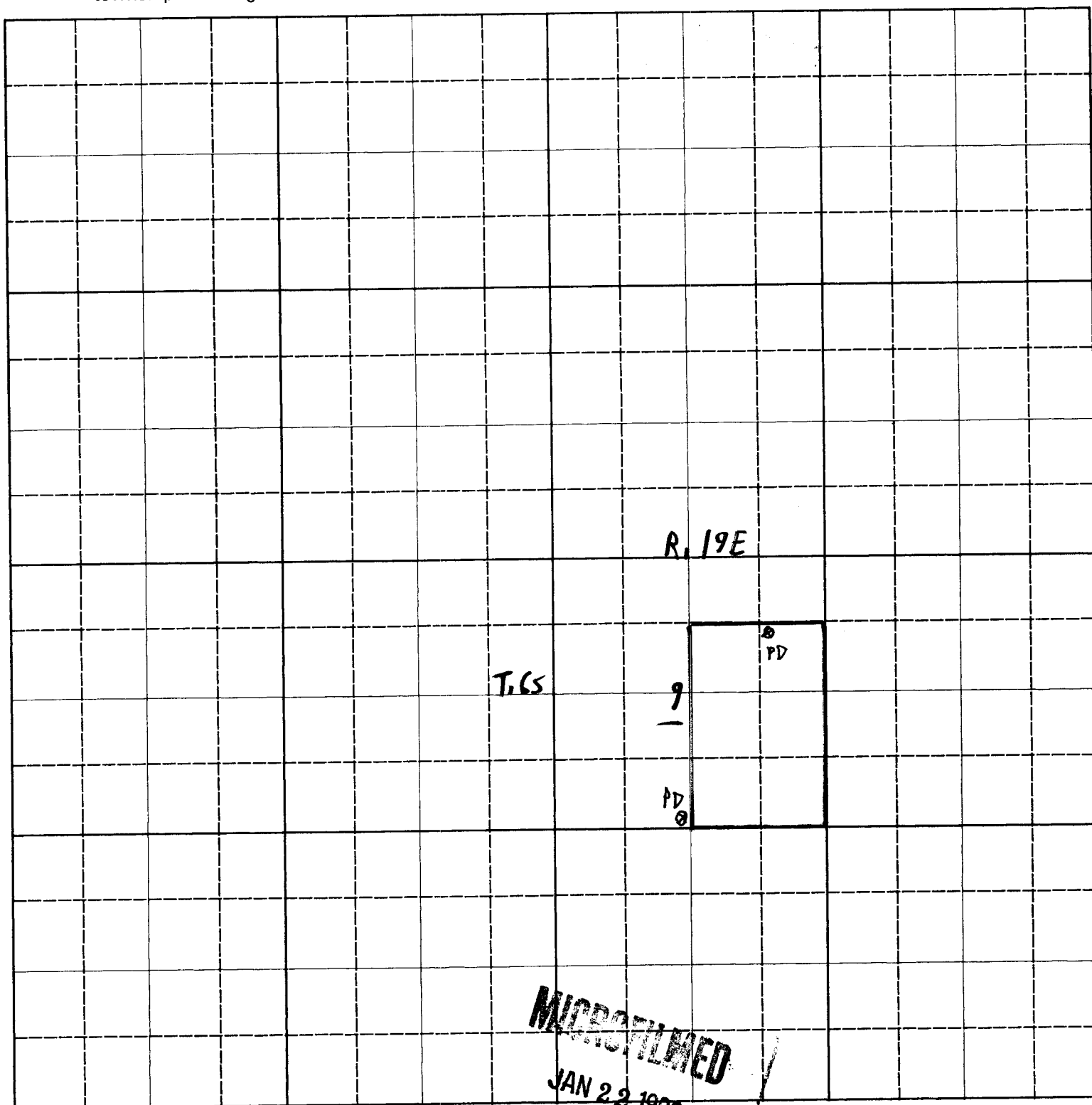
- Who owns the property at the point of diversion? Applicants
- Who owns the land to be irrigated or place of use? "
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Well will supplement surface rights as needed.

MICROFILMED

JAN 22 1992

13. 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.

Jerry Mause
(Applicant)

Received by J. J. Stanton Date 4-23-91 Time 11:35 am Preliminary check by DRJ
Fee \$ 125.00 Receipted by JO # 5013270 Date 4-23-91
Publication prepared by MB Date 5-21-91 Published in Lincoln Co. Journal
Publication approved M. Baldwin Date 6-28-91

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. _____, and said application is hereby _____.

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 _____, 19 ____.

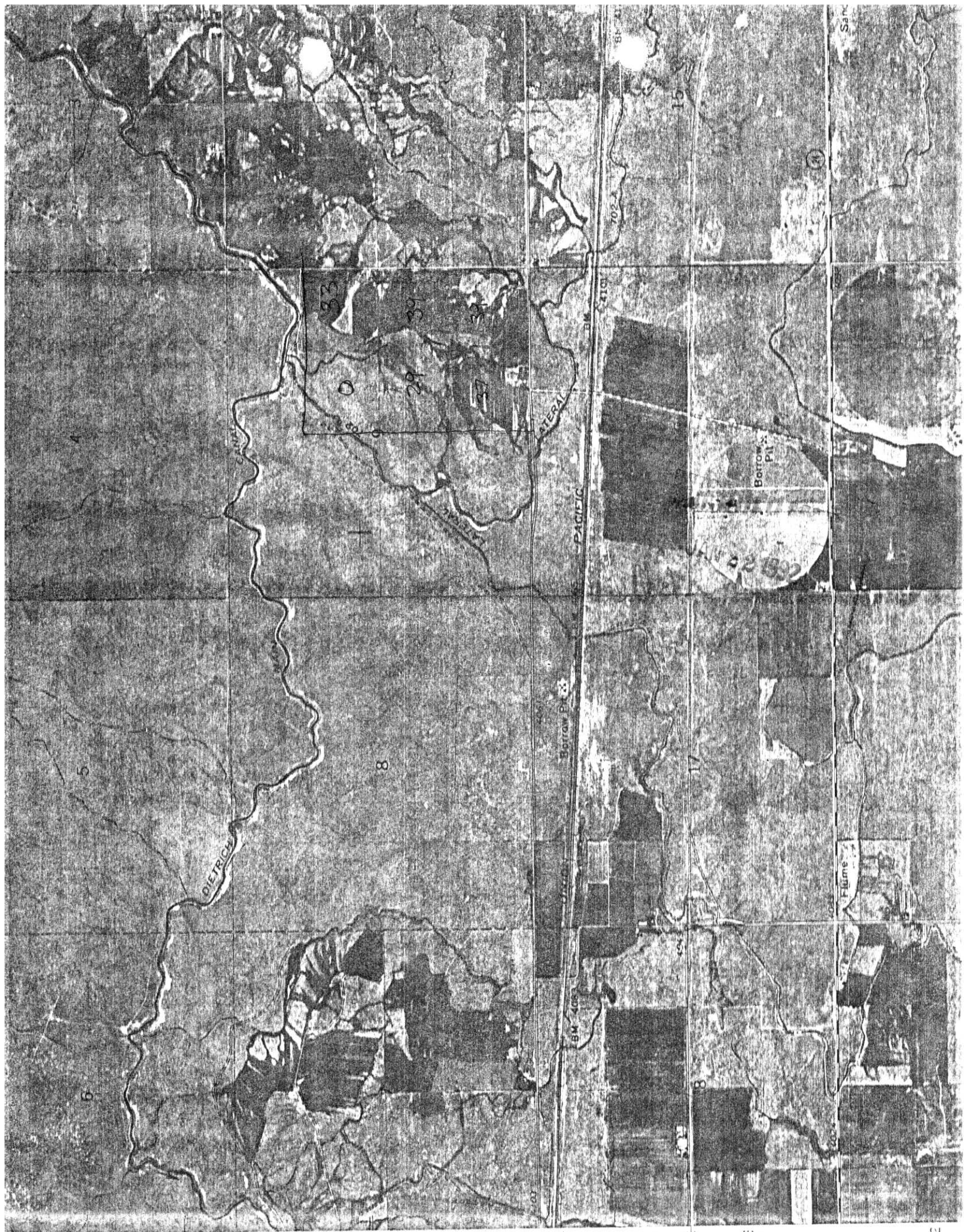
c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

RECEIVED

JAN 22 1992



10

10

10

10

10

37-8720

10

AFFIDAVIT of PUBLICATION

State of Idaho }
County of Lincoln } ss.

Patty Nance, being first duly sworn, deposes and says that she is the printer (publisher) of the Lincoln County Journal, a newspaper published every week in Shoshone, County of Lincoln, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the

5th day of June, 1991.

and the date of the last publication was on the 12th day of

June, 1991.

Subscribed and sworn to before me this 13th day of

June, 1991.

(SEAL)

NOTARY PUBLIC

LINCOLN COUNTY JOURNAL

Shoshone, Idaho

COST OF PUBLICATION

Number of Picas per Line _____

Number of Lines in Notice _____

Number of Insertions 2x

Lines tabular at _____ 6¢/Pica

393.7 Lines straight at 19.69 5¢/Pica

Subsequent lines at 15.75 4¢/Pica

TOTAL COST 35.44

COPY OF NOTICE

(Paste Here)

Not Appl. Water R.

FILE OF NOTICE

J. Nance

37-08720

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Id. Dept. Water Res.

BILL TO

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho.

37-08720

NANCE, JERRY

NANCE, PATTY

1008 E. 170 S.

DIETRICH, ID 83324

Source: GROUNDWATER

Diversion Pt: NWSENE Sec 9 T 06S R 19E

SESESW Sec 9 T 06S R 19E

Use: IRRIGATION (4.800 CFS)

Total Diversion: (4.800 CFS)

Date Filed: 4/23/1991

In: T06S R19E S09 SWNE SENE

NESE NWSE

SWSE SESE

240.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 222 Shoshone St. East, Twin Falls, Idaho 83301 on or before JUNE 24, 1991.

-s-R. Keith Higginson, Director

Pub: 6-5, 12 L7449

7-8 pt. per line successive
insertions.....4¢/Pica

JAN 22 1992

No 5002

7449

AFFIDAVIT of PUBLICATION

State of Idaho }
County of Lincoln } ss.

Patty Nance, being first duly sworn, deposes and says that she is the printer (publisher) of the Lincoln County Journal, a newspaper published every week in Shoshone, County of Lincoln, State of Idaho; that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for

2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 15th day of 17724th, 19 92, and the date of the last publication was on the 25th day of 17724th, 19 92.

Subscribed and sworn to before me this 25th day of March, 19 92
(SEAL)

Norma De Ore
NOTARY PUBLIC

LINCOLN COUNTY JOURNAL
Shoshone, Idaho

COST OF PUBLICATION

Number of Picas per Line _____
Number of Lines in Notice _____
Number of Insertions 2X

Lines tabular at _____ 6¢/Pica
450 Lines straight at 22 50 5¢/Pica
Subsequent lines at 12 00 4¢/Pica
TOTAL COST 45 50

COPY OF NOTICE

(Paste Here)

37-08720 - Nance
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

BILL TO

NOTICE OF AMENDMENT TO A WATER PERMIT NO. 37-08720

Notice is hereby given that Jerry &/or Patty Nance of Dietrich, ID are the holders of Approved Permit No. 37-08720 authorizing the diversion of 4.80 cubic feet per second of water from groundwater in the NW1/4SE1/4NE1/4, SE1/4SE1/4SW1/4, S9, T6S, R19E; County of Lincoln, to be used for irrigation on 240 acres within S1/2NE1/4, SE1/4, S9, T6S, R19E; Lincoln County.

The permit holder has applied to the Department of Water Resources for an Amendment to the Permit, to change the Point of Diversion and Place of Use as follows:

Amount: 3.2 cfs

Period of Use: 4/1 to 11/1

Point of Diversion: SW1/4SE1/4, SE1/4SW1/4, S8, T6S, R19E; Lincoln County (one P/D, exact location unclear).

Place of Use: 160 acres within E1/2SW1/4, S1/2SE1/4, S8, T6S, R19E; Lincoln County.

Any protest against approval of the amending of Permit No. 37-08720 as set forth above must be filed with the Idaho Department of Water Resources, 222 Shoshone Street East, Twin Falls, Id 83301 on or before April 6, 1992.

R. Keith Higginson, Director
3/18 and 25 L12474

MICROFILMED
AUG 20 1992
No 5131

MICROFILMED

JAN 22 1992

MICROFILMED

AUG 20 1992

Comments: Date: 07/05/1991 User-ID: BALDWIN Subject: PROTEST
UNTIMELY PROTEST RECEIVED FROM USDI-BLM, PO BOX 28, SHOSHONE, ID
83352 ON 7-1-1991. PLEASE CONSIDER THEM A CORRESPONDENT IN ALL
MATTERS CONCERNING THIS WATER RIGHT.

Audit: 12/31/91 SKAGGS *pb* #37-8720

**NOW
STARTING
RIGHT
SIDE OF
FILE**

July 23, 1993

FAULKNER LAND & LIVESTOCK CO
1989 S 1875 E
GOODING ID 83330

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08720

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)736-3033.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

RECEIVED

AUG 26 1993

PERMIT NUMBER 36-93-S-0152-000
OWNER CODE 0
NAME & ADDRESS FAULKNER LAND & LIVESTOCK
1989 S 1375 E
GOODING, ID 83330
(208) 934-4956
TWP RGE SEC TRACT LOT COUNTY
06S 15E 31 SE SW GOODING

Subdivision Location and Description:
Subdivision Name:
Well Site Address:
City, State:
Geographic Location:
Accuracy Code:
Lat: : : N
Long: : : W

Proposed Use of Well: Irrigation
Well Use Comments:
Proposed Casing Diameter: 15 In.
Proposed Depth: 300 Ft.

Driller License No: 0026
Firm Name: EATON DRILLING & PUMP SERVICE INC
Official: LARRY M NIELSON

Permit Status: Permit
Verbal Issue Date: 05/03/1993
Date Received: 05/03/1993
Date Approved: 05/03/1993
Proposed Start Date: 05/05/1993
Extension Date:
Extension Expiration:
Receipt No. S015700
Receipt Date 05/03/1993
Fee \$ 200.00

Specific Conditions:
Permit Remarks: THIS DRILL PERMIT HAS BEEN VOIDED AS OF 07-21-1993 AND REPLACED
BY 37-93-C-0089-000. DRILLER HAS BEEN NOTIFIED TO CHANGE NUMBERS
ON COMPLETED LOG TO REFLECT THE 37 NUMBER.

Drilling Permit No: 36-93-S-0152-000
Water Right No: 36-02504
Injection Permit No:

Nature of Work: NEW WELL
Construction Method: ROTARY AIR
Number of Monitor Wells:
Casing Diameter: 15 In.
Depth of Casing: 16 Ft.
Total Depth: 280 Ft.
Screen Installed? No
Static Water Level: 283 Ft.
Temperature: F.
Production Rate: GPM
Actual Start Date: 05/10/1993
Well Finish Date: 05/15/1993
Log Received Date: 06/08/1993
Certification Date:
Field Inspection Date:

Well Log Remarks: THIS DRILLING PERMIT IS VOID 07-21-1993, AND SUPERCEDED BY DP#
37-93-C-0089-000 ISSUED 06-02-1993 BY THE STATE OFFICE. DRILLER
HAS BEEN NOTIFIED TO CHANGE DP AND LOG TO REFLECT THE 37 NUMBER.

Inspector:

REMOVED
AUG 26 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 15, 1993

Larry M Nielson
Eaton Drilling and Pump Service
PO Box 230
Wendell, ID 83355

Re: Permit No. 37-08720 - Faulkner Land & Livestock
Drilling Permit No. 37-93-C-0089-000
Drilling Date: May 1993
Proposed Location: 06S, 15E, Section 31, SE $\frac{1}{4}$ SW $\frac{1}{4}$

In the department's review of the proof of beneficial use submitted in connection with the above referenced permit, the department was not able to locate a well log which should have been submitted 30 days after completion of the construction of this well.

While it is possible that you have submitted the log, we have been unable to locate it. Please supply me with another copy. Please address any correspondence directly to me. Your response should be received within 20 days of the date of this mailing.

This information is needed before the department can proceed further with the examination of the permit holders system and the eventual issuance of a license of water right.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Karen L. Gustafson
Karen L. Gustafson
Secretary/Records Manager

C: Permit Holder

2 DP issued ~~in error~~ 1 in error
36-93-S-152 is void - log filed here
37-93-C-0089
AUG 26 1993

PERMIT
NUMBER
37-93-C-0089-000OWNER
CODE
O

NAME & ADDRESS

FAULKNER LAND & LIVESTOCK CO INC
1989 S 1875 E
GOODING, ID 83330
(208) 934-4356

TWP RGE SEC TRACT LOT

06S 15E 31 SE SW

COUNTY

GOODING

Subdivision Location and Description:

Subdivision Name:
Well Site Address:
City, State:Lot(s):
Block(s):Geographic Location:
Accuracy Code:
Lat: : : N
Long: : : W

Proposed Use of Well: Irrigation

Proposed Casing Diameter: 16 in.

Proposed Depth: 350 Ft.

Well Use Comments:

Driller License No:

Firm Name:
Official:

Permit Status: Permit

Verbal Issue Date:
Date Received: 09/25/1992
Date Approved: 06/02/1993
Proposed Start Date:
Extension Date:
Extension Expiration:Receipt No. Receipt Date Fee
S015058 10/07/1992 \$ 250.00

Specific Conditions:

Permit Remarks:

WELL DRILLER'S LOG REPORT

Drilling Permit No: 37-93-C-0089-000

Water Right No: 37-03005
Injection Permit No:

Nature of Work: NEW WELL

Construction Method:

Number of Monitor Wells:

Casing Diameter:
Depth of Casing:
Total Depth:
Screen Installed?In. Static Water Level: Ft.
Ft. Temperature: F.
Ft. Production Rate: GPMActual Start Date:
Well Finish Date:
Log Received Date:
Certification Date:
Field Inspection Date:

Inspector:

Well Log Remarks:

AUG 26 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 2, 1993

Re: In the Matter of Application for Transfer no. 4062 of licensed right 37-08005B, application for transfer no. 4063 of licensed right 36-02504 and amendment of permit no. 37-08720 in the name of Faulkner Land and Livestock Co Inc.

Dear Permit Holder:

Enclosed is a copy of the Final Memorandum Decision and Order issued in reference to the above mentioned permit.

Any person who does not agree with the decision of the department may request a rehearing before the Director within 20 days, or may appeal directly to the district court within 30 days of the date the decision is mailed.

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

Sincerely,

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enc: Final Order
Certificate of Mailing
Copy of Approved Transfers and Amendments

MICROFILMED

JUN 30 1993

WR0749NP
No. 37-08720

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

DATE: 06/17/93
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	FAULKNER LAND & LIVESTOCK CO 1989 S 1875 E GOODING ID 83330 (208) 934-4956	04/23/1991	IRRIGATION	04-01 10-31	3.20 CFS	
TOTAL DIVERSION:					3.20 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T06S R15E S31 SE SW

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
06S	15E	31	:			28				13				32		30		37		155.0
07S	15E	5	:							03-03	04-02									5.0
TOTAL ACRES																			160.0	

Pou County: GOODING

Other Water Rights with Same Point(s) of Diversion and Source:
37-08005B 37-08785 37-08812

Other Water Rights Listing Overlapping Place(s) of use:
37-08005B 37-08785 37-08812

Conditions of Approval:

- 26A - Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
- 01G - Prior to the diversion of water under this right a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
- 051 - Any license issued by IDWR pursuant to the right or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
- 052 - Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
- 053 - The Director retains jurisdiction of this right and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.
- 004 - The issuance of this right in no way grants any right-of-way or easement across the land of another.

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

Conditions of Approval:

- 03A - The rate of diversion of water for irrigation under this right
- and all other water rights on the same land shall not exceed 0.02
- cubic feet per second for each acre of land.
- 046 - Right holder shall comply with the drilling permit
- requirements of Section 42-235, Idaho Code.
- 46A - A well drilled pursuant to this permit must be located at least
- 500 feet from any existing well. Well spacing closer than 500
- feet must be approved by the Department of Water Resources.
- 46B - Construction of the well must comply with Idaho well
- construction standards.

Remarks: Single point of diversion located on or near line between SWSE,
S31, T06S, R15E, and NENW, S05, T07S, R15E.
Failure to comply with the conditions of approval is cause for
the Director to rescind approval of this amendment.
The changes authorized by the amendment dated May 26, 1993, shall
be accomplished within one (1) year.

Dates: App. Received: 01/08/1993 Priority Date: 04/23/1991
Proof Due Date: 01/03/1994 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 01 Field Exam Fee:

Comments: Date: 07/05/1991 User-ID: BALDWIN Subject: PROTEST
UNTIMELY PROTEST RECEIVED FROM USDI-BLM, PO BOX 28, SHOSHONE, ID
83352 ON 7-1-1991. PLEASE CONSIDER THEM A CORRESPONDENT IN ALL
MATTERS CONCERNING THIS WATER RIGHT.

Date: 06/25/1992 User-ID: MILLER Subject: SUPPLEMENTAL IRRIGATION
This right is for supplemental irrigation to be used in
conjunction with Big Wood Canal Company rights.

Date: 05/19/1993 User-ID: ZIMMERMA Subject: AMENDED PERMIT
This permit has been amended to change the point of diversion and
place of use.

Date: 05/19/1993 User-ID: ZIMMERMA Subject: MORATORIUM EXEMPTION
This amended permit falls within the acceptable parameters of the
Eastern Snake River Plain Moratorium.

Date: 05/19/1993 User-ID: ZIMMERMA Subject: CORPORATE OFFICERS
Corporate officers for Faulkner Land & Livestock Co. are John
Faulkner, president; Mike Faulkner, secretary/treasurer; Mark

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT
(REGIONAL)

=====

Comments: Date: 05/19/1993 User-ID: ZIMMERMA Subject: CORPORATE OFFICERS
Faulkner, director; Jack Faulkner, director.

Date: 05/19/1993 User-ID: ZIMMERMA Subject: P/D & POU OWNERSHIP
Point of diversion is owned by the applicant. Place of use
located within S31, T06S, R15E is owned by applicant. Place of
use located within S05, T07S, R15E is owned by State of Idaho and
leased by applicant.

Date: 06/17/1993 User-ID: ZIMMERMA Subject: DIVERSION DESCRIPTION
Drilling permit no. 37-93-C-0089-000. Proposed driller Eaton
Drilling & Pump. Proposed well to have 16" casing by 350' deep.

Audit: 06/17/93 ZIMMERMA

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS)
FOR TRANSFER OF WATER LICENSES)
36-02504 AND 37-0085B AND)
APPLICATION TO AMEND PERMIT)
37-08720)
-----)

NOTICE OF HEARING

Faulkner Land & Livestock Co.,)

Applicant)

COUNTY: Gooding

City of Hagerman, Edward Shokal,)
Big Springs Water Users Assoc.,)
Hagerman Valley Citizens Alert)
Inc., Aldrich Bowler,)
Billingsley Creek Ranch,)
Idaho Water Alliance,)

Protestants)

Faulkner Land and Livestock Company, applicant, has applied to the Department of Water Resources to change the points of diversion and places of use of two water licenses and one valid water permit. Protests have been received from the parties named in the above caption.

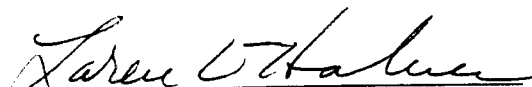
A pre-hearing conference was held in Gooding on April 29, 1993. At the conference, the protestants present stipulated orally that the proposed change to license 36-2504 was not at issue and that protest would not be continued on it. A written withdrawal of protest against 36-2504 was received from Aldrich Bowler on April 30, 1993.

The Department has set the matter of for hearing for May 13, 1993 at 1:00 PM, in the Gooding City Hall, City Council Room, 308 5th Ave. West, Gooding.

The hearing will be held in accordance with chapter 2, Title 42 of the Idaho Code and the adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded to all parties to respond and present evidence and argument on all issues involved.

If you require special accommodations for a disability in order to participate in or attend the conference, please advise the department within ten (10) days prior to the meeting.

Dated this 30 day of April, 1993.


Loren O. Holmes
Southern Region Manager

JUN 30 1993

CONFERENCE AND HEARING PROCEDURE

IN THE MATTER OF A PROTESTED APPLICATION FOR TRANSFER &/ OR AMENDMENT

In accordance with IDAHO CODE, Section 42-222, the following issues are involved in the consideration of the application and protest(s):

- 1) Are other water rights injured by the change?
- 2) Does the change constitute enlargement in the use of the original water right?
- 3) Is the change consistent with the conservation of water resources within the state of Idaho?
- 4) Does the change conflict with the local public interest?

PROCEDURE

The procedure normally followed by the department in arriving at a decision on the issues which must be considered is to first hold a conference in the matter and then, if necessary, hold a hearing. If a hearing is held a written decision is issued based on the hearing record.

CONFERENCE

Preliminary to holding a hearing, a pre-hearing conference is held to familiarize the department and the parties with the matter and to determine if a resolution of the protest(s) is possible without the need for a hearing.

At the conference the department may formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

HEARING

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be issued and the parties will be afforded the opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by IDAHO CODE, Section 42-1701A.

The parties by written stipulation, may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not prejudice the director's review of a party's evidence and arguments. However, such a waiver will shorten the decision making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the District Court.

Under the provisions of the IDAHO CODE, Sections 42-1701A and 67-5215, any court review of the department's decision on appeal shall be confined to the record created before the department.

EFFECT OF FAILURE TO APPEAR AT A CONFERENCE OR HEARING

Failure to appear at the time and place set for a conference or hearing by the applicant or protestant(s) may allow the department to dismiss without prejudice the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

JUN 30 1961

NAME AND ADDRESS OF SENDER		Indicate type of mail ☐ Registered ☐ Insured ☒ COD ☐ Certified		☐ Express Mail	Check appropriate box for Registered Mail: ☐ With Postal Insurance ☐ Without Postal Insurance		ATTENTION: Stamp here if issued for certificate of mailing or for additional copies of this form.				
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1	1401	Mrs. J. M. ... Box 1000 St. Louis, Mo. 1402	.29	1.00	1.00	2.29					
2	1402	Mr. J. M. ... Box 1000 St. Louis, Mo. 1403									
3	1403	Mr. J. M. ... Box 1000 St. Louis, Mo. 1404									
4	1404	Mr. J. M. ... Box 1000 St. Louis, Mo. 1405									
5	1405	Mr. J. M. ... Box 1000 St. Louis, Mo. 1406									
6	1406	Mr. J. M. ... Box 1000 St. Louis, Mo. 1407									
7	1407	Mr. J. M. ... Box 1000 St. Louis, Mo. 1408									
8	1408	Mr. J. M. ... Box 1000 St. Louis, Mo. 1409									
9	1409	Mr. J. M. ... Box 1000 St. Louis, Mo. 1410									
10	1410	Mr. J. M. ... Box 1000 St. Louis, Mo. 1411									
11	1411	Mr. J. M. ... Box 1000 St. Louis, Mo. 1412									
12	1412	Mr. J. M. ... Box 1000 St. Louis, Mo. 1413									
13	1413	Mr. J. M. ... Box 1000 St. Louis, Mo. 1414									
14	1414	Mr. J. M. ... Box 1000 St. Louis, Mo. 1415									
15	1415	Mr. J. M. ... Box 1000 St. Louis, Mo.									

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The full declaration of value is required on all domestic and international parcels. The maximum indemnity payable for nonnegotiable documents under First-class registered mail insurance is \$50,000 per piece subject to a limit of occurrence. The maximum indemnity payable on Express Mail merchandise is \$500. The maximum indemnity payable is \$25,000 for Registered Mail \$400 for Insured Mail. Special handling charges apply only to Third-class parcels. Special delivery service also includes special handling service.

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APR 30 1993

Department of Water Resources
Southern Region OfficeRODEN & ARKOOSH, CHARTERED
Attorneys at Law
802 West Bannock, Suite 900
Post Office Box 2110
Boise, Idaho 83701

RECEIVED

APR 30 1993

Department of Water Resources
Southern Region Office

TELECOPY COVER LETTER

DATE: 4/30/93

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: LOREN HOLMESFROM: C. TOM ARKOOSHRE ENCLOSED: WITHDRAWAL OF PROTEST BY DRITCH BOWLER ON
WENDELL TRANSFER (36-2504)

MESSAGE: _____

NUMBER OF PAGES BEING TRANSMITTED (INCLUDING THIS PAGE) 2

CONFIDENTIALITY NOTE

The documents accompanying this telecopy transmission contain information from the law firm of Roden & Arkoosh which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this telecopied information is prohibited. If you have received this telecopy in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

IF ALL PAGES ARE NOT RECEIVED, PLEASE TELEPHONE (208) 336-7930

OR TELECOPY MESSAGE TO US AT (208) 336-9154.

THANK YOU

TELECOPY OPERATOR: TIME SENT: 8:35 A.M. _____ P.M.

MICROFILMED

JUN 30 1993

4-29-93

Please withdraw my protest
on transfer # 36-02504

Aldrich Bowler

RECEIVED

APR 30 1993

Department of Water Resources
Southern Region Office

RECORDED

JUN 30 1993

MEMORANDUM

DATE: 30-Apr-1993

FROM: Loren Holmes *LH*

TO: Files 36-2504-T4062, 37-8005B-T4063, Amendment 37-8720

SUBJECT: Outcome of pre-hearing conference

At the conference on April 19, 1993, All parties were present or represented except for Aldrich Bowler.

The applicant was present and represented by attorney, Tom Arkoosh.

What emerged from the discussion was not so much concern over specific effects of these transfers, but concern that senior water rights from the Hagerman springs complex are short of water while junior groundwater rights in the aquifer upgradient from the springs are allowed to fully divert.

Tom Arkoosh indicated that he plans to enter expert testimony from a hydrologist - probably Sherl Chapman.

The protestants present stipulated orally that the change proposed on 36-2504 did not represent a concern to them because of the small amount of water and the short distance change in point of diversion. A written withdrawal of protest was received from Aldrich Bowler on April 30, 1993.

[Stamp: RECEIVED]
JUN 30 1993

PROTEST LIST

FAULKNER LAND & LIVESTOCK

T# 4062(37-8005B) & T# 4063 (36-2504), Amendment 37-8720

Applicant:

<fname>JOHN
<lname>FAULKNER
<addr>FAULKNER LAND & LIVESTOCK CO
1989 S 1875 E
<city>GOODING ID 83330
<letter>

*(attorney -
see next page -)*

<>

Protested T#4063 only

Protestants:

<fname>JAMES G
<lname>MARTIN MAYOR
<addr>CITY OF HAGERMAN
PO BOX 158
<city>HAGERMAN ID 83332
<letter>protest acknowledgement

<>

<fname>EDWARD
<lname>SHOKAL
<addr>963 PIONEER RD
<city>HAGERMAN ID 83332
<letter>protest acknowledgement

<>

<fname>MARION
<lname>PUGMIRE PRESIDENT
<addr>BIG SPRINGS WATER USERS ASSOC
2680 S 1050 E
<city>HAGERMAN ID 83332
<letter>protest acknowledgement

<>

<fname>NED
<lname>SWISHER PRESIDENT
<addr>HAGERMAN VALLEY CITIZENS' ALERT INC
PO BOX 32
<city>HAGERMAN ID 83332
<letter>protest acknowledgement

<>

<fname>ALDRICH
<lname>BOWLER
<addr>HC 60 BOX 1110
<city>BLISS ID 83314
<letter>protest acknowledgement

<>

<fname>DONNIE
<lname>MCFADDEN
<addr>BILLINGSLEY CREEK RANCH
RT 1 BOX 216
<city>HAGERMAN ID 83332

MICROFILMED

JUN 30 1993

<letter>protest acknowledgement

<>

<fname>JOHN

<lname>LEMOYNE CHAIRMAN

<addr>IDAHO WATER ALLIANCE

901-A GRIDLEY ISLAND

<city>HAGERMAN ID 83332

<letter>protest acknowledgement

<>

Attorney for applicant:

<fname>C THOMAS ARKOOSH ESQUIRE

<addr>RODEN & ARKOOSH

PO BOX 2110

<city>BOISE ID 83701-2110

<letter>

<>

MICROFILMED

JUN 30 1993

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS)
FOR TRANSFER OF WATER LICENSES)
36-02504 AND 37-0085B AND)
APPLICATION TO AMEND PERMIT)
37-08720)
-----)

Faulkner Land & Livestock Co.,)

Applicant)

City of Hagerman, Edward Shokal,)
Big Springs Water Users Assoc.,)
Hagerman Valley Citizens Alert)
Inc., Aldrich Bowler,)
Billingsley Creek Ranch,)
Idaho Water Alliance,)

Protestants)

NOTICE OF
PRE-HEARING CONFERENCE

COUNTY: Gooding

Faulkner Land and Livestock Company, applicant, has applied to the Department of Water Resources to change the points of diversion and places of use of two water licenses and one valid water permit. Protests have been received from the parties named in the above caption.

The Department has set the matter of protest for conference for April 29, 1993, from 10:00 AM to 12:00 Noon, in the Gooding City Hall, 308 5th Ave. West, Gooding.

The purpose of the conference is to formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

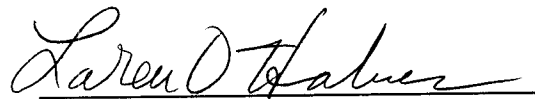
The conference will be held in accordance with chapter 2, Title 42 of the Idaho Code and the adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded to all parties to respond and present evidence and argument on all issues involved.

If you require special accommodations for a disability in order to participate in or attend the conference, please advise the department within ten (10) days prior to the meeting.

Dated this 16 day of April, 1993.

RECEIVED

JUN 30 1993


Loren O. Holmes
Southern Region Manager

CONFERENCE AND HEARING PROCEDURE

IN THE MATTER OF A PROTESTED APPLICATION FOR TRANSFER &/ OR AMENDMENT

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CONFERENCE

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Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes at the expense of the requesting party. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

If the hearing is conducted by a hearing officer appointed by the Director, rather than the Director himself, a proposed decision will be issued and the parties will be afforded the opportunity to file exceptions to the proposed decision and present briefs and oral arguments to the Director prior to the issuance of a final decision by the Director. This procedure is required by IDAHO CODE, Section 42-1701A.

The parties by written stipulation, may waive their right to a proposed decision, however, the failure of either party to waive a proposed decision will not prejudice the director's review of a party's evidence and arguments. However, such a waiver will shorten the decision making process and may expedite substantially the issuance of a final decision. Whether compliance with Section 42-1701A is waived will not affect a party's right to petition for a rehearing of the final decision pursuant to rule 11 of the Department's Rules of Practice and Procedure or affect a party's right to appeal the final decision to the District Court.

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EFFECT OF FAILURE TO APPEAR AT A CONFERENCE OR HEARING

Failure to appear at the time and place set for a conference or hearing by the applicant or protestant(s) may allow the department to dismiss without prejudice the protest(s) or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

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JUN 30 1993

ADDRESS
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☐ Certified☐ Express Mail☐ Without Postal Insurance

Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value
1	1388	WARR BROS.	.29	1.00	1.00	2.29	
2	1389	JACK HUMSKER					
3	1390	Indian Creek Homeowners Assoc					
4	1391	CHARLES LARKIN					
5	1392	John STEVENSON					
6	1393	DEE WALKER					
7	1394	Dr. Lee Enright 37-00863 TR Kathryn Wilson 3-31-93/LH	.29	1.00	1.00	2.29	
8	1395	Edgar Washburn					
9	1396	Weldon Wankier					
10	1397	Timothy J. Ryan					
11		non cert Eagle Cr. Lrv Co. Leoprey K. Meredith					
12		Elgin Co. P+2 Linda Haavik					
13	1398	John Faulkner LH/4/16/93 Faulkner Land + Lincastock 36-2504 TR James & Martin Mayon	.29	1.00	1.00	2.29	
14	1399	City of Hagerman					
15	1400	Edward Shokal					
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office	POSTMASTER, PER (Name of receiving employee)			The full declaration of value is The maximum indemnity payable for loss or damage to contents of insured mail is \$500. The maximum indemnity for loss of insured mail is \$400 for insured mail. Special parcels. Special delivery service is	

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)
1	1401	Marion Bugmore Pres Cont-36-2504 Big Springs Water Users Assoc	.29	1.00	1.00	2.29
2	1402	Red Sluisher Hagerman Valley Citizens Alert				
3	1403	Aldrich Bowler				
4	1404	Donnie Mc Fadden Billingsley Creek Ranch				
5	1405	John He Mayne Chairman Ed. Water Alliance				
6	1406	C. Thomas Arkost Esquire				
7						
8						
9						
10						
11						
12						

JUN 30 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

05-Apr-1993

R. KEITH HIGGINSON
Director

JOHN FAULKNER PRESIDENT
FAULKNER LAND & LIVESTOCK CO
1989 S 1875 E
GOODING ID 83330

RE: APPLICATION FOR PERMIT TRANSFER NOS. T# 4062 (37-8005B),
T# 4063 (36-2504), & AMENDMENT (37-8720)

Dear Mr. Faulkner:

Enclosed are copies of protests filed against the above referenced applications.

The Department suggests you contact the protestant(s) directly to determine the exact nature of the protest(s) and, if possible, to resolve the matter without action by the Department.

This office is tentatively scheduling the matter of protest for a pre-hearing conference for April 22, 1993. Notices formally setting the conference time and place will be mailed about April 12, 1993.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB
Enclosure(s)

RECORDED

JUN 30 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

05-Apr-1993

R. KEITH HIGGINSON
Director

EDWARD SHOKAL
963 PIONEER RD
HAGERMAN ID 83332

RE: APPLICATION FOR TRANSFER NOS. T# 4062 (37-8005B), T#
4063 (36-2504), & AMENDMENT (37-8720)

Dear Mr. Shokal:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

This office is tentatively scheduling the matter of protest for a pre-hearing conference for April 22, 1993. Notices formally setting the conference time and place will be mailed about April 12, 1993.

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Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB
Enclosure(s)

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JUN 30 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

05-Apr-1993

R. KEITH HIGGINSON
Director

MARION PUGMIRE PRESIDENT
BIG SPRINGS WATER USERS ASSOC
2680 S 1050 E
HAGERMAN ID 83332

RE: APPLICATION FOR TRANSFER NOS. T# 4062 (37-8005B), T#
4063 (36-2504), & AMENDMENT (37-8720)

Dear Mr. Pugmire:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

This office is tentatively scheduling the matter of protest for a pre-hearing conference for April 22, 1993. Notices formally setting the conference time and place will be mailed about April 12, 1993.

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Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB
Enclosure(s)

MAILED

JUN 30 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

05-Apr-1993

R. KEITH HIGGINSON
Director

NED SWISHER PRESIDENT
HAGERMAN VALLEY CITIZENS' ALERT INC
PO BOX 32
HAGERMAN ID 83332

RE: APPLICATION FOR TRANSFER NOS. T# 4062 (37-8005B), T#
4063 (36-2504), & AMENDMENT (37-8720)

Dear Mr. Swisher:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

This office is tentatively scheduling the matter of protest for a pre-hearing conference for April 22, 1993. Notices formally setting the conference time and place will be mailed about April 12, 1993.

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Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB
Enclosure(s)

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JUL 1 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

05-Apr-1993

R. KEITH HIGGINSON
Director

ALDRICH BOWLER
HC 60 BOX 1110
BLISS ID 83314

RE: APPLICATION FOR TRANSFER NOS. T# 4062 (37-8005B), T#
4063 (36-2504), & AMENDMENT (37-8720)

Dear Mr. Bowler:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

This office is tentatively scheduling the matter of protest for a pre-hearing conference for April 22, 1993. Notices formally setting the conference time and place will be mailed about April 12, 1993.

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If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB
Enclosure(s)

APR 20 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

05-Apr-1993

R. KEITH HIGGINSON
Director

DONNIE MCFADDEN
BILLINGSLEY CREEK RANCH
RT 1 BOX 216
HAGERMAN ID 83332

RE: APPLICATION FOR TRANSFER NOS. T# 4062 (37-8005B), T#
4063 (36-2504), & AMENDMENT (37-8720)

Dear Mr. McFadden:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

This office is tentatively scheduling the matter of protest for a pre-hearing conference for April 22, 1993. Notices formally setting the conference time and place will be mailed about April 12, 1993.

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Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB
Enclosure(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

05-Apr-1993

R. KEITH HIGGINSON
Director

JOHN LEMOYNE CHAIRMAN
IDAHO WATER ALLIANCE
901-A GRIDLEY ISLAND
HAGERMAN ID 83332

RE: APPLICATION FOR TRANSFER NOS. T# 4062 (37-8005B), T#
4063 (36-2504), & AMENDMENT (37-8720)

Dear Mr. LeMoyne:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

This office is tentatively scheduling the matter of protest for a pre-hearing conference for April 22, 1993. Notices formally setting the conference time and place will be mailed about April 12, 1993.

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB
Enclosure(s)

RECEIVED

JUN 30 1993

RECEIVED

MAR 29 1993

Department of Water Resources
Southern Region Office

Gentlemen,

March 28, 1993

We the directors of the Big Springs Water Users Association, which delivers water to the City of Hagerman and fifty + homes outside of the city limits, wish to protest the Faulkner Land and Livestock applications (Nos. 37-08005, 37-08720 and 36-02504). Our concern stems from the reduced flows of the springs in the Hagerman Valley, including our flows at Big Springs. We foresee the pumping of water at these locations as having an impact on our water rights.

President

Marion Legnis

Vice President

Sylvan Clark

Secretary

Geo H Lemmon

Director

Clifton E. Jones

Director

Jim Lemmon

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JUN 30 1993



BILLINGSLEY CREEK RANCH

RECEIVED

MAR 29 1993

Route 1 Box 216
Hagerman, Idaho 83332

Phone 208-837-6174
Fax 208-837-6563

Department of Water Resources
Southern Region Office

March 26, 1993

Idaho Department of Water Resources
220 Shoshone Street East
Twin Falls, Idaho 83301

Gentlemen:

I am writing to protest the Faulkner Land & Livestock applications (No. 37-08005, 37-08720 and 37-02504). These applications will involve the drilling of new wells that will further deplete the upper Snake River Plain Aquifer. Even though two of the permits involve transfers of existing water rights, there appears to be no substantial evidence to prove that the new use (pivots for raising potatoes on ground never before cultivated) will not increase the amount of water that historically had been pumped from the abandoned wells. How can you manage a resource when you have no idea what amount is being removed annually. Until you meter all of the pumps, you will never be able to adequately protect the senior water right holders. With a moratorium in place, how can you consider a transfer of a permit for a well that has never even been drilled. How can the net effect of that permit be anything but injurious to any surface water right in the Hagerman Valley?

My protest is based on the following criteria:

1. These permits (if approved) will reduce the quantity of water already allocated to existing rights.
2. The water supply itself is insufficient at this time and that is why we have a moratorium in place.
3. By adversely affecting the spring flows in the Hagerman Valley, these permits (if approved) will conflict with the local public interest.

Sincerely,

Donnie McFadden

DM/2t

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JUN 30 1993

Hagerman Valley Citizens' Alert, Inc.

P.O. Box 32

Hagerman, Idaho 83332

RECEIVED

MAR 29 1993

Department of Water Resources
Southern Region Office

March 26, 1993

Department of Water Resources
220 Shoshone East
Twin Falls, ID 83301

Re: Application Nos. 37-08005B, R-36-2504, 37-8720 ✓
Faulkner Land and Livestock Company

Hagerman Valley Citizens' Alert, Inc. hereby protests each of the above-referenced applications on Idaho Code 42-203 issues of reduction of quantity of water under existing rights, good faith and public interest.

We are concerned about the impact of these applications on spring discharge into Hagerman Valley, about new irrigation rights while adjudication is in progress and some people are losing their irrigation rights, about applicant receiving CRP monies for some land while opening up new land with that CRP water, and about the well being abandoned being permanently sealed.

Sincerely,

Ned Swisher

Ned Swisher
President
Hagerman Valley Citizens' Alert, Inc.
P.O. Box 32
Hagerman, ID 83332

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JUN 30 1993

View from Snake River
 BOWLER'S POTTERY CO
 SNAKE RIVER POTTERY CO
 HC 60 Box 116, Old Highway 30C
 Bliss, Idaho 83314
 phone (208) 837-6527

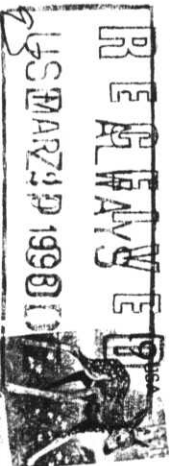
13-13 3-27-

*Gentlemen,
 I wish to protect
 Snake River and
 Fireback Co. filings
 37-08720*

LithoGraphics, Boise, Idaho

*36-2504
 37-0800B linearly*

Cedrick Bender



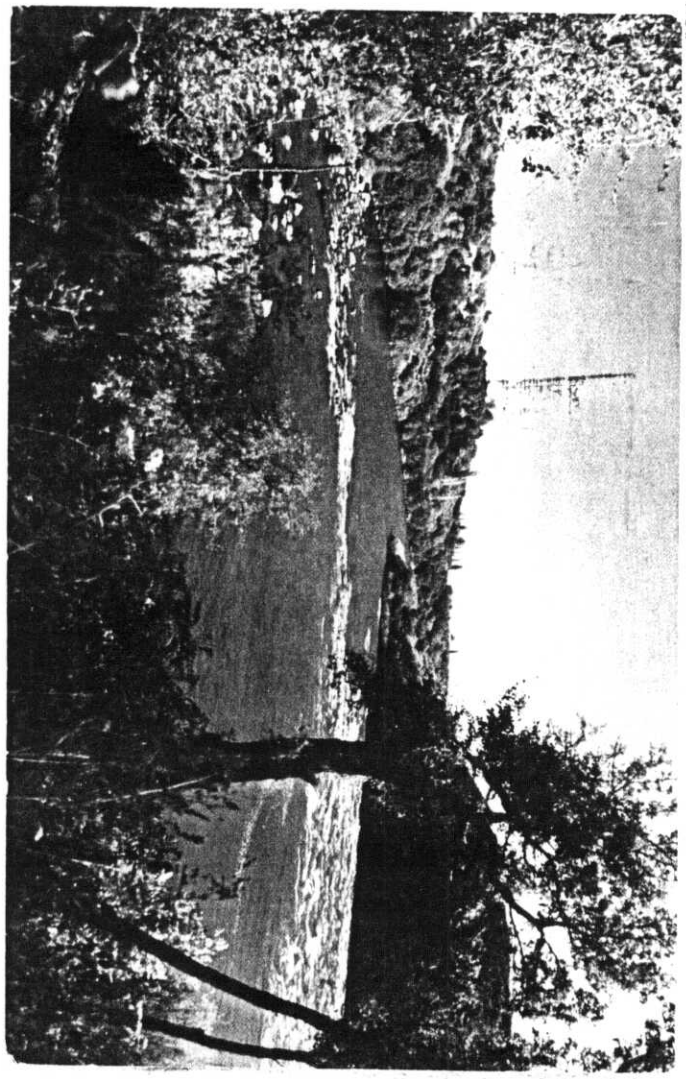
Department of Water Resources
 Southern Region Office
POST CARD

*Dept of Water
 Resources
 222 Shoshone St.
 Twin Falls Id
 83301*

RECEIVED

MAR 29 1993

Department of Water Resources
 Southern Region Office



RECEIVED

JUN 30 1993

Idaho Water Alliance

901-A Gridley Island, Hagerman, Idaho 83332 837-4887

RECEIVED

MAR 26 1993

Department of Water Resources
Southern Region Office

President

John LeMoyné
Lower Snake River
Aquifer Recharge Dist.

Steering Committee

March 25, 1993

Vince Alberdi
North Side Canal Co.

Guy Bonnevier
The Nature Conservancy

Don Campbell
Idaho Aquaculture Assoc.

Jack Eakin
Twin Falls Canal Company

Dan McFadden
Hagerman Water Rights Owners

Donnie McFadden
Billingsley Creek Ranch

Thorleif Rangen
Rangen, Inc.

Virgil Temple
A&B Irrigation District

Kent Just
Twin Falls Chamber of Commerce

Gary Young
City of Twin Falls

Idaho Department of Water Resources
220 Shoshone East
Twin Falls, Idaho 83301

LETTER OF PROTEST

Gentlemen:

The Idaho Water Alliance has determined that in order to preserve their legal rights for the present as well as the future with regard to water rights presently held by members of the Alliance it is necessary for a protest to be filed to applications filed with the department for the drilling of new wells, and for the transfer or exchange of the point of diversion for any existing water rights on the Snake River Plain aquifer. Such approval, the Alliance believes, would violate the criteria for approval as set out in Idaho Code Section 42-222 not only as to the specific application set out below but also in general. The Alliance has adopted a resolution to that effect and has authorized any member of the Alliance to file this protest with the department.

Although written generically, this protest shall apply specifically in this instance to the following application:

Faulkner Land & Livestock Co., No. 37-08005,
36-02504 and 37-08720 ✓

The Idaho Water Alliance is made up of individuals and entities which hold presently existing water rights on the Snake River Plain aquifer and the Alliance is particularly concerned about any actions that may be taken by any individuals, entities or by the Department of Water Resources itself which will adversely effect the quantity and quality of the water rights owned by the members of the Alliance. It is felt by the Alliance that applications for drilling new wells or applications for transfers or exchanges are being almost "automatically" approved by the department without sufficient investigation as required under Idaho Code Section 42-222 and as part of this protest the Alliance would ask the department to reassess their approval procedures to make sure

RECORDED

JUN 30 1993

Idaho Department of Water Resources
March 25, 1993
Page 2

that none of the adverse effects set out in Section 42-222 of the Idaho Code are present in, not only the application for the above mentioned water right, but any such applications which may be filed effecting the Snake River Plain aquifer.

Very truly yours,


JOHN LEMOYNE, Chairman
IDAHO WATER ALLIANCE

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JUN 30 1993

Idaho Water Alliance

901-A Gridley Island, Hagerman, Idaho 83332 837-4887

RECEIVED

MAR 26 1993

President

John LeMoyné
Lower Snake River
Aquifer Recharge Dist.

Department of Water Resources
Southern Region Office

RESOLUTION OF THE IDAHO WATER ALLIANCE

Steering Committee

Vince Alberdi
North Side Canal Co.

Guy Bonnevier
The Nature Conservancy

Don Campbell
Idaho Aquaculture Assoc

Jack Eakin
Twin Falls Canal Company

Dan McFadden
Hagerman Water Rights Owners

Donnie McFadden
Billingsley Creek Ranch

Thorleif Rangen
Rangen, Inc.

Virgil Temple
A&B Irrigation District

Kent Just
Twin Falls Chamber of Commerce

Gary Young
City of Twin Falls

At a meeting held on March 24, 1993, a majority of the members of the Idaho Water Alliance voted in favor of adopting the following resolution:

"BE IT RESOLVED THAT the Idaho Water Alliance shall protest all new wells and any transfers or exchanges of water rights which allow for any drilling or consumption of water from the Snake River Plain aquifer. Said resolution is adopted as a matter of policy for the reason that in the Alliance's collective mind any such drilling, transfer or exchanging of water rights will have an adverse effect on the quantity and quality of the ground water presently held in the Snake River Plain aquifer. Said adverse effects include but are not limited to the injury to other water rights presently held by members of the Alliance which have the aquifer as their source and such applications are not within the local public interest in that they effect adversely the affairs of the people in the area directly effected by such an application for drilling, transfer or exchange. Further, it is resolved that any member of the Idaho Water Alliance, as directed by the organization, may file a letter of protest (copy attached hereto as Exhibit "A") on behalf of the Idaho Water Alliance and may deliver said letter of protest to the Idaho Department of Water Resources, as appropriate, to protest any such drilling, transfer or exchange of water rights effecting the Snake River Plain aquifer."

DATED This 25TH day of March, 1993

IDAHO WATER ALLIANCE


JOHN LEMOYNE, Chairman

JUN 30 1993

March 26 93

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MAR 26 1993

Department of Water Resources
Southern Region Office

Dept of Water Resources

Southern Division

420 Shoshone St E

Tram Falls Idaho 83301

No 37-08740

Attention: Mr. L. Holmes, Manager

I wish to protest application No 37-08740.
(See also my protest for 37-08005 and 36-02504)

My reasons are; New wells will be created by transferring active or to be drilled well permits; this is a procedure that is in conflict with the moratorium on new well drilling; and withdrawing ground water with new wells would deplete water available to springs that feed Billingsly Creek.

Yours truly

Edward Shokal

963 Pioneer Rd

Hagerman Idaho

83332

REPROFILMED

JUN 30 1993

INTER-DEPARTMENT MEMO

TO: File

SUBJECT: Officers of Corp.

FROM: Jim Stanton

DATE: 3-2-93

~~Today~~/ Today I talked to John Faulkner, the president of Faulkner Land & Livestock. Other officers are Mike Faulkner (Sec.-Treas.), Mark Faulkner & Jack Faulkner (Directors).

☒ For your information

☐ Response required


signature

RECEIVED

JUN 30 1993

NOTICE OF AMENDMENT TO A WATER
PERMIT

NO. 37-08720

Notice is hereby given that FAULKNER LAND & LIVESTOCK CO. of Gooding, ID is the holder of Approved Permit No. 37-08720 with a priority date of 04/23/1991 authorizing the diversion of 3.2 cubic feet per second of water from groundwater in SW1/4SE1/4, SE1/4SW1/4, S8, T06S, R19E, County of Lincoln, to be used for irrigation of 160 acres within E1/2SW1/4, S1/2SE1/4, S8, T06S, R19E.

This Application for Amendment proposes to change point of diversion and change place of use.

The permit holder has applied to the Department of Water Resources for an Amendment to the Permit, to be changed as follows:

Amount: 3.2 cfs

Period of Use: 4/1 to 10/31

Point of Diversion:
SE1/4SW1/4, S31, T06S, R15E;
Gooding County.

Place of Use: SW1/4NE1/4,
E1/2NW1/4, NE1/4SW1/4,
SW1/4SW1/4, SE1/4SW1/4,
W1/2SE1/4, S31, T06S, R15E;
N1/2NW1/4, S5, T07S, R15E.

Any protest against approval of the amending of Permit No. 37-08720 as set forth above must be filed with the Idaho Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 on or before March 29, 1993.

R. Keith Higginson, Director

Published in the Lincoln County
Journal and Gooding County
Leader on 3/10 & 3/17/93.

RECEIVED

JUN 30 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

01-Mar-1993

R. KEITH HIGGINSON
Director

GOODING COUNTY LEADER
200 N MAIN
GOODING ID 83330

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the required publication dates. If time allows, please submit a galley proof for review before publication.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

MICROFILMED

JUN 30 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

01-Mar-1993

R. KEITH HIGGINSON
Director

LINCOLN COUNTY JOURNAL
PO BOX 468
JEROME ID 83338

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the required publication dates. If time allows, please submit a galley proof for review before publication.

We have attempted to submit this legal as camera ready. Please call me at your earliest convenience and prior to your staff re-typing the legal if it does not meet your specifications so I can possibly make adjustments.

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Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

RECEIVED

JUN 30 1993

NOTICE OF AMENDMENT TO A WATER PERMIT

NO. 37-08720

Notice is hereby given that FAULKNER LAND & LIVESTOCK CO. of Gooding, ID is the holder of Approved Permit No. 37-08720 with a priority date of 04/23/1991 authorizing the diversion of 3.2 cubic feet per second of water from groundwater in SW1/4SE1/4, SE1/4SW1/4, S8, T06S, R19E, County of Lincoln, to be used for irrigation of 160 acres within E1/2SW1/4, S1/2SE1/4, S8, T06S, R19E.

This Application for Amendment proposes to change point of diversion and change place of use.

The permit holder has applied to the Department of Water Resources for an Amendment to the Permit, to be changed as follows:

Amount: 3.2 cfs

Period of Use: 4/1 to 10/31

Point of Diversion: SE1/4SW1/4, S31, T06S, R15E; Gooding County.

Place of Use: SW1/4NE1/4, E1/2NW1/4, NE1/4SW1/4, SW1/4SW1/4, SE1/4SW1/4, W1/2SE1/4, S31, T06S, R15E; N1/2NW1/4, S5, T07S, R15E.

Any protest against approval of the amending of Permit No. 37-08720 as set forth above must be filed with the Idaho Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 on or before March 29, 1993.

R. Keith Higginson, Director

Published in the Lincoln County Journal and Gooding County Leader on 3/10 & 3/17/93.

JUN 30 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

26-Feb-1993

R. KEITH HIGGINSON
Director

JOHN FAULKNER PRESIDENT
FAULKNER LAND & LIVESTOCK CO INC
1989 S 1875 E
GOODING ID 83330

Re: Application for Amendment, 37-08720

Dear Mr. Faulkner:

The Department of Water Resources acknowledges receipt of your application for amendment of a permit.

This office will be advertising the application in the Gooding County Leader and Lincoln County Journal on 3/10 & 3/17/93. A period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. A typical processing time for an unprotested application is about eight weeks.

Final regional review cannot be completed until we receive a list of company officers, including the title of your position and evidence of ownership of the place of use.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

James E. Stanton
Sr. Water Resource Agent

JS:MB

180192



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

July 30, 1992

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

JERRY NANCE
PATTY NANCE
814 HWY 24
DIETRICH ID 83324

RE: Permit No. 37-08720

Dear Water Right Holder:

Enclosed is a copy of your approved Application for Amendment submitted in connection with the above referenced permit.

If you have any questions concerning this document, please feel free to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', written over the typed name.

JIM JOHNSON
Water Rights Supervisor

JJ:cz

Enclosure

MICROFILMED

AUG 20 1992

MEMORANDUM

TO: File 37-08720

FROM: Brenda

DATE: June 25, 1992

RE: Amendment Conditions

=====

The Application for Amendment of the above referenced permit is to be approved with the following conditions:

Approved provided the conditions as set for in Permit No. 37-08720 are met.

A well drilled pursuant to this permit must be located at least 500 feet from any existing well. Well spacing closer than 500 feet must be approved by the Department of Water Resources.

Construction of the well must comply with Idaho well construction standards.

MICROFILMED

AUG 20 1992

NOTICE OF AMENDMENT TO A WATER PERMIT

NO. 37-08720

Notice is hereby given that Jerry &/or Patty Nance of Dietrich, ID are the holders of Approved Permit No. 37-08720 authorizing the diversion of 4.80 cubic feet per second of water from groundwater in the NW1/4SE1/4NE1/4, SE1/4SE1/4SW1/4, S9, T6S, R19E; County of Lincoln, to be used for irrigation on 240 acres within S1/2NE1/4, SE1/4, S9, T6S, R19E; Lincoln County.

The permit holder has applied to the Department of Water Resources for an Amendment to the Permit, to change the Point of Diversion and Place of Use as follows:

Amount: 3.2 cfs

Period of Use: 4/1 to 11/1

Point of Diversion: SW1/4SE1/4, SE1/4SW1/4, S8, T6S, R19E; Lincoln County (one P/D, exact location unclear).

Place of Use: 160 acres within E1/2SW1/4, S1/2SE1/4, S8, T6S, R19E; Lincoln County.

Any protest against approval of the amending of Permit No. 37-08720 as set forth above must be filed with the Idaho Department of Water Resources, 222 Shoshone Street East, Twin Falls, ID 83301 on or before April 6, 1992.

R. Keith Higginson, Director

Published in the Lincoln County Journal on 3/18 & 3/25/92.

MICROFILMED

AUG 20 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

10-Mar-1992

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

LINCOLN COUNTY JOURNAL
PO BOX 468
JEROME ID 83338

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the required publication dates. If time allows, please submit a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin

Mary Baldwin
Secretary/Office Coordinator

Enclosure

REPRODUCTION

AUG 20 1992

Amendment, Notice - 37-8720

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 2
To <i>Lincoln Co Journal</i>	From <i>Mary Baldwin</i>	
Co.	Co. <i>IDWR</i>	
Dept. <i>Legals</i>	Phone # <i>736-3033</i>	
Fax # <i>324-3391</i>	Fax #	

MAR-13-1992 FRI 10:22

1 ID: IDWR SOUTHERN
201: 1-208-736-3037

P-9999

NO.	DATE	ST. TIME	TOTAL TIME	ABERR SEC	ID	DEPT CODE	#PGS
009	03-13	10:21	00:01:35		313643391		OK- 21NG- 0



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

10-Mar-1992

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

JERRY &/OR PATTY NANCE
814 HWY 24
DIETRICH ID 83324

Re: Application for Amendment, 37-08720

Dear Mr. & Mrs. Nance:

The Department of Water Resources acknowledges receipt of your application for amendment of a permit.

This office will be advertising the application in the Lincoln County Journal on 3/18 & 3/25/92. A period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Gary Funderburg
Sr. Water Resource Agent

GF:MB

MICROFILMED

AUG 20 1992

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: 8015272

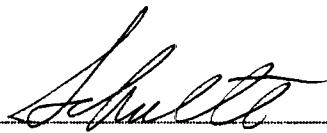
Date: 1/ 8/1993
Time: 13:26:32

Received
From: FAULKNER LAND & LIVESTOCK

Type of Payment	Program Acct Class	Amount
TRANSFER FEE	64106 229 21 1155	50.00
AMENDMENT FEE	64106 229 21 1155	20.00
Total		

CHECK 13491 \$70.00

Region: SOUTHERN

Signature: 

INTER-DEPARTMENT MEMO — 1

DATE 2-3-92

FROM Jim, Southern

TO Fiscal Section

SUBJECT Request for Refund of Drilling Permit Fee

On 1-29-92, Jerry Nance filed an Application for Amendment of Permit 37-08720. He also filed an Application for Drilling Permit (with expedited approval form). \$220.. was paid under Receipt S014108. Two days later, Mr. Nance requested that the Application for Drilling Permit be withdrawn and the \$200. fee be refunded. He does not plan to drill the well until sometime this Fall, so there is no point in getting the permit until then. The original drill permit form is attached. Thanks.



SIGNATURE

MICROFILMED

AUG 20 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 11, 1992

JERRY NANCE
PATTY NANCE
1008 E 170 S
DIETRICH ID 83324

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 37-08720

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed. You will receive a "Proof Due Notice" from this Department approximately 60 days prior to the completion date requiring you to file either a Proof of Beneficial Use form stating that the project has been completed or file a Request for an Extension of Time in which to file the proof statement.

Be sure to note the special condition requiring you to install a measuring device. Enclosed, for your reference, is a list of of measuring device options.

You should be aware that you are located within a drainage basin where surface water diversions are regulated by a watermaster. It is possible that diversion of groundwater under your permit may cause a reduction of surface water flow. Siting your well as far as possible from surface water channels and casing your well so that groundwater tributary to surface water flows are not diverted will reduce the potential for the watermaster to regulate your water use.

This permit authorizes the appropriation of trust water. Trust water is defined as that portion of a particular stream flow which exceeds certain minimum stream flows.

JAN 22 1992

established by state action, and is held in trust by the State of Idaho for the use and benefit of the people within the state. Conditions pertaining to a term review, annual use fee and jurisdiction of the permit are trust water conditions.

Sincerely,

PAMELA SKAGGS
Technical Records Specialist

PS:blm

Enclosures

RECEIVED

JAN 22 1992

MEMORANDUM

TO: FILE

FROM: TIM LUKE

RE: APP. NO. 37-8720/Trust Water Processing

DATE: 1-2-92

The above application is a trust water filing which has been forwarded to the state office for final review and processing.

The applicants state on the application that the groundwater source will supplement surface water diversions on all of the acreage under the filing. Review of a 1978 orthophoto and 1983 infrared aerial photo indicate that about 47 acres in the S1/2NE1/4 were not irrigated in those years. All of the SE1/4 appears irrigated in the 1983 photo. The 47 acres in question should not be considered developed prior to 1984 and shall be counted as trust acreage.

Continued processing of the application is recommend. Trust conditons are applicable.

MICROFILMED

JAN 22 1992

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '**' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SE				SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
P3708720	T06S R19E S 9 GROUNDWATER																					
					40														40		40	240
	NO MATCHES FOR THIS POU IN AJ-POU-TEMP																					
0100006	SNAKE RIVE :																					
3708720	GROUNDWATE :				40																	
--86 MAP--	C63Q-AA 25 :	02			02														40		40	240
					33														39		37	209
									10					18								

33 ✓

✓

1983 Intended Aerial

- matches 86 DATA ABOVE
- All of SW 1/4 appears irrigated. 1/2 SE 1/4 is probably all irrigated - appears more marginal than E 1/2 SE 1/4, allow all acreage in SE 1/4.

TJL

JAN 22 1992

MICROFILMED



ate of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

05-Jul-1991

R. KEITH HIGGINSON
Director

STEVE A ELLIS MGR
USDI BLM
PO BOX 28
SHOSHONE ID 83352

RE: Application for Permit No. 37-08720 (Nance)

Dear Mr. Ellis:

We received your letter of protest against the above referenced application for permit but regretfully must inform you that it was not received by the final date for the submittal of protests which was published in the Lincoln County Journal as part of the legal notice of the pending application.

However, we will strive to keep your agency as a correspondent in all matters concerning this application.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Loren O. Holmes, P.E.
Southern Region Manager

LH:MB

MICROFILMED

JAN 22 1992



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
SHOSHONE DISTRICT OFFICE
400 WEST "F" STREET
P.O. BOX 2B
SHOSHONE, IDAHO 83352



IN REPLY REFER TO:

7250

June 24, 1991

Idaho Department of Water Resources
Southern Region
222 Shoshone Street East
Twin Falls, ID 83301

RECEIVED

JUL 01 1991

Department of Water Resources
Southern Region Office

Dear Sir/Madam:

Please consider this letter an official protest of the new filing for Water Right No. 37-08720. According to your list dated May 28, 1991, page 10, Jerry Nance and Patty Nance of Dietrich, Idaho, on April 23, 1991, filed to divert trustwater for the purpose of irrigation.

At question is a tract of public land, listed as a place of use, described as 40 acres in T. 06 S., R. 19 E., Section 9: SW $\frac{1}{4}$ NE $\frac{1}{4}$. The Nances have purchased that 40-acre parcel from BLM but title has not yet been granted because they have not paid the remaining balance. BLM wishes to become a party of record in the issuance of the subject water right because the property is currently in federal ownership. The balance of payment is not due until September 30, 1991.

When payment is made and title is passed from the United States to the Nances this protest will be withdrawn.

If you have questions or need further information please contact Tim Fuller, Floyd DeWitt or me at 886-2206.

Sincerely,

Steven A. Ellis
Area Manager
Monument Resource Area

6-27-1991

JAN 22 1992

22-May-1991

JERRY &/OR PATTY NANCE
1008 E 170 S
DIETRICH ID 83324

Re: Application for Permit No. 37-08720

Dear Applicant (s):

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

This office will be advertising the application in the Lincoln County Journal on 6/5 & 6/12/91. A period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Douglas Jones, E. I. T.
Water Resources Engineering Specialist

DJ:MB

JAN 22 1992

37-08720

NANCE, JERRY
NANCE, PATTY
1008 E. 170 S.
DIETRICH, ID 83324

Source: GROUNDWATER

Diversion Pt: NWSENE Sec 9 T 06S R 19E
 SESESW Sec 9 T 06S R 19E

Use: IRRIGATION (4.800 CFS)
 Total Diversion: (4.800 CFS)

Date Filed: 4/23/ 1991

In: T06S R19E S09	SWNE	SENE	NESE	NWSE
	SWSE	SESE		

240.0 ACRES TOTAL

JAN 22 1991

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 222 Shoshone St. East, Twin Falls, Idaho 83301 on or before JUNE 24, 1991.

R. Keith Higginson, Director

Published 6/ 5/1991 & 6/12/1991

MICROFILMED

JAN 22 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region
222 Shoshone Street East
Twin Falls, ID 83301
(208) 734-3578

MAY 21, 1991

LINCOLN COUNTY JOURNAL
P.O. BOX 468
JEROME, ID 83338

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JUNE 24, 1991.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

MICROFILMED

JAN 22 1992

DATE: 03/11/88
PAGE: 337

ATER RESOURCES
: IRRIGATED ACRES

DATE	NAACP PHOTO	NAACP DATES & STATUTES
JS	AAZND	DD/87-
	AAZND	DD/87-

[illegible][illegible][illegible]

~~IF WATER RESOURCES~~
~~IT IS IRRIGATED ACRES~~

AP DATE STATUS	APPH PHOTO	APPH DATES & STATUTES
7/84-	AP24C	08/87-
1/84-	AP24C	08/87-
1/84-	AP24C	08/87-
	AP24C	08/87-

[illegible][illegible]

REF FILMED
JAN 22 1992

TRP:	DES	RNG:	19E	SECT:	0	NAZS	07/09/80	NAZS	00/07/80
NAI	NAI	0.0	NAZS	07/09/80 <td>NAZS</td> <td>00/07/80 <td>NAZS</td> <td>00/07/80 </td></td>	NAZS	00/07/80 <td>NAZS</td> <td>00/07/80 </td>	NAZS	00/07/80	
SHI	SHI	0.0	NAZS	07/09/80 <td>NAZS</td> <td>00/07/80 <td>NAZS</td> <td>00/07/80 </td></td>	NAZS	00/07/80 <td>NAZS</td> <td>00/07/80 </td>	NAZS	00/07/80	
SEI	SEI	0.0	NAZS	07/09/80 <td>NAZS</td> <td>00/07/80 <td>NAZS</td> <td>00/07/80 </td></td>	NAZS	00/07/80 <td>NAZS</td> <td>00/07/80 </td>	NAZS	00/07/80	
NAI	NAI	0.0	NAZS	07/09/80 <td>NAZS</td> <td>00/07/80 <td>NAZS</td> <td>00/07/80 </td></td>	NAZS	00/07/80 <td>NAZS</td> <td>00/07/80 </td>	NAZS	00/07/80	
SHI	SHI	0.0	NAZS	07/09/80 <td>NAZS</td> <td>00/07/80 <td>NAZS</td> <td>00/07/80 </td></td>	NAZS	00/07/80 <td>NAZS</td> <td>00/07/80 </td>	NAZS	00/07/80	
SEI	SEI	1.0	NAZS	07/09/80 <td>NAZS</td> <td>00/07/80 <td>NAZS</td> <td>00/07/80 </td></td>	NAZS	00/07/80 <td>NAZS</td> <td>00/07/80 </td>	NAZS	00/07/80	
NAI	NAI	0.0	NAZS	07/09/80 <td>NAZS</td> <td>00/07/80 <td>NAZS</td> <td>00/07/80 </td></td>	NAZS	00/07/80 <td>NAZS</td> <td>00/07/80 </td>	NAZS	00/07/80	
SHI	SHI	0.0	NAZS	07/09/80 <td>NAZS</td> <td>00/07/80 <td>NAZS</td> <td>00/07/80 </td></td>	NAZS	00/07/80 <td>NAZS</td> <td>00/07/80 </td>	NAZS	00/07/80	
SEI	SEI	0.0	NAZS	07/09/80 <td>NAZS</td> <td>00/07/80 <td>NAZS</td> <td>00/07/80 </td></td>	NAZS	00/07/80 <td>NAZS</td> <td>00/07/80 </td>	NAZS	00/07/80	
NAI	NAI	0.0	NAZS	07/09/80 <td>NAZS</td> <td>00/07/80 <td>NAZS</td> <td>00/07/80 </td></td>	NAZS	00/07/80 <td>NAZS</td> <td>00/07/80 </td>	NAZS	00/07/80	
SHI	SHI	2.0	NAZS	07/09/80 <td>NAZS</td> <td>00/07/80 <td>NAZS</td> <td>00/07/80 </td></td>	NAZS	00/07/80 <td>NAZS</td> <td>00/07/80 </td>	NAZS	00/07/80	
SEI	SEI	0.0	NAZS	07/09/80 <td>NAZS</td> <td>00/07/80 <td>NAZS</td> <td>00/07/80 </td></td>	NAZS	00/07/80 <td>NAZS</td> <td>00/07/80 </td>	NAZS	00/07/80	

MP0201NP
(00-15)

DATE: 03/11/00
PAGE: 345

TRACT	LOT	TOT ACRES	GUARD MAP INDICES	MAP PHOTO	MAP DATE & STATUS	MAP PHOTO	MAP DATE & STATUS
		0.0	NA25	NA25C	07-01	NA25C	07-01
NA SE SE		0.0	NA25	NA25C	07-01	NA25C	07-01
SW SE SE		0.0	NA25	NA25C	07-01	NA25C	07-01
SE SE		0.0	NA25	NA25C	07-01	NA25C	07-01

TYP: 065		RNG: 19E		ECT: 9					
NE NE	2.0	NAZ5	NAZ5B	09/04	NAZ5C	00/07	00/07	00/07	00/07
NH NE	0.0	NAZ5	NAZ5B	09/04	NAZ5C	00/07	00/07	00/07	00/07
SH NE	2.0	NAZ5	NAZ5B	09/04	NAZ5C	00/07	00/07	00/07	00/07
SE NE	33.0	NAZ5	NAZ5B	09/04	NAZ5C	00/07	00/07	00/07	00/07
NE NH	0.0	NAZ5	NAZ5B	09/04	NAZ5C	00/07	00/07	00/07	00/07
NH NH	0.0	NAZ5	NAZ5B	09/04	NAZ5C	00/07	00/07	00/07	00/07
SH NH	0.0	NAZ5	NAZ5B	09/04	NAZ5C	00/07	00/07	00/07	00/07
SE NH	0.0	NAZ5	NAZ5B	09/04	NAZ5C	00/07	00/07	00/07	00/07
NE SH	10.0	NAZ5	NAZ5B	09/04	NAZ5C	00/07	00/07	00/07	00/07
NH SH	0.0	NAZ5	NAZ5B	09/04	NAZ5C	00/07	00/07	00/07	00/07
SH SH	0.0	NAZ5	NAZ5B	09/04	NAZ5C	00/07	00/07	00/07	00/07
SE SH	18.0	NAZ5	NAZ5B	09/04	NAZ5C	00/07	00/07	00/07	00/07
NE SE	39.0	NAZ5	NAZ5B	09/04	NAZ5C	00/07	00/07	00/07	00/07
NH SE	29.0	NAZ5	NAZ5B	09/04	NAZ5C	00/07	00/07	00/07	00/07
SH SE	37.0	NAZ5	NAZ5B	09/04	NAZ5C	00/07	00/07	00/07	00/07
		NAZ5							

TWP: 06S		RNG: 19E		SECT: 18			
NE NE	40.0	NA25	NA25B	09/04	NA25B	06/07	
NE NE	38.0	NA25	NA25B	09/04	NA25B	06/07	
NE NE	35.0	NA25	NA25B	09/04	NA25B	06/07	
SE NE	38.0	NA25	NA25B	09/04	NA25B	06/07	
NE NE	41.0	NA25	NA25B	09/04	NA25B	06/07	
NE NE	33.0	NA25	NA25B	09/04	NA25B	06/07	
SE NE	40.0	NA25	NA25B	09/04	NA25B	06/07	
SE NE	40.0	NA25	NA25B	09/04	NA25B	06/07	
SE NE	38.0	NA25	NA25B	09/04	NA25B	06/07	
NE SE	35.0	NA25	NA25B	09/04	NA25B	06/07	
NE SE	35.0	NA25	NA25B	09/04	NA25B	06/07	
SE SE	40.0	NA25	NA25B	09/04	NA25B	06/07	
NE SE	38.0	NA25	NA25B	09/04	NA25B	06/07	
NE SE	33.0	NA25	NA25B	09/04	NA25B	06/07	

[illegible]

MPB201MP
(00-15)

10000 DEPARTMENT OF WATER RESOURCES
REMOTE SENSING REPORT OF IRRIGATED ACRES

CNTY: 63 TWP: 06S RING: 19E SECT: 11

DATE: 03/11
PAGE: 346

TRACT	LOT	TWR ACRES	GUARD HWP INDICES	PHOTO	HWP DATE & STATUS	PHOTO	HWP DATE & STATUS
SH SH		10.0	NA25	07/09	NA25	06/07	
SE SH		3.0	NA25	07/09	NA25	06/07	
SE SH		0.0	NA25	07/09	NA25	06/07	
TWR SE		17.0	NA25	07/09	NA25	06/07	
SH SE		32.0	NA25	07/09	NA25	06/07	
SH SE		20.0	NA25	07/09	NA25	06/07	

TWP: 04S		RNG: 19E		SECT: 12					
NE	NE	0.0	NA25	NA25	09/07	NA25	09/07	NA25	09/07
NH	NE	0.0	NA25	NA25	09/07	NA25	09/07	NA25	09/07
SH	NE	0.0	NA25	NA25	09/07	NA25	09/07	NA25	09/07
SE	NE	0.0	NA25	NA25	09/07	NA25	09/07	NA25	09/07
NH	NH	0.0	NA25	NA25	09/07	NA25	09/07	NA25	09/07
SH	NH	0.0	NA25	NA25	09/07	NA25	09/07	NA25	09/07
SE	NH	0.0	NA25	NA25	09/07	NA25	09/07	NA25	09/07
NE	SH	0.0	NA25	NA25	09/07	NA25	09/07	NA25	09/07
NH	SH	0.0	NA25	NA25	09/07	NA25	09/07	NA25	09/07
SH	SH	1.0	NA25	NA25	09/07	NA25	09/07	NA25	09/07
SE	SH	0.0	NA25	NA25	09/07	NA25	09/07	NA25	09/07
NH	SE	0.0	NA25	NA25	09/07	NA25	09/07	NA25	09/07
SH	SE	0.0	NA25	NA25	09/07	NA25	09/07	NA25	09/07
SE	SE	0.0	NA25	NA25	09/07	NA25	09/07	NA25	09/07

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

STAFF ANALYSIS SHEET FOR BENEFICIAL USE FIELD EXAMS:

PERMIT NO. 37-08720

A. Items To Be Placed In Exam File (Items A & B to be Completed by Compiler)

- (☒) Blank Field Report & Notice of Completed Exam
- (☒) Copy of App. for Permit, Approved Permit, Amendments, Orders, Assignments, Proof of Beneficial Use, SRBA Claim (Claim Filed? No Required? No)
- (☒) Well Inspection Form, Dairy Water-Use Worksheet (if applicable)
- (☒) Well Log(s) & Groundwater Measurement Analysis Form (if applicable)
- (☒) Copy of Orthophotoquad Map
- (☒) 660-Scale Aerial Photo (Examiner Will Obtain If Applicable)
- () Government Lot Plats (If Applicable)

B.1. P/D Overlap - Yes or No? If Yes, Include Copy of Overlapping Rights & Claims

If Yes, Type of Overlap: (☒) Add Acres or Uses to Existing System
() Increase Rate of Flow or Volume

B.2. P/U Overlap - Yes or No? If Yes, Include Copies of Overlapping Rights & Claims

If Yes, Type of Overlap: () Increase Rate of Flow or Volume
() Add Supplemental Water Source
(☒) Increase Acres Within Tracts

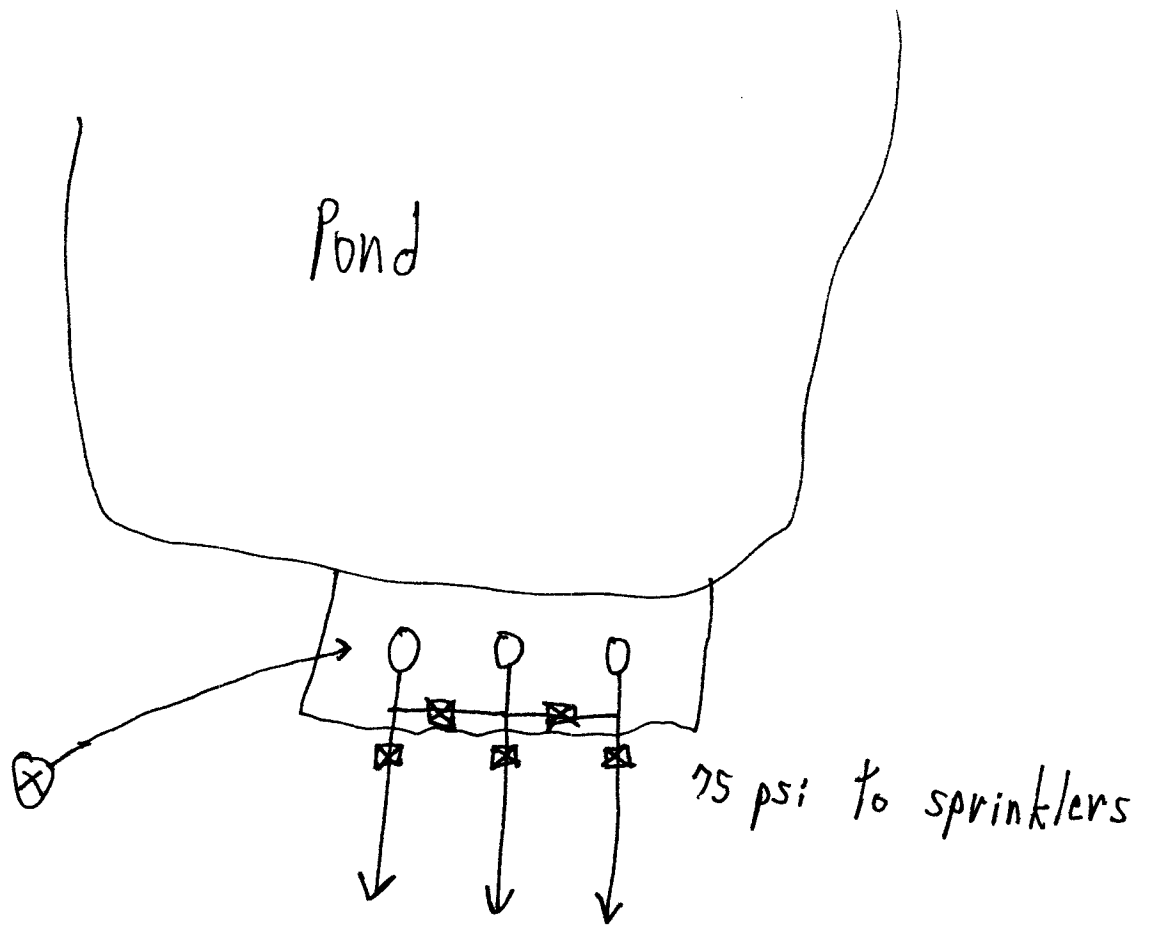
C. Field Exam Appointment Made:

Date _____ Time _____ Place _____

Contact Person & Phone _____

D. Post-Exam Review & Processing

Exam Completed 7-12-93 Notice of Completion Turned In ✓
Field Report Completed 10-7-93 J.F. Stanton 10-7-93
Signature of Examiner & Date
Field Report Reviewed by Sr. Agent MTS 10-8-93 (Initial & Date)
Field Report Reviewed by Region Mgr. _____ (Initial & Date)
Field Report Sent to S.O. _____ Region Card File Updated _____



To 3 pivots (8, 9, 10 - tower)

9 a few rainbirds

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

FILE: 37-8720
DATE: 7-12-73
BY: JE Stanton

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8) \times (H.P.) \times (EFF.)}{TDH}$

Q = CFS
H.P. = Total Brake Horsepower of pumping plant (including booster)
EFF. = Pumping plant efficiency (ASSUME 70% OR 0.70)
TDH = total dynamic head = [(LIFT) + (PSI X 2.31)]
LIFT = depth to water in FEET from land surface to pumping water level
PSI = pumping pressure measured in psi near pump (if open discharge assume zero [0])

$$Q = \frac{(8.8) (250) (0.70)}{[(228) + (0 \times 2.31)]} = 6.75$$

LIFT FROM:	PSI FROM:	NOTES ON PUMP:
measurement ()	measurement ()	Motor Make, Serial or ID
owner ()	owner ()	
area estimate ()	estimate (X)	Pump Make, Serial or ID, rating
well logs (X)	owner gage ()	
	Booster (Y) (N)	
REMARKS	<u>Well, open discharge into pond, re-lift pumps in pond.</u>	

ANNUAL VOLUME ANALYSIS

POTENTIAL Acre Feet/Acre/Annum = $\frac{(\text{DAYS IN SEASON}) \times (1.98) \times (Q)}{(\text{RECOMMENDED ACRES IRRIGATED})}$

(season)	(days)	
3/15 - 11/15	246	
4/1 - 11/1	215	
4/15 - 10/15	184	
3/1 - 12/1	276	

$$POTENTIAL = \frac{(...214...) \times (1.98) \times (...6.75...)}{(...160...)} = 17.9$$

REQUIRED Acre Feet/Acre/Annum = 4.0
(AF/Ann/Ac irrigation requirement from chart for area)

NOTE that this is NOT Consumptive use

IF POTENTIAL IS GREATER THAN REQUIRED THEN NO MEASUREMENT NECESSARY (X)

IF POTENTIAL IS LESS THAN REQUIRED THEN MEASUREMENT IS NECESSARY ()

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

