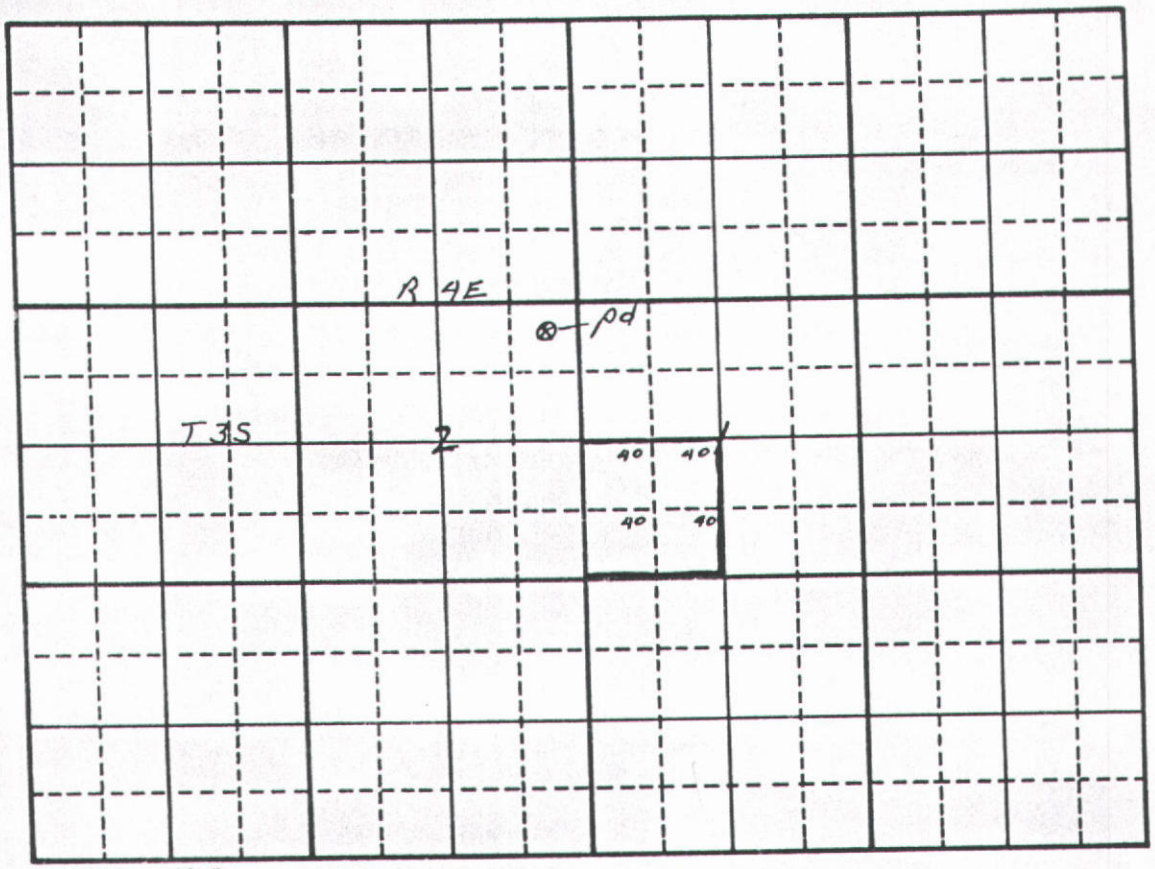
Complete the following map by showing land and point of diversion as proposed by this amendment.

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 Boise, this 1 day of August, 19 83.

(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by GLS Fee = $20.00 #32403 Receipted by GLS Date 8/2/83

Publication prepared by JP Date 9/1/83 Published in Mtn Home News

Publication dates 9/8 & 9/15/83

ACTION OF THE DEPARTMENT OF WATER RESOURCES

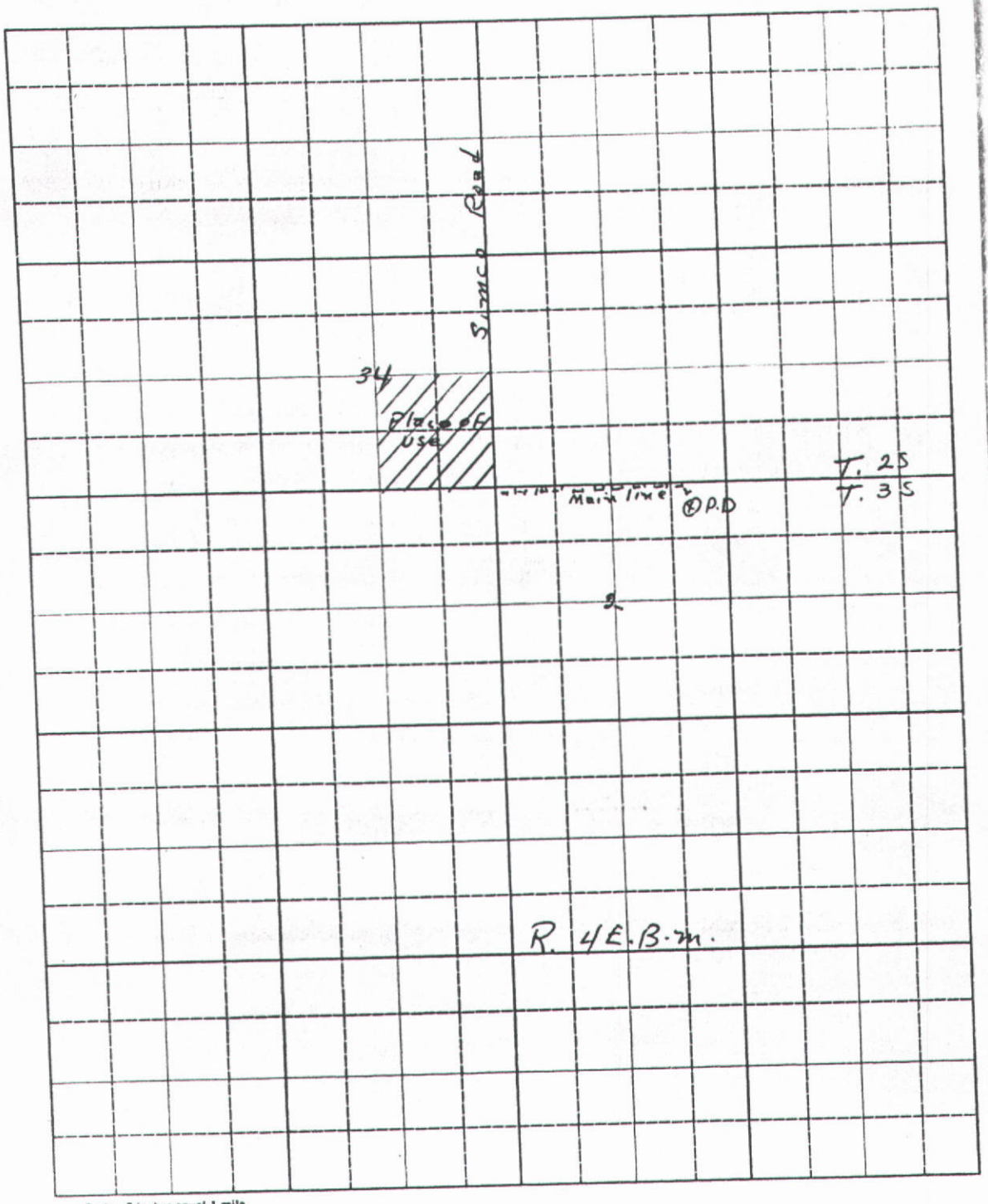
I, L. GLEN SAXTON, of the Department of Water Resources hereby Approve the above referenced Amendment provided the conditions as set forth on page 4 of Permit No. 61-7399 are met.

Witness my hand this 13th day of June, 19 84.

L. Glen Saxton

Chief, Operations Bureau

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

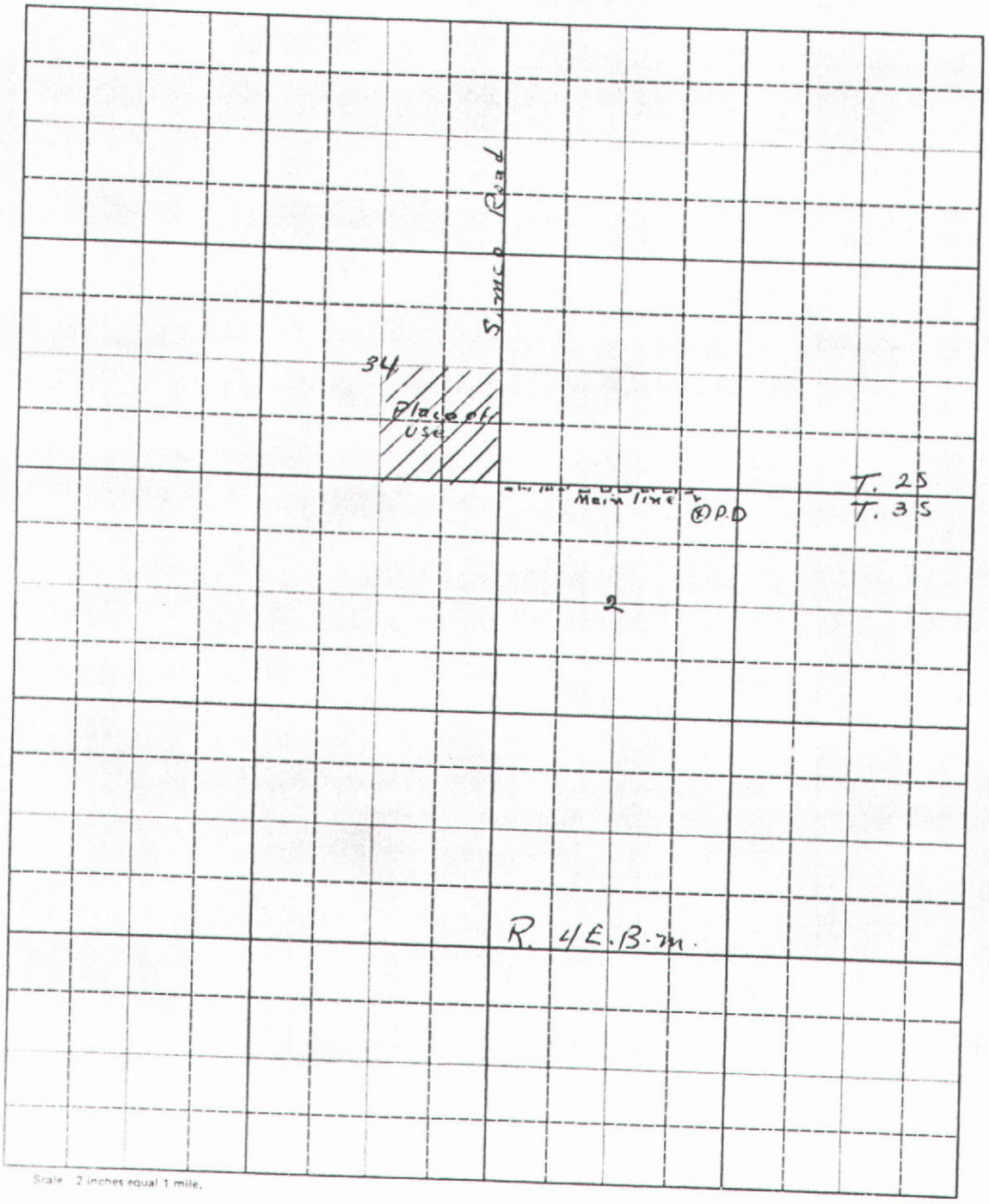


Scale: 2 inches equal 1 mile.

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

Carl Kirby
(Applicant)

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

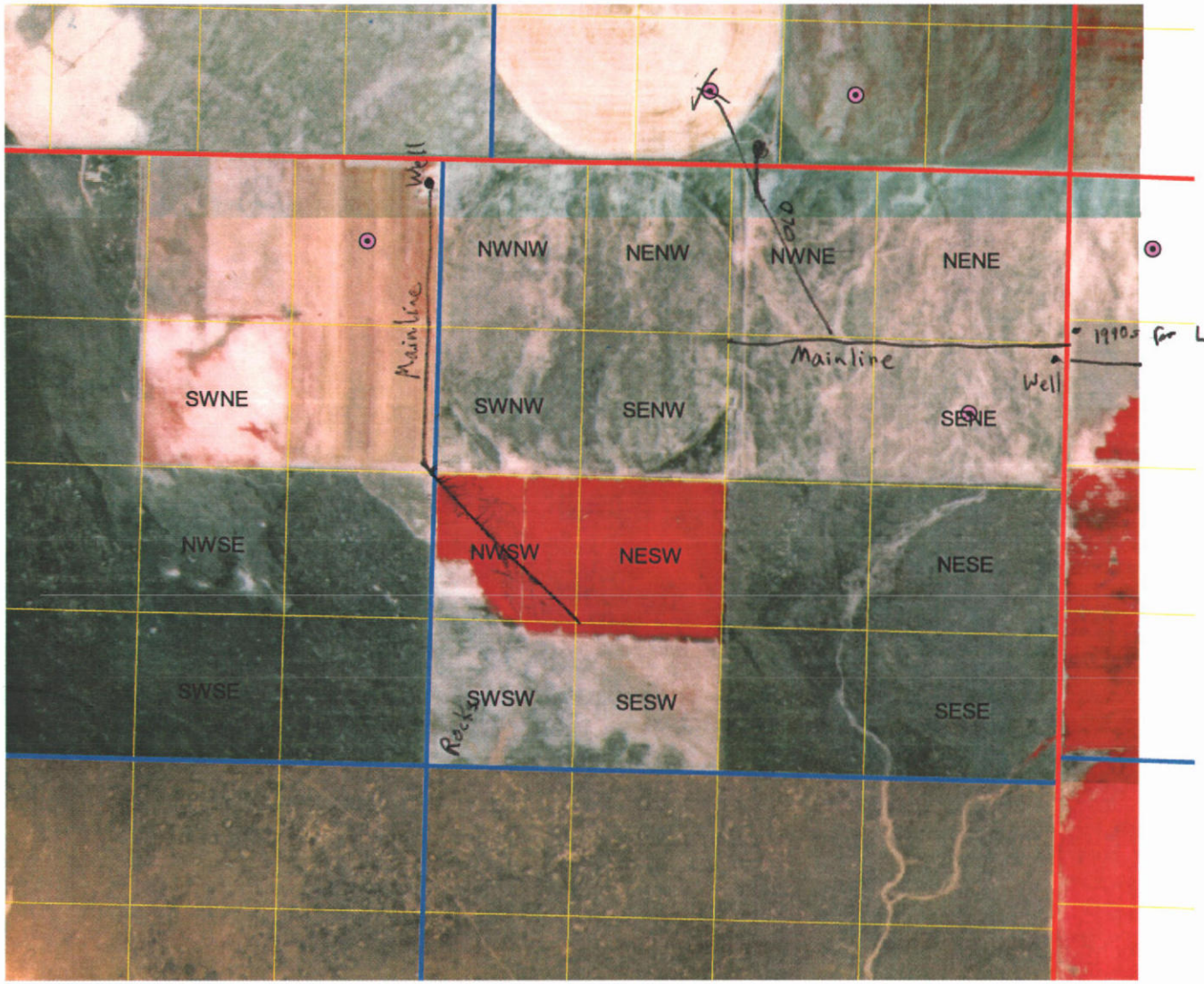


Scale: 2 inches equal 1 mile.

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

(Applicant)

Township 3 South, Range 4 East, Sections 1 & 2



1976 only open nugget in NE¼ T.S. 4E well in S. 36
1977 new well drilled

1990s for Larry Essen

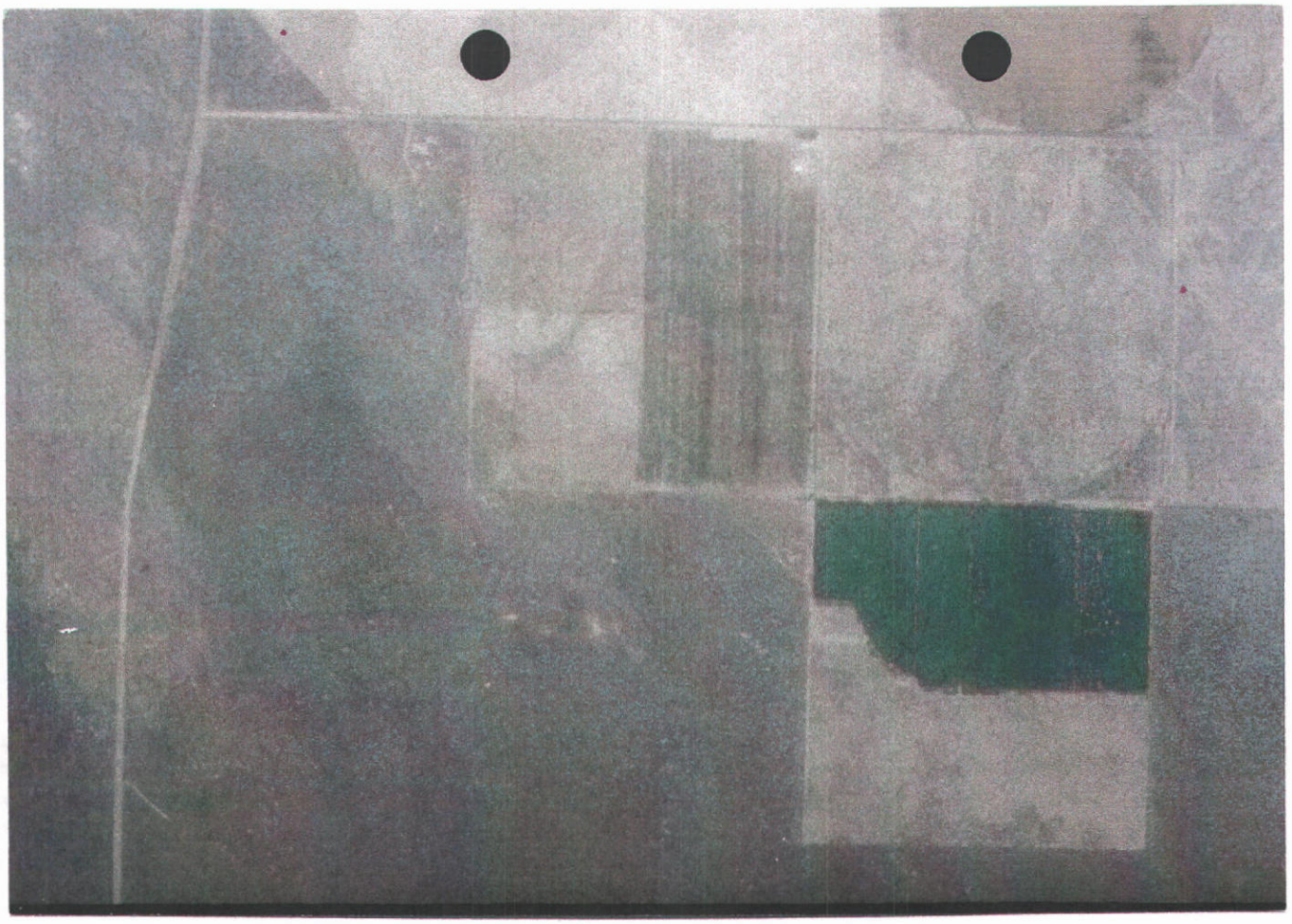
Townships
Sections
QQ
GCDBT03S04E.shp
GCDBT02S04E.shp
Right POD

0.5 0 0.5 1 Miles

N
W E
S

MICROFILMED
SEP 19 2001

Field Notes by S. Keen 6/26/2001



#4-A

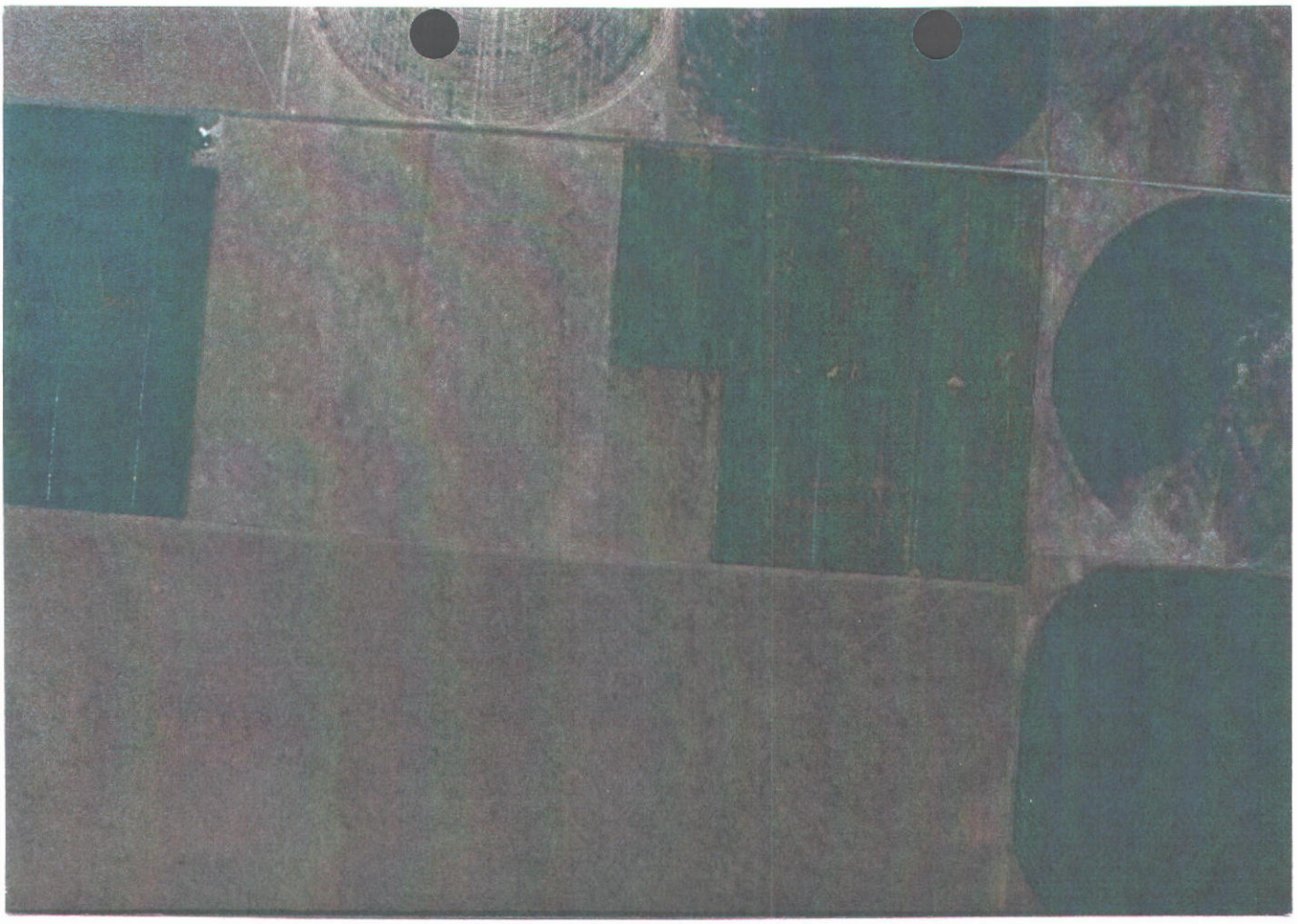
1987

W $\frac{1}{2}$ Sect. 1

NE $\frac{1}{4}$ Sect. 2

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SEP 19 2001



#1

1983

~~##~~

N ½ Sect. 1

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Department of Water Resources

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SEP 19 2001



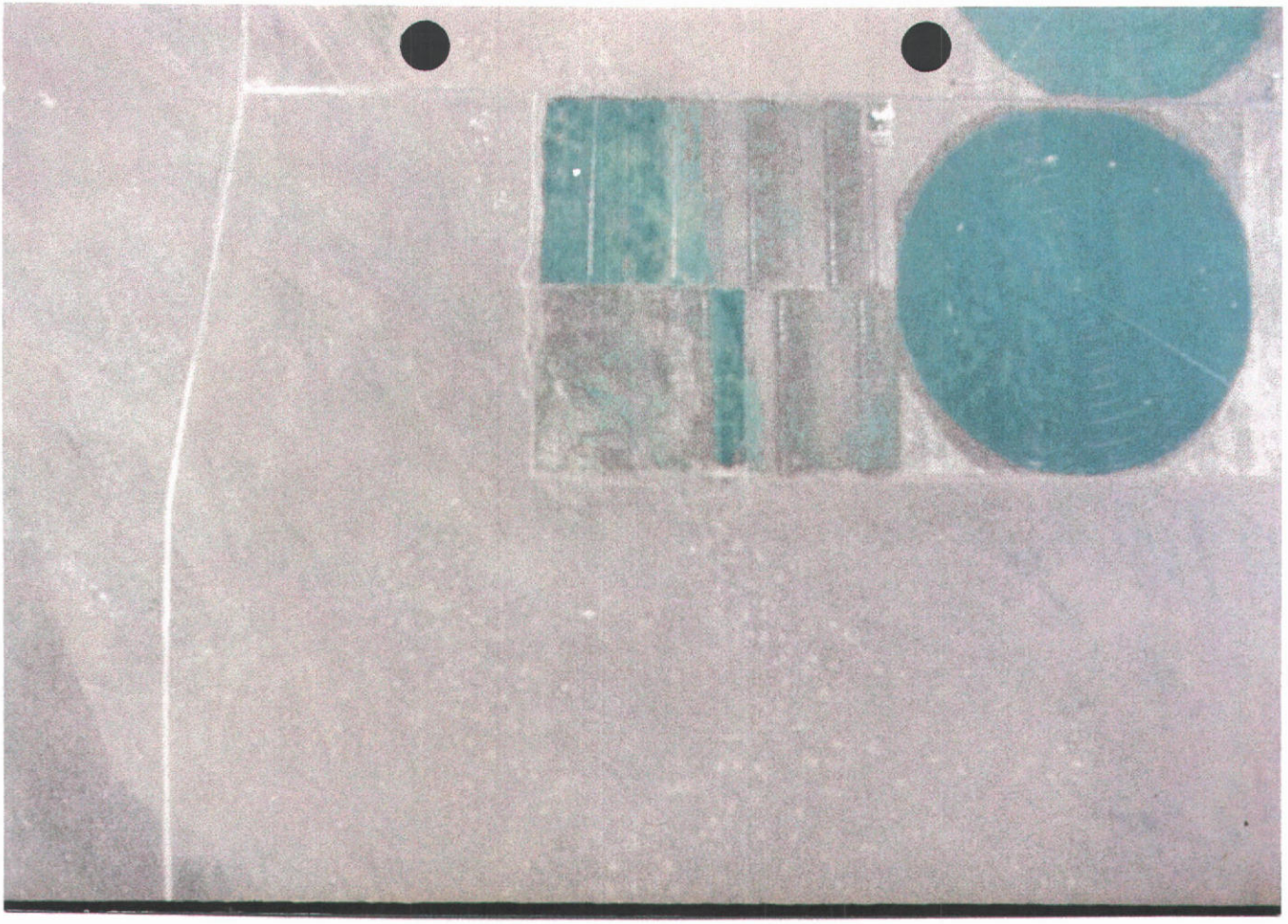
#1-A

1983

NE ¼ Sect. 2

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Department of Water Resources

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SEP 19 2001



2-A

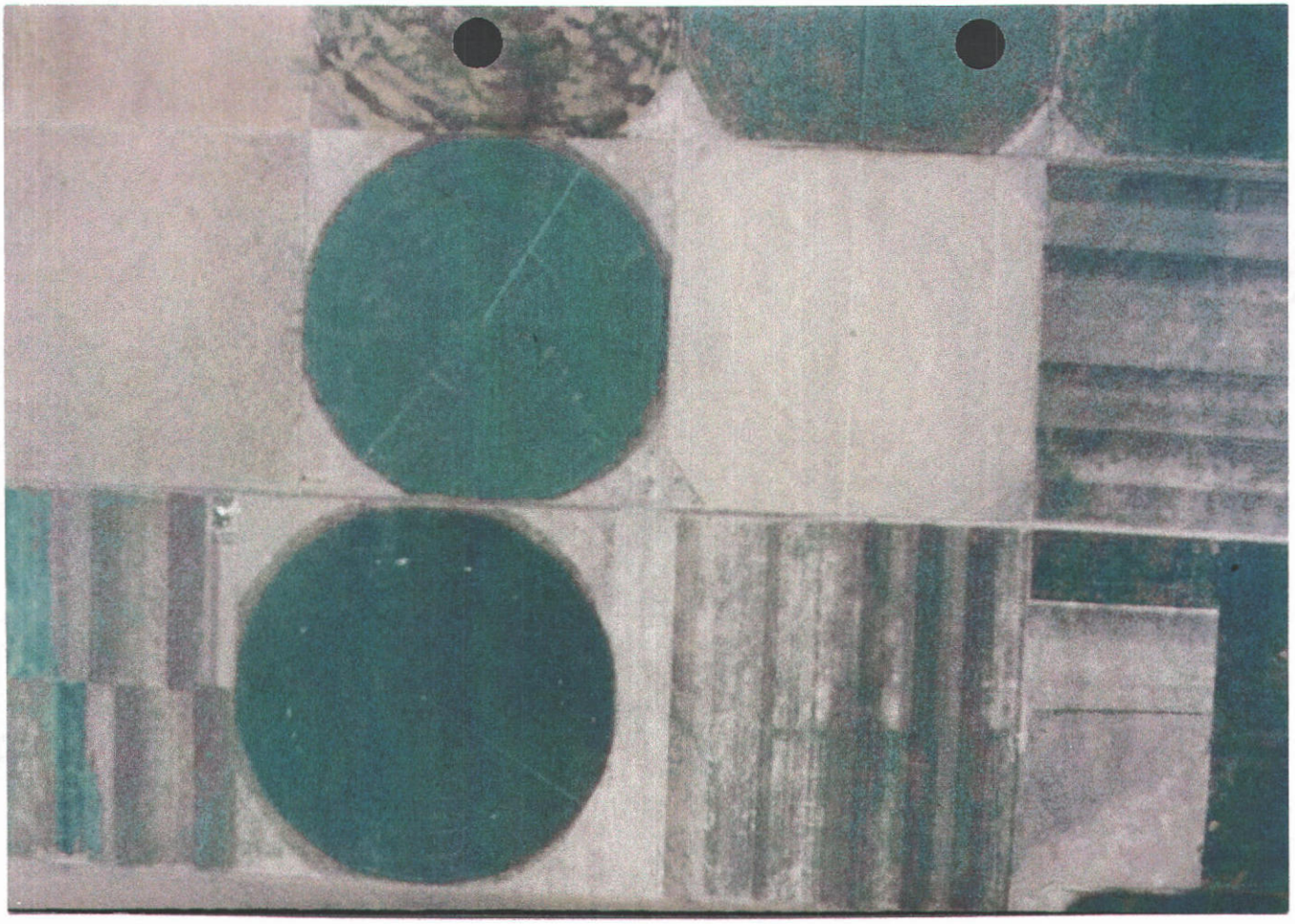
1984

NW $\frac{1}{4}$ Section 1

NE $\frac{1}{4}$ Section 2

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SEP 19 2001



#2

1984

NE ½ Sect. 1

S ½ Sect 36

RECEIVED
JUN 26 2001
Department of Water Resources

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SEP 19 2001



#3-A

1985

NE $\frac{1}{4}$ Sect. 2

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Department of Water Resources

MICROFILMED
SEP 19 2001



#3

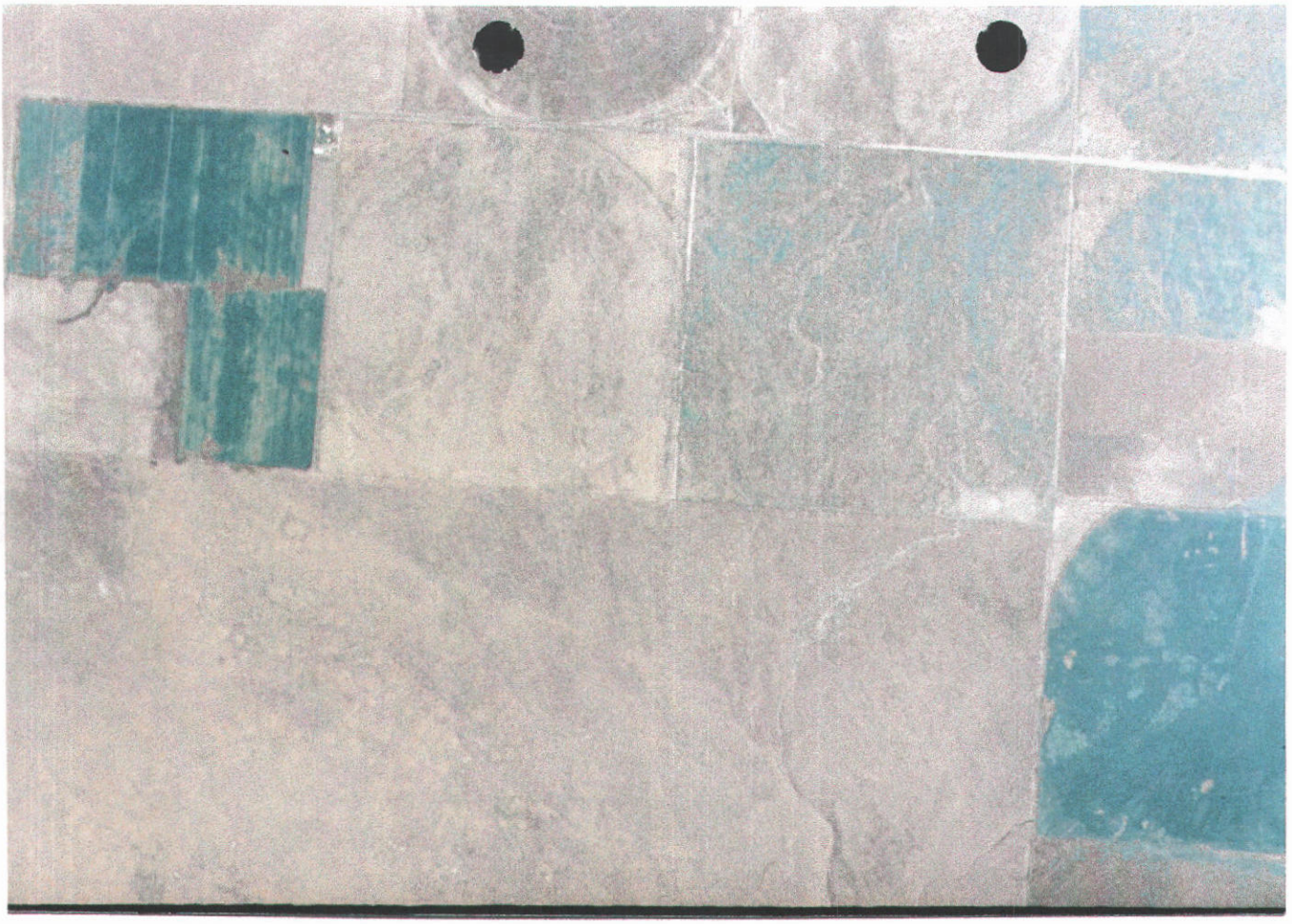
1985

NE ½ Sect. 1

S ½ Sect. 36

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JUN 26 2001
Department of Water Resources

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SEP 19 2001



#4

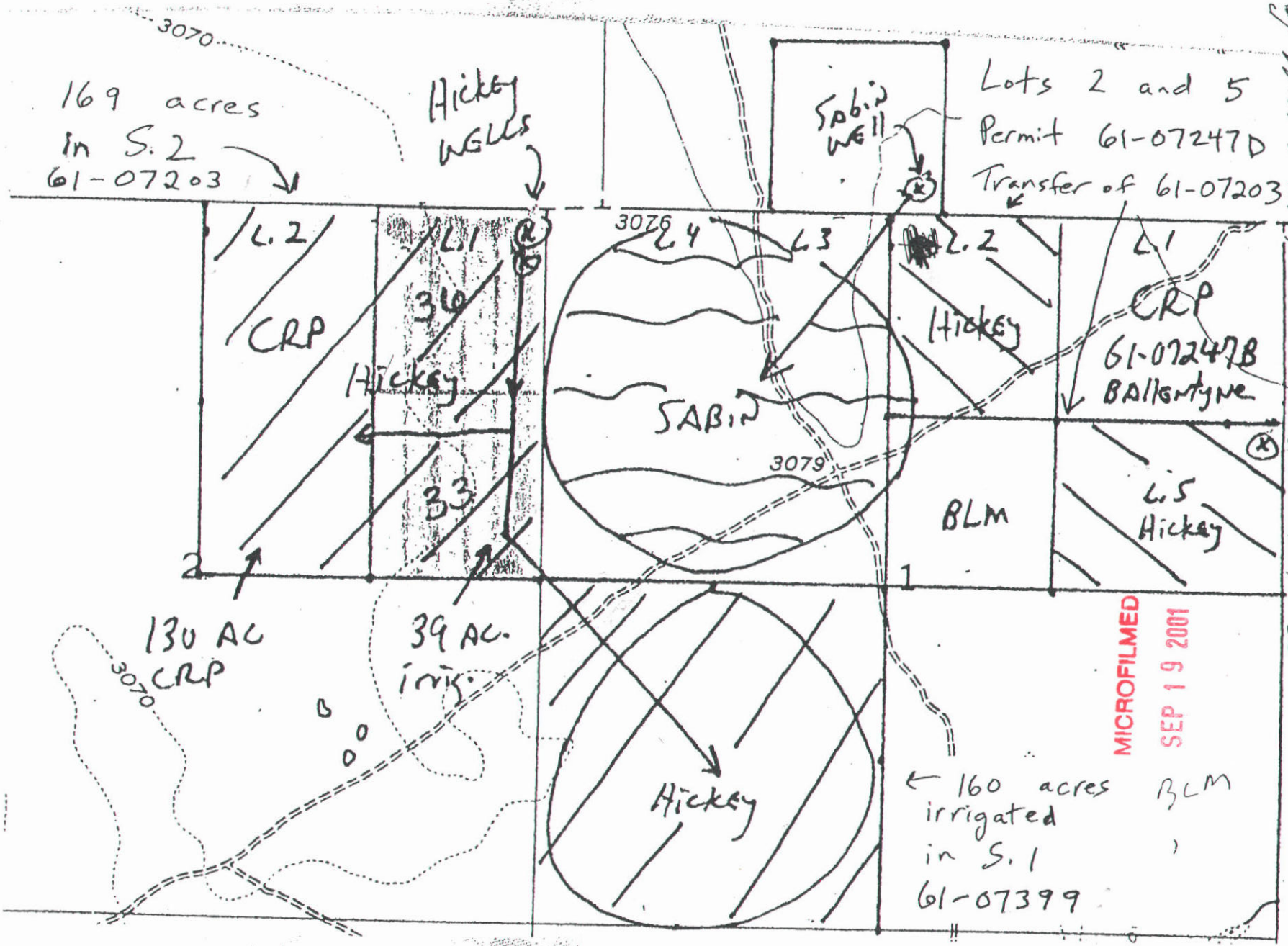
1986

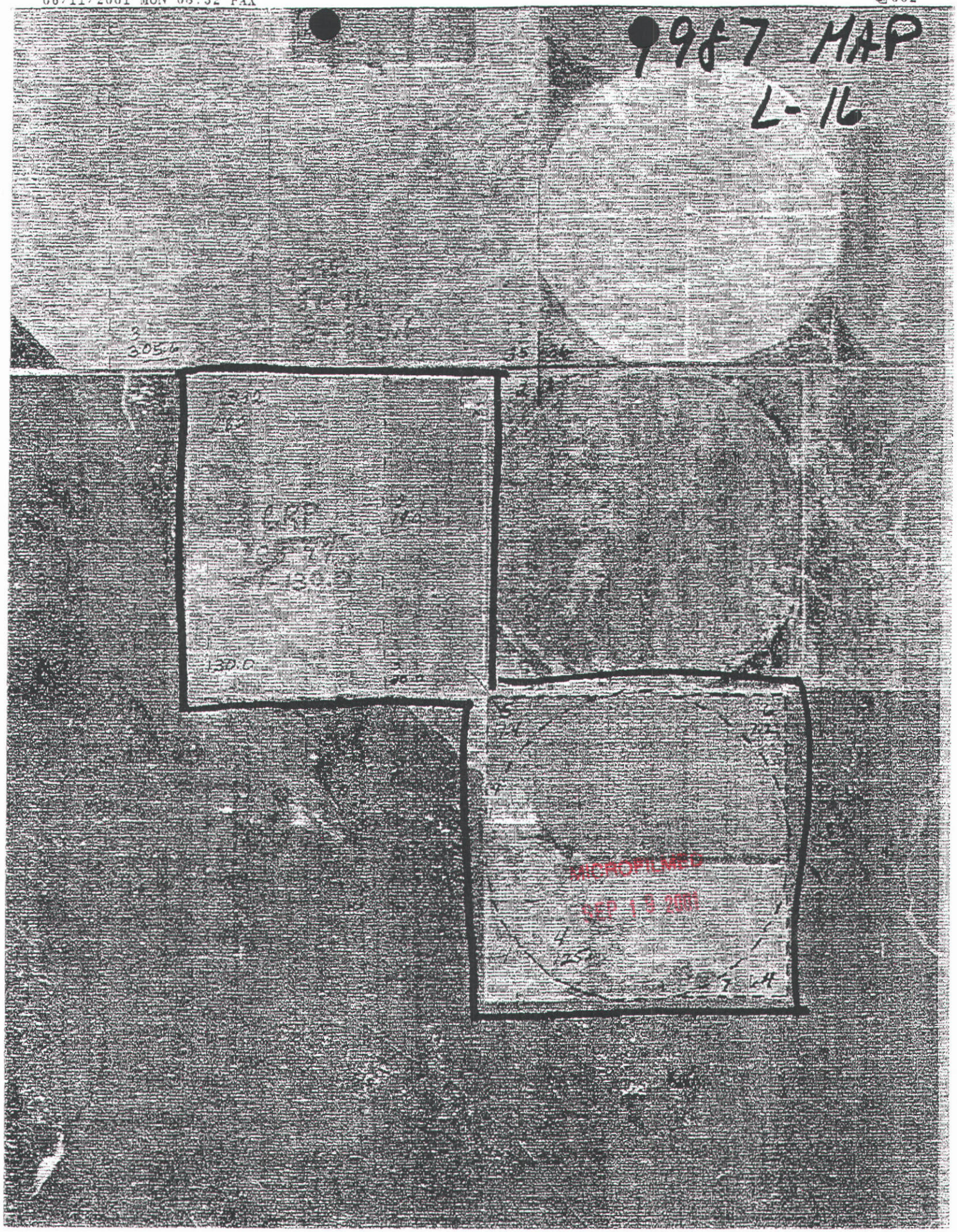
NE ½ Sect. 1

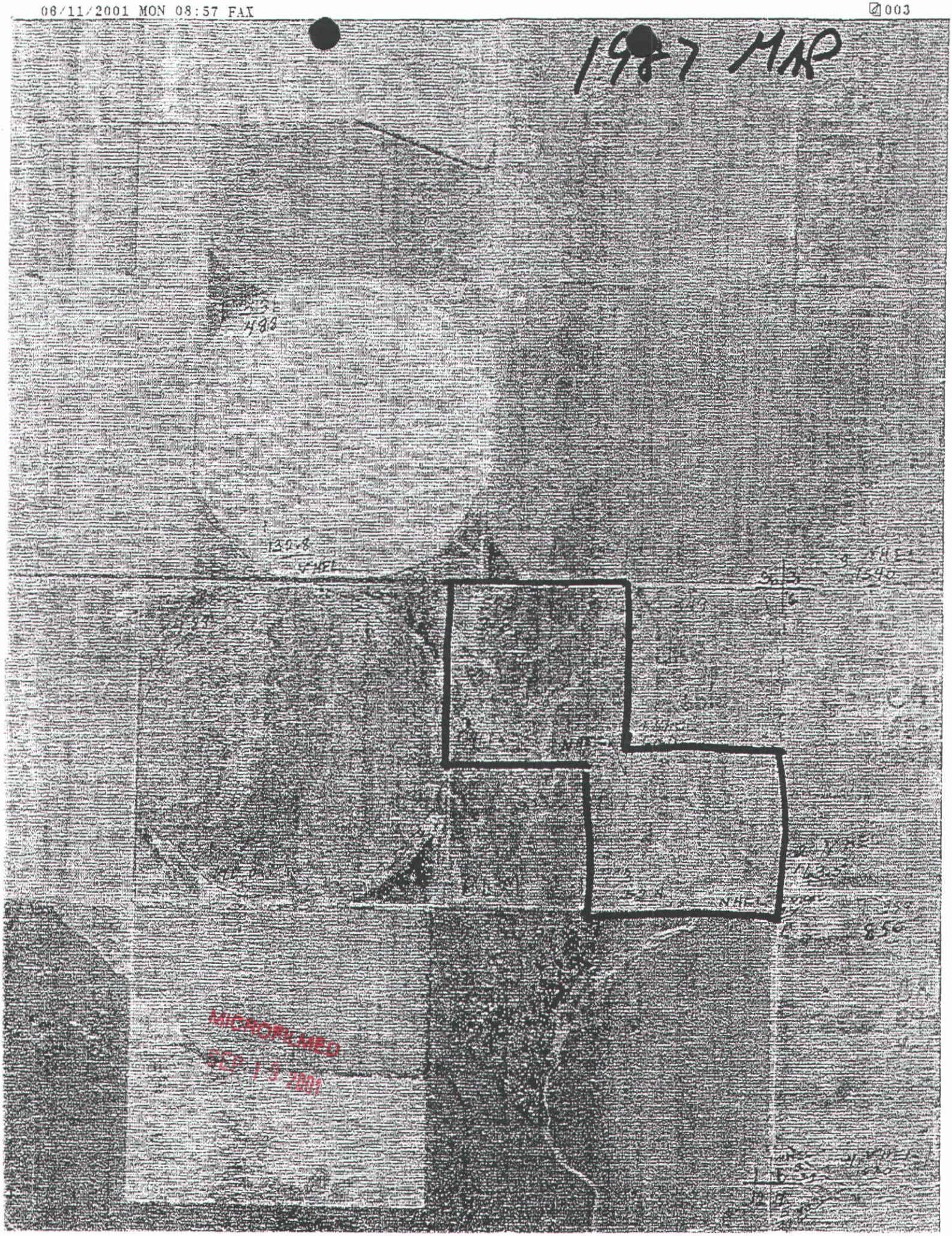
NE ¼ Sect. 2

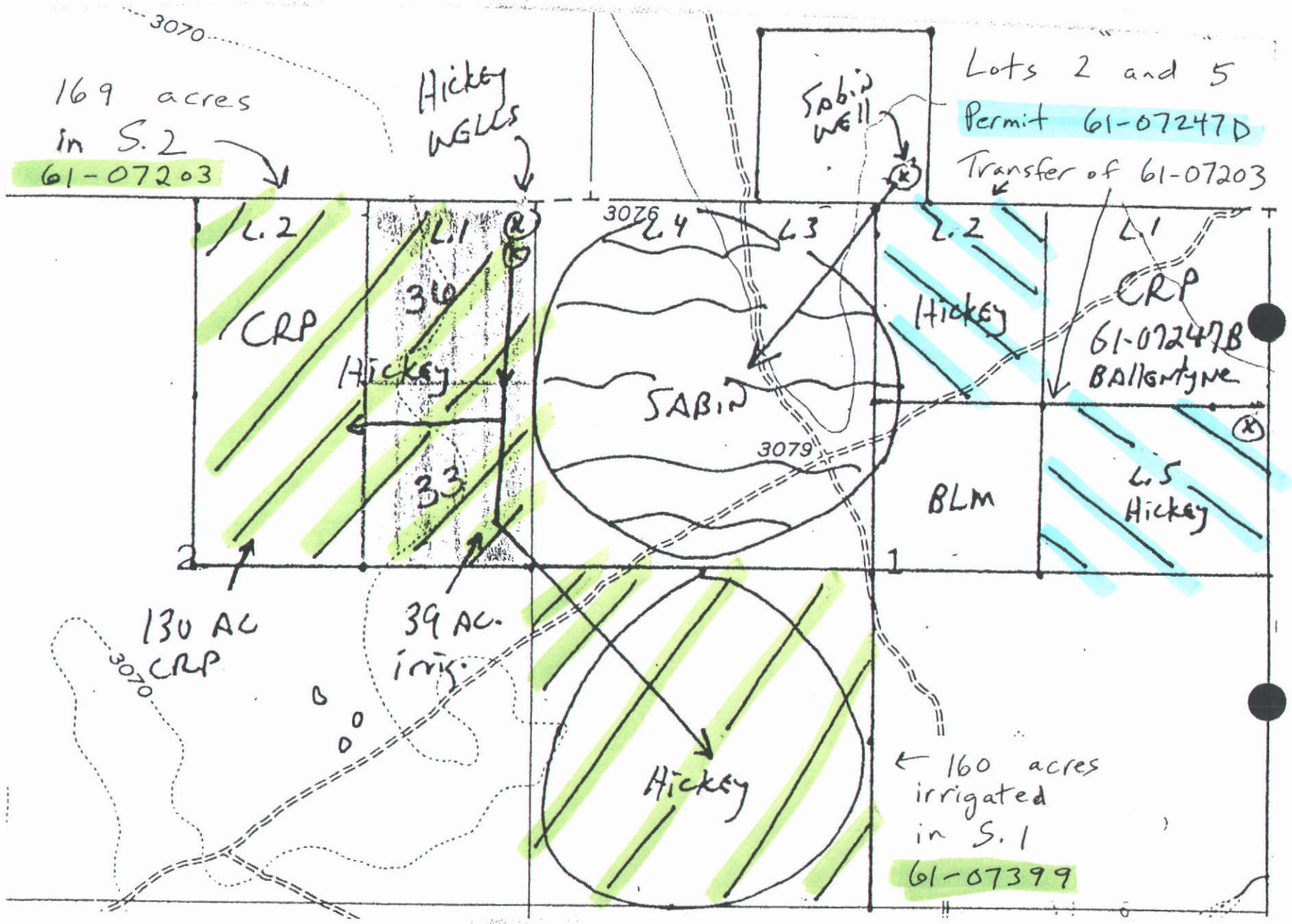
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JUN 26 2001
Department of Water Resources

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SEP 19 2001


3070
169 acres
in S. 2
61-07203
Hickey
WELLS
Sabin
well
Lots 2 and 5
Permit 61-07247D
Transfer of 61-07203
3076
L. 4
L. 3
L. 2
L. 1
CRP
36
Hickey
33
SABIN
3079
Hickey
CRP
61-07247B
Ballentyne
BLM
L. 5
Hickey
2
1
130 AC
CRP
39 AC.
irrig.
3070
Hickey
← 160 acres
irrigated
in S. 1
61-07399
BLM
MICROFILMED
SEP 19 2001


1987 MAP
L-16
MICROFILMED
SEP 13 2001


1987 MAP
MICROFILMED
SEP 13 2001



MICROFILMED
SEP 19 2001

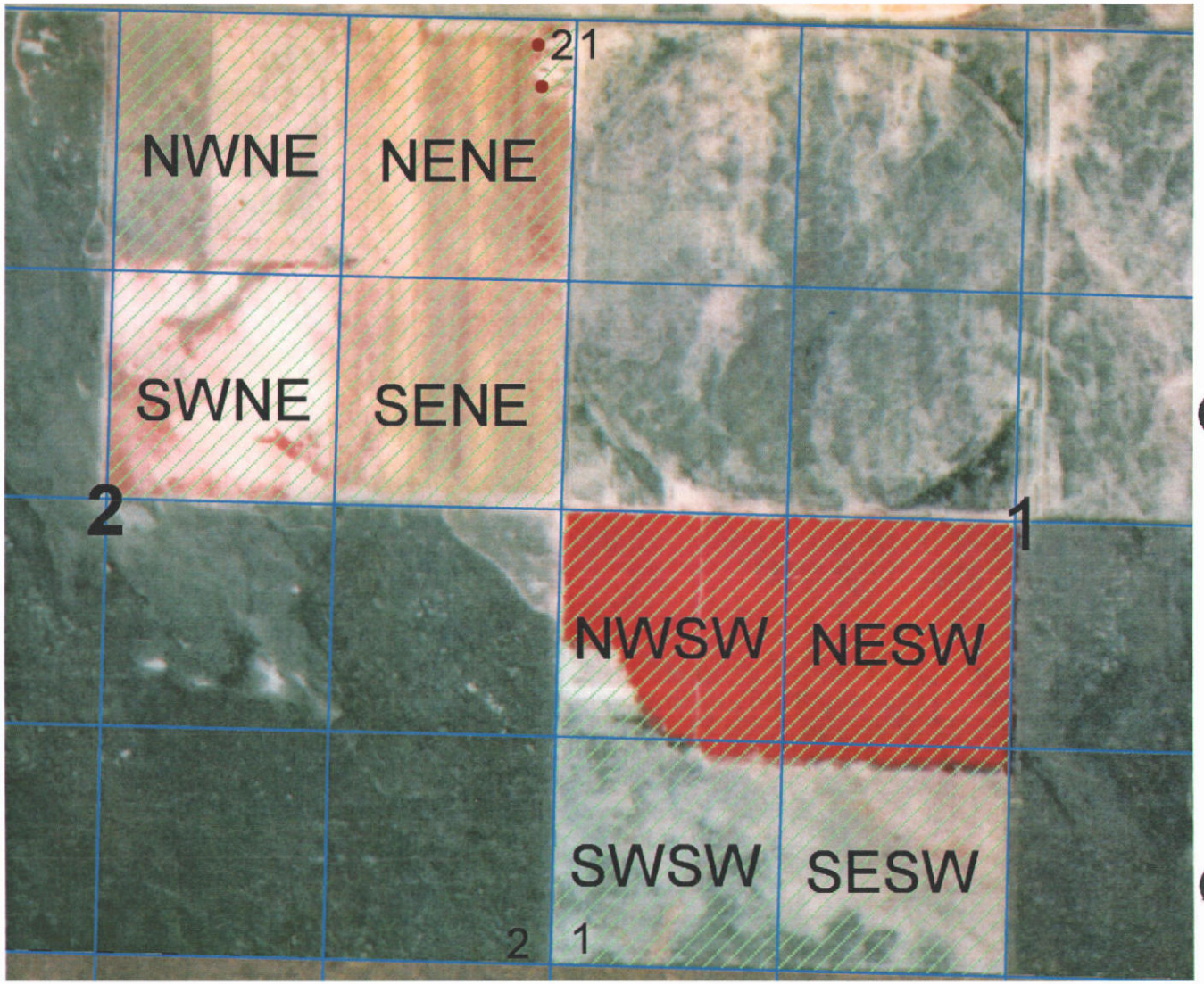
Prepared by: Sharla Curtis
IDWR
May, 1999
1987 NAPP Photo

MICROFILMED
SEP 19 2001

Points of Diversion:
T3S, R4E, S2 - NENE

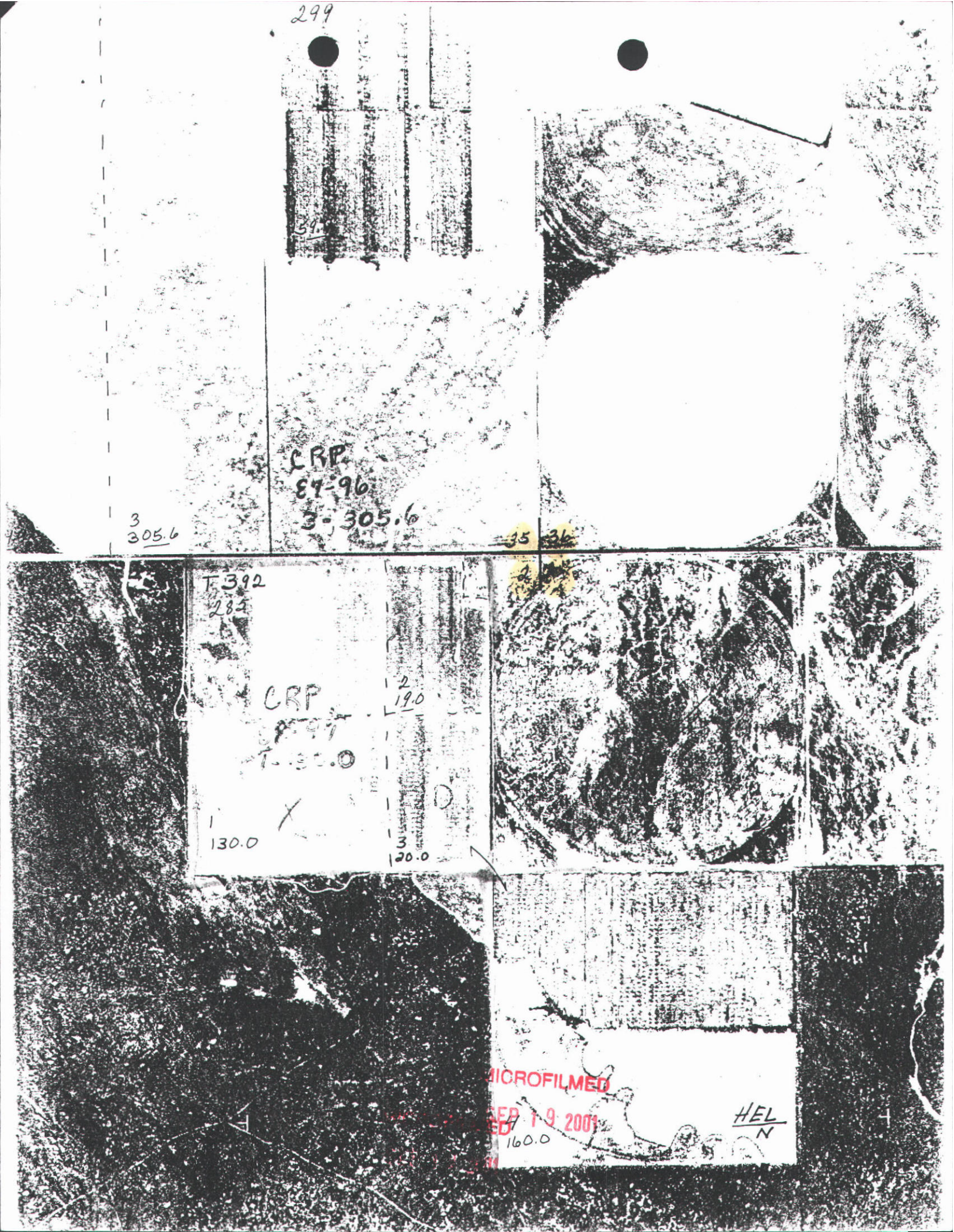
1/4 1/4 lines

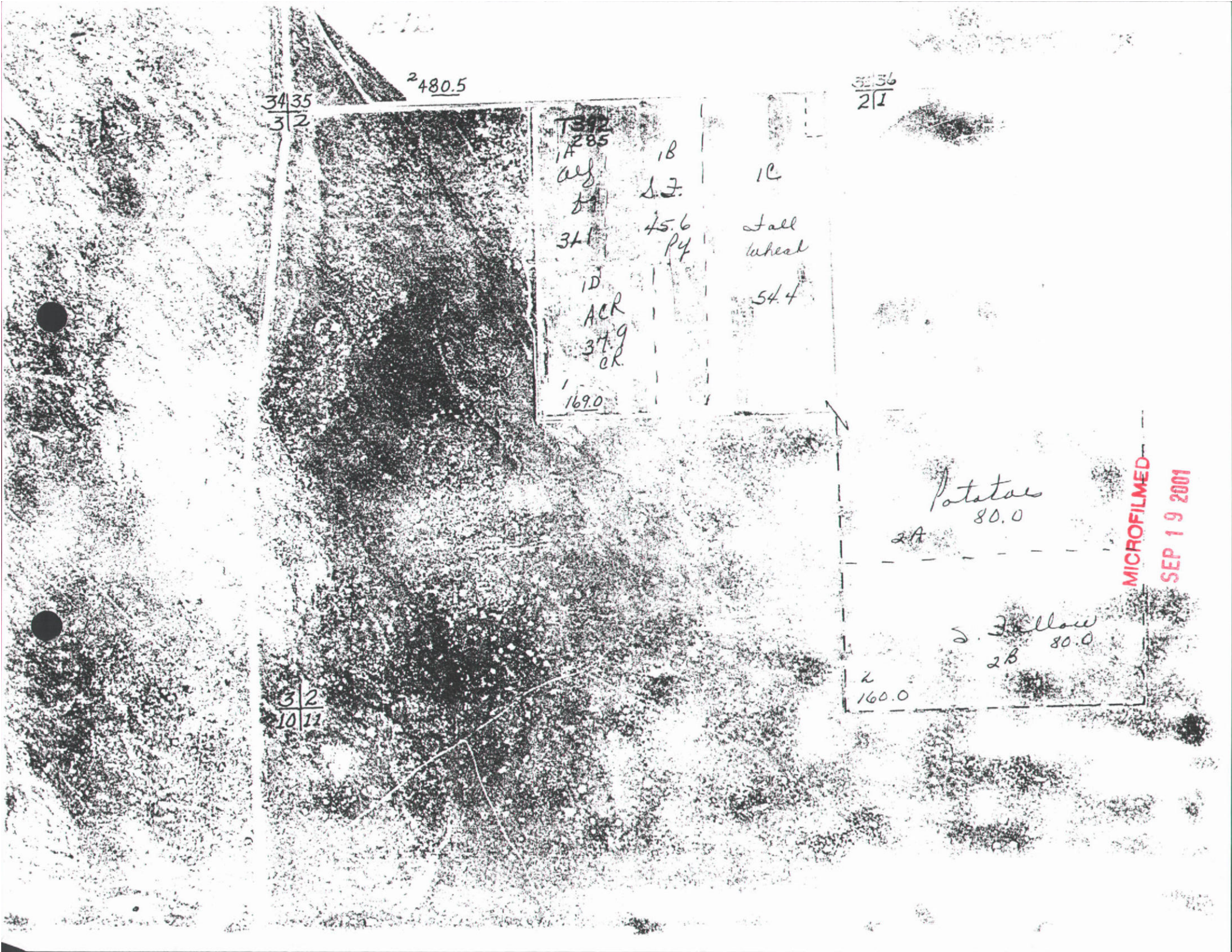
Place of use of interest (T3S, R4E,
Section 1 - NE1/4
Section 2 - SW1/4)

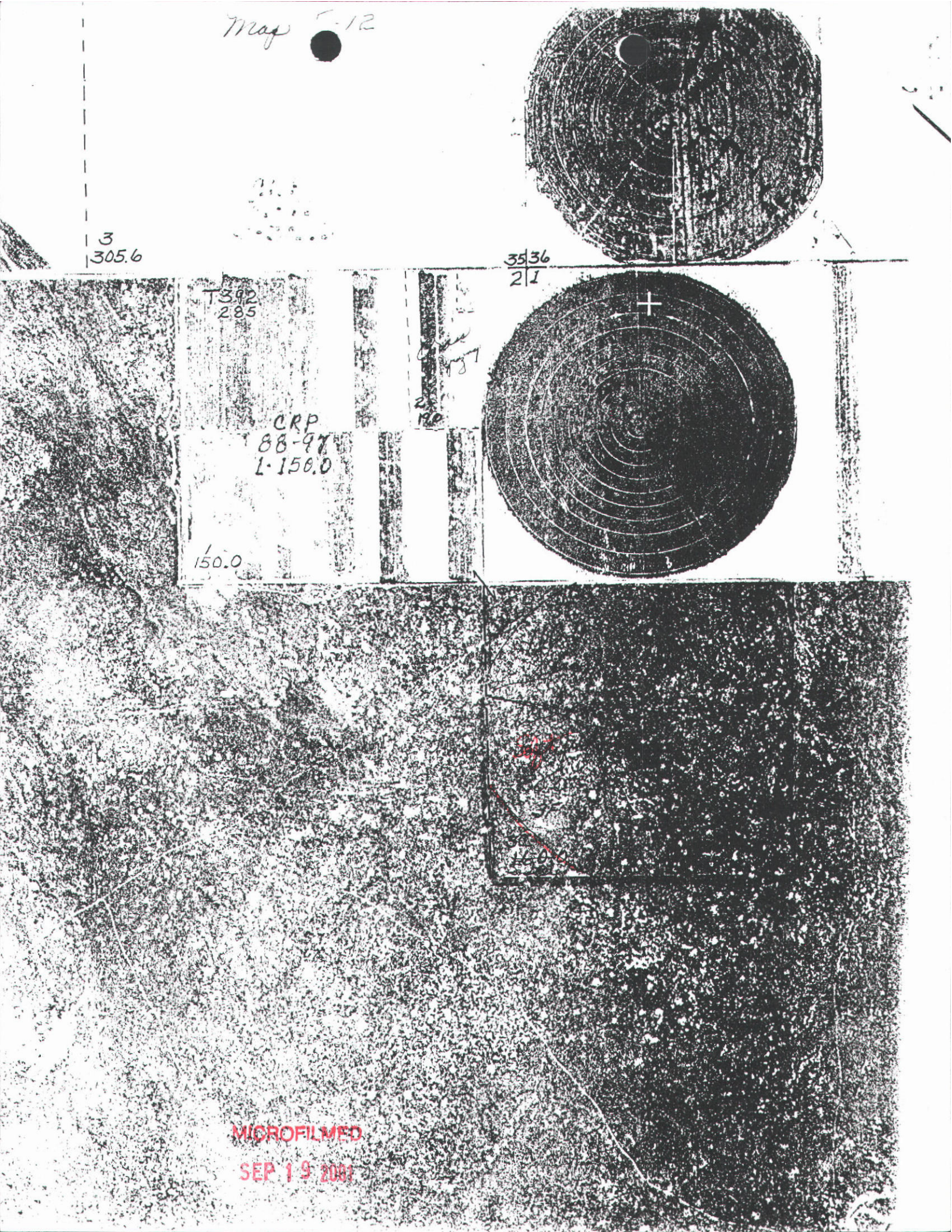


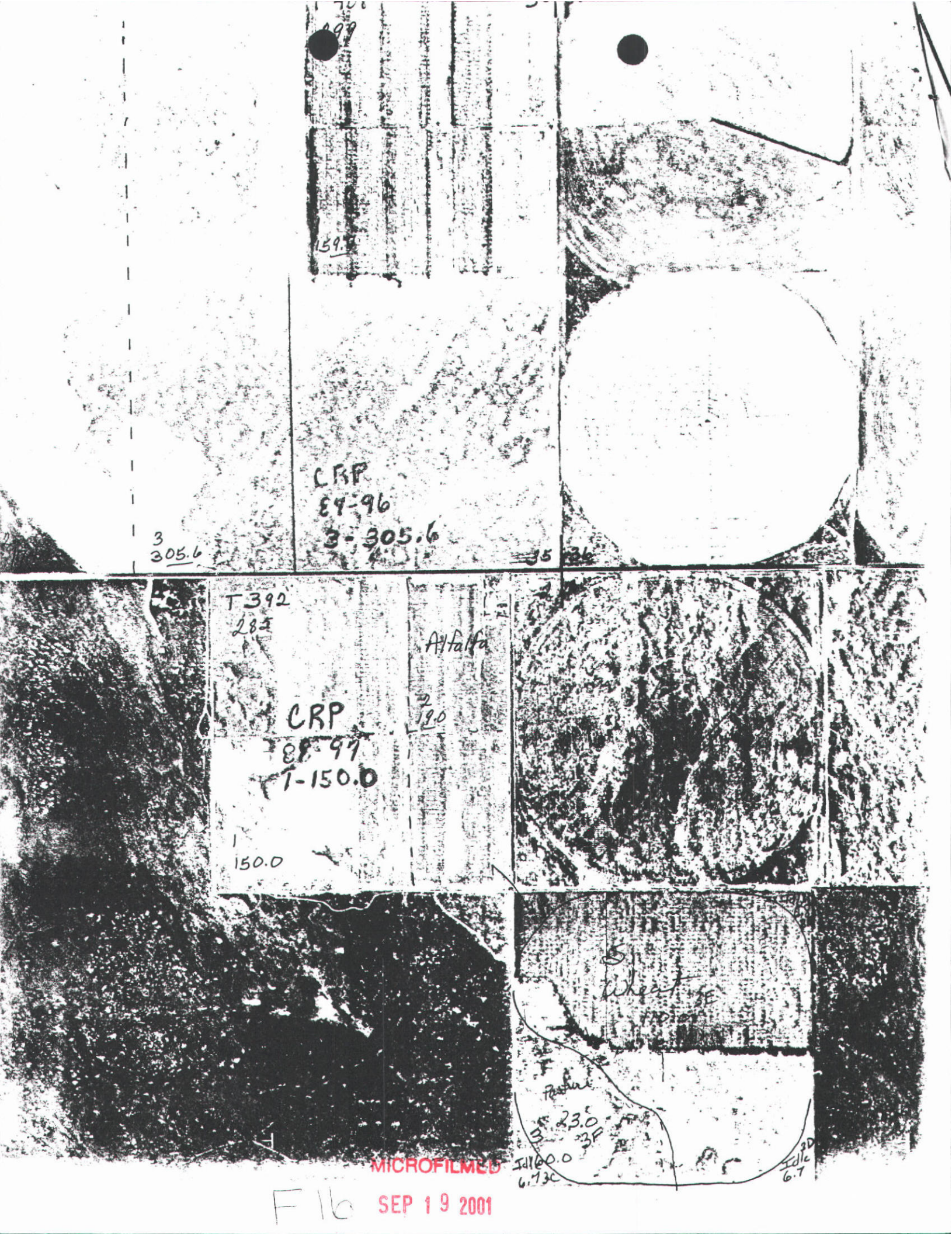


Owner: HICKEY


299
CRP
E7-96
3-305.6
3
305.6
35
36
T-392
282
CRP
130.0
120.0
160.0
MICROFILMED
SEP 19 2001
HEL
N


480.5
34 35
3 2
T32
285
1A
alf
fl
34
1B
S.F.
45.6
Pf
1C
Tall
wheat
54.4
1D
ACR
37.9
CR
169.0
Potatoes
80.0
2A
Fallow
80.0
2B
160.0
3 2
10 11
MICROFILMED
SEP 19 2001

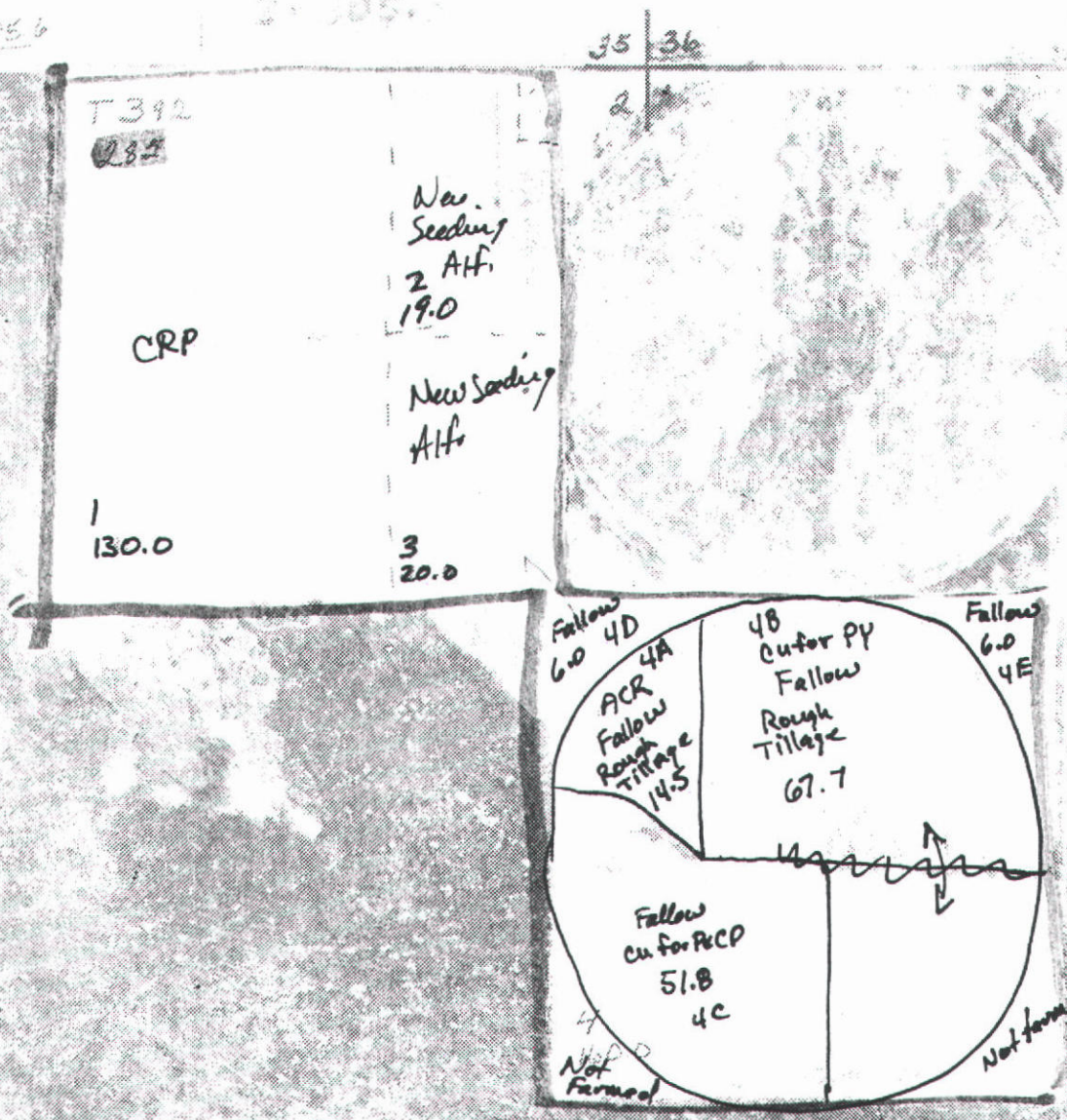

Map F-12
3
305.6
35 36
2 1
T39 2
285
CRP
88-97
L-150.0
150.0
MICROFILMED
SEP 19 2001



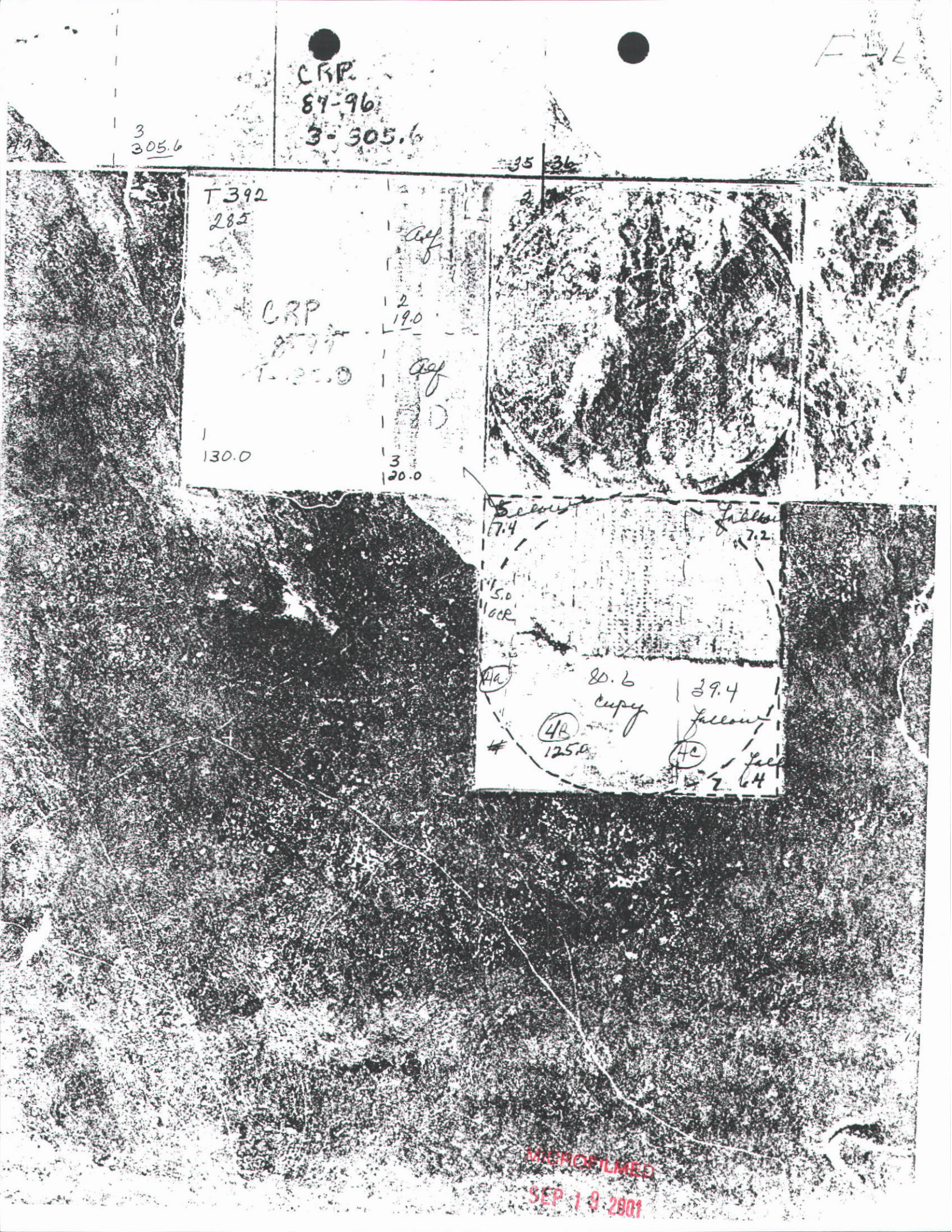
MICROFILMED
SEP 19 2001

F16

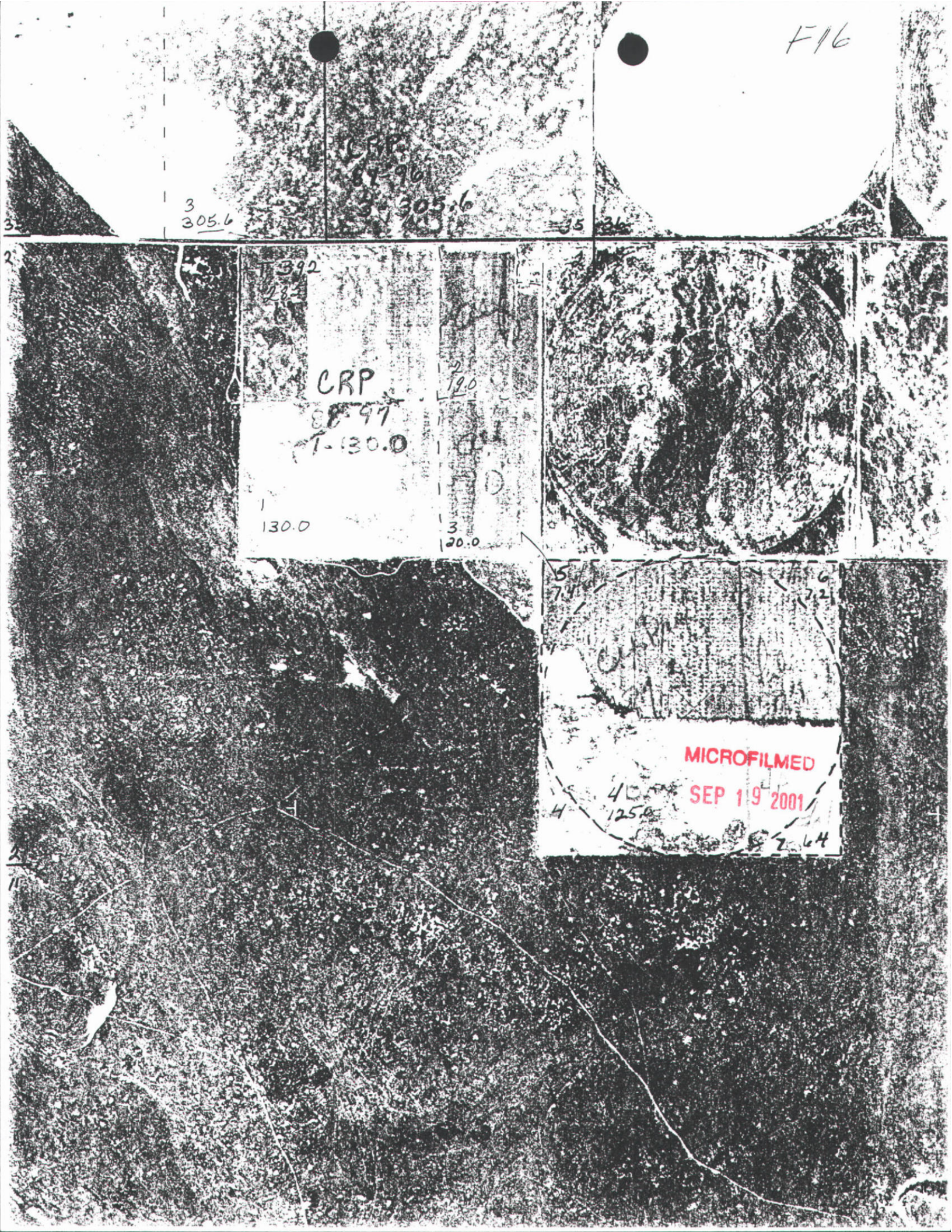
F16

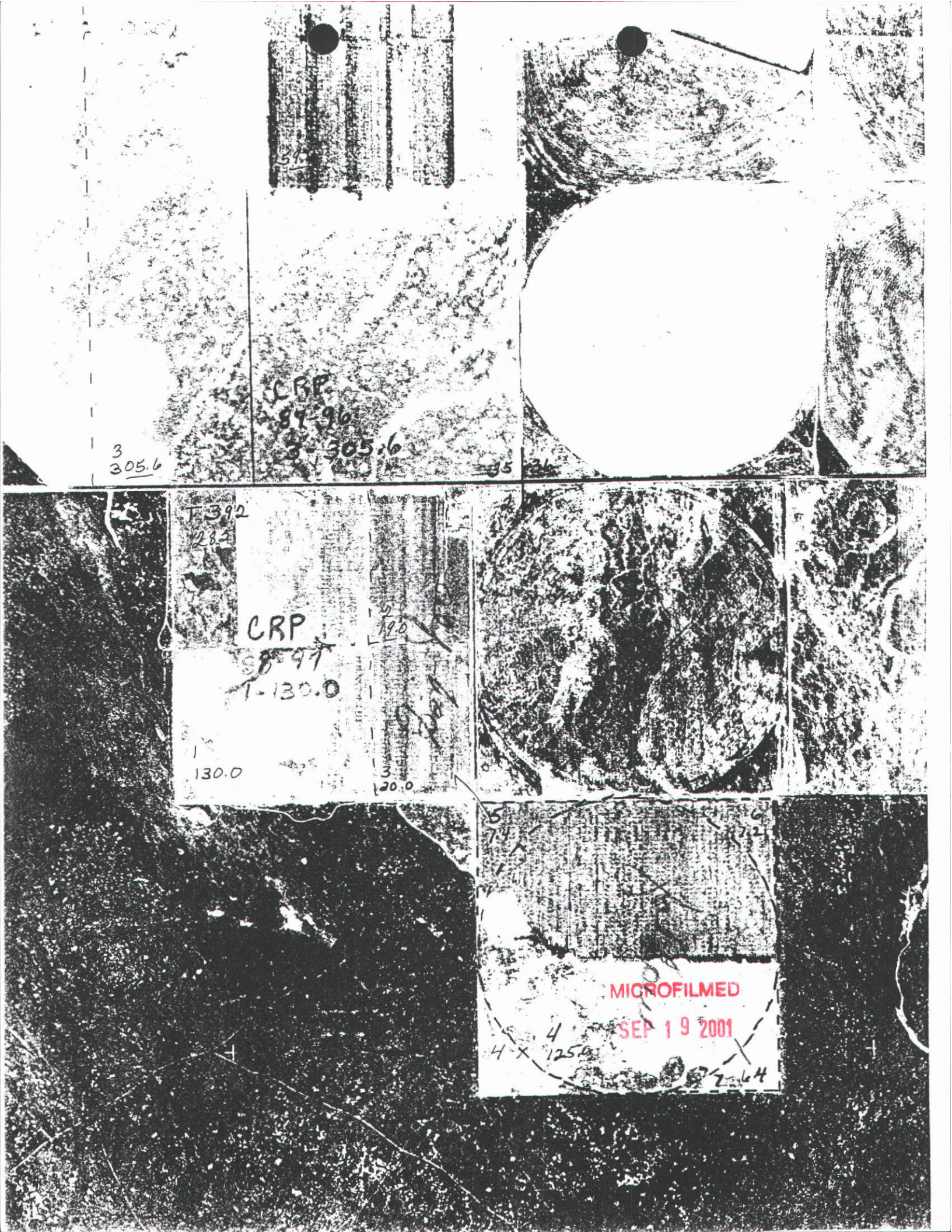


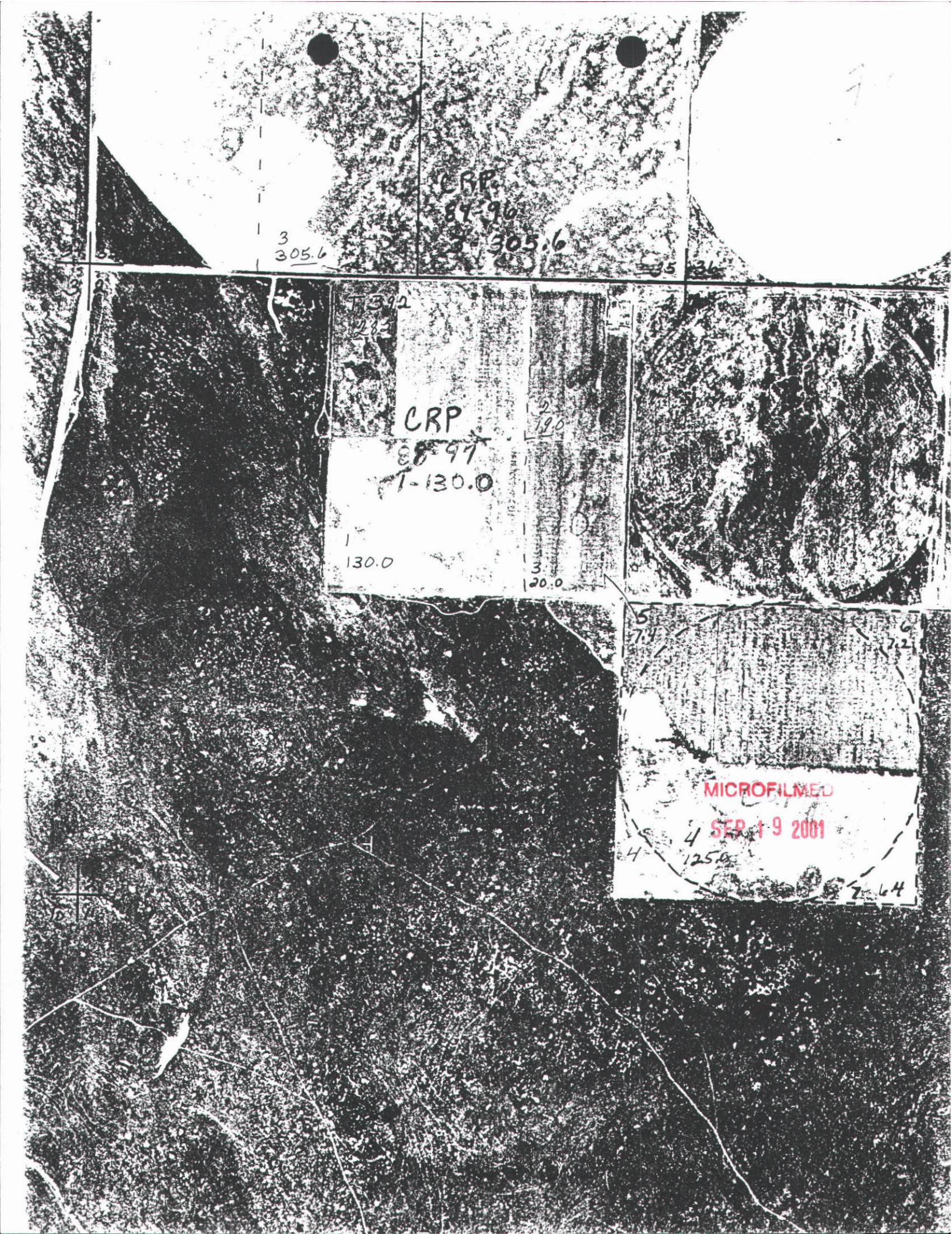
MICROFILMED
SEP 19 2001

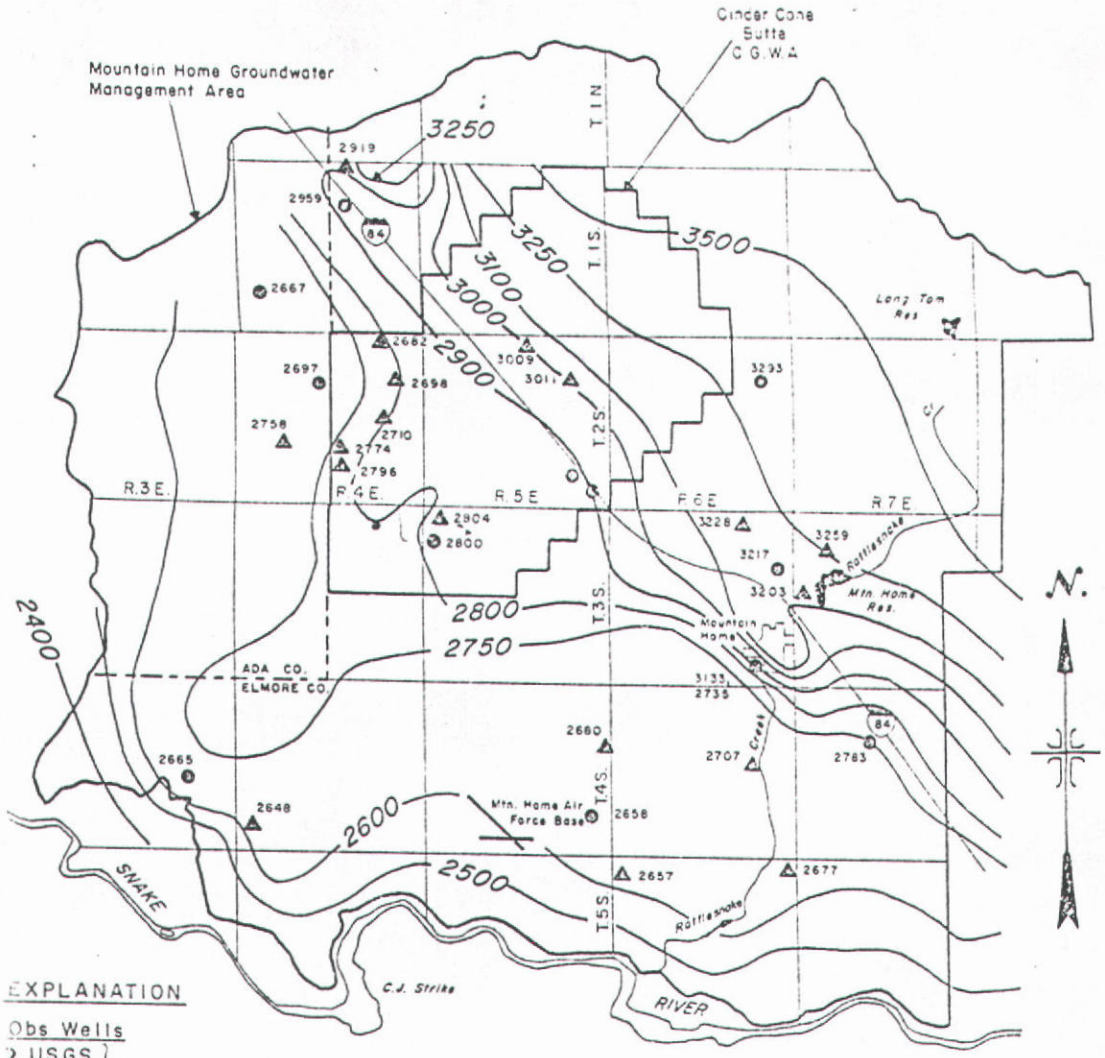


MICROFILMED
SEP 19 2001


F16
CRP
6-96
T-305.6
3
305.6
35
36
T-392
CRP
8-97
T-130.0
1
130.0
2
190.0
3
220.0
5
7.4
6
7.2
4
125.0
MICROFILMED
SEP 19 2001


CRP
87-96
3-305.6
3
305.6
T-392
28.5
CRP
87-91
1-130.0
1
130.0
2
120.0
3
120.0
MICROFILMED
SEP 19 2001
4
4 x 125


CRP
87-96
3
305.6
T32
CRP
87-97
1-130.0
130.0
3
120.0
MICROFILMED
SEP 19 2001



EXPLANATION

Obs Wells

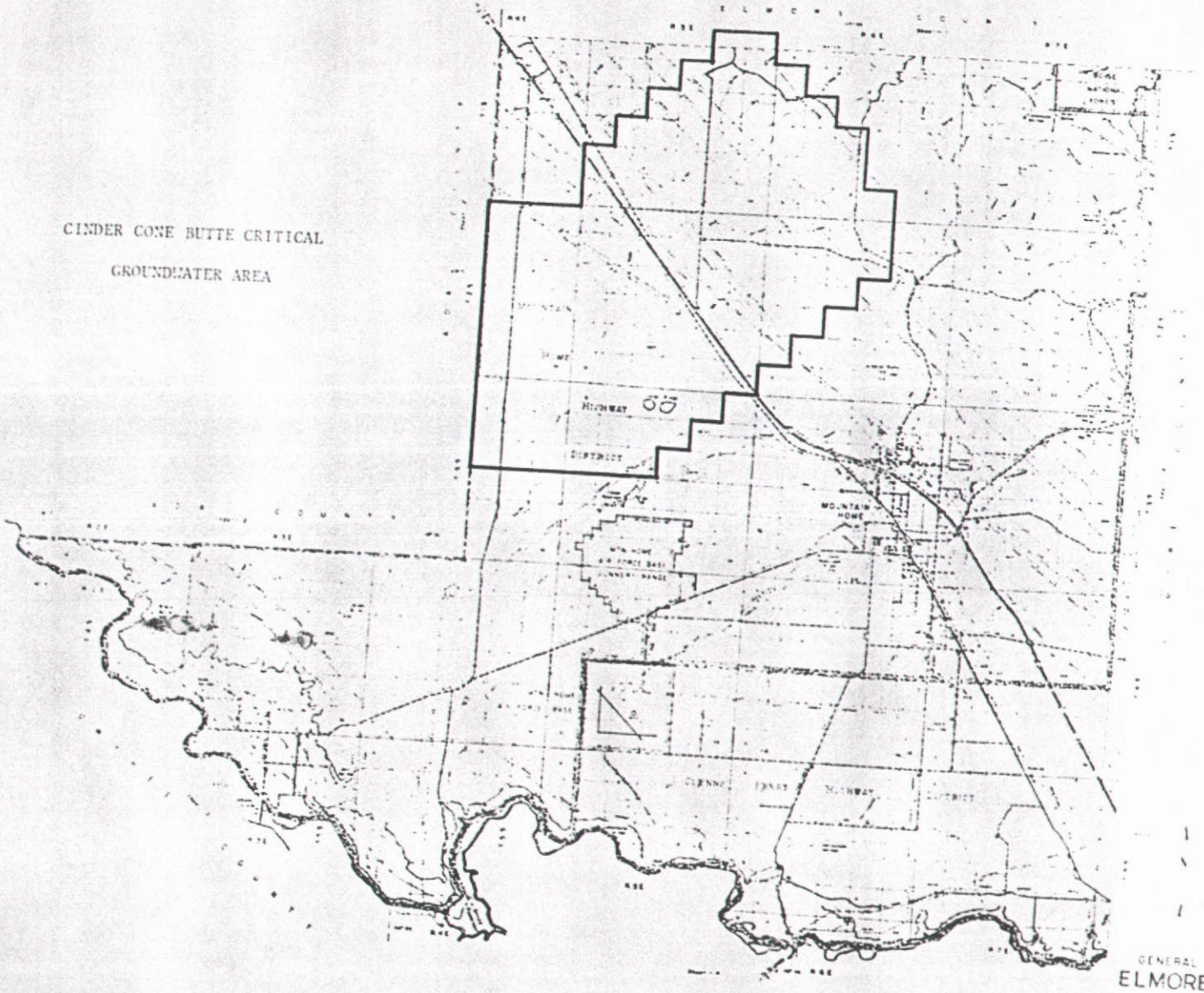
○ USGS
△ IDWR

} Show spring 1984 water table elevations

N.B. Contour lines, which reflect spring and summer 1980 conditions, taken from a 1983 USGS report (Groundwater Quality in the Western Snake River Basin, Swan Falls to Glenns Ferry, Idaho)

CINDER CONE BUTTE CRITICAL

GROUNDWATER AREA



GENERAL HIGHWAY MAP
ELMORE COUNTY

Idaho Department of Water Resources
October 13, 1999
Boise, Idaho

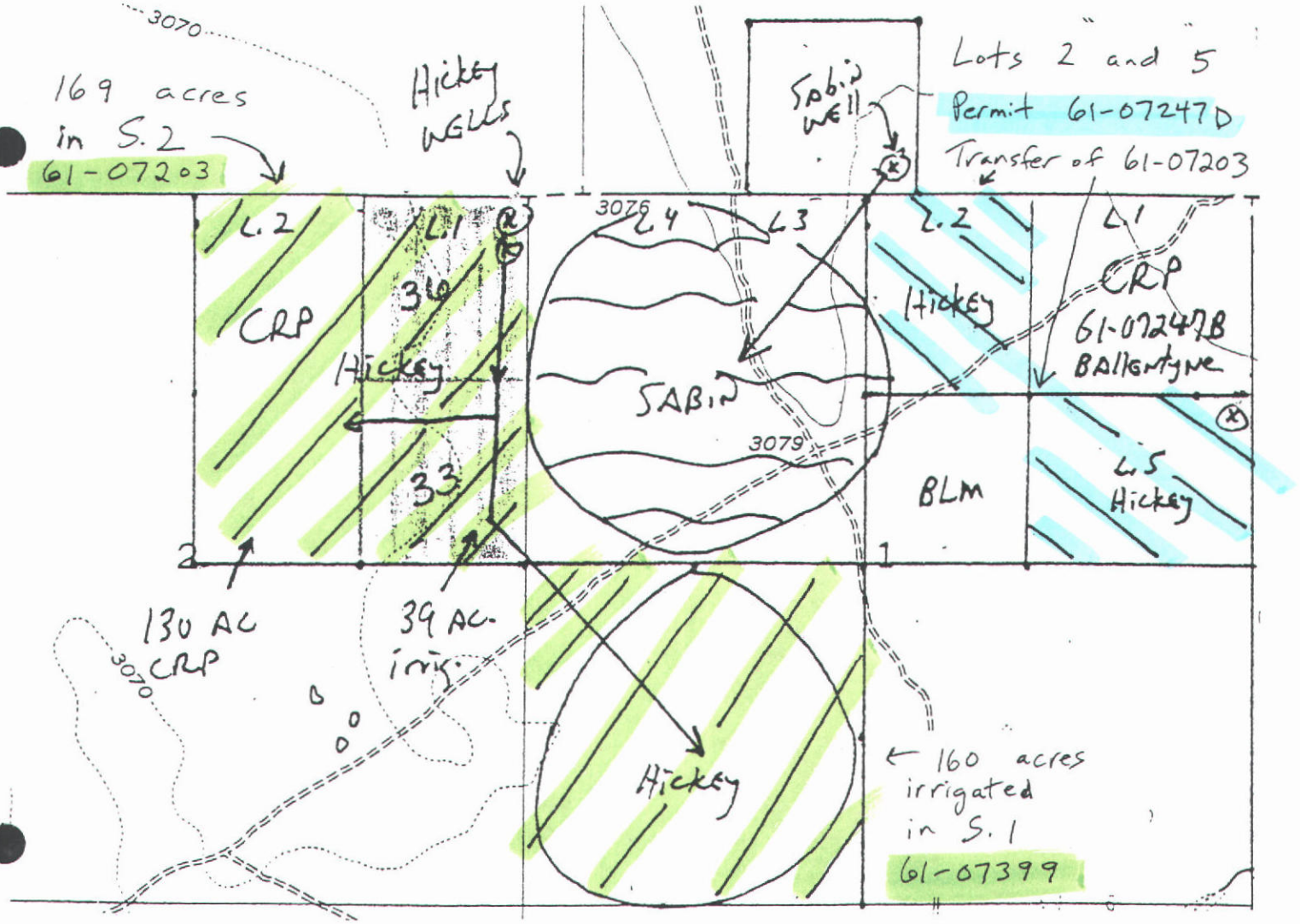
Re: CARL HICKEY

1. Combined Use Limit for 61-07203 and 61-07399 1

2. Permit No. 61-07247D 2

3. Transfer of 61-07203 3

10129901.NMS



Form 219
6/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

RECEIVED
DEC 09 1992
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 61-07203

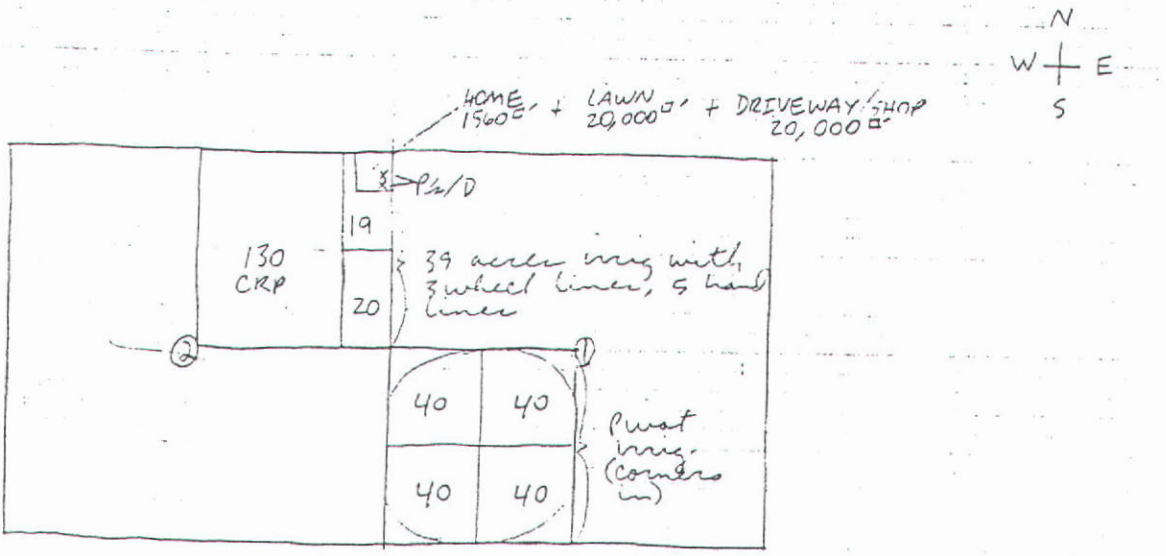
1. Owner: CARL D. HICKEY Phone No. 796-2127
   Current Address: P.O. BOX 243 MTN HOME ID 83647
2. Accompanied by: OWNER EXAM. DATE: 7/31/91
   Address: SAME Phone No. _____
   Relationship to Permit Holder: _____
3. Source: GROUNDWATER tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: NONE
   _____ ☐ Copies Attached
2. Other water rights with same point of diversion: 61-07399
   _____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached

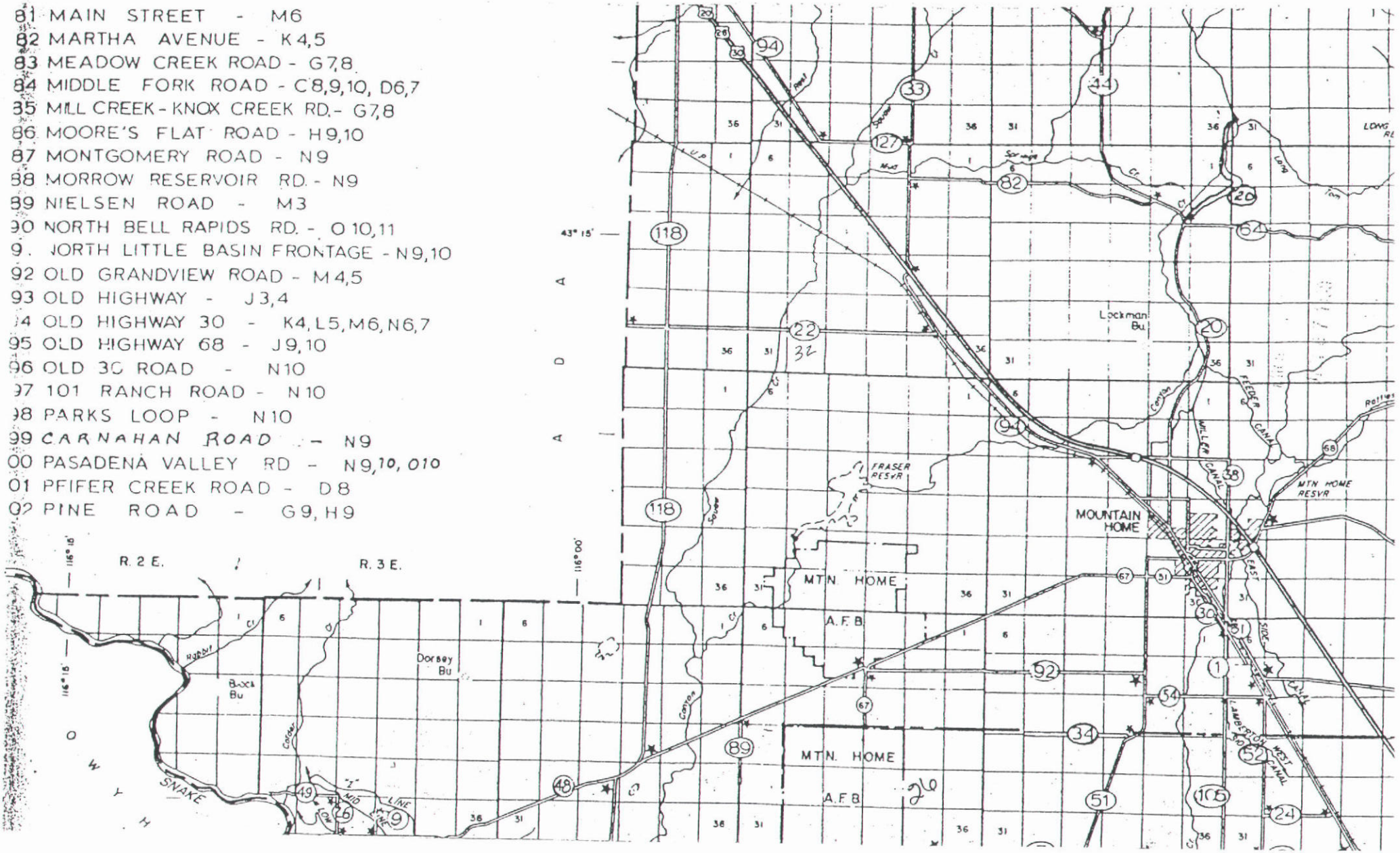


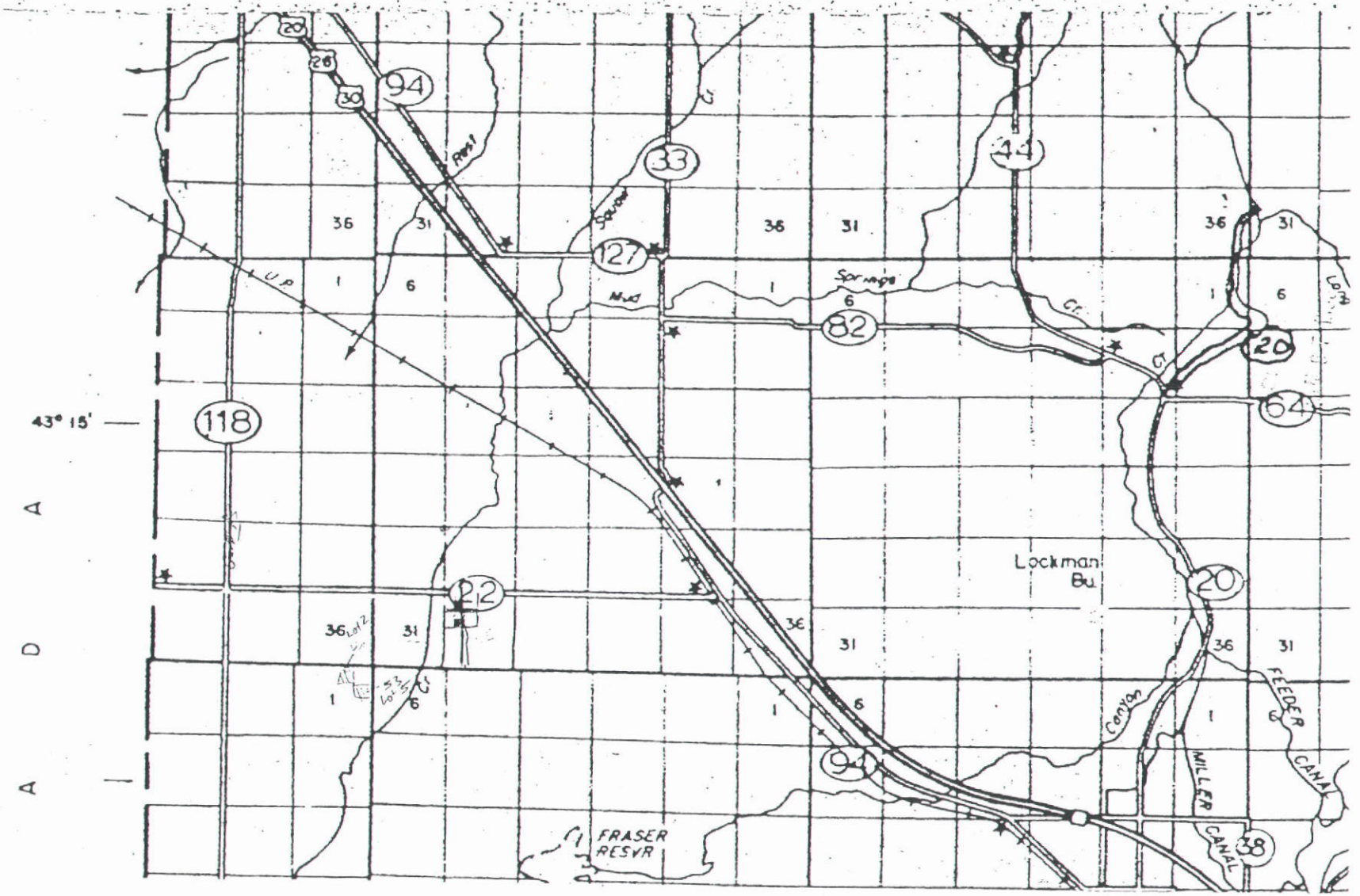
APPROVED
JUL 23 1993

Scale: 1" = NOT TO SCALE

2. ☐ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).
   ☐ Aerial Photo Attached (required for irrigation of 10 acres or more).
   ☐ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater.

81 MAIN STREET - M6
82 MARTHA AVENUE - K4,5
83 MEADOW CREEK ROAD - G7,8
84 MIDDLE FORK ROAD - C8,9,10, D6,7
85 MILL CREEK - KNOX CREEK RD. - G7,8
86 MOORE'S FLAT ROAD - H9,10
87 MONTGOMERY ROAD - N9
88 MORROW RESERVOIR RD. - N9
89 NIELSEN ROAD - M3
90 NORTH BELL RAPIDS RD. - O10,11
9. NORTH LITTLE BASIN FRONTAGE - N9,10
92 OLD GRANDVIEW ROAD - M4,5
93 OLD HIGHWAY - J3,4
94 OLD HIGHWAY 30 - K4, L5, M6, N6,7
95 OLD HIGHWAY 68 - J9,10
96 OLD 30 ROAD - N10
97 101 RANCH ROAD - N10
98 PARKS LOOP - N10
99 CARNAHAN ROAD - N9
00 PASADENA VALLEY RD - N9,10, O10
01 PFIFER CREEK ROAD - D8
02 PINE ROAD - G9, H9




20
26
30
94
33
127
82
118
12
64
20
94
38
36
31
1
6
Lockman
Bu
FRASER
RESVR
MILLER
CANAL
FEEDER
CANAL
Canyon
43° 15'

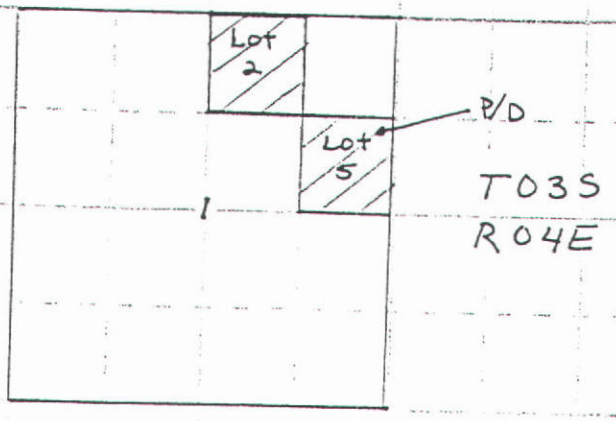
Transfer No. 4328

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

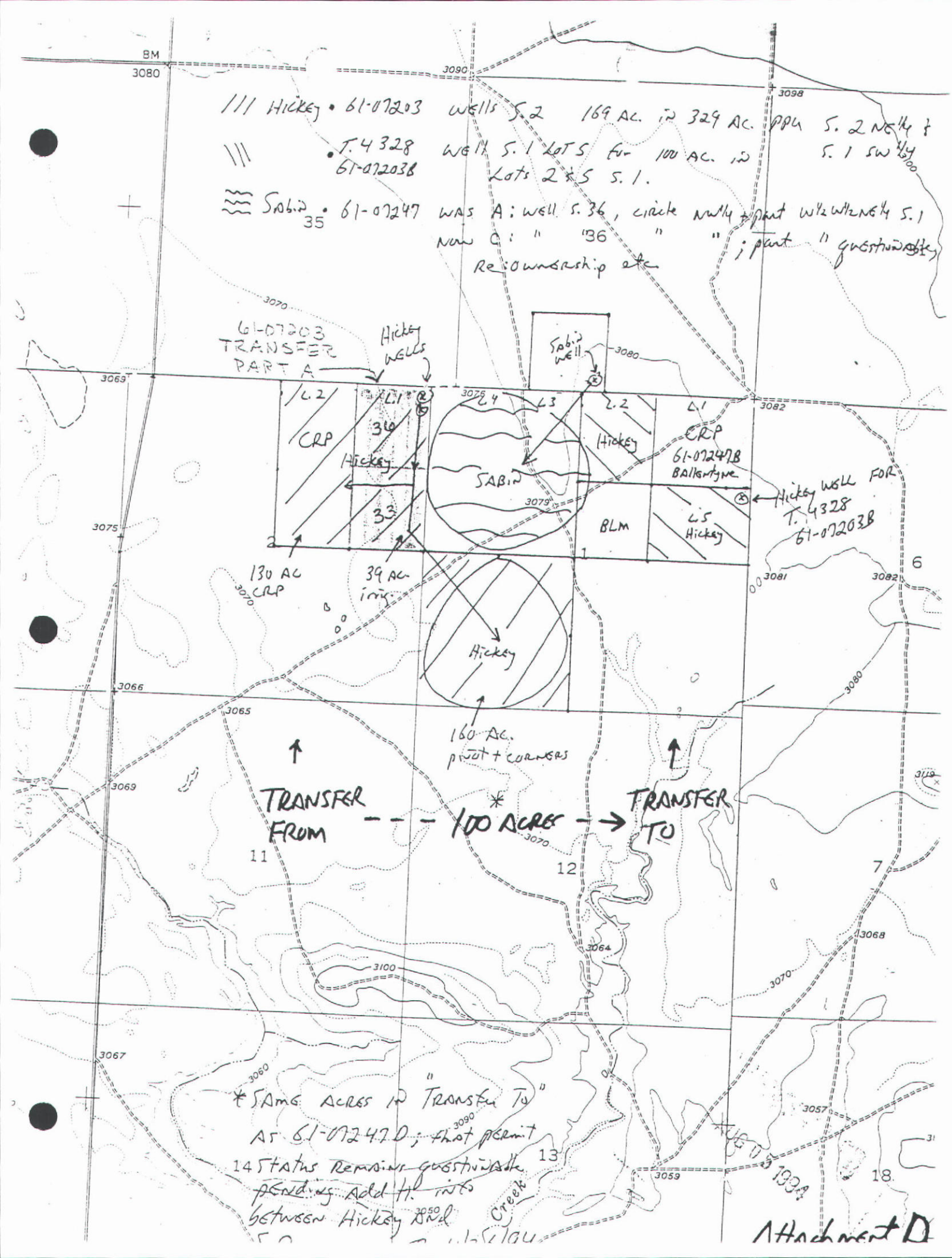
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



AUG 05 1994

SCALE: 2 inches equal 1 mile. Draw plan in ink.



* 54 Ac. Acres in "Transfer To" As 61-07247D; Plat permit 145 Status Remains questionable pending Add'l info between Hickey and

Attachment D

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 61-07399

Priority: April 05,1980

Maximum Diversion Rate 2.20 CFS
Maximum Diversion Volume 440 0 AF

It is hereby certified that CARL D HICKEY
PO BOX 243
MOUNTAIN HOME ID 83647 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 04, 1980; and has submitted Proof of Beneficial Use on November 03, 1990. An examination indicates that the works have a diversion capacity of 2 26 cfs of water from

SOURCE
GROUND WATER

and a water right has been established as follows

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL DIVERSION VOLUME
IRRIGATION	03/15 to 11/15	2.20 CFS	440 0 AF

LOCATION OF POINT(S) OF DIVERSION:
GROUND WATER L1 NE¼NE¼ Sec. 2, Twp 03S, Rge 04E, B M ELMORE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S	04E	1									40 0	40 0	40 0	40 0					160 0
03S	04E	2	43 0 L1	46 0 L2	40 0	40 0													169 0

Total Acres 329

CONDITIONS OF APPROVAL

1 This right is appurtenant to land designated as DLE I-19871.

2. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.

3 This right when combined with all other rights shall provide no more than 0 02 cfs per acre nor more than 4 0 afa per acre at the field headgate for irrigation of the lands above

4 This right is limited to the irrigation of 110 acres within the place of use described above in a single irrigation season

5 Right 61-7203 is also diverted through the point of diversion described above

MICROFILMED
SEP 19 2001

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 61-07399

6 Rights 61-7203 and 61-7399 when combined shall not exceed a total diversion rate of 2.30 cfs, a total annual diversion volume of 1103 af, and the irrigation of 279 acres.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources

Signed and sealed this 9TH day of AUGUST, 2001.

Acting for KARL J DREHER
Director

MICROFILMED
SEP 19 2001

RECEIVED JUL 19 2001

RECEIVED
JUL 27 2001
Department of Water Resources

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 61-07399

Date of Priority: April 05,1980

Maximum Diversion Rate 2 20 CFS
Maximum Diversion Volume 440 0 AF

Comes now CONNIE M HICKEY
PO BOX 243
MOUNTAIN HOME ID 83647 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 61-07399, and requests that the permit be changed as follows:

Source: GROUND WATER

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	03/15 to 11/15	2.20 CFS	440.0 AF

LOCATION OF POINT(S) OF DIVERSION:
GROUND WATER L1 NE¼NE¼ Sec 2, Twp 03S, Rge 04E, B M. ELMORE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03S 04E 1									40 0	40 0	40 0	40 0					160 0
03S 04E 2	43 0 L1	46 0 L2	40 0	40 0													169 0

Total Acres. 329

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 17 day of July, 2001

Carl D. Hickey
(Signature)

MICROFILMED
SEP 19 2001

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 61-07399

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = 50.00 Receipted by J. Masi # 1055167 Date 7/27/01

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 61-07399 with the following.

CONDITIONS OF APPROVAL

1 This right is appurtenant to land designated as DLE I-19871

2 This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest

3 This right when combined with all other rights shall provide no more than 0 02 cfs per acre nor more than 4 0 afa per acre at the field headgate for irrigation of the lands above.

4 This right is limited to the irrigation of 110 acres within the place of use described above in a single irrigation season.

5 Right 61-7203 is also diverted through the point of diversion described above

6 Rights 61-7203 and 61-7399 when combined shall not exceed a total diversion rate of 2 30 cfs, a total annual diversion volume of 1103 af, and the irrigation of 279 acres

Witness my hand this 8TH day of AUGUST, 2001.

Acting for KARL J. DREHER
Director

MICROFILMED
SEP 19 2001

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF WATER RIGHT PERMIT NO 61-7399 IN THE NAME OF CONNIE M HICKEY	))))	**PRELIMINARY ORDER**

FINDINGS OF FACT

1 On May 7, 1981, the Department of Water Resources ("Department") issued Water Right Permit 61-7399 ("permit") authorizing Carl D Hickey and/or Connie M. Hickey to irrigate 160 acres located in Section 34, T2S, R4E, B M , with groundwater diverted from a well located in Lot 1 (NE¼NE¼), Section 2, T3S, R4E, B M

2 On January 14, 1983, Carl D Hickey and/or Connie M Hickey assigned the permit to Connie M Hickey ("permit holder")

3 On August 2, 1983, the permit holder applied to the Department to amend the permit to change the authorized place of use to 160 acres within the SW¼, S1, T3S, R4E, B M

4 On June 13, 1984, the Department approved the application for amendment

5 On November 1, 1990, the permit lapsed for failure of the permit holder to submit proof of beneficial use to the Department

6 On November 3, 1990, the permit holder to submitted proof of beneficial use to the Department

7 On November 9, 1990, the Department reinstated the permit

8 On July 31, 1991, the Department conducted a field examination to verify the beneficial use developed in accordance with the permit The examiner recommended that the permit be voided because no beneficial use of water was developed in addition to the use already be authorized under prior water right 61-7203

9 On April 28, 1993, and on May 28, 1993, the Department sent the permit holder letters explaining the examiner's recommendation and offering the permit holder the chance to relinquish the permit.

10 On July 6, 1993, the permit holder relinquished the permit

11 The current owner of the SW¼, S1, T3S, R4E, B.M , is Carl D. Hickey

MICROFILMED
SEP 13 2001

12 On October 2, 2000, Carl D Hickey, through his attorney John A Rosholt, asked the Department to reinstate the permit and issue a water right license for development accomplished in accordance with the permit Attached to the request was an affidavit of Connie M McNitt, formerly Connie M. Hickey, in which she states that she did not intend to "abandon or cancel any of the water rights used on our property "

13 Examination of aerial photography available to the Department shows that in 1987, during the authorized development period for the permit, irrigation occurred on a part of the authorized place of use for the permit that could not be covered by prior water right 61-7203

CONCLUSIONS OF LAW

1 The permit holder did not intend to relinquish any right to use water established in accordance with permit 61-7399.

2 The permit holder established a beneficial use of water in accordance with the permit by diverting water and applying it to the authorized use during authorized development period.

3 The Department should reinstate the permit

ORDER

IT IS THEREFORE HEREBY ORDERED that Water Right Permit 61-7399 is **REINSTATED**.

Dated this 29TH day of June, 2001

NORMAN C. YOUNG, Administrator
Water Management Division

MICROFILMED
SEP 19 2001

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 N. Orchard St., Statehouse Mail, Boise ID 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

RELINQUISHMENT
OF
PERMIT

I, Connie M. Hickey, hereby relinquish to the State of Idaho, all my right, title and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. 61-07399.

Signed this 6th day of July, 1993.

Connie M. Hickey
Permit Holder

Carl D. Hickey
Spouse of Permit Holder

Form 21
07/90

For Office Use Only
Amount Rec'd 175.00
Date 10/24/90
Receipt No C-9125
Receipt By C. Kelly

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as 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 or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 61-7399 Telephone No. 796-2127

2. Name(s) of Permit Holder(s) Connie M. Hickey c/o Carl Hickey

3. Post Office Address Box 243, Mountain Home, ID 83647

4. Source of Water gw

   a. If ground water well driller's name Carl Hickey Date drilled 1978 ✓

   b. Pump horsepower 200 Pressure (psi) _____ Dynamic pumping level (ft.) _____

5. Extent of Use

   Domestic _____ (No. of households) Irrigation 160 ✓ (No. of acres)

   Stockwater _____ (No. and type of stock) Other _____

   _____ _____

6. Total rate and/or volume for which proof is submitted 3.20 cfs _____ 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 X No Installed? __Yes X No Will install

8. Fee Enclosed $ 175 ✓ (See License Examination Fee Schedule)

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

   Carl Hickey
   Name Telephone No

   same as above
   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.

10-22-90 X _____
Date Signature (and title if on behalf of a company or organization)

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 61-7399 IN THE NAME OF CONNIE M. HICKEY	ORDER OF REINSTATEMENT

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before November 1, 1990; and,

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

WHEREAS, on November 1, 1990 the permit lapsed for failure of the permit holder to submit proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on November 3, 1990;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 61-7399 be REINSTATED and the priority advanced to April 5, 1980.

Dated this 9th day of November, 1990.

L. Glen Saxton

L. GLEN SAXTON, Chief
Water Allocation Bureau

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 61-7399 IN THE NAME OF CONNIE M. HICKEY	)	CONTINUATION ORDER

This matter having come before the Idaho Department of Water Resources (IDWR) as a requirement of Section 42-203D, Idaho Code, the department Finds, Concludes and Orders as follows:

FINDINGS OF FACT

1. Permit No. 61-7399 (permit) issued to Connie M. Hickey (permit holder) authorized the diversion of 3.25 cfs of water from a groundwater source for the irrigation of 160 acres of land.

2. Section 42-203D, Idaho Code, directs IDWR to review all permits issued prior to July 1, 1985, which propose to divert water held in trust by the state of Idaho pursuant to subsection (5) of section 42-203D, Idaho Code, to determine whether they comply with the provisions of Section 42-203C, Idaho Code. The review is not required for permits to the extent beneficial use was complete prior to July 1, 1985.

3. Information submitted by the permit holder shows that 160 acres authorized to be irrigated by Permit No. 61-7399 were not irrigated as proposed prior to July 1, 1985.

4. Water diverted and used on or after July 1, 1985 for the irrigation of land under the terms of this permit is trust water.

5. The permit was readvertised in accordance with Water Appropriation Rule 4.2.3.1. and was not protested.

6. Proposed development of water under the permit satisfies the presumption of Water Appropriation Rule 5.2.1. that it will not cause either an individual or cumulative significant reduction.

CONCLUSIONS OF LAW

1. The permit will appropriate trust water.

2. IDWR has reviewed the permit under Section 42-203D, Idaho Code and has determined that the permit complies with Section 42-203C, Idaho Code since the diversion and use of water under the permit will not individually or cumulatively cause a significant reduction.

3. The Director should enter an order reauthorizing development in compliance with the provisions of Section 42-203D, Idaho Code.

ORDER

IT IS, THEREFORE, hereby ORDERED that development under Permit No. 61-7399 is reauthorized and CONTINUED as provided in Section 42-203D, Idaho Code, subject to the following additional conditions and limitations:

1. Proof of construction of works and application of water to beneficial use shall be submitted to IDWR on or before November 1, 1990.

2. Any license issued by IDWR pursuant to the permit or portion thereof for the use of trust water is subject to a term review 20 years after the date of this continuation order to determine availability of water for the use and to re-evaluate the public interest at the end of the term.

3. The construction of diversion works must be commenced within one (1) year of the date of this order and shall proceed diligently and uninterruptedly to completion unless temporarily interrupted by circumstances over which the permit holder has no control.

4. Diversion and use of water under this permit is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.

5. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.

6. All conditions of approval contained on the original permit are incorporated into and made a part of this order.

Dated this 2nd day of June, 1989.

L. GLEN SAXTON, Chief
Water Allocation Bureau

Form No. 211a
11/78

State of Idaho
Department of Water Resources

AMENDMENT ANALYSIS SHEET

INITIAL REVIEW BY: GLS

Right Number 61-7399 Applicant Connie Hickey

Purpose of Amendment: ☐ Change point of diversion. ☐ Add diversion point(s).
☐ Increase amount. ☒ Change place of use. ☐ Other _____

CHECK:

No change ☑ Description of amended point(s) of diversion.
No change ☑ Amount, nature and period of use. If increased, delay date of priority.
☑ Description of amended places of use. If expanded, delay date of priority.
☑ Ownership of point of diversion and place of use.
☑ Map.
☑ Signature (must be permit holder).
☑ Fee.
☑ Existing water rights from the same source, amended place of use.
☑ Right number(s) None
☑ Yes ☐ No Should amendment be advertised?
☐ Yes ☑ No Should date of priority be delayed? If yes, to what date? _____

FINAL REGIONAL PROCESSING REVIEW:

☑ Affidavit of publication received. 10/4/83
☑ Amendment published correctly. Twin Falls Times-News 20/3 2403 9/28 & 10/5/83
☐ Protests processed.
☑ Approve.
☐ Deny.
Conditions Same as Permit

By DBS Date 10/11/83

STATE OFFICE PROCESSING:

☐ Amendment correct and complete. By _____ Date _____
☐ Approved copy sent to applicant and to Region. By _____ Date _____

9

NOTICE OF (APPLICATION FOR AMENDMENT / AMENDED APPLICATION FOR PERMIT)

Notice is hereby given that (application / permit) No. 61-7399

in the name of Connie M. Hickey

was filed on 1/4/1980 for the

diversion of 3.25 cfs, for a Groundwater source

with a point of diversion within the Lot 1 (NE NE)

Sec 2 T3S R4E to be used for Irrigation

and stockwater purposes from 3/15 to 11/15

and 1/1 to 12/31 within portions of the

SE ¼ Sec 34 T2S R4E.

The (applicant / permit holder) now proposes to amend the

(application / permit) by changing the place of use to the SW¼ SEC 1

T3S R4E

Any protest against the approval of the proposed amendment must be filed with the Department of Water Resources, Statehouse 450 W. State St., Boise, Idaho 83720 on or before

September 26, 1983.

9/6 of 9/15/83

$20.00

Form 211
2/80

Ident. No. 61-7399

STATE OF IDAHO

APPLICATION FOR AMENDMENT OF A PERMIT

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

APPROVED

Comes now Connie M. Hickey Phone _____

of (address) Box 243, Mtn. Home, Id 83647, 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. 61-7399, and requests that the permit and permit map be changed as follows:

1. Point of diversion. NE ¼ NE ¼ (Lot 1), Section 2, Township 3S, Range 4E, B.M., County of Elmore Other points of diversion. _____

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

Amount 3.2 (cfs or acre feet per annum) for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)

Amount .05 (cfs or acre feet per annum) for Stockwater purposes from 1/1 to 12/31 (both dates inclusive)

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

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

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3S	4E	1									40	40	40	40					160

Total number of acres to be irrigated = 160

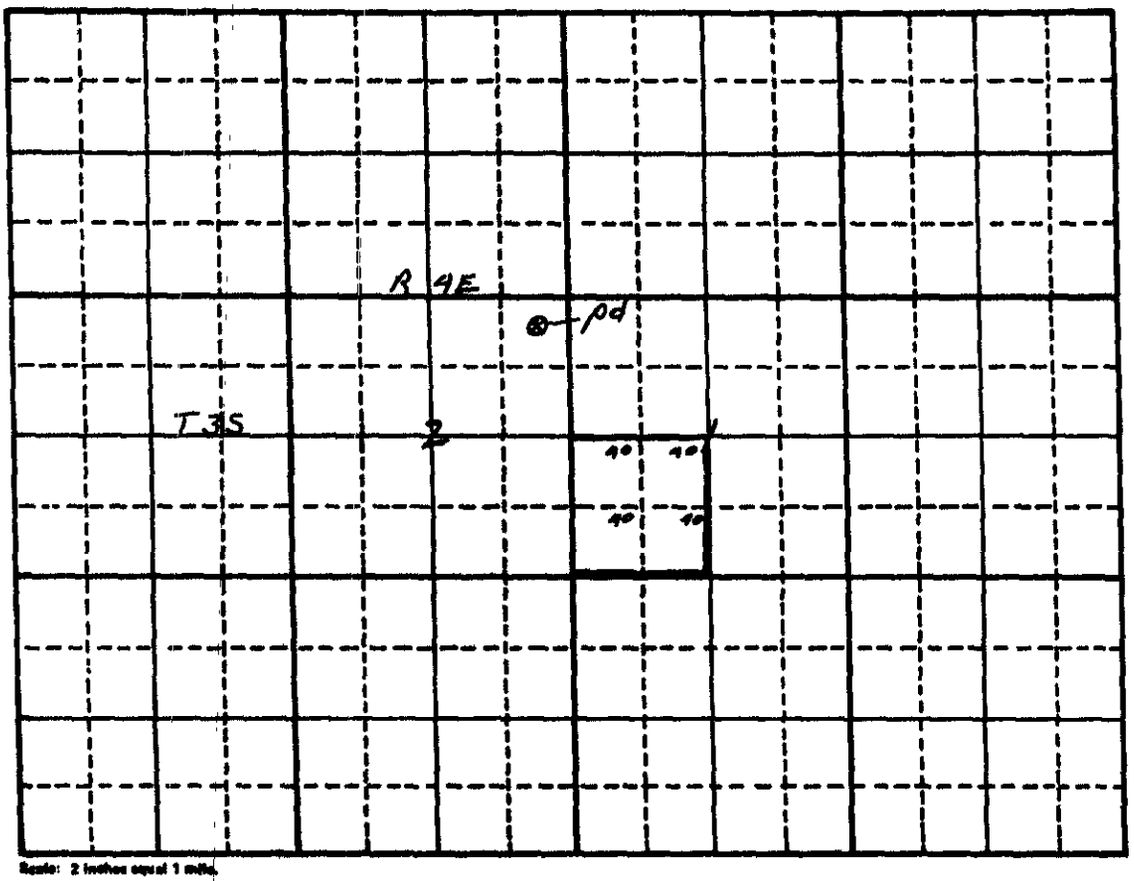
4. a. Who owns the property at the point of diversion? Applicant

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

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 OLE # I-19871

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 Boise, this 1 day of August, 19 83.

(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by GLS Fee = $20.00 #32403 Receipted by GLS Date 8/2/83

Publication prepared by JP Date 9/1/83 Published in Twin Falls News

Publication dates 9/8 & 9/15, 83

ACTION OF THE DEPARTMENT OF WATER RESOURCES

1. L. GLEN SAXTON, of the Department of Water Resources hereby Approve the above referenced Amendment provided the conditions as set forth on page 4 of Permit No. 61-7399 are met.

Witness my hand this 13th day of June, 19 84.

L. Glen Saxton

Chief, Operations Bureau

ACTION	RIGHT NO.	NAME	AMOUNT C.F.S.
Orginial Permit	61-7399	Carl &/or Connie M. Hickey	3.25 cfs
Full Assignment	61-7399	Connie M. Hickey	3.25 cfs

State of Idaho

Department of Water Resources

ASSIGNMENT OF PERMIT

I, Carl Hickey/for Connie M. Hickey, hereby assign to Connie M. Hickey

of Box 743, Mtn Home Id. 83647
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 61-7399 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 14 day of January, 1983.

Carl Hickey
Permit Holder

_____
Spouse of Permit Holder

State of Idaho)
County of Ada) ss.

On this 14 day of January, 1983, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

seal

Notary Public residing at
Boise, ID

My commission expires:
LIFE

Form 202
3/78

Ident. No 61-7399

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

RETURNED 4/13

To appropriate the public waters of the State of Idaho

1. Name of applicant CARL TAYLOR FOR CONNIE M. HICKEY Phone _____

Post office address 243 Mountain Home, ID 83647

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

3. Location of point of diversion: Lot 1 ¼ of (NE¼NE¼) RH 4-30-81 ¼ of Section 2 Township 3S

Range 4E B.M. Elmore County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 3.2 (cfs or acre-feet per annum) for irrigation purposes from 3-15 to 11-15 (both dates inclusive)

Amount 0.05 (cfs or acre-feet per annum) for stockwater purposes from 1-1 to 12-31 (both dates inclusive)

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

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

5. Total quantity to be appropriated:

a. 3.25 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well, pump and sprinkler system

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

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

c. Proposed well diameter is 16 inches; proposed depth of well is 406 feet.

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

8. Description of proposed uses:
   a. If water is not for irrigation:
      (1) Give the place of use of water: _____ ¼ of SE ¼ of Section 34 Township 2S
      Range 4E B.M.
      (2) Amount of power to be generated: _____ horsepower under _____ feet of head.
      (3) List number of each kind of livestock to be watered 160 head beef stock
      (4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.
      (5) If water is to be used for other purposes describe: _____

RECEIVED
APR 3 1980
Department of Water Resources

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2S	4E	34													40	40	40	40	160

Total number of acres to be irrigated 160

c. Describe any other water rights used for the same purposes as described above. None

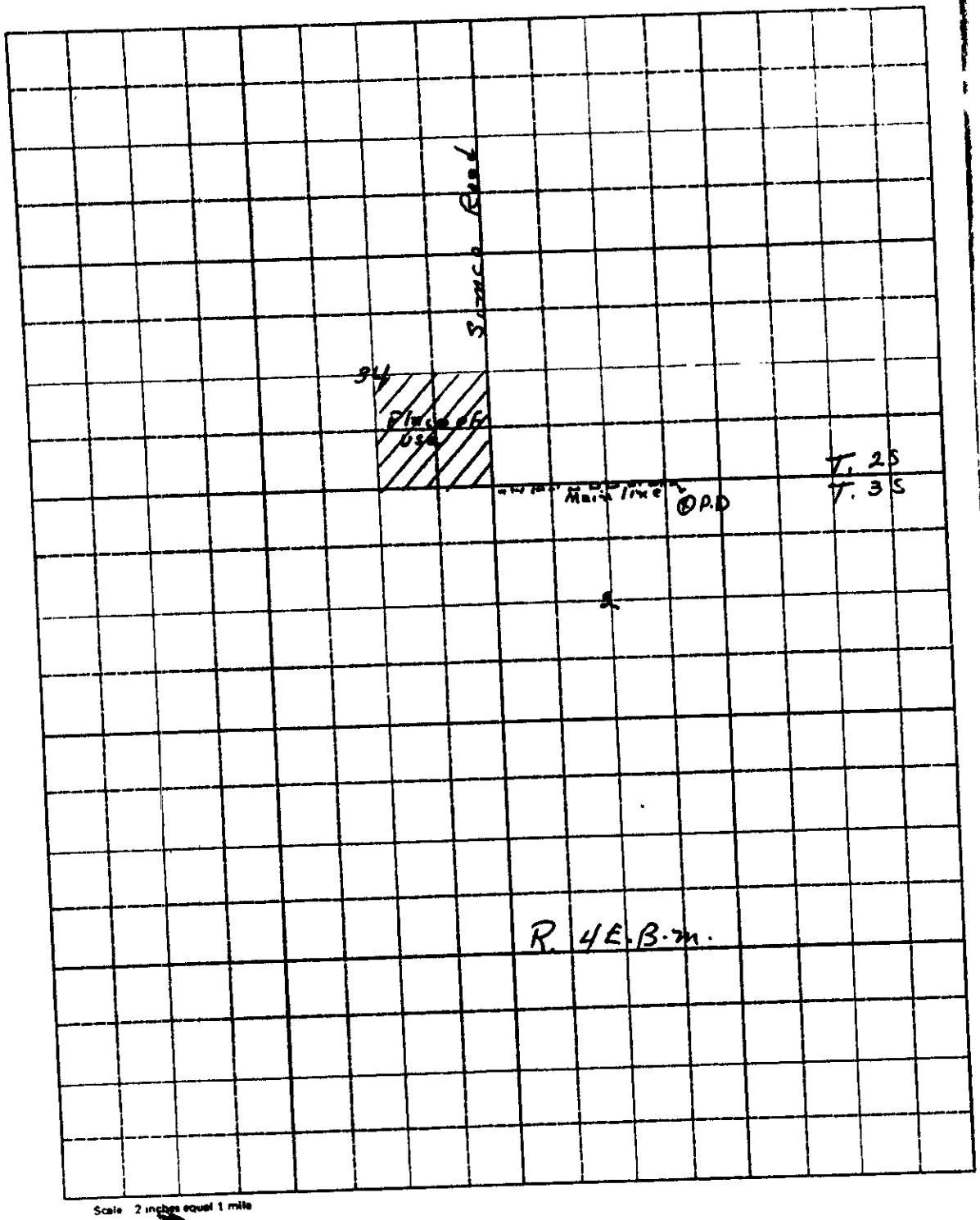
9. a. Who owns the property at the point of diversion Applicant

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

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

10. Remarks

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



Scale 2 inches equal 1 mile

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

(Applicant)

Form 202
3/78

Ident. No. 61-7399

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant CARL &/OR CONNIE M. HICKEY Phone _____

Post office address Box 243, Mountain Home, ID 83647

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

3. Location of point of diversion is Lot 1 ¼ of _____ (NE¼NE¼) ¼ of Section 2 Township 3S RH 4-30-81

Range 4E B.M. Elmore County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 3.2 (cfs or acre-feet per annum) for irrigation purposes from 3-15 to 11-15 (both dates inclusive)

Amount 0.05 (cfs or acre-feet per annum) for stockwater purposes from 1-1 to 12-31 (both dates inclusive)

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

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

5. Total quantity to be appropriated:

a. 3.25 cubic feet per second and/or b. _____ acre-feet per annum.

6 Proposed diverting works

a. Description of ditches, flumes, pumps, headgates, etc. Well, pump and sprinkler system

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

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

c. Proposed well diameter is 16 inches; proposed depth of well is 406 feet.

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

8. Description of proposed uses:

a If water is not for irrigation:

(1) Give the place of use of water: _____ ¼ of SE ¼ of Section 34 Township 2S Range 4E B.M.

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

(3) List number of each kind of livestock to be watered 160 head beef stock

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

5) If water is to be used for other purposes describe

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2S	4E	34													40	40	40	40	160

Total number of acres to be irrigated 160

c. Describe any other water rights used for the same purposes as described above. None

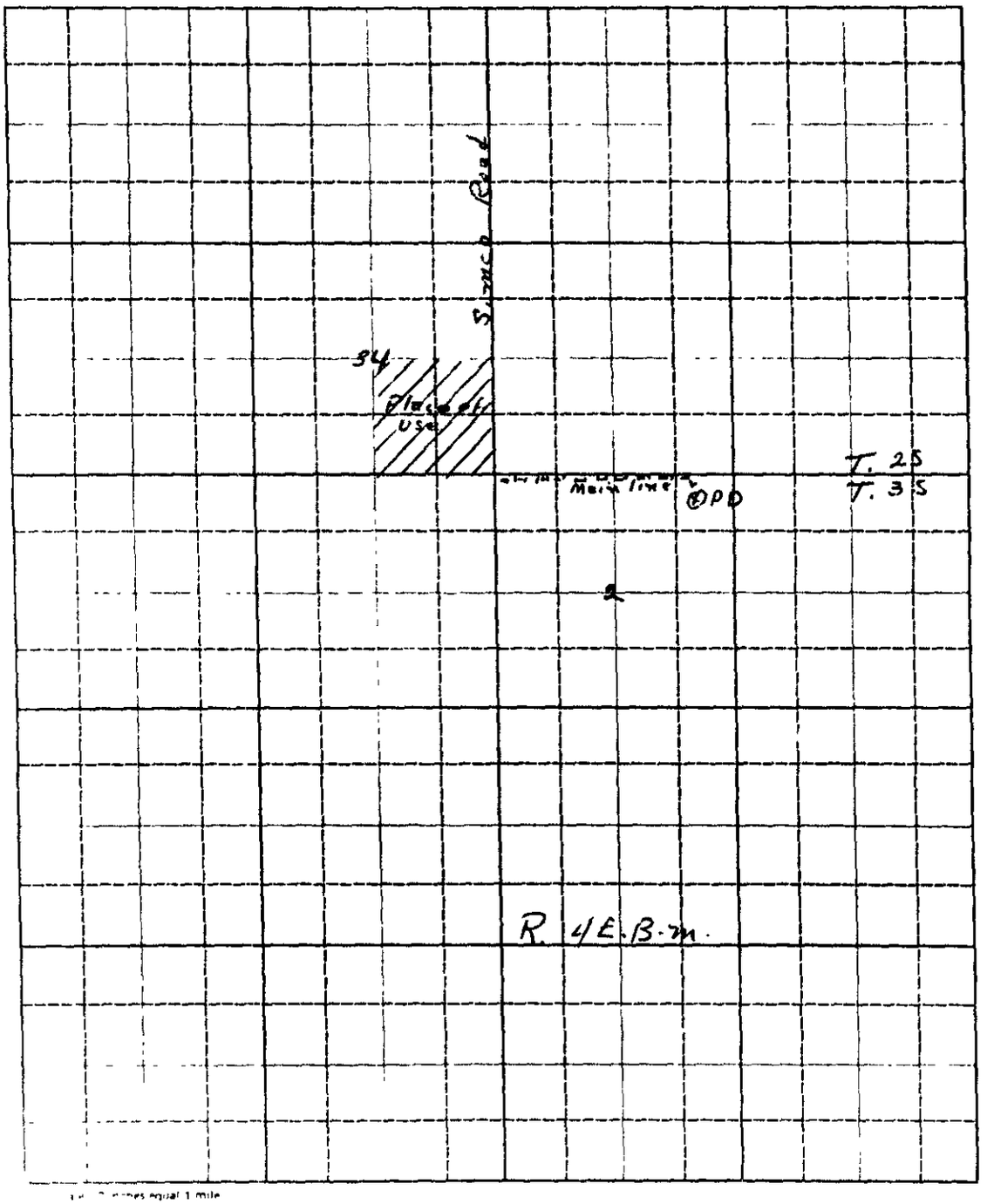
9. a. Who owns the property at the point of diversion Applicant

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

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

10. Remarks

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



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.

(Applicant)

Proposed Priority 4/4/80

Received by R.W.H. Date 4-4-80 Time 9:30 A.M.

Preliminary check by CWB Fee $ 65.00 # 16239

Receipted by DBS Date 4/9/80

Publication prepared by D.S. Date 4-10-80

Published in Mountain Home News

Publication dates 4/17/80; 4/24/80

Publication approved ____ Date ____

Protests filed by: None

Copies of protests forwarded by ____

Hearing held by ____ Date ____

Recommended for (approval) denial by DBS

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. 61-7399, and said application is hereby approved.

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

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

   b. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 19 86.

   c The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0 02 cubic feet per second for each acre of land

   d Other An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department (2) The permit shall not be assigned or sold without first securing the written approval of the Department of Water Resources.

Witness my hand this 7th day of May, 1981.

A. Dennis Tolman
Director

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

August 8, 2001

CARL D HICKEY
PO BOX 243
MOUNTAIN HOME ID 83647

RE License No. 61-7399 - Issuance of License

Dear Water Right Holder(s)

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a $100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SWK.klt

Enclosure(s)

cc: JOHN ROSHOLT

MICROFILMED
SEP 19 2001

CERTIFICATE OF MAILING

I hereby certify that on August 8, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below

RE: WATER RIGHT NO. 61-7399

CARL D HICKEY
PO BOX 243
MOUNTAIN HOME ID 83647

Kari Lynn Townsend

Kari Lynn Townsend
Secretary

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EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01 01302 and 37 01.01303 (Rules of Procedure 302 and 303).

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FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order The department will serve a copy of the final order on all parties of record

Section 67-5246(5), Idaho Code, provides as follows.

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) the petition for reconsideration is disposed of; or
> (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal

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Department of Water Resources

Form 42-248/42-1409(6) July, 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
S 61-7399					

2. The following **REQUIRED** information must be submitted with this form:

   A. The appropriate **FILING FEE.** See instructions for fee amounts.

   B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION.**

   C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
   PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
   OR
   If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s): Connie M. McNitt (Formerly Connie M. Hickey)

4. New Owner/Claimant(s): Carl D. Hickey
   Name Connector (Check one): [ ] and, [ ] or, [ ] and/or
   New Mailing Address: P.O. Box 243
   City, State and ZIP Code: Mountain Home, Id 83647-0243
   New Telephone Number: (208) 796-2127 or (208) 653-2428

5. Date you acquired the property: 1/14/1995

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QUITCLAIM DEED

THIS INDENTURE, made this _____ day of January _____, 199 5, between CONNIE M. McNITT, formerly known as Connie M. Hickey, dealing in and with her sole and separate property and estate, the party of the first part, and CARL D. HICKEY, a single man, whose address is Box 243, Mountain Home, Idaho 83647, the party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of ONE AND NO/100 DOLLARS, and other good and valuable consideration, lawful money of the United States of America, to her in hand paid by the party of the second part, the receipt whereof is hereby acknowledged does by these presents remise, release, convey and forever quitclaim, unto the said party of the second part, and to his heirs and assigns, all that certain real property, situate in the County of Elmore, State of Idaho, and particularly described as follows, to-wit:

The Southwest Quarter of Section 1,
Township Three South, Range 4 East,
Boise Meridian.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever.

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MEMORANDUM

DATE: **July 27, 2001**

FROM: **KARI LYNN TOWNSEND**

TO: **FILE 61-07399**

RE: **Change of Ownership for Permit**

==========

We received a signed Application for Amendment for the subject permit along with a check for $50 00 filing fee from John Rosholt's office.

Included in that mailing was a Notice of Change in Water Right Ownership form (no fee included and no signature by the new owner - Carl D Hickey).

After discussion with Shelley Keen it was decided that the change of ownership would be recognized at the time of licensing. Affidavits of both Connie M Hickey McNitt and Carl D. Hickey, already part of the file, will service as the signature documents necessary to support the ownership action to the file.

Shelley's memo of June 29, 2001 documents phone conversation with Elmore County Assessor's office confirming Carl D Hickey's ownership of the property described in SW1/4, T3S, R4E, B M

- Ownership change notice includes a quitclaim deed from Connie M. McNitt (Hickey) to Carl D. Hickey
- No fee is necessary because the claim is pending in the SRBA. The claim is already in the name of Carl D. Hickey.

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John A Rosholt
Albert P Barker
John K. Simpson
Amy D Chestnut
Travis L Thompson

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BARKER ROSHOLT & SIMPSON LLP

1221 West Idaho Street, Suite 600
Post Office Box 2139
Boise, ID 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters com

142 3rd Avenue
Post Office Box 1906
Twin Falls, ID 83303-1906
(208) 734-0700 telephone
(208) 736-0041 facsimile
shs@idahowaters com

John A. Rosholt
jar@idahowaters.com

July 26, 2001

Shelley Walter Keen
Water Rights Supervisor
Idaho Department of Water Resources
P. O. Box 83720
Boise, ID 83720-0098

RE: 61-7399 (Carl Hickey)

Dear Shelley:

Enclosed please find the executed Application for the Amendment and our check for the $50.00 filing fee.

Thanks for your information and work. We will await further correspondence. We will petition the court, after we have the director's signature, to set aside the Partial Decree.

Regards,

John A. Rosholt

JAR/cwv
enclosure
cc: Norm Semanko
Carl Hickey

jll/JAR/Letters/Keen

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BARKER, ROSHOLT & SIMPSON
ATTORNEYS AT LAW

JOHN A. ROSHOLT
ALBERT P. BARKER
JOHN K. SIMPSON
AMY D. CHESTNUT
TRAVIS L. THOMPSON

Boise Office
1221 W. IDAHO, SUITE 600
P O BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

Twin Falls Office
142 3rd AVENUE NORTH
P.O. BOX 1906
TWIN FALLS, IDAHO 83301-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

July 19, 2001

VIA FACSIMILE (208) 327-7866

Shelley Keen
Idaho Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, ID 83720-0098

Re: Carl Hickey – 61-7399/61-7203

Dear Ms. Keen:

I just received your letter of July 13, 2001. I had a couple of questions on the Application for Amendment for 61-07399.

Connie Hickey (Carl's former wife) has deeded her interest in the SW¼ of Section 1 to Carl. (A copy of the Deed is enclosed). Perhaps the IDWR was not notified of a change in ownership. We will get that taken care.

I had a couple of questions on page 2, "Conditions of Approval". Shouldn't paragraph 3 of the Conditions limit the 110 acres to SW¼, Section 1, Township 3 South, Range 4 East, Boise Meridian?

The diversion rate limit of Condition 4 at 2.3 cfs equals about 4.6 acre feet per day. It would take 245 days to divert the 1103 authorized acre feet annually. Can we negotiate the diversion rate up from 2.3 cfs since you have listed the two parcels together?

Can we talk about this?

Regards,

JOHN A. ROSHOLT

JAR/jl
cc: Carl Hickey
Norman M. Semanko (via fax)
j:\jl\jar\hickey\udwrltr1

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QUITCLAIM DEED

THIS INDENTURE, made this _____ day of January, 199_5, between CONNIE M. McNITT, formerly known as Connie M. Hickey, dealing in and with her sole and separate property and estate, the party of the first part, and CARL D. HICKEY, a single man, whose address is Box 243, Mountain Home, Idaho 83647, the party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of ONE AND NO/100 DOLLARS, and other good and valuable consideration, lawful money of the United States of America, to her in hand paid by the party of the second part, the receipt whereof is hereby acknowledged does by these presents remise, release, convey and forever quitclaim, unto the said party of the second part, and to his heirs and assigns, all that certain real property, situate in the County of Elmore, State of Idaho, and particularly described as follows, to-wit:

The Southwest Quarter of Section 1,
Township Three South, Range 8 East,
Boise Meridian.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever.

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IN WITNESS WHEREOF, the said party of the first part have hereunto set her hand and seal the day and year first above written.

Connie M. McNitt

STATE OF IDAHO,)
) ss.
COUNTY OF ADA,)

On this 14th day of January, 1995, before me, the undersigned, a Notary Public in and for said state, personally appeared CONNIE M. McNITT, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Notary Public for Idaho
Residing at Nampa
My commission expires
12-01-2000

285102
ELMORE COUNTY, IDAHO ss
Request of
Carl Hickey
Time 12:32 P M
Date January 30, 1995
Book Page
DOLORES ROBISON
Recorder
By Linda Van Mood
Deputy
Fee $6.00

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State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)
WATER RIGHT NO. 61-07399

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = _____ Receipted by _____ # _____ Date _____

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 61-07399 with the following:

CONDITIONS OF APPROVAL

1. This right is appurtenant to land designated as DLE I-19871
2. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
3. This right is limited to the irrigation of 110 acres within the place of use described above in a single irrigation season.
4. Rights 61-7203 and 61-7399 when combined shall not exceed a total diversion rate of 2.30 cfs, a total annual diversion volume of 1103 af, and the irrigation of 279 acres.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

Witness my hand this _____ day of _____, 2001.

_____
KARL J. DREHER
Director

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State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

July 13, 2001

JOHN ROSHOLT
BARKER, ROSHOLT & SIMPSON
PO BOX 1906
TWIN FALLS ID 83301-1906

RE Water Right 61-7399 (Carl Hickey)

Dear John

Thank you for returning the licensing amendment for water right no 61-7247D I will forward the file to Norm for licensing

After reviewing the data, I have prepared a draft license for water right no 61-7399 also In my opinion, the best way to represent the relationship of this right to right no 61-7203 is for them both to have the same permissible place of use To change the place of use, permit 61-7399 will have to be amended I have enclosed a licensing amendment Please have Mr Hickey sign the amendment form and return it to me with the $50 00 filing fee

Also, I discovered that 61-7399 was decreed disallowed in the SRBA on April 27, 2001 Someone will have to petition the court to set aside the partial decree, or this licensing effort will be moot

If you have any questions, please contact me at 208-327-7946

Sincerely,

Shelley W. Keen

Shelley Walter Keen
Water Rights Supervisor

Enclosures

Cc Carl Hickey

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A006 Users\SKeen\NAMELTRS\rosholt2 doc

MEMORANDUM

DATE: July 13, 2001

TO: Water Right Files 61-7203, 61-7247D, and 61-7399

FROM: Shelley W. Keen SWK

RE: Licensing

On June 26, 2001, Norm Young and I met John Rosholt, Carl Hickey, Robert Osborn, and Steve Reynolds at Carl Hickey's house to conduct a brief field inspection of the place of use for rights 61-7203, 61-7399, and 61-7247D As a result of the inspection and analysis of information submitted in conjunction with the inspection, IDWR has taken or will take the following actions

- Issue a license for 61-7247D
- Rescind Transfer 4328 and recombine 61-7203A and 61-7203B into 61-7203
- Reinstate permit 61-7399 and to issue a water right license for 110 acres of development under the permit

See below for more details

61-7247D

IDWR had proposed voiding this permit because the field examiner found no evidence of recent irrigation1991 He concluded that if any irrigation was developed, it was forfeited by at least five years of non-use The authorized development period ended in 1981. The right holder believed that he was entitled to a license, but he could neither produce evidence of use during the development period nor refute the evidence that a long period of non-use had occurred Meanwhile, IDWR has taken the position that forfeiture does not apply to permits Therefore, the right holder had only to show that beneficial use occurred during the authorized development period In October of 2000 the right holder submitted an affidavit of Robert E Osborn, the original permit holder, stating that he had irrigated the place of use for 61-7247D prior to 1980. At the field inspection mentioned above, John Rosholt provided a photocopy of a 1977 ASCS photography showing that the place of use was irrigated that year

During the field inspection Mr. Osborn said that in 1976 he used a portable mainline to irrigate about 160 acres in Govt Lots 1, 2, and 5 in the NE¼ of Section 1, T3S, R4E, from a well in Section 36 of T2S, R4E. In 1977, according to Mr Osborn, he had a well drilled in Lot 5 (SE¼NE¼) of Section 1 to irrigate the place of use There is a well log for this well, which still serves as the point of diversion for 61-7247D (Note that although the field examiner found the well to be in Lot 1 (NE¼NE¼), the well is south of the east-west trending mainline, which is on

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the line between Lot 1 and Lot 5) According to Mr. Osborn, from 1977 to 1980 he employed a 200 h.p pump to divert 3000 gpm (6 68 cfs) from the well to wheel lines irrigating Govt Lots 1, 2, and 5 in the NE¼ of Section 1, T3S, R4E, and 172 acres in the NW¼ of Section 6, T3S, R5E Dividing 6.68 cfs by 332 acres comes to 0 02 cfs per acre

Today the well has a 150 h.p. pump which, according to operator Steve Reynolds, produces 1200 gpm (2 67 cfs), and it is used to irrigate only Lots 2 and 5 in Section 1, T3S, R4E Lot 1 is irrigated from other wells under right 61-7247B

61-7203

When the Mr Hickey was under the impression that Permit 61-7247D would be voided, he transferred a portion of right 61-7203 to cover 100 acres of irrigation in Lots 2 and 5 in Section 1, T3S, R4E Now that 61-7247D will be licensed, the transfer is unnecessary It was rescinded by order on June 29, 2001 The removal right 61-7203 from the same place of use as 61-7247D will not be considered an unstacking of rights because the system was operated as if there was only one water right in use

61-7399

In 1991 an IDWR field examiner found that permits 61-7203 and 61-7399 shared a point of diversion located in the NE¼NE¼, Section 2, T3S, R4E, near Carl Hickey's house The examiner also found that only 169 acres of a possible 329 had been irrigated from the well at any one time Because 61-7203 had the earlier priority and could cover 169 acres, the examiner recommended licensing 61-7203 for 169 acres within the 329-acre permissible place of use and voiding 61-7399 In 1993 IDWR licensed 61-7203 as recommended. Also in 1993 the permit holder submitted a statement appearing to relinquish all her interest in 61-7399

ASCS crop reports show that in 1988 about 110 acres of the authorized place of use for 61-7399 were irrigated Although no more than 169 acres were irrigated from the shared well, Carl Hickey contends that he should be given credit for some land in the NE¼, Section 2, T3S, R4E, that was enrolled in a federal cropland set-aside program and was, therefore, protected from forfeiture Also, the permit holder, Connie M. Hickey, submitted an affidavit stating that she never intended to relinquish the permit if she were entitled to receive a water right license Based on this evidence, permit 61-7399 has been reinstated and a license will be issued for 110 acres of irrigation The diversion when combined with 61-7203 will, however, remain 2.26 cfs for irrigation, which will limit the actual number of acres that can be irrigated in one season It will remain to be seen if the right holder really can irrigate more than 169 acres with only 2 26 cfs

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Township 3 South, Range 4 East, Sections 1 & 2



1976 only open
application in
T3S R4E Sec
well in S 36
1977 was all filled

for Larry Essen

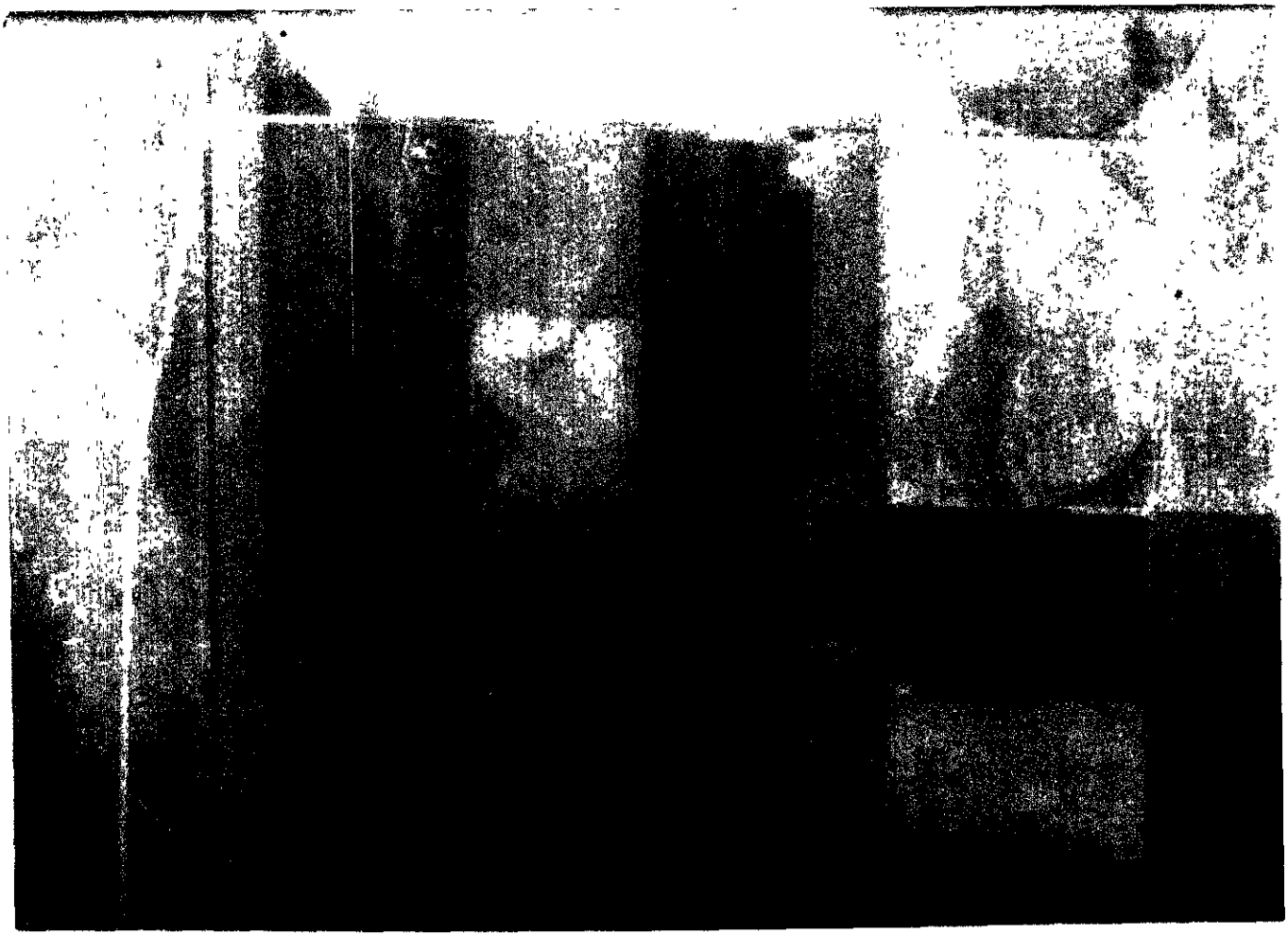
Townships
Sections
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Right POD

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N
W E
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Field Notes
by S. Keen 6/26/2001



#4-A

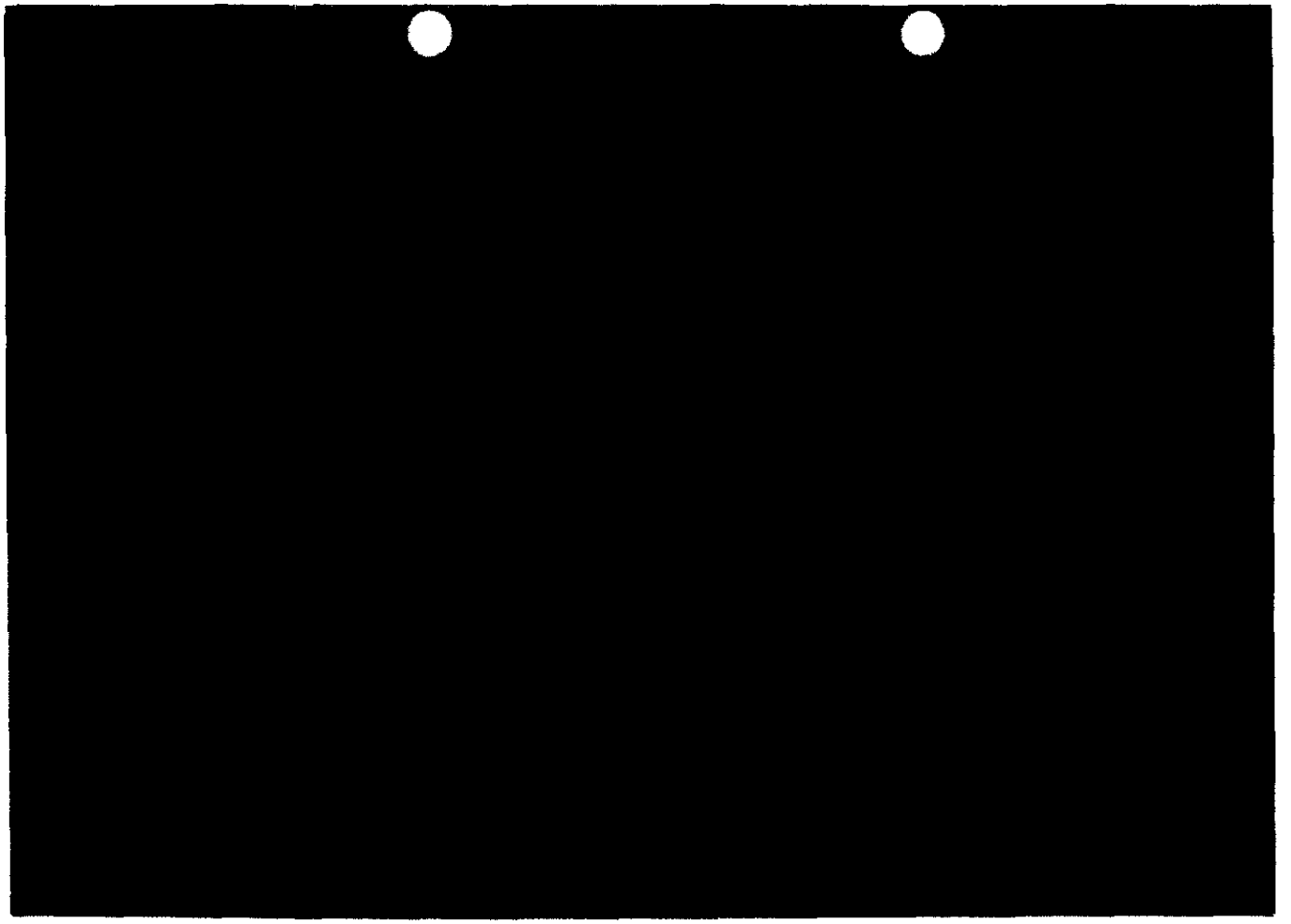
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NE ¼ Sect. 2

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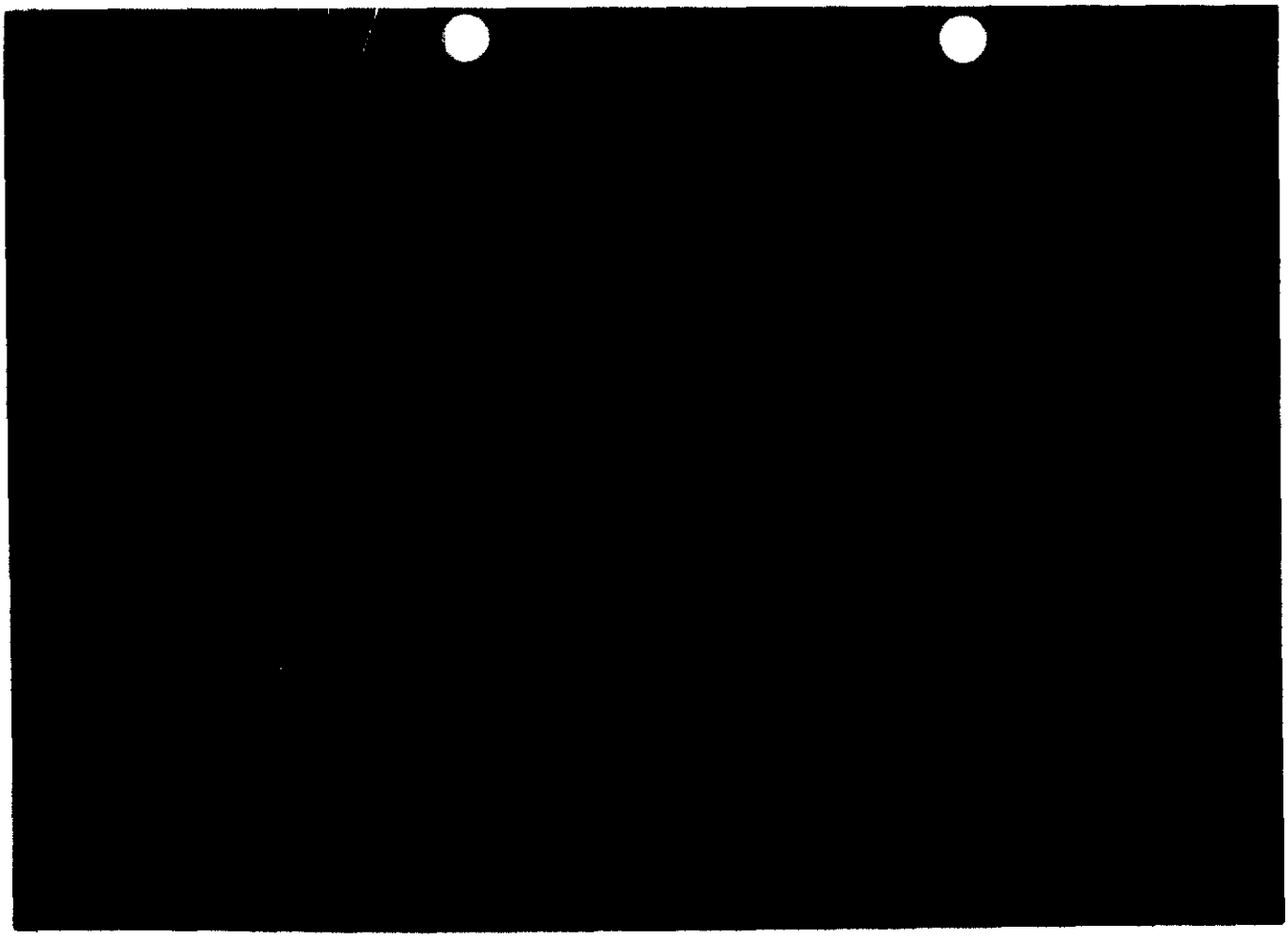
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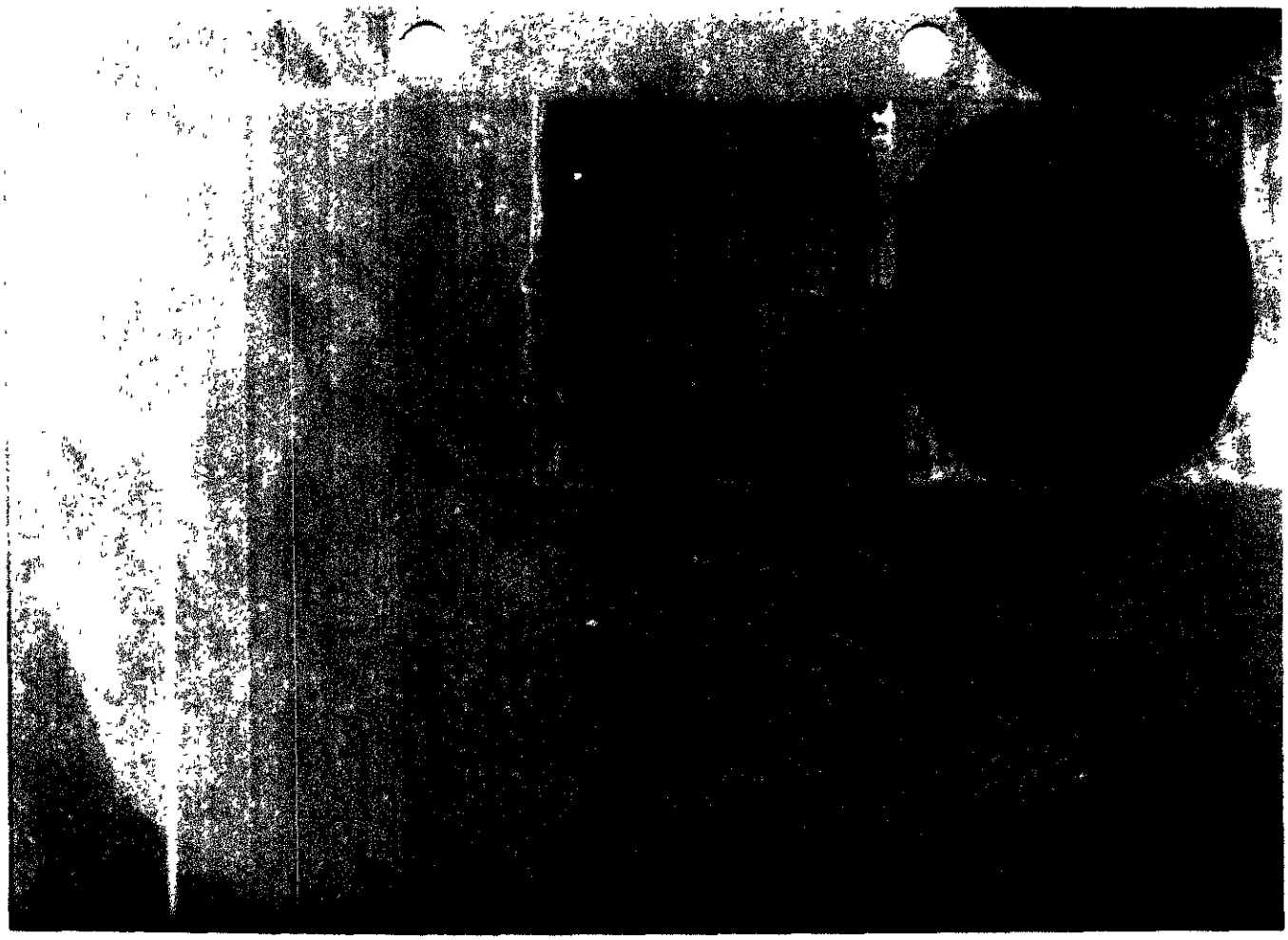
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NE 1/4 Sect. 2

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2-A

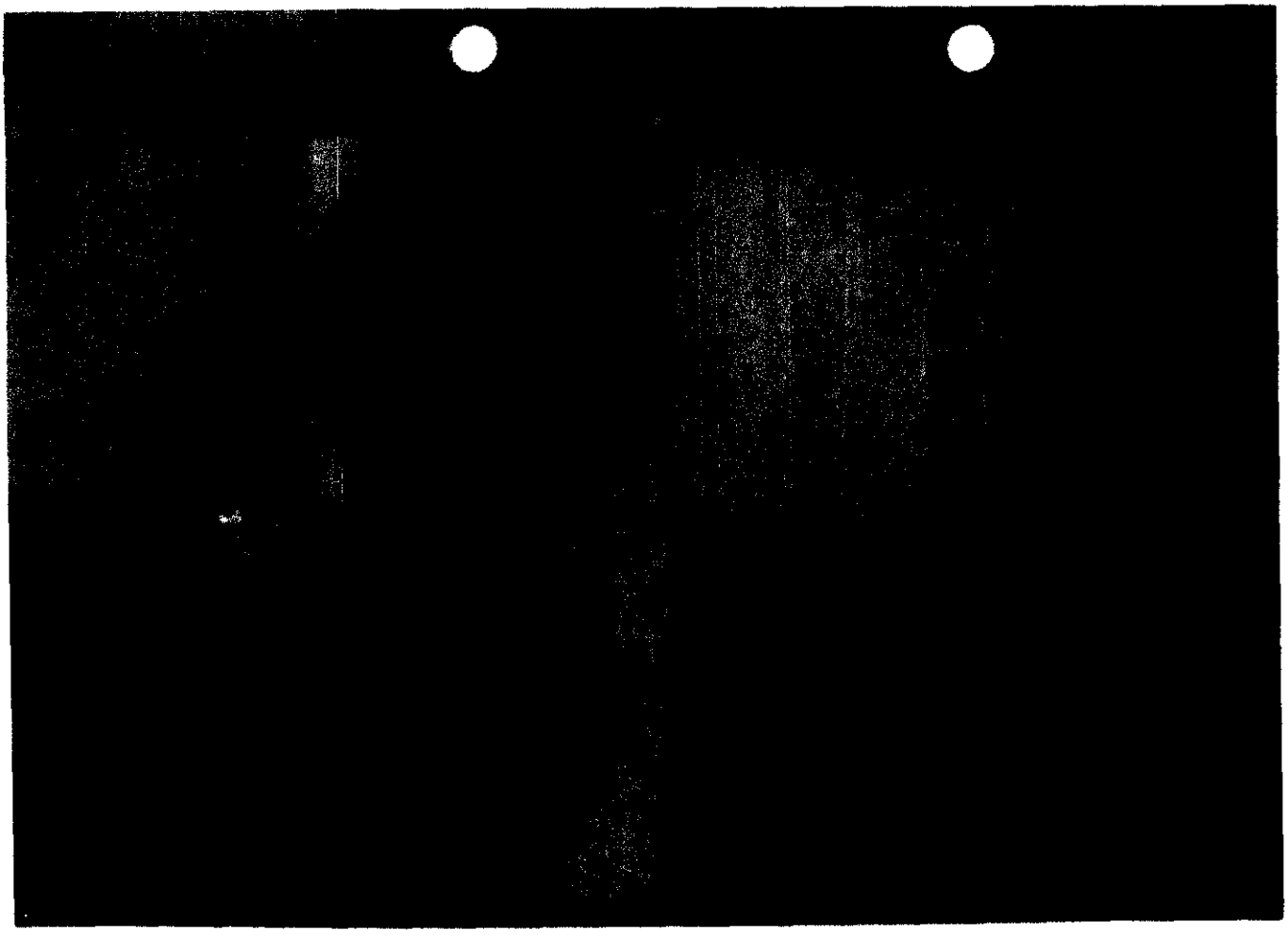
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NW $\frac{1}{4}$ Section 1

NE $\frac{1}{4}$ Section 2

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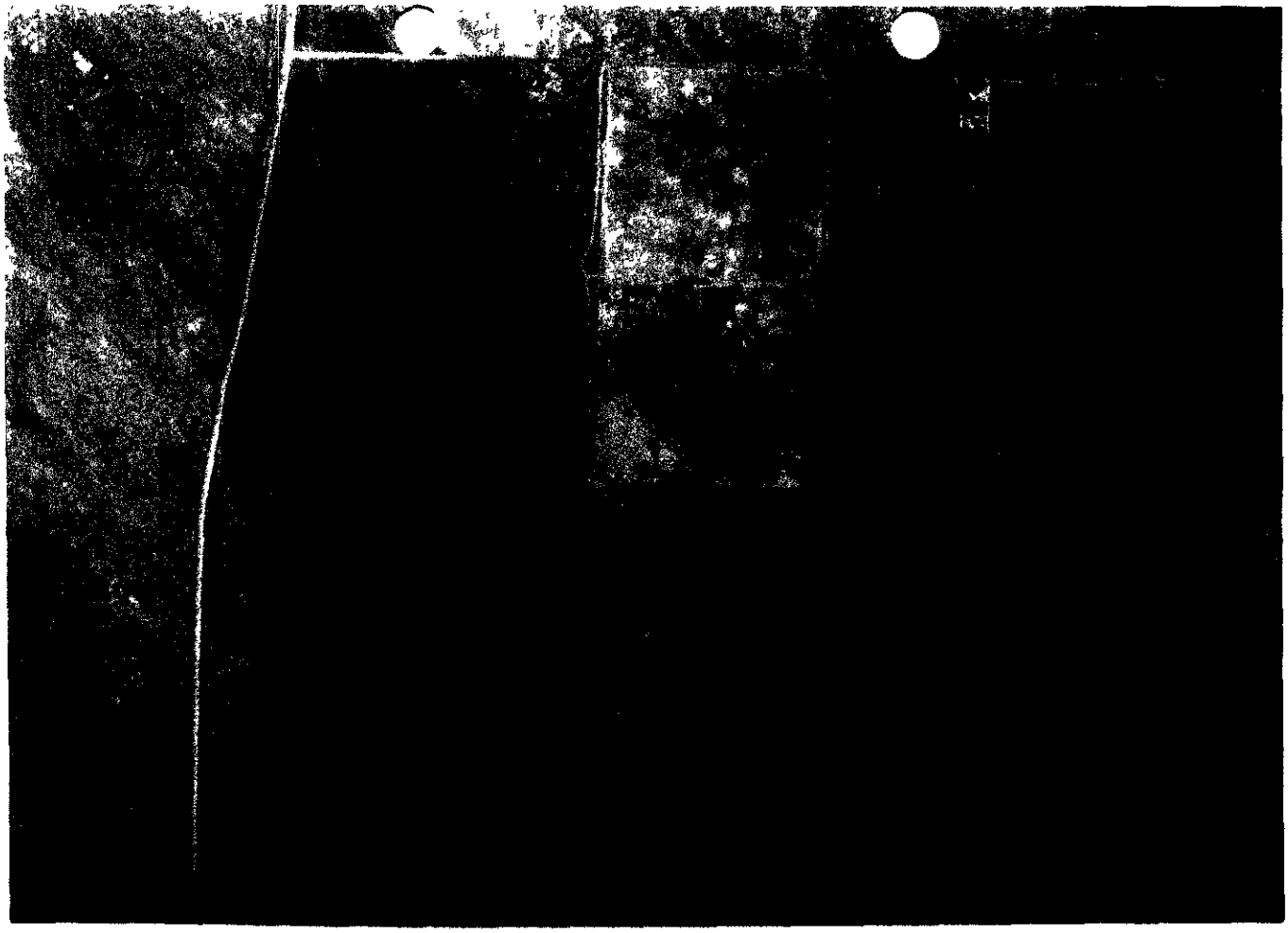
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NE $\frac{1}{2}$ Sect. 1

S $\frac{1}{2}$ Sect 36

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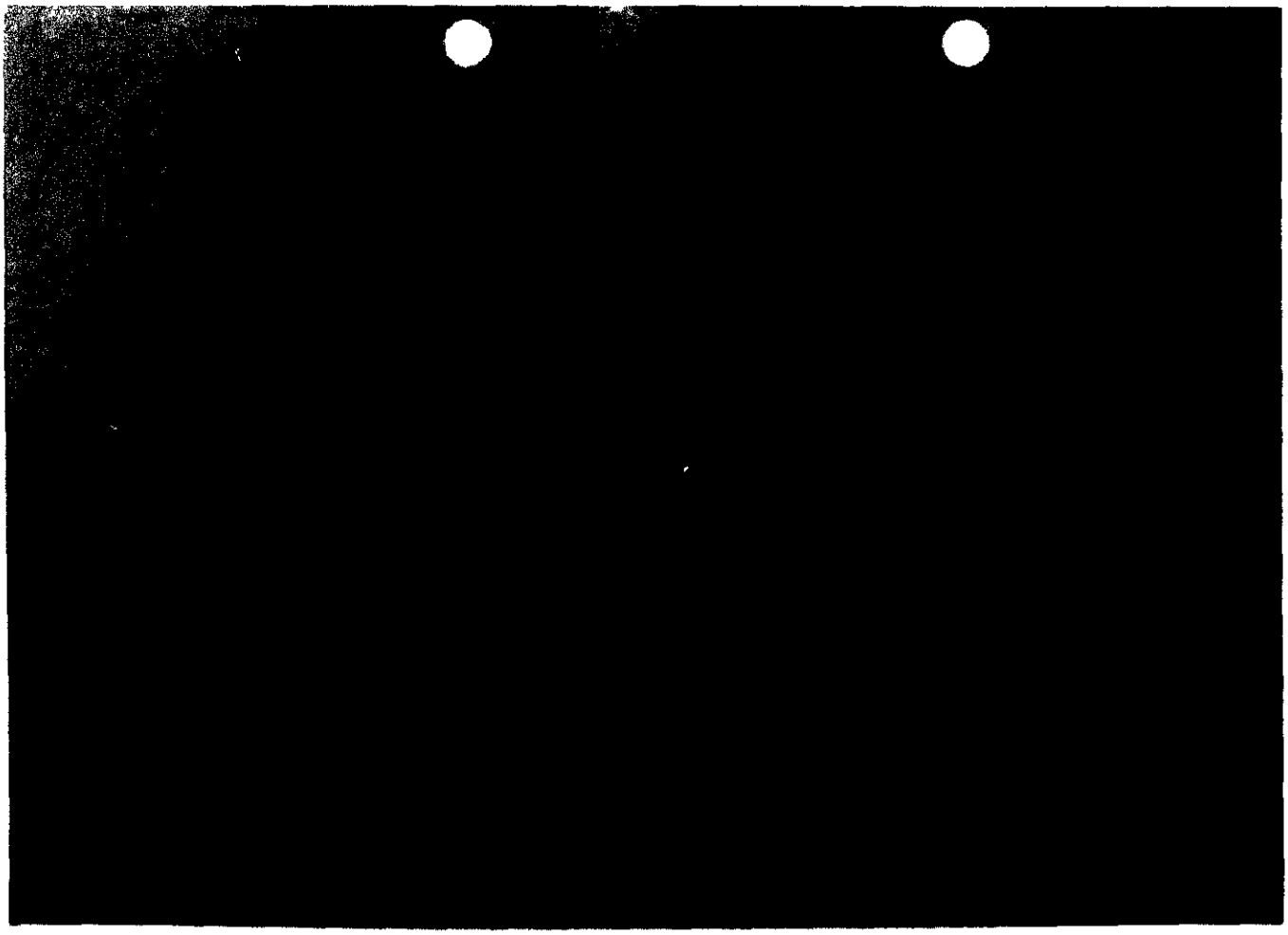
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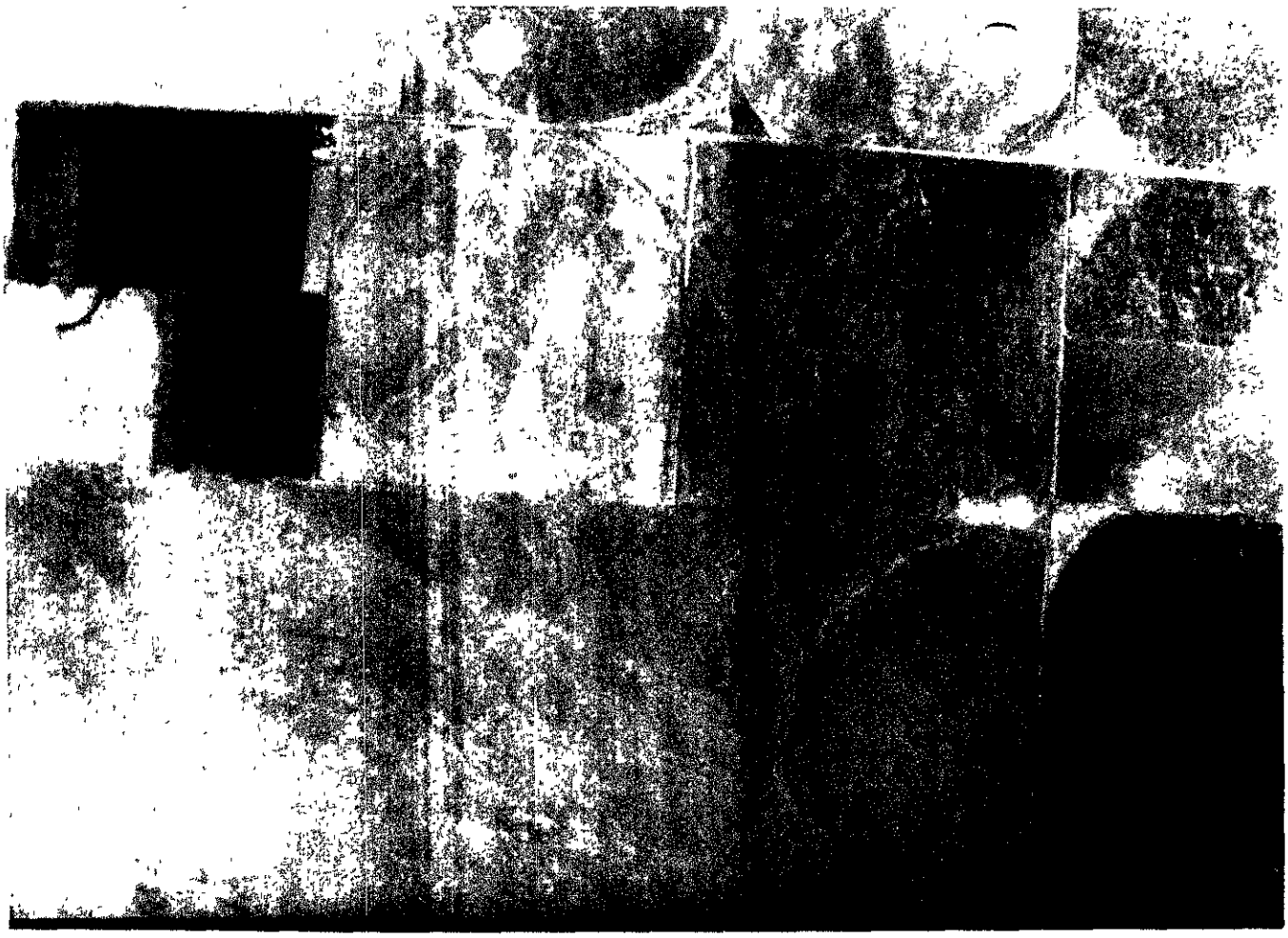
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NE $\frac{1}{2}$ Sect. 1

S $\frac{1}{2}$ Sect. 36

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SEP 1 9 2001



#4

1986

NE ½ Sect. 1

NE ¼ Sect. 2

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IDAHO DEPARTMENT OF WATER RESOURCES
Water Permit Report

WATER RIGHT NO 61-7399

Owner Type	Name and Address
Current Owner	CONNIE M HICKEY PO BOX 243 MOUNTAIN HOME, ID 83647

Priority Date 04/05/1980
Status Active

Source: GROUND WATER
Tributary to:

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
IRRIGATION	03/15	11/15	3 2 CFS		
STOCKWATER	01/01	12/31	0 05 CFS		
Total Diversion			3 25 CFS		

Location of Point(s) of Diversion

GROUND WATER NENE Lt 1 Sec 02 Township 03S Range 04E ELMORE County

STOCKWATER Use
Number of stock 160

Place(s) of use

Place of Use Legal Description IRRIGATION ELMORE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02S	04E	34		NESE	40		NWSE	40		SWSE	40		SESE	40

Place of Use Legal Description STOCKWATER ELMORE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
02S	04E	34		NESE			NWSE			SWSE			SESE	

Total Acres 160

Conditions of Approval

1 051 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.

Comments

Author	Date	Subject	Comment
skeen	7/2/2001	Reinstatement	Permit was relinquished in 1993 It was reinstated by preliminary order on June 29, 2001

Dates

Proof Due Date	11/01/1990
Proof Made Date	11/03/1990
Approved Date	05/07/1981

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Moratorium Expiration Date	
Enlargement Use Priority Date	
Enlargement Statute Priority Date	
Application Received Date	
Protest Deadline Date	
Number of Protests	0
Field Exam Date	7/31/1991
Date Sent to State Off	12/8/1992
Date Received at State Off	12/9/1992

Other Information

Receipt Number(s)	
State or Federal	
Owner Name Connector	
Water District Number	
Generic Max Rate per Acre	
Generic Max Volume per Acre	
Swan Falls Trust or Nontrust	T
Swan Falls Dismissed	
DLE Act Number	I19871
Cary Act Number	
Mitigation Plan	False

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SEP 19 2001

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor
KARL J DREHER
Director

July 2, 2001

JOHN ROSHOLT
BARKER, ROSHOLT & SIMPSON
PO BOX 1906
TWIN FALLS ID 83301-1906

RE Carl Hickey's Water Rights

Dear John

Thank you for arranging the opportunity to inspect Carl Hickey's farm last week As we discussed then, I have drafted a licensing amendment to change the point of diversion for Permit 61-7247D Please have Carl sign the amendment form and return it to me with the $50 00 filing fee

I have also enclosed copies of two preliminary orders One reinstates permit 61-7399, and the other rescinds Transfer 4328 These orders will become final unless they are contested in the manner described on the enclosed information sheet within fourteen days

As soon as I receive the licensing amendment for 61-7247D, I will prepare a license for it and one for 61-7399

Also, please note that 61-7247D has not been claimed in the SRBA In order to preserve the right, a claim should be filed as soon as the license is issued

If you have any questions, please contact me at 208-327-7946

Sincerely,

Shelley W. Keen

Shelley Walter Keen
Water Rights Supervisor

Enclosures

Cc Carl Hickey

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SEP 19 2001

S SKeen\Name\ltrs rosholt doc

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01 01303 (Rules of Procedure 302 and 303)

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FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows.

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) the petition for reconsideration is disposed of, or
> (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii The final agency action was taken,
iii. The party seeking review of the order resides, or
iv The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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DEC 10 2001

MEMORANDUM

DATE: June 29, 2001

TO: Water Right File 61-7399

FROM: Shelley W. Keen SWK

RE: Ownership of the Place of Use

MEMO NOTE

Today I spoke with Jennifer at the Elmore County Assessor's Office (208-587-2126). She verified for me that the owner of the SW¼, S1, T3S, R4E, B M , is Carl D. Hickey.

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S \SKeen\Wrmemos\Memo doc

BARKER, ROSHOLT & SIMPSON
ATTORNEYS AT LAW

JOHN A ROSHOLT
ALBERT P BARKER
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Twin Falls Office
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P O BOX 1906
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FAX (208) 736-0041

June 11, 2001

RECEIVED
JUN 12 2001
Department of Water Resources

Norm Young
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706-2237

Re Carl Hickey's Water Rights

Dear Norm.

We received your surprising letter of April 27, 2001, on the above subject

After discussions with Mr Hickey, he suggests that he irrigated the NE¼ of Section 2 and the SW¼ of Section 1 during the early 1980's with water represented by permits 61-07203 and 61-7399 The water was not used on the CRP ground as shown on the attached map when it was in CRP.

As to your conclusion that any irrigation by Mr. Hickey pursuant to 61-7247D or his predecessor on the NE¼ of Section 1 must now be made under 61-7247C and 61-7202 now operated by people named Van Grouws, and any diversion by Mr Hickey would have to come from Van Grouws entitlement, is interesting. In the 1970's and 1980's, both Mr. Hickey and Mr Osborn say that they irrigated from a separate well, the point of diversion of which is in the SE¼NE¼ of Section 1 and that 100 acres in the NE¼ of Section 1 was irrigated with that water. (It is now 160 acres since Mr Hickey acquired Lot #1 (NE¼NE¼), of Section 1 of Township 3 South, Range 4 East, Boise Meridian). They contend this is a separate well. The driller's report appears to have the well properly located (see 61-7263 attached). We have looked up Water Right 61-7263, which has a well in Section 6 to the east, but the Water Right Report has the right acres in the right lots, albeit in Section 6. We think the report and the permit could be a mile off. All but the SW¼ NE¼ (BLM) is now being irrigated in the NE¼ of Section 1 from that well

As to the NE¼ of Section 1, the problem started when Mr Sabin told the SRBA examiner that the Hickey land in the NE¼ of Section 1 had been abandoned ground when it was not We also think a field trip can clear this issue up

We again emphasize that the relinquishment issue was a misunderstanding Nobody signs away a water right unless they are under duress or confused We agree we can also deal with the stacking/unstacking issue when the other issues are resolved.

Regards,

John A. Rosholt

JOHN A. ROSHOLT

NORMAN M SEMANKO
Attorneys for Carl Hickey

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SEP 19 2001

JAR/jl
cc Carl Hickey
'jl\jar\letters\young1

E TYPEWRITER OR BALL POINT PEN

State of Idaho
Department of Water Resources

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

WELL OWNER

Name ROBERT OSBORN

Address MT HOME

Owner's Permit No. 61-7263

NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement

☐ Abandoned (describe method of abandoning)

PROPOSED USE

Domestic ☒ Irrigation ☐ Test ☐ Other (specify type)

Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection

METHOD DRILLED

☒ Cable ☐ Rotary ☐ Dug ☐ Other

WELL CONSTRUCTION

Diameter of hole 20" inches Total depth 409 feet

Casing schedule: ☐ Steel ☐ Concrete

Thickness	Diameter	From	To
4" inches	20" inches	1.5 feet	268 feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet

Was casing drive shoe used? ☐ Yes ☒ No

Was a packer or seal used? ☐ Yes ☒ No

Perforated? ☐ Yes ☒ No

How perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation inches by inches

Number		From	To
perforations		feet	feet
perforations		feet	feet
perforations		feet	feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name

Type Model No.

Diameter Slot size Set from feet to feet

Diameter Slot size Set from feet to feet

Gravel packed? ☐ Yes ☐ No Size of gravel

Placed from feet to feet

Surface seal depth 268' Material used in seal ☐ Cement grout ☒ Puddling clay ☐ Well cuttings

Drilling procedure used ☐ Slurry pit ☐ Temporary surface casing ☒ Overbore to seal depth

LOCATION OF WELL

Attach map location must agree with written location.

N

W E

S

Subdivision Name

Lot No. Block No.

County ELMORE

NE ¼ SE ¼ Sec. 1 T. 3 ☐N/S, R. 4 ☐E/W

7. WATER LEVEL

Static water level 242 feet below land surface

Flowing? ☐ Yes ☒ No G.P.M. flow

Temperature ° F. Quality

Artesian closed-in pressure p.s.i.

Controlled by ☐ Valve ☐ Cap ☐ Plug

8. WELL TEST DATA

☒ Pump ☐ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped
2900	6.5 INCHES	2 HRS.

9. LITHOLOGIC LOG

Hole Diam.	Depth From	Depth To	Material	Water Yes	Water No
20"	0	267	CLAY + SAND		X
	267	278	GRAY LAVA	X	
	278	280	BLACK CINDERS	X	
	280	294	BLACK LAVA	X	
	294	298	RED CLAY		X
	298	385	BLACK LAVA	X	
	385	409	DK BROWN LAVA	X	
10"	392	409			

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10.

Work started 16 Dec 76 finished 22 Jan 77

11. DRILLERS CERTIFICATION

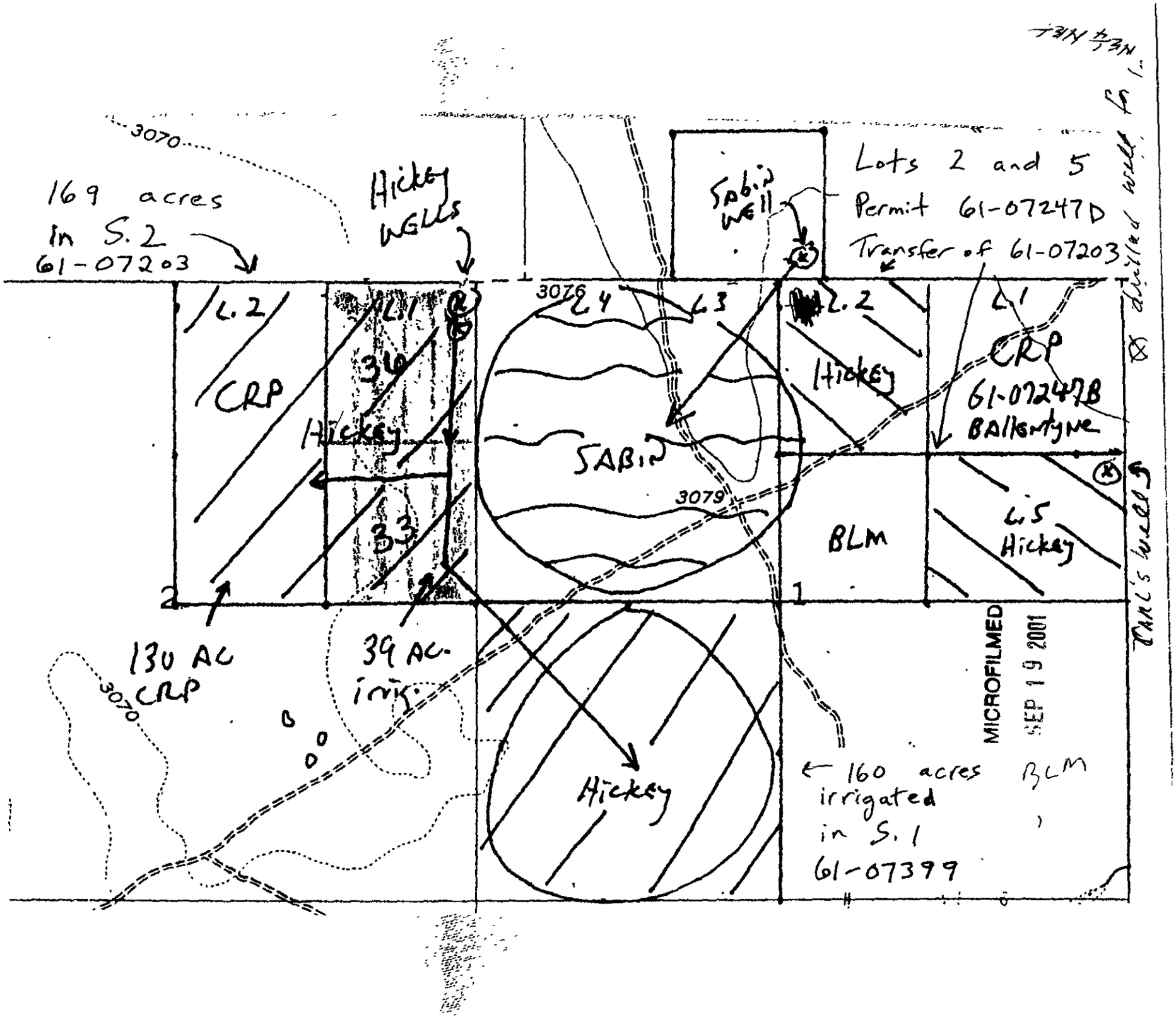
Firm Name HIDDLESTON DRILLING Firm No. 35

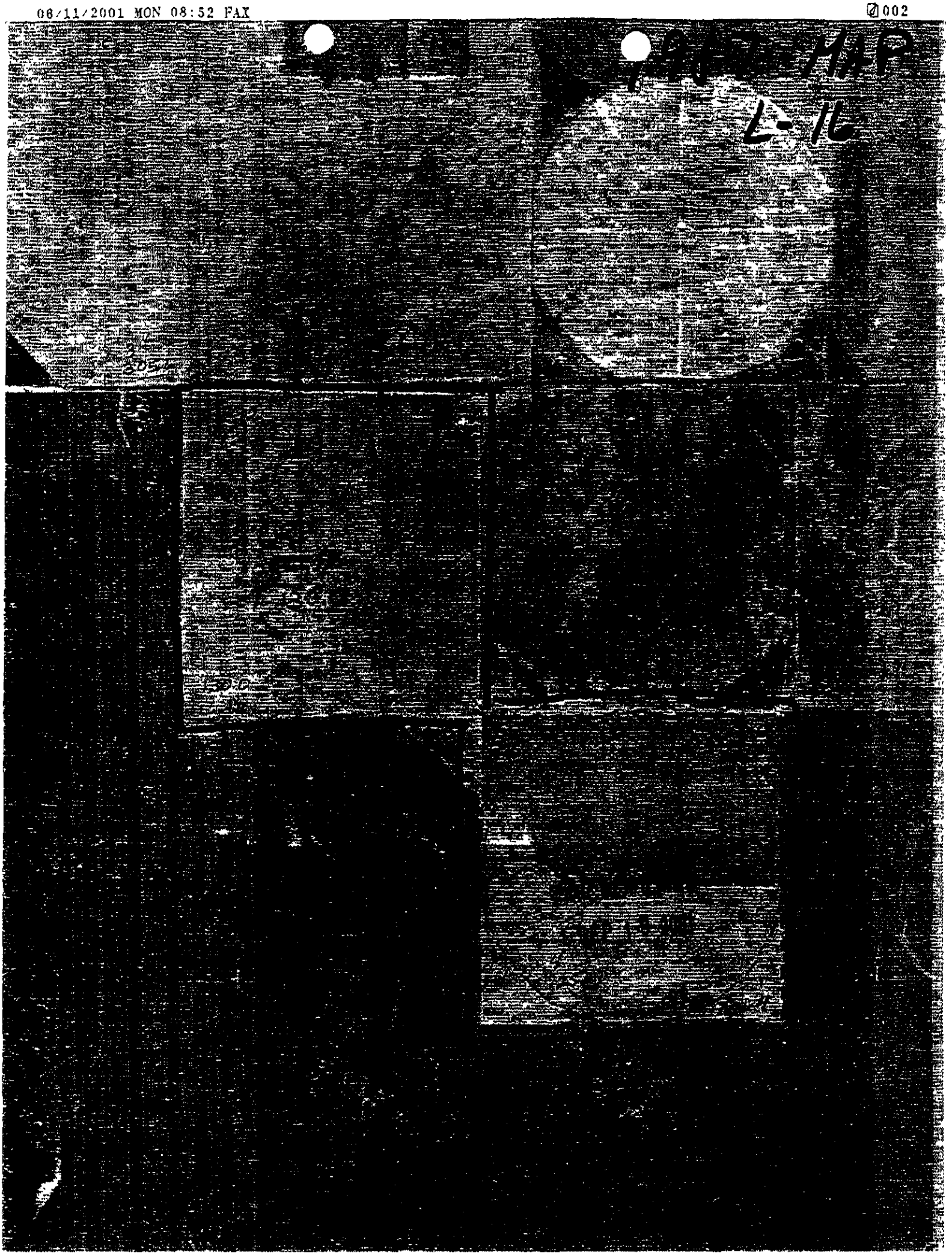
Address MT HOME IDAHO Date 25 JAN 77

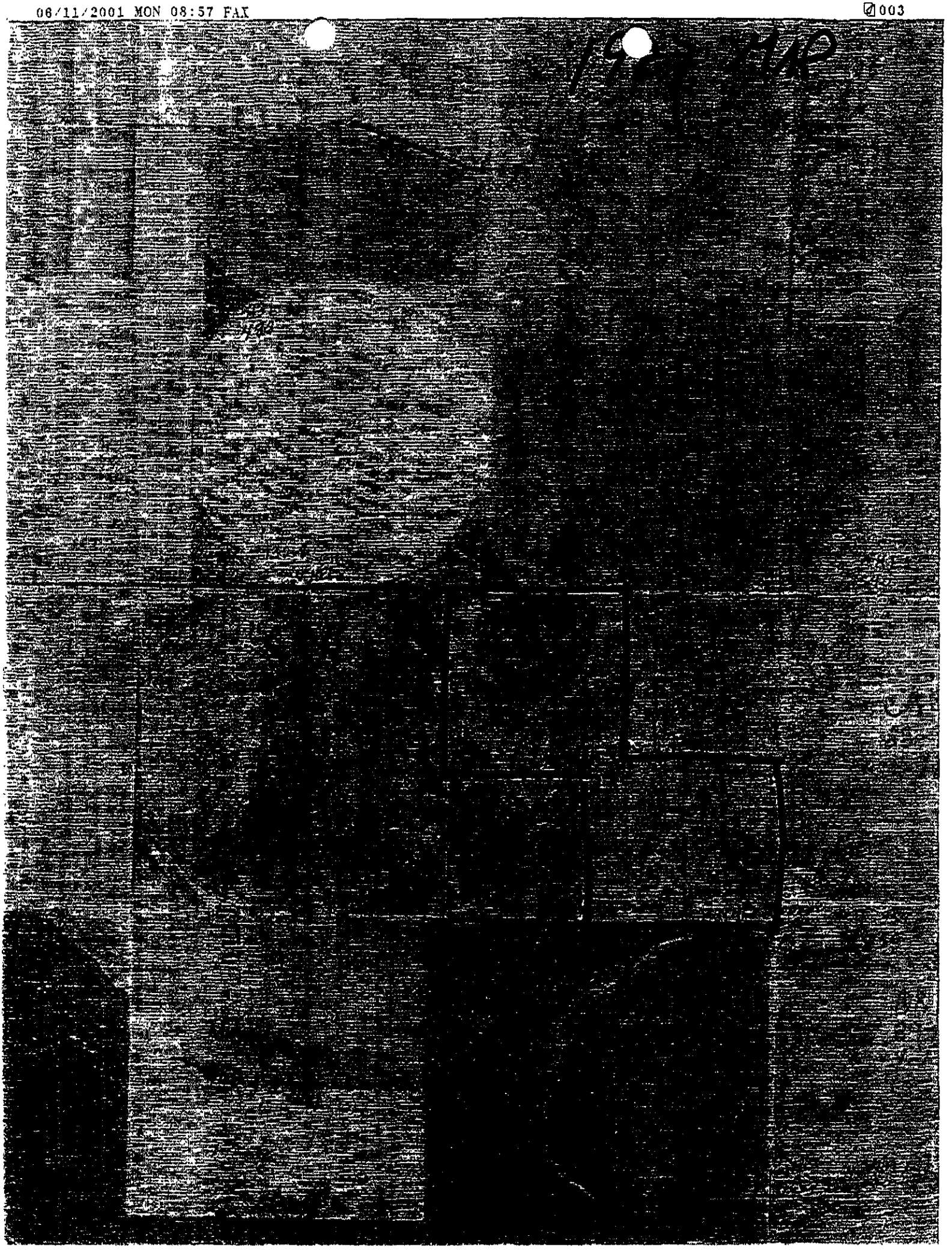
Signed by (Firm Official) Kent W. Hiddleston

and

(Operator) Richard O. Hiddleston


T34N R73W
3070
169 acres
in S. 2
61-07203
Hickey wells
Sabin well
Lots 2 and 5
Permit 61-07247D
Transfer of 61-07203
3076
L.2
L.1
L.4
L.3
L.2
L.1
CRP
30
Hickey
Hickey
CRP
61-07247B
Ballentyne
SABIN
3079
33
BLM
L.5
Hickey
2
1
130 AC
CRP
39 AC.
irrig.
3070
Hickey
← 160 acres
irrigated
in S. 1
61-07399
BLM
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Trail's head


L-16



State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 27, 2001

JOHN A ROSHOLT
ROSHOLT, ROBERTSON, & TUCKER, CHTD
PO BOX 1906
TWIN FALLS ID 83303-1906

RE Carl Hickey's Water Rights

Dear John

It has been several months since you submitted information in connection with Carl Hickey's water right filings in the Cinder Cone Butte Critical Groundwater Area I've finally had an opportunity to review the situation and reach the conclusions summarized below. I apologize for the delay in responding

Amendment of License No 61-7203 and Reinstatement of Permit No. 61-7399

Water Right License 61-7203 authorizes the irrigation of 169 acres within the NE¼ of Sec 2, T3S, R4E, and the SW¼ of Sec 1, T3S, R4E, in a single irrigation season Amending License 61-7203 or reinstating Permit 61-7399 would authorize the irrigation of both quarter-sections simultaneously We considered your request that License 61-7203 be amended to authorize 329 acres of irrigation in a single irrigation season, but under the Order of Reinstatement dated October 14, 1976, the permit authorized the irrigation of only 172 acres The right cannot be amended to authorize the irrigation of 329 acres in one season because doing so would expand the water right beyond the amount authorized by the permit

We also considered your request that we void the relinquishment of Permit 61-7399. In 1993 IDWR recommended relinquishment or voiding of Permit 61-7399 because it appeared that no beneficial use had been developed in addition to what was to be recognized on Water Right License 61-7203 The permit holders relinquished the permit rather than offering evidence demonstrating that beneficial use had been developed in accordance with the permit Notes from our October 13, 1999, meeting indicate that you would obtain aerial photography or other documentation demonstrating that beneficial use of water did occur under Permit 61-7399 during the authorized development period, 1981 to 1990, and that the permit holders did not intend to relinquish the permit According to your letter, aerial photography for that period is not available, so you supplied an affidavit from Mr Robert E Osborn, who states that he irrigated the entire

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place of use authorized under Permits 61-7203 and 61-7399 "during the same season prior to 1980" Because Mr Osborn does not affirm the water use in question during the authorized development period for the permit (Permit 61-7399 was not issued until May of 1981), his statement does not supply the required evidence of water use in accordance with the permit Without information about the water use during the authorized development period, we are unable to reinstate the permit

Licensing of Permit No 61-7247D

When the field inspection was done in 1991, IDWR was unable to confirm that beneficial use of water had been developed in accordance with Permit 61-7247D The permitted place of use had not been irrigated for several years, if ever, and IDWR could not locate any aerial photography depicting irrigation. According to notes in the file, in October of 1999 you indicated you would submit documentation of the irrigated place of use and the irrigation system capacity For documentation of the irrigated place of use, aerial photography from the authorized development period for the permit, 1976 to 1981, would have been ideal According to your letter, aerial photography for that period is not available, so you supplied an affidavit from Mr Robert E Osborn, who states that he irrigated the proposed place of use prior to 1980. Mr Osborn also states that he irrigated from the well "believed to be located in the SE SW, Sec 36, T02S, R04E or from another well in the vicinity " It isn't clear what "another well in the vicinity" means, but the well in the SE SW, Sec 36, T02S, R04E, is the one serving as the point of diversion for water rights 61-7247C and 61-7202, both of which are claimed in the SRBA by Edward and Jeanette Van Grouw Rights 61-7247C and 61-7202 are limited to a total combined diversion rate of 4 64 cfs, which is the diversion capacity from that well.

If we were to license 61-7247D on the basis of Mr. Osborn's affidavit, the right would share a point of diversion with 61-7247C and 61-7202, and it would have to be included in the combined diversion rate limit Even if he were to transfer right 61-7247D to a different point of diversion, Mr Hickey would still have to cooperate with the Van Grouws to ensure that the 4 64 cfs diversion rate limit is not exceeded from the two wells. Experience tells me that coordinating ground water diversions between owners of separate wells, even if it were practical from a farming standpoint, is a difficult activity to monitor and regulate, and the Van Grouws are likely to view this as reducing the water diversions allowed under their established rights Before issuing the license, I would like to see a written protocol describing how Mr Hickey and the Van Grouws will cooperate to see that the combined diversion limit is not exceeded. My thinking on this matter is influenced by the fact that the well is in the Cinder Cone Butte Critical Groundwater Area If I do not hear from you on this matter by June 30, 2001, I will assume that cooperation protocol cannot be established, and I will issue an order voiding the permit Meanwhile, Mr Hickey may continue to irrigate the 100 acres in question under the provisions of Transfer No 4328

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Cancellation of Transfer No 4328

If a water right is issued for 61-7247D, I am not inclined to view the retraction of Transfer No. 4328 as an unstacking of water rights However, the disposition of Transfer No 4328 can be addressed once the disposition of 61-07247D is finalized

Once again, I apologize for not responding sooner I am hopeful that we can now move quickly to bring these items to a conclusion If you have any questions, please contact me or call Shelley Keen at 208-327-7946

Sincerely,

Norman C. Young, Administrator
Water Management Division

Enclosure

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SEP 19 2001

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 61-7203 IN THE NAME OF CLARENCE ROBERT MONTIERTH

ORDER OF REINSTATEMENT

WHEREAS, on November 1, 1974, Clarence Robert Montierth filed application for Permit No. 61-7203 to appropriate 6.96 cubic feet per second of water from a groundwater source, 2 points in Lot 1 (NE¼NE¼), Sec. 2; and 2 points in the NW¼NW¼, Sec. 1; All in Twp. 3S, Rge. 4E, B.M., Elmore County, to be used for domestic purposes and the irrigation of 344 acres within the NW¼, Sec. 1, and the NE¼, Sec. 2, Twn. 3S, Rge. 4E, B.M., Elmore County; and,

WHEREAS, the applicant claimed ownership of the land at the point of diversion and the place of use; and,

WHEREAS, on March 17, 1975, Water Right Permit No. 61-7203 was issued to the applicant: and,

WHEREAS, Permit No. 61-7203 was cancelled on May 18, 1976, as being filed for purposes of speculation; and,

WHEREAS, the permit holder has now supplied additional information that shows that he had an interest in the NE¼, Sec. 2, Twn. 3S, Rge. 4E, B.M., through a working partnership with his father, Herbert R. Montierth, the purchaser of that property; and,

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 61-7203 be REINSTATED for 172 acres of land to be irrigated using 3.44 cubic feet per second of groundwater in the NE¼, Sec. 2, Twn. 3S, Rge. 4E, and 0.04 cubic feet per second of water for domestic purposes from 2 points of diversion located in Lot 1, Sec. 2, Twn. 3S, Rge. 4E.

Dated this 14 day of October, 1976.

A. KENNETH DUNN
Administrator, Operations Division

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SEP 19 2001

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A ROSHOLT
EVAN ROBERTSON
AMES C TUCKER
GARY D SLETTE
JOHN K SIMPSON
TIMOTHY J STOVER
JERRY V JENSEN
AMY D CHESTNUT

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BOISE IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

RECEIVED
OCT 3 - 2000
Department of Water Resources

October 2, 2000

Norman C. Young
Idaho Department of Water Resources
1301 N. Orchard
Boise, ID 83706-2237

Re: Carl Hickey
- License No. 61-07203
- Permit No. 61-07399
- Permit No. 61-07247D
- Transfer No. 4328 (61-07203B)

Dear Norm:

It has been several months since we last met to discuss Carl Hickey's situation. At that meeting, you indicated that you needed two things to help resolve the situation: (1) proof that Carl Hickey's water rights were used to the extent he claims, specifically for the period prior to 1980; and (2) proof that Carl and his ex-wife did not intend to relinquish one of the permits.

As suggested by you and Shelley Keehn, we have attempted to locate aerial photos of Carl's property for the 1976-1981 period. While no aerial photos could be located, we were able to track down the original owner, Robert Osborn, and secure an affidavit from him. Mr Osborn owned and irrigated the property prior to 1980. This affidavit verifies the extent of the actual beneficial use of 61-07203 and 61-07399 prior to the deadline for beneficial use. It also establishes the actual use of 61-07247D. In addition, we have secured affidavits from Carl's ex-wife, Connie McNitt, as well as Carl himself, to demonstrate that there was no intent to cancel Permit No. 61-07399 These affidavits are enclosed.

Based upon these affidavits, as well as the letter provided to you on October 12, 1999, the discussion materials provided at our October 13, 1999 meeting, and the other information in the Department's files, we request the following:

1. Amendment of License No 61-07203 to include all 329 acres described in the affidavits, rather than the 169 acres that are currently licensed, and to increase the diversion volume to 1102 7 AFA, as the capacity was determined during the field exam;

2. Reinstatement of Permit No. 61-07399, to be used in conjunction with License No. 61-07203, with the same combined place of use, diversion rate and diversion volume limits.

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3 Licensing of Permit No. 61-07247D in the amount of 2 cfs on 100 acres, as verified in the enclosed affidavits; and

4 Cancellation of Transfer No. 4328 (61-07203B), which was only intended to be temporary, upon the requested licensing of 61-07247D, to avoid inadvertent "stacking" of the water rights.

Each of these items was previously requested in our letter of October 12 and discussed at the October 13 meeting last year. Given that we have now provided the additional information that you requested, we ask that our request be granted at this time.

If you have any questions about this matter, please do not hesitate to contact me. Carl is anxious to resolve this matter as soon as possible.

Respectfully submitted,

John A. Rosholt

JOHN A. ROSHOLT

Enclosures

(jll/jar/hickey/young letter)

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SEP 19 2001

John A Rosholt
Rosholt, Robertson & Tucker
P O. Box 1906
Twin Falls, ID 83303
Telephone: (208) 734-0700
Facsimile: (208) 736-0041

Attorneys for Carl D. Hickey

BEFORE THE

IDAHO DEPARTMENT OF WATER RESOURCES

In The Matter of Request to Amend License No. 61-07203, to Reinstate Permit No. 61-07399, to Grant a License for Permit No. 61-07247D, and to Cancel Transfer No. 4328 (61-07203B)	License No. 61-07203 Permit No. 61-07399 Permit No. 61-07247D Transfer No. 4328 (61-07203B) AFFIDAVIT OF ROBERT E. OSBORN

STATE OF IDAHO)
) ss.
County of Canyon)

ROBERT E. OSBORN, being first duly sworn, deposes and says:

1. I reside in Nampa, Idaho.

2 As the original owner, I have been familiar with and have personal knowledge of the existence and use of water right nos. 61-07203, 61-07399 and 61-07247D.

3. I owned and irrigated lands now owned by Carl D. Hickey, located in Sections 1 and 2, T03S, R04E, B M., Elmore County, Idaho, as further depicted on the attached map, using the water rights described in paragraph 2 above, including the period prior to 1980.

4 The lands irrigated include 329 acres in Sections 1 (SW 1/4) and 2 (NE 1/4), further identified by green cross-hatching on the attached map, and an additional 100 acres in Section 1 (NW NE (Lot 2) and SE NE (Lot 5), further identified by [illegible] hatching on the

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SEP 19 2001

attached map I irrigated all of these acres prior to 1980.

5 The 329 acres depicted by green cross-hatching on the attached map were all irrigated during the same irrigation season prior to 1980, using water right nos 61-07203 and 61-07399, from a well located in the NE NE, Sec 2, one of those labeled as the "Hickey Wells" on the attached map. The other well was used for a house and lawn.

6 The 100 acres depicted by blue cross-hatching on the attached map were all irrigated during the same irrigation season prior to 1980, using what is now identified as water right no 61-07247D, from a well believed to be located in the SE SW, Sec. 36, T02S, R04E, and labeled as the "Sabin Well" on the attached map, or from another well in the vicinity. The 100 acres were part of a larger parcel that was irrigated under water right no. 61-07247, before that water right was split.

7 I never intended to abandon or forfeit any of the water rights used on the property now owned by Carl D. Hickey, as further indicated on the attached map.

Further your affiant sayeth not.

DATED this 27 day of September, 2000.

Robert E Osborn
ROBERT E. OSBORN

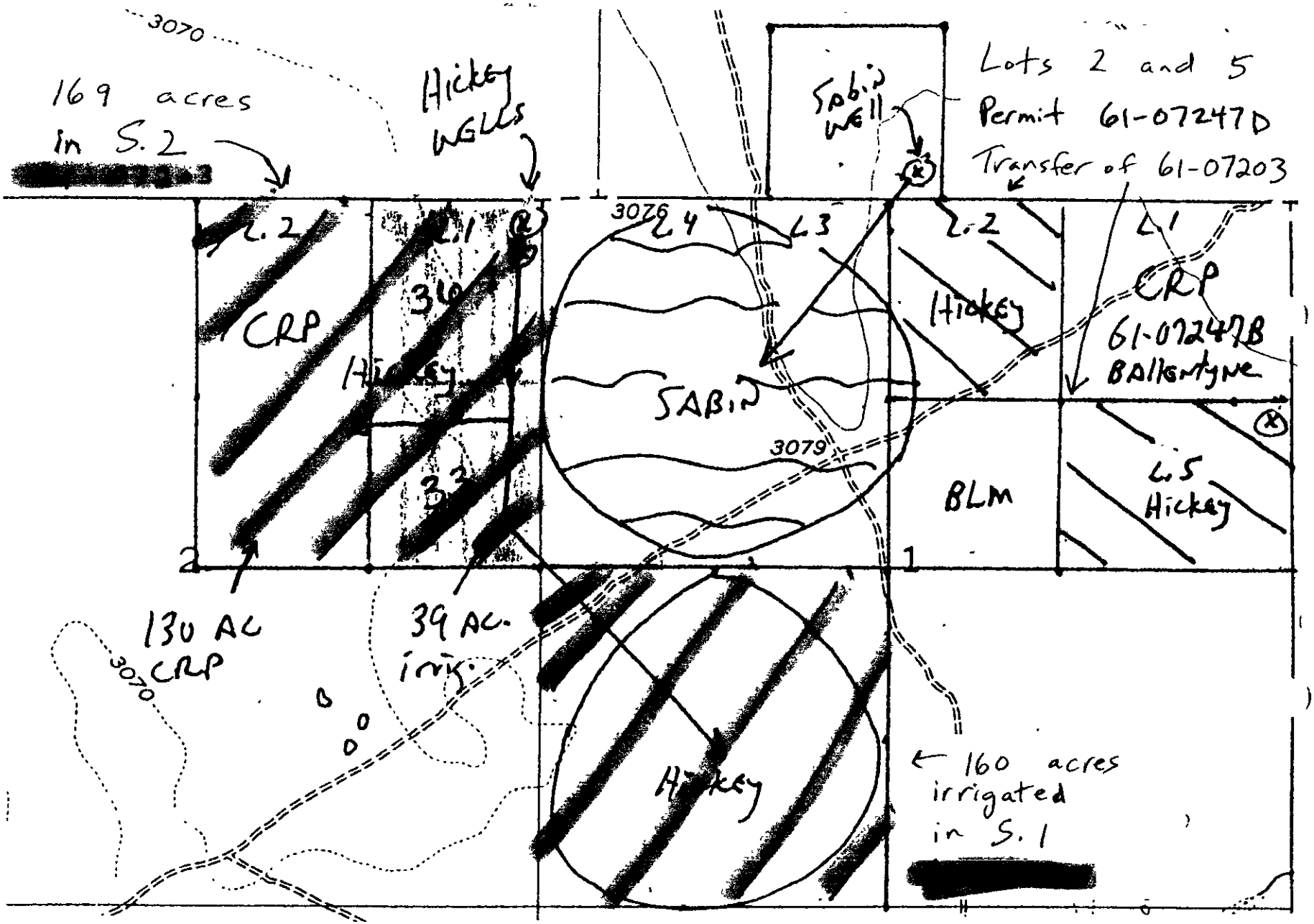
SUBSCRIBED AND SWORN to before me this 28 day of September 2000.

STATE OF IDAHO

Carol Shaw
NOTARY PUBLIC FOR IDAHO
Residing at Nampa
My commission expires 8-21-04

('jll/jar/hickey/osborn afd)

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SEP 19 2001

RECEIVED SEP 2 1 2000

John A. Rosholt
Rosholt, Robertson & Tucker
P.O. Box 1906
Twin Falls, ID 83303
Telephone (208) 734-0700
Facsimile. (208) 736-0041

Attorneys for Carl D Hickey

BEFORE THE

IDAHO DEPARTMENT OF WATER RESOURCES

In The Matter of Request to Amend License No. 61-07203, to Reinstate Permit No. 61-07399, to Grant a License for Permit No. 61-07247D, and to Cancel Transfer No 4328 (61-07203B)	License No 61-07203 Permit No. 61-07399 Permit No. 61-07247D Transfer No. 4328 (61-07203B) AFFIDAVIT OF CONNIE M. MCNITT

STATE OF IDAHO)
) ss.
County of Ada)

CONNIE M. MCNITT, being first duly sworn, deposes and says:

1 I reside in Boise, Idaho.

2 I was previously married to Carl D. Hickey and went by the name Connie M. Hickey After our divorce, I went by the name Connie M. McNitt and, sometimes, Connie M. McNitt Hickey.

3 I was previously an owner, along with Carl D. Hickey, of Permit Nos. 61-07203 and 61-07399.

4. Carl Hickey and I received a letter from the Idaho Department of Water Resources in late May or early June, 1993, instructing us that we had fifteen (15) days to sign and return an "Application for Amendment" of Permit No. 61-07023 or our permit would be

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canceled The letter also instructed us to file a "Relinquishment of Permit" form for Permit No. 61-07399 I was fearful that failure to sign and return these two forms would result in the loss of our water rights. As a result, I signed the relinquishment form on July 6, 1993, as did Carl Carl signed the amendment form and both were given to the Department

5. When I signed the "Relinquishment of Permit" form, I did not in any way intend to abandon or cancel any of the water rights used on our property. I thought the forms were required to avoid losing our water rights.

Further your affiant sayeth not.

DATED this 20th day of September, 2000.

SEE ATTACHED NOTE

CONNIE M. MCNITT

SUBSCRIBED AND SWORN to before me this 20th day of September, 2000.

JOANNE HOOPER
NOTARY PUBLIC
STATE OF IDAHO

NOTARY PUBLIC FOR IDAHO
Residing at Boise, Id
My commission expires 12-19-03

(Jll/jar/hickey/mcnitt afd)

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SEP 19 2001

John A Rosholt
Rosholt, Robertson & Tucker
P.O Box 1906
Twin Falls, ID 83303
Telephone: (208) 734-0700
Facsimile. (208) 736-0041

Attorneys for Carl D. Hickey

BEFORE THE

IDAHO DEPARTMENT OF WATER RESOURCES

In The Matter of Request to Amend License No. 61-07203, to Reinstate Permit No. 61-07399, to Grant a License for Permit No. 61-07247D, and to Cancel Transfer No. 4328 (61-07203B)	)	License No. 61-07203 Permit No. 61-07399 Permit No. 61-07247D Transfer No. 4328 (61-07203B) AFFIDAVIT OF CARL D HICKEY

STATE OF IDAHO)
) ss.
County of Elmore)

CARL D. HICKEY, being first duly sworn, deposes and says:

1 I reside in Elmore County, Idaho

2. I am the current owner of Water Right Nos. 61-07203 (A and B), 61-07399, and 061-07247D.

3 I have personal knowledge regarding the use of the water rights described in paragraph no 2 above on the lands further depicted on the attached map.

4 At all times since acquiring the property, I have used all of the available water rights to irrigate the lands identified on the attached map.

5. At no time have I intended to forfeit or abandon any portion of the water rights used on the lands identified on the attached map.

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SEP 19 2001

6. I was previously married to Connie M. McNitt.

7. Connie McNitt and I received a letter from the Idaho Department of Water Resources in late May or early June, 1993, instructing us that we had fifteen (15) days to sign and return an "Application for Amendment" of Permit No. 61-07023 or our permit would be canceled. The letter also instructed us to file a "Relinquishment of Permit" form for Permit No. 61-07399. I was fearful that failure to sign and return these two forms would result in the loss of our water rights. As a result, I signed the relinquishment form on July 6, 1993, as did Connie. I signed the amendment form and both were given to the Department.

8. When I signed the "Relinquishment of Permit" form, I did not in any way intend to abandon or cancel any of the water rights used on our property. I thought the forms were required to avoid losing our water rights.

Further your affiant sayeth not.

DATED this 19 day of Sept, 2000.

SIGNATURE NOTE

Carl D. Hickey
CARL D. HICKEY

SUBSCRIBED AND SWORN to before me this 19 day of Sept, 2000.

STATE OF IDAHO
NOTARY PUBLIC
JACK STREETER

Jack Streeter
NOTARY PUBLIC FOR IDAHO
Residing at 195 N 2nd W Hansen
My commission expires 11/26/2004

jll/jar/hickey/affidavit

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Notes

By: Shelley W. Keen

Date: October 14, 1999

Subject: Carl Hickey water rights in Basin 61

Yesterday I attended a meeting to discuss issues relating to water rights belonging to Carl Hickey The meeting was attended by Mr. Hickey, his attorneys John Rosholt and Norm Semanko, Norm Young, and me. Although they appear complicated because they are interrelated, the issues can be broken down into the following three items.

Mr. Hickey believes IDWR should have recognized beneficial use developed under Permit 61-07399 Mr Hickey and his attorneys will obtain aerial photographs, affidavits, and/or other documentation to show that Mr. Hickey irrigated more than the 169 acres allowed under license 61-07203 in a single irrigation season. It will be necessary to show that the use occurred during the authorized development period for 61-07399. Mr Hickey is not asking for a higher diversion rate than recognized on 61-07203, only more acres and more volume. Mr Hickey's attorneys will also have to collect affidavits to demonstrate that Connie Hickey did not really intend to relinquish permit 61-07399 so that it can be reinstated Meanwhile, Mr. Hickey's attorneys need to keep 61-07399 from being disallowed by the SRBA court, as IDWR has recommended.

Mr Hickey would like to see a license issued for development that occurred under 61-07247D IDWR has not issued a license because the examiner documented a period of non-use from 1988 to 1992, which suggested forfeiture Norm Young explained IDWR's current position that forfeiture does not apply to permits. Therefore, if Mr Hickey and his attorneys submit documentation of beneficial use during the authorized development period for 61-07247, IDWR will issue the appropriate license. Documentation must somehow address system diversion capacity as well as irrigated place of use. Mr Hickey must also file a late claim for 61-07247D in the SRBA

Right 61-07203B was transferred only because it appeared IDWR was unlikely to issue a license for 61-07247D Norm Young recognized this fact and agreed that it would not be an "unstacking" if Mr Hickey transferred 61-07203B back to its original place of use if/when a license is issued for 61-07247D

CC Norm Young

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K \NOTES\Carl Hickey doc

Prepared by: Sharla Curtis
IDWR
May, 1999
1987 NAPP Photo



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SEP 16 2001

Points of Diversion:
T3S R4E, S2 - NENE

1/4 1/4 lines

Place of use of interest (T3S, R4E,
Section 1 - NE1/4
Section 2 - SW1/4)

N
W E
S

Owner: HICKEY

Form Approved - OMB No. 0560-0004

ASCS-578 (02-02-84) **REPORT OF ACREAGE** USDA-ASCS

NOTE *Section 374 of the Agricultural Adjustment Act of 1938, as amended, authorizes collection of the following data. The data will be used to determine eligibility for assistance. Furnishing this data is voluntary, however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the Act.*

PAGE ___ OF ___

KEY	FARM NO	NAME AND ADDRESS	FARM-LAND	CROP-LAND
1 OPERATOR	285	Carl Hickey Box 243 Mountain Home, Id 83647		329.0
2 OWNER				

CRP

OTHER FARMS — OPERATOR | OWNER | PROGRAM YEAR | OTHER

OTHER INTERESTED PRODUCERS

KEY	A NAME AND ADDRESS	B OTHER FARMS	ASSIGNMENT C CROP	ASSIGNMENT D JOB
3				
4				
5				
6				
7				

SECTION I - FARM FIELD REPORT *(Note: Grey Shaded Area For County Office Use Only) (Section I Continued on Reverse)*

TRACT NO. 2	FIELD NO 2	CROP OR LAND USE 3	CROP OR LAND USE SUMMARY 4			1985	1984	1983	1982	1981	KEY 5	SHARE 6	DISPOSITION 7	GROSS ACRES 8	DEDUCTIONS IDENT/MEAS. 9	DEDUCTIONS ACRES 10	NET ACRES 11	INIT. & DATE 12
			Offered	Cdg.														
			150.0	150		I	→	→	→	→								
	1	2E 18.8 T/AC				Corner	→	→	→	→								
						1/2 NW Sub Sale	S with CRP	S with Ag	W with Ag	W with S Rest.								
						S Rest. Ag	Ag Lot											

MICROFILMED SEP 10 2008

13. TOTAL OPERATOR REPORT	
14 TOTAL DETERMINED ACREAGE	

SECTION II - OPERATOR'S CERTIFICATION

I certify to the best of my knowledge and belief that the acreages of crops and land uses listed herein are true and correct. I understand that an inaccurate acreage report could result in a payment reduction or loss of program benefits and/or reduction in future allotments and quotas when applicable.

A. OPERATOR'S SIGNATURE	DATE	B. OPERATOR'S SIGNATURE	DATE	C. OPERATOR'S SIGNATURE	DATE
Carl Hickey	7-23-87				


299
CRP
67-90
3-305.6
3
305.6
F392
CRP
130.0
2
19.0
3
20.0
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1600
HEL
N

Form Approved OMB No 0560 0004

ASCS-578 (10-02-86) USDA - ASCS

REPORT OF ACREAGE

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PAGE OF

1 FARM NO	2. TRACT NO	3. FARMLAND	CROPLAND	4 PROGRAM YR
285		332	329.0	87

KEY 1

5 OPERATOR NAME AND ADDRESS
CARL HICKEY
BOX 243
MOUNTAIN HOME, ID 83647

2613

6 Other Farms

KEY	7 NAMES OF OTHER PRODUCERS	8 ID NUMBER	9 OTHER FARMS

10 PHOTO NO LEGAL DESCRIPTION

11 TRACT NO	12 FIELD NO	13 CROP OR LAND USE	14 Practice 1/	15 CROP STATUS 2/	16 CROP OR LAND USE SUMMARY										17 KEY	18 SHARE
					WHEAT	ACR	CU	OMPC								
792	1A	LEGUM FORAGE	IR	I			31.1								1	1.0000
	1BFY	FALOW	IR	I			45.6								1	1.0000
	1C	WHEAT GRAIN W	IR	I	54.4										1	1.0000
	1D	ACR RESIDUE	IR	I		37.9									1	1.0000
	2A	PTATO	IR	I				80.0							1	1.0000
	2B	FALOW	IR	I			80.0								1	1.0000
19 TOTAL OPERATOR REPORT →					54.4	37.9	156.7	80.0								
20 TOTAL DETERMINED ACREAGE →																

1/ IR=Irrigated NI=Nonirrigated

2/ I=Initial Crop DC=Double Crop SC=Subsequent Crop

F=Failed Acreage
PP=Prevented Planted
A=Abandoned Acreage
INT=Intended Acreage
APPF=After PP or F

21 OPERATOR'S CERTIFICATION - *I certify to the best of my knowledge and belief that the acreage of crops and land uses listed herein are true and correct I understand that an inaccurate acreage report could result in a payment reduction or loss of program benefits and/or reduction in future allotments and quotas when applicable*

OPERATOR'S SIGNATURE	DATE	OPERATOR S SIGNATURE	DATE	OPERATOR'S SIGNATURE	DATE
	6/16/92				

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Form Approved OMB No. 0560 0004

ASCS-578 (10 02-86) USDA - ASCS

REPORT OF ACREAGE

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PAGE OF

1 FARM NO	2 TRACT NO	3. FARMLAND	CROPLAND	4 PROGRAM YR
285				87

KEY 1

5 OPERATOR NAME AND ADDRESS
CARL HICKEY
BOX 243
MOUNTAIN HOME, ID 83647
2613

6 Other Farms

KEY	NAMES OF OTHER PRODUCERS 7	ID NUMBER 8	OTHER FARMS 9

10 PHOTO NO LEGAL DESCRIPTION

SUMMARY PAGE

TRACT NO 11	FIELD NO. 12	CROP OR LAND USE 13	Practice 1/ 14	CROP STATUS 2/ 15	16 CROP OR LAND USE SUMMARY										KEY 17	SHARE 18
					WHEAT	ACR	CU	ONFC								
22			IR		54.4	37.9	156.7	.0								
			NI		.0	.0	.0	80.0								
FARM			IR		54.4	37.9	156.7	.0								
			NI		.0	.0	.0	80.0								
CARL HICKEY		2613		KEY 1	1.0000											
392					CROPLAND		329.0	REPORTED CROPLAND			329.0	DIFFERENCE		0.0		

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19 TOTAL OPERATOR REPORT →

20 TOTAL DETERMINED ACREAGE →

1/ IR=Irrigated NI=Nonirrigated

2/ I=Initial Crop DC=Double Crop SC=Subsequent Crop

F=Failed Acreage PP=Prevented Planted A=Abandoned Acreage INT=Intended Acreage APPF=After PP or F

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OPERATOR S SIGNATURE	DATE	OPERATOR'S SIGNATURE	DATE	OPERATOR S SIGNATURE	DATE


2480.5
34 35
3 2
1
T 26S
1A
1B
1C
2.7
45.6
Fall
Wheat
54
1D
ACR
37.9
ck
169.0
Potatoes
80.0
24
Fallow
80.0
2B
160.0
3 2
10 11
MICROFILMED
SEP 19 2001

Form Approved - OMB No. 0560-0004

~~ASCS-578~~
(10-02-86)

USDA - ASCS

REPORT OF ACREAGE

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PAGE ___ OF ___

1. FARM NO	2. TRACT NO	3. FARMLAND	CROPLAND	4. PROGRAM YR
285		332	329.0	88

KEY 1 — 5. OPERATOR NAME AND ADDRESS: CARL HICKEY, BOX 243, MOUNTAIN HOME, ID 83647 — 2613 — 6. Other Farms

10 PHOTO NO - LEGAL DESCRIPTION

KEY	7. NAMES OF OTHER PRODUCERS	8. ID NUMBER	9. OTHER FARMS

11 TRACT NO	12 FIELD NO.	13 CROP OR LAND USE	14 Practice 1/	15 CROP STATUS 2/	16. CROP OR LAND USE SUMMARY: WHEAT	CRP	CU								17 KEY	18 SHARE
	1	CRP 01	IR			150.0										DEF
						150.0										
	2	GRASS GRAZING	IR				19.0									DEF
	3A	FALOW	IR				5.0									DEF
	3B	FALOW	IR				5.0									DEF
	3C	FALOW	IR				5.0									DEF
	3D	WHEAT GRAIN SPRING	IR		110.0											DEF
	3E	FALOW	IR				5.0									DEF
	3F	FALOW	IR				30.0									DEF
74	1/1/88															
19 TOTAL OPERATOR REPORT →					110.0	150.0	69.0									
20 TOTAL DETERMINED ACREAGE →																

MICROFILMED

1/ IR=Irrigated, NI=Nonirrigated

2/ I=Initial Crop, DC=Double Crop, SC=Subsequent Crop

F=Failed Acreage, PP=Prevented Planted, A=Abandoned Acreage, INT=Intended Acreage, APPF=After PP or F

21 OPERATOR'S CERTIFICATION — *I certify to the best of my knowledge and belief that the acreage of crops and land uses listed herein are true and correct. I understand that an inaccurate acreage report could result in a payment reduction or loss of program benefits and/or reduction in future allotments and quotas when applicable.*

OPERATOR'S SIGNATURE	DATE	OPERATOR'S SIGNATURE	DATE	OPERATOR'S SIGNATURE	DATE

Form Approved - OMB No. 0560-0004

USDA - ASCS

REPORT OF ACREAGE

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PAGE OF

1 FARM NO	2 TRACT NO	3. FARMLAND	CROPLAND	4. PROGRAM YR
285				88

KEY 1

5. OPERATOR NAME AND ADDRESS
CARL HICKEY
BOX 243
MOUNTAIN HOME, ID 83647

2613

6 Other Farms

KEY	NAMES OF OTHER PRODUCERS 7	ID NUMBER 8	OTHER FARMS 9

10 PHOTO NO - LEGAL DESCRIPTION

SUMMARY PAGE

TRACT NO 11	FIELD NO. 12	CROP OR LAND USE 13	Practice 1/ 14	CROP STATUS 2/ 15	16 CROP OR LAND USE SUMMARY										KEY 17	SHARE 18
					WHEAT	CRP	CU									
(,			IR		110.0	.0	69.0									
			NI		.0	150.0	.0									
FARM			IR		110.0		69.0									
			NI			150.0										
CARL HICKEY		2613			1.0000											
THE PRODUCER SHARES FOR EACH FIELD AND CROP ON THE ASCS-578					ARE IDENTICAL.											
392					CROPLAND		329.0	REPORTED CROPLAND		329.0	DIFFERENCE			.0		
NO OTHER CROPS OR LAND USES PLANTED.																
19 TOTAL OPERATOR REPORT →																
20 TOTAL DETERMINED ACREAGE →																

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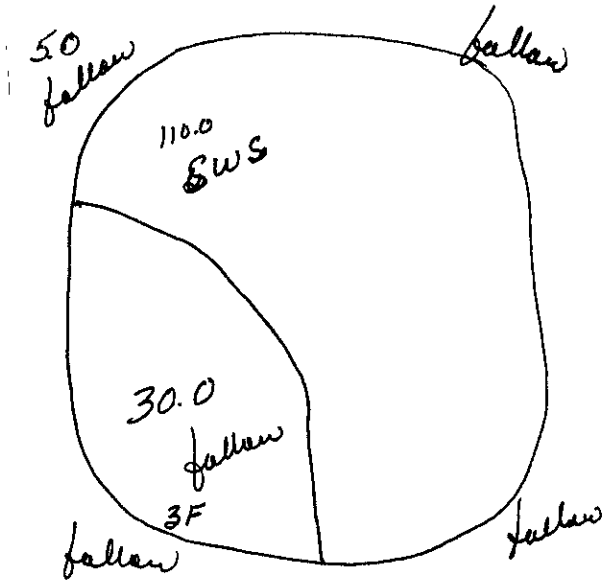
1/ IR=Irrigated NI=Nonirrigated

2/ I=Initial Crop DC=Double Crop SC=Subsequent Crop

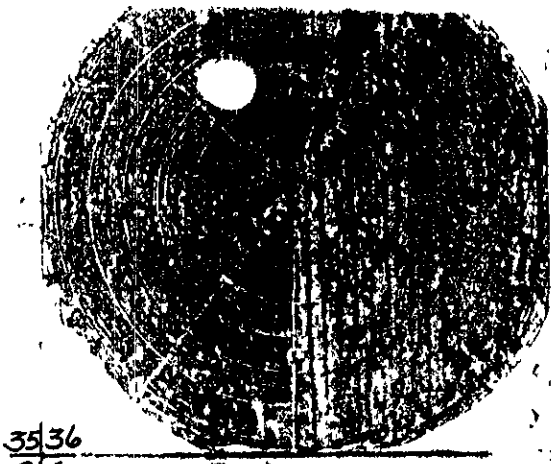
F=Falled Acreage
PP=Prevented Planted
A=Abandoned Acreage
INT=Intended Acreage
APPF=After PP or F

21. OPERATOR'S CERTIFICATION *I certify to the best of my knowledge and belief that the acreage of crops and land uses listed herein are true and correct I understand that an inaccurate acreage report could result in a payment reduction or loss of program benefits and/or reduction in future allotments and quotas when applicable*

OPERATOR'S SIGNATURE	DATE	OPERATOR'S SIGNATURE	DATE	OPERATOR'S SIGNATURE	DATE
Carl Hickey	7-6-88				


50
fallow
fallow
110.0
SWS
30.0
fallow
3F
fallow
fallow

11604



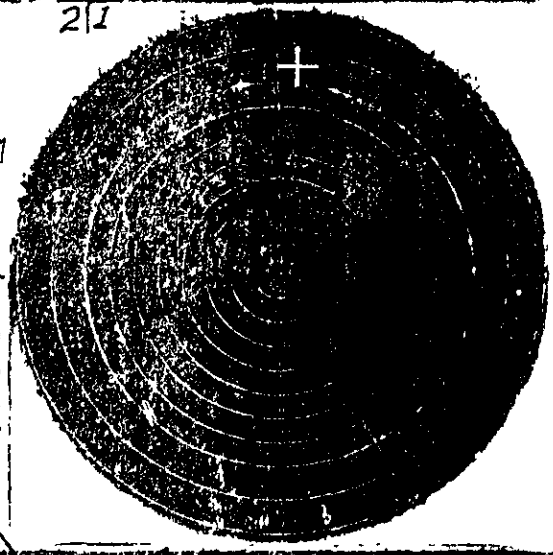
3
305.6

35 36
2 1

T3S
2.85

CRP
88-97
L-150.0

150.0



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61 = 8

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ASCS-578 (10-02-86) USDA - ASCS

REPORT OF ACREAGE

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PAGE ___ OF ___

1. FARM NO	2 TRACT NO	3. FARMLAND	CROPLAND	4. PROGRAM YR	KEY	NAMES OF OTHER PRODUCERS (7)	ID NUMBER (8)	OTHER FARMS (9)
285		332	329.0	89				

KEY: 1

5. OPERATOR NAME AND ADDRESS
JAMES TIEKEN
BOX 243
MOUNTAIN HOME, ID 83647

2613

6. Other Farms

10. PHOTO NO. - LEGAL DESCRIPTION

TRACT NO (11)	FIELD NO. (12)	CROP OR LAND USE (13)	Practice 1/ (14)	CROP STATUS 2/ (15)	16. CROP OR LAND USE SUMMARY: WHEAT	CRP	CUPCP	KEY (17)	SHARE (18)
392	1	CRP 01	IR	I		150.0			DEF
	2	LEGUM HAY	IR	I			19.0		DEF
	3A	FALOW	IR	I			6.8		DEF
	3B	FALOW	IR	I			6.8		DEF
	3C	FALOW	IR	I			6.7		DEF
	3D	FALOW	IR	I			6.7		DEF
	3E	WHEAT GRAIN SPRING	IR	I	110.0				DEF
	3F	GRASS GRAZING	IR	I			23.0		DEF
		Rev 6/6/88							
19 TOTAL OPERATOR REPORT					110.0	150.0	69.0		
20 TOTAL DETERMINED ACREAGE									

MODIFIED SEP 19 2001

1/ IR=Irrigated NI=Nonirrigated

2/ I=Initial Crop DC=Double Crop SC=Subsequent Crop

F=Failed Acreage
PP=Prevented Planted
A=Abandoned Acreage
INT=Intended Acreage
APPF=After PP or F

21 OPERATOR'S CERTIFICATION - *I certify to the best of my knowledge and belief that the acreage of crops and land uses listed herein are true and correct. I understand that an inaccurate acreage report could result in a payment reduction or loss of program benefits and/or reduction in future allotments and quotas when applicable.*

OPERATOR'S SIGNATURE	DATE	OPERATOR'S SIGNATURE	DATE	OPERATOR'S SIGNATURE	DATE

Form Approved OMB No. 0560 0004

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PAGE OF

1 FARM NO	2 TRACT NO	3. FARMLAND	CROPLAND	4. PROGRAM YR
285			2613	89

KEY **1**

5. OPERATOR NAME AND ADDRESS
BOX 243
MOUNTAIN HOME, ID 83647

6. Other Farms

KEY	NAMES OF OTHER PRODUCERS 7	ID NUMBER 8	OTHER FARMS 9

10 PHOTO NO - LEGAL DESCRIPTION

SUMMARY PAGE

TRACT NO 11	FIELD NO. 12	CROP OR LAND USE 13	Practice 1/ 14	CROP STATUS 2/ 15	16. CROP OR LAND USE SUMMARY										KEY 17	SHARE 18
					WHEAT	CRP	CUPCP									
3			IR		110.0	150.0	69.0									
			NI		.0	.0	.0									
FARM			IR		110.0	150.0	69.0									
			NI													
EARL HICKEY		2613			1.0000											
THE PRODUCER SHARES FOR EACH FIELD AND CROP ON THE ASCS-578 ARE IDENTICAL.																
492					CROPLAND		329.0	REPORTED CROPLAND		329.0	DIFFERENCE			0.0		
6 OTHER PROGRAM CROPS OR LAND USES PLANTED.																

19 TOTAL OPERATOR REPORT →

20 TOTAL DETERMINED ACREAGE →

1/ IR=Irrigated NI=Nonirrigated

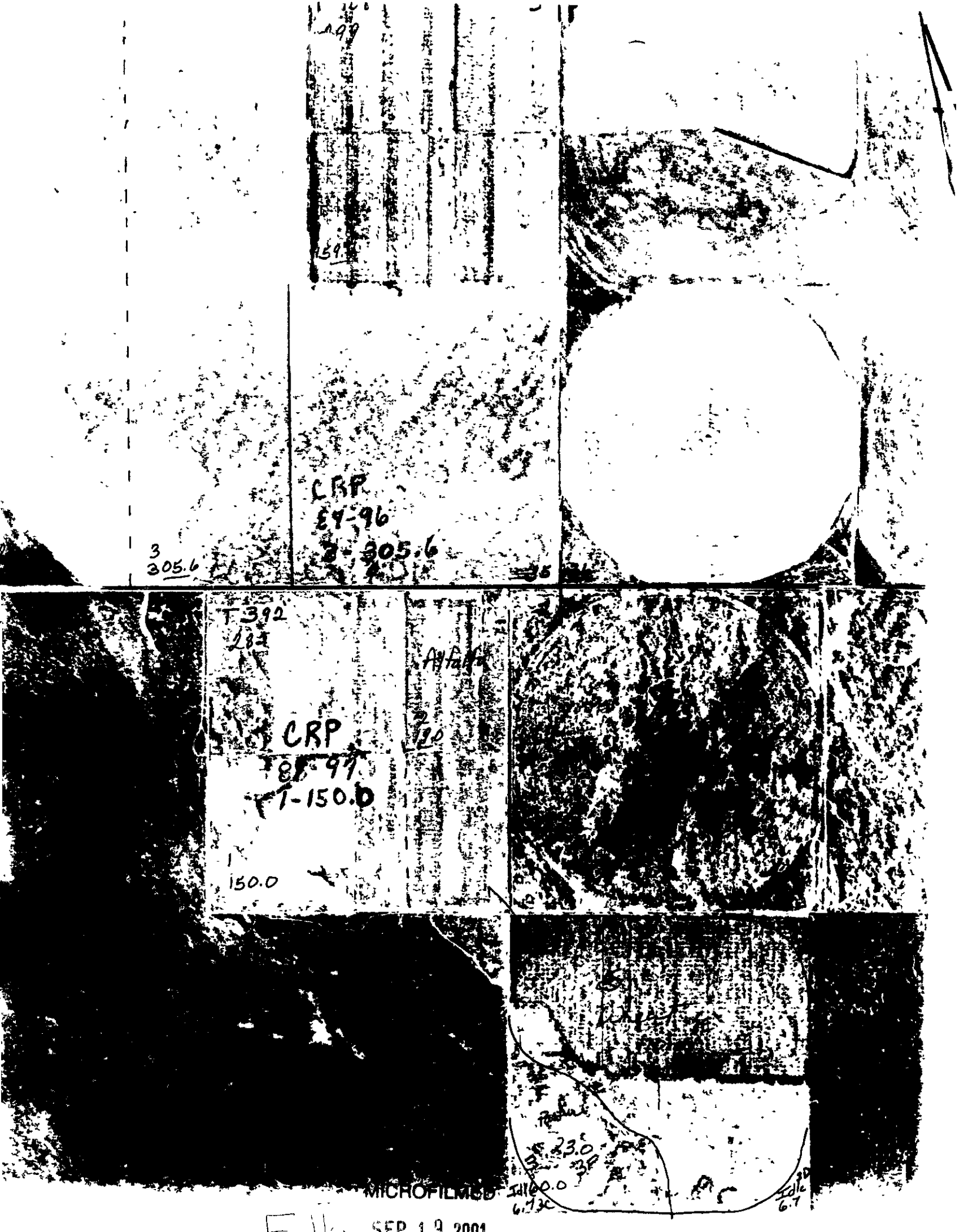
2/ I=Initial Crop DC=Double Crop SC=Subsequent Crop

F=Failed Acreage PP=Prevented Planted A=Abandoned Acreage INT=Intended Acreage APPF=After PP or F

21 OPERATOR'S CERTIFICATION - *I certify to the best of my knowledge and belief that the acreage of crops and land uses listed herein are true and correct I understand that an inaccurate acreage report could result in a payment reduction or loss of program benefits and/or reduction in future allotments and quotas when applicable*

OPERATOR'S SIGNATURE	DATE	OPERATOR'S SIGNATURE	DATE	OPERATOR'S SIGNATURE	DATE
Earl Hickey	5-30-89				

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SEP 19 2001

Form Approved OMB No. 0560-0004

ASCS-578 (10-92-86) USDA - ASCS

REPORT OF ACREAGE

NOTE: *Section 374 of the Agricultural Adjustment Act of 1938, as amended, authorizes collection of the following data The data will be used to determine eligibility for assistance. Furnishing the data is voluntary, however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the provisions of the Act*

PAGE OF

1. FARM NO	2. TRACT NO	3. FARMLAND	CROPLAND	4. PROGRAM YR
285		332	329.0	90

KEY: 1

5. OPERATOR NAME AND ADDRESS
CARL HICKEY
BOX 243
MOUNTAIN HOME, ID 83647

6. Other Farms: 2613

10 PHOTO NO - LEGAL DESCRIPTION: 06-11-90

KEY	7. NAMES OF OTHER PRODUCERS	8. ID NUMBER	9. OTHER FARMS

TRACT NO 11	FIELD NO. 12	CROP OR LAND USE 13	Practice 1/ 14	CROP STATUS 2/ 15	16. CROP OR LAND USE SUMMARY WHEAT	CRP	CUPCP	ONPC	KEY 17	SHARE 18
902	1	CRP 01	IR	I		130.0				DEF
	2	POTATO	IR	I				19.0		DEF
	3	POTATO	IR	I				20.0		DEF
	4A	POTATO	IR	I				82.0		DEF
	4B	FALOW	IR	I			78.0			DEF
0		WHEAT	IR	I	.0					DEF
19 TOTAL OPERATOR REPORT				→	.0	130.0	78.0	121.0		
20 TOTAL DETERMINED ACREAGE				→						

MICROFILMED SEP 19 2001

1/ IR=Irrigated NI=Nonirrigated

2/ I=Initial Crop DC=Double Crop SC=Subsequent Crop

F=Failed Acreage
PP=Prevented Planted
A=Abandoned Acreage
INT=Intended Acreage
APPF=After PP or F

I RS ... to my knowledge and belief that the acreage of crops and land uses listed herein are true and correct I understand that an inaccurate acreage report could result in a payment reduction or loss of program benefits and/or reduction in future allotments and quotas when applicable

OPERATOR'S SIGNATURE	DATE	OPERATOR'S SIGNATURE	DATE	OPERATOR'S SIGNATURE	DATE

Form Approved - OMB No. 0560-0004

USDA - ASCS

REPORT OF ACREAGE

NOTE. *Section 374 of the Agricultural Adjustment Act of 1938, as amended, authorizes collection of the following data. The data will be used to determine eligibility for assistance. Furnishing the data is voluntary, however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the provisions of the Act.*

PAGE ____ OF ____

1. FARM NO	2 TRACT NO	3. FARMLAND	CROPLAND	4. PROGRAM YR
285				90

KEY	5 OPERATOR NAME AND ADDRESS		6. Other Farms
1	CARL HICKEY BOX 243 MOUNTAIN HOME, ID 83647	2613	

KEY	7 NAMES OF OTHER PRODUCERS	8 ID NUMBER	9 OTHER FARMS

10. PHOTO NO. - LEGAL DESCRIPTION: 06-11-90

SUMMARY PAGE

11 TRACT NO.	12 FIELD NO	13 CROP OR LAND USE	14 Practice 1/	15 CROP STATUS 2/	16. CROP OR LAND USE SUMMARY										17 KEY	18 SHARE
					WHEAT	CRP	CUPCP	ONPC								
2			IR		.0	130.0	78.0	121.0								
			NI		.0	.0	.0	.0								
FARM			IR		.0	130.0	78.0	121.0								
			NI													
CARL HICKEY		2613			1.0000											
THE PRODUCER SHARES FOR EACH FIELD AND CROP ON THE ASCS-578					ARE IDENTICAL.											
392					CROPLAND		329.0	REPORTED CROPLAND		329.0	DIFFERENCE			0.0		
NO OTHER PROGRAM CROPS OR LAND USES PLANTED																

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19 TOTAL OPERATOR REPORT →												
20 TOTAL DETERMINED ACREAGE →												

1/ IR=Irrigated
NI=Nonirrigated

2/ I=Initial Crop
DC=Double Crop
SC=Subsequent Crop

F=Failed Acreage
PP=Prevented Planted
A=Abandoned Acreage
INT=Intended Acreage
APPF=After PP or F

21 OPERATOR'S CERTIFICATION - *I certify to the best of my knowledge and belief that the acreage of crops and land uses listed herein are true and correct. I understand that an inaccurate acreage report could result in a payment reduction or loss of program benefits and/or reduction in future allotments and quotas when applicable.*

OPERATOR'S SIGNATURE	DATE	OPERATOR'S SIGNATURE	DATE	OPERATOR'S SIGNATURE	DATE
Carl Hickey	6-13-90				

Form Approved - OMB No. 0560-0004

ACOS 578(02 01 91) REPORT OF ACREAGE PROGRAM YEAR 1991

FARM NUMBER: 285 FARM AND TRACT DETAIL LISTING DATE: 05-28 91

Operator Name and Address ID

CARL HICKEY 2613
BOX 243
MOUNTAIN HOME, ID 83647

Original: Orig - 5/28/91

Revision: _____

Cropland: 329.0

Farmland: 332.0

Tract Number	Field Number	Irr Prc	Crop	Var/ Type	Int Use	Lnd Use	Reported Acreage	Determined Acreage	O/ H	Crop Stat	Plnt Prac	Prod Share	Prod ID
0		Ir	WHEAT				.0						DEF

Crop	Nirr	Irr
WHEAT		.0

Photo Number/Legal Description: None

Cropland: .0 Reported: .0 Difference: .0 Reported D,B,S,R,A: .0

392	1	Ir	CRP		1		130.0			I			DEF
	2	Ir	ALFAL		Hay	CUPCP	19.0			I			DEF
	3	Ir	ALFAL		Hay	CUPCP	20.0			I			DEF
	4A	Ir	FALOW			ACR	14.5			I			DEF
	4B	Ir	FALOW			CUPAY	67.7			I			DEF
	4C	Ir	FALOW			CUPCP	51.8			I			DEF
	4D	Ir	FALOW			CUPCP	6.0			I			DEF
	4E	Ir	FALOW			CUPCP	6.0			I			DEF

Crop	Nirr	Irr	Crop	Nirr	Irr	Crop	Nirr	Irr
ACR	14.5		CRP		130.0	CUPCP	102.8	
CUPAY	67.7							

Photo Number/Legal Description: F16 R 4E T 3S SEC 2,1

Cropland: 329.0 Reported: 315.0 Difference: -14.0 Reported D,B,S,R,A: .0

MICROFILMED

SEP 19 2001

Form Approved - OMB No. 0560-0004

ASCS-578-02-01-91) REPORT OF ACREAGE PROGRAM YEAR 1991

FARM NUMBER: 285 FARM SUMMARY DATE: 05-28-91

Operator Name and Address ID

CARL HICKEY 2613
BOX 243
MOUNTAIN HOME, ID 83647

Original: Rev 5/29/91

Revision: _____

Cropland: 329.0

Farmland: 332.0

NOTE: The following statements are made in accordance with the Privacy Act of 1974 (5 USC 552a) Section 374 of the Agricultural Adjustment Act of 1938, as amended, authorizes collection of the following data. The data will be used to determine eligibility for assistance. Furnishing the data is voluntary, however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the provisions of the Act.

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspect of this collection of information, including suggestions for reducing this burden, to the Department of Agriculture, Clearance Officer, OIRM Room 404-W, Washington, D.C. 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB No. 0560-0004), Washington, D.C. 20503. RETURN THIS COMPLETED FORM TO YOUR ASCS COUNTY OFFICE.

This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin age, sex, marital status, or handicap.

The following producer shares are identical for every field and crop:

Producer Name	ID	Share
CARL HICKEY	2613	1.0000

Crop	Reported	Determined	Crop	Reported	Determined	Crop	Reported	Determined
WHEAT	.0		ACR	14.5		CRP	130.0	
CUPCP	102.8		CUPAY	67.7				

Initials Yes	Initials No	
X		Land designated for Acreage Conservation Reserve (ACR), Conserving Use (CU), and Pay/92 acreage to be credited for payment purposes, meets cropping requirements and other eligibility requirements as applicable.
		Other program crops or land uses planted.

I request that any acreage available to be credited to program crops for payment or considered planted purposes, be credited in the following order:

WHEAT

If eligible, P&CP credit for a zero report shall be credited to the following crops:

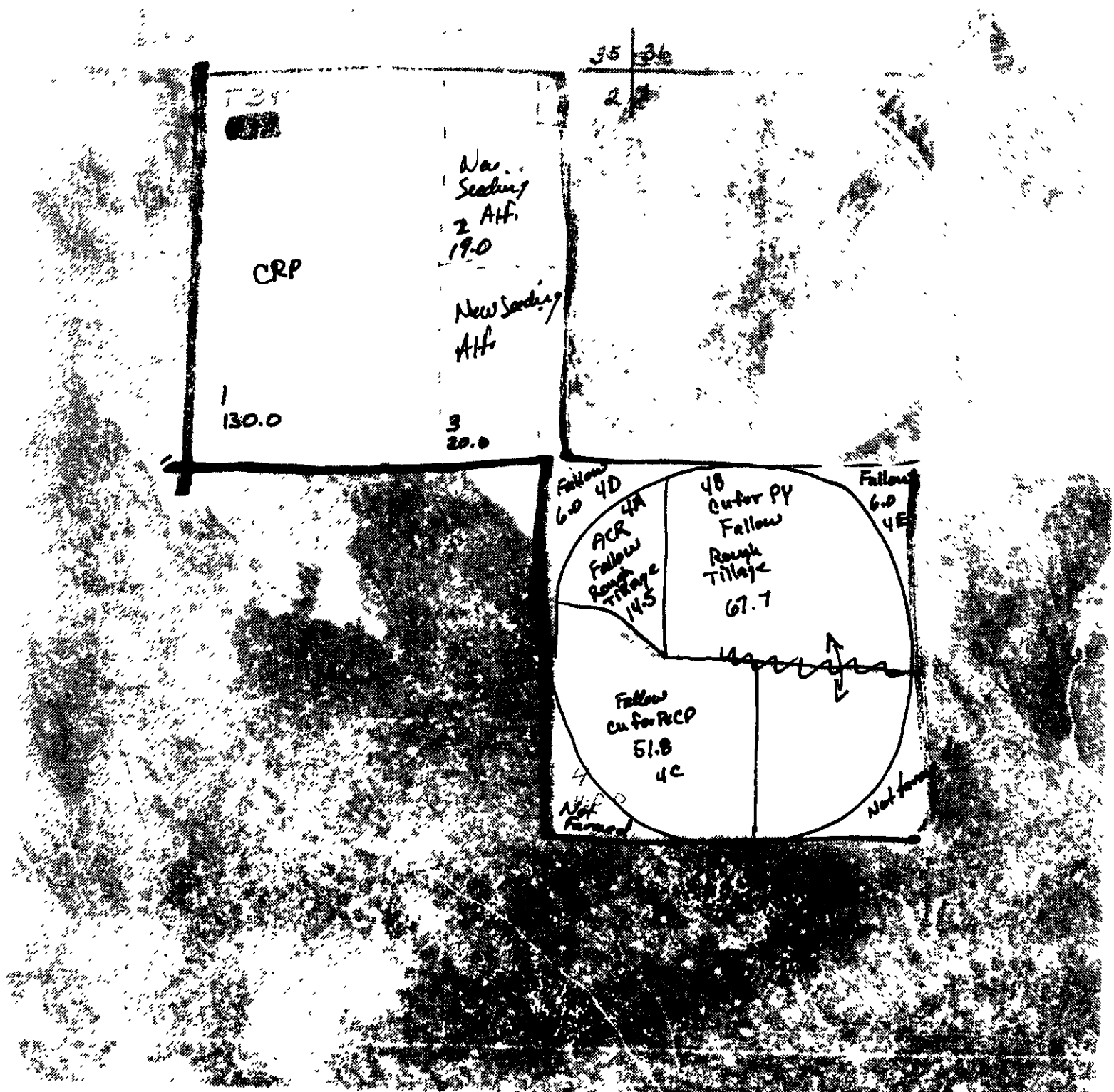
WHEAT

OPERATOR'S CERTIFICATION: I certify to the best of my knowledge and belief that the acreage of crops and land uses listed herein are true and correct. The signing of this form gives ASCS representatives authorization to enter and inspect crops and land uses on the above identified land. I understand that an inaccurate acreage report could result in payment reduction or loss of program benefits and/or reduction in future allotments and quotas when applicable.

Operator's Signature: Carl Hickey Date: 5-28-91

MICROFILMED
SEP 19 2001

F16



MICROFILMED
SEP 19 2001

Form Approved - OMB No. 0560-0004

ASCS-578(02-01-91) REPORT OF ACREAGE PROGRAM YEAR 1992

FARM NUMBER 285 FARM AND TRACT DETAIL LISTING DATE 11-03-92

Operator Name and Address ID

CARL HICKEY 2613
PO BOX 243
MOUNTAIN HOME, ID 83647-0243

Original
Revision
Cropland 315.0
Farmland 332.0

Tract Number	Field Number	Irr Prc	Crop	Var/ Type	Int Use	Lnd Use	Reported Acreage	Determined Acreage	O/ M	Crop Stat	Plnt Prac	Prod Share	Prod ID
0		Ir	WHEAT	SWW			.0	.0	DM				DEF
		Ir	OFAV			Y FAV	.0	.0	DM				DEF

Crop	Nirr	Irr	Crop	Nirr	Irr
WHEAT		.0	OFAV	.0	

Photo Number/Legal Description: None

Cropland .0 Reported .0 Difference .0 Reported D,B,S,R,A .0

Tract Number	Field Number	Irr Prc	Crop	Var/ Type	Int Use	Lnd Use	Reported Acreage	Determined Acreage	O/ M	Crop Stat	Plnt Prac	Prod Share	Prod ID
392	1	Ir	CRP		1		130.0	130.0	DO	I			DEF
	2	Ir	ALFAL		Hay	CUPCP	19.0	19.0	DO	I			DEF
	3	Ir	ALFAL		Hay	CUPCP	20.0	20.0	DO	I			DEF
	4A	Ir	FALOW			ACR	5.0	5.0	DM	I			DEF
	4B	Ir	FALOW			CUPAY	80.6	80.6	DM	I			DEF
	4C	Ir	FALOW			CUPCP	39.4	39.4	DM	I			DEF
	5	Ir	FALOW			CUPCP	7.4	7.4	DO	I			DEF
	6	Ir	FALOW			CUPCP	7.2	7.2	DO	I			DEF
	7	Ir	FALOW			CUPCP	6.4	6.4	DO	I			DEF

Crop	Nirr	Irr	Crop	Nirr	Irr	Crop	Nirr	Irr
ACR	5.0		CRP		130.0	CUPCP	99.4	
CUPAY	80.6							

Photo Number/Legal Description: F16 R 4E T 3S SEC 2.1

Cropland 315.0 Reported 315.0 Difference .0 Reported D,B,S,R,A .0

MICROFILMED
DATE SEP 19 2001

Form Approved - OMB No. 0560-0004

(ASCS-578-02-01-91) REPORT OF ACREAGE PROGRAM YEAR 1992

FARM NUMBER 285 FARM SUMMARY DATE 11-03-92

Operator Name and Address ID

CARL HICKEY 2613
PO BOX 243
MOUNTAIN HOME, ID 83647-0243

Original _____
Revision _____
Cropland 315.0
Farmland 332.0

NOTE The following statements are made in accordance with the Privacy Act of 1974(5 USC 552a). Section 374 of the Agricultural Adjustment Act of 1938, as amended, authorizes collection of the following data. The data will be used to determine eligibility for assistance. Furnishing the data is voluntary, however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the provisions of the Act.

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This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin age, sex, marital status, or handicap.

The following producer shares are identical for every field and crop

Producer Name	ID	Share
CARL HICKEY	2613	1.0000

Crop	Reported	Determined	Crop	Reported	Determined	Crop	Reported	Determined
WHEAT	.0	.0	ACR	5.0	5.0	CRP	130.0	130.0
OFAV	.0	.0	CUPCP	99.4	99.4	CUPAY	80.6	80.6

Initials Yes	Initials No	
_____	_____	Does land designated for Acreage Conservation Reserve (ACR), Conserving Use (CU), and Pay/92 acreage to be credited for payment purposes, meet cropping requirements and other eligibility requirements as applicable?
_____	_____	Do you have other program crops or land uses planted on this farm (not listed on this report of acreage)?

I request that any acreage available to be credited to program crops for payment or considered planted purposes, be credited in the following order:

WHEAT

If eligible, P&CP credit for a zero report shall be credited to the following crops.

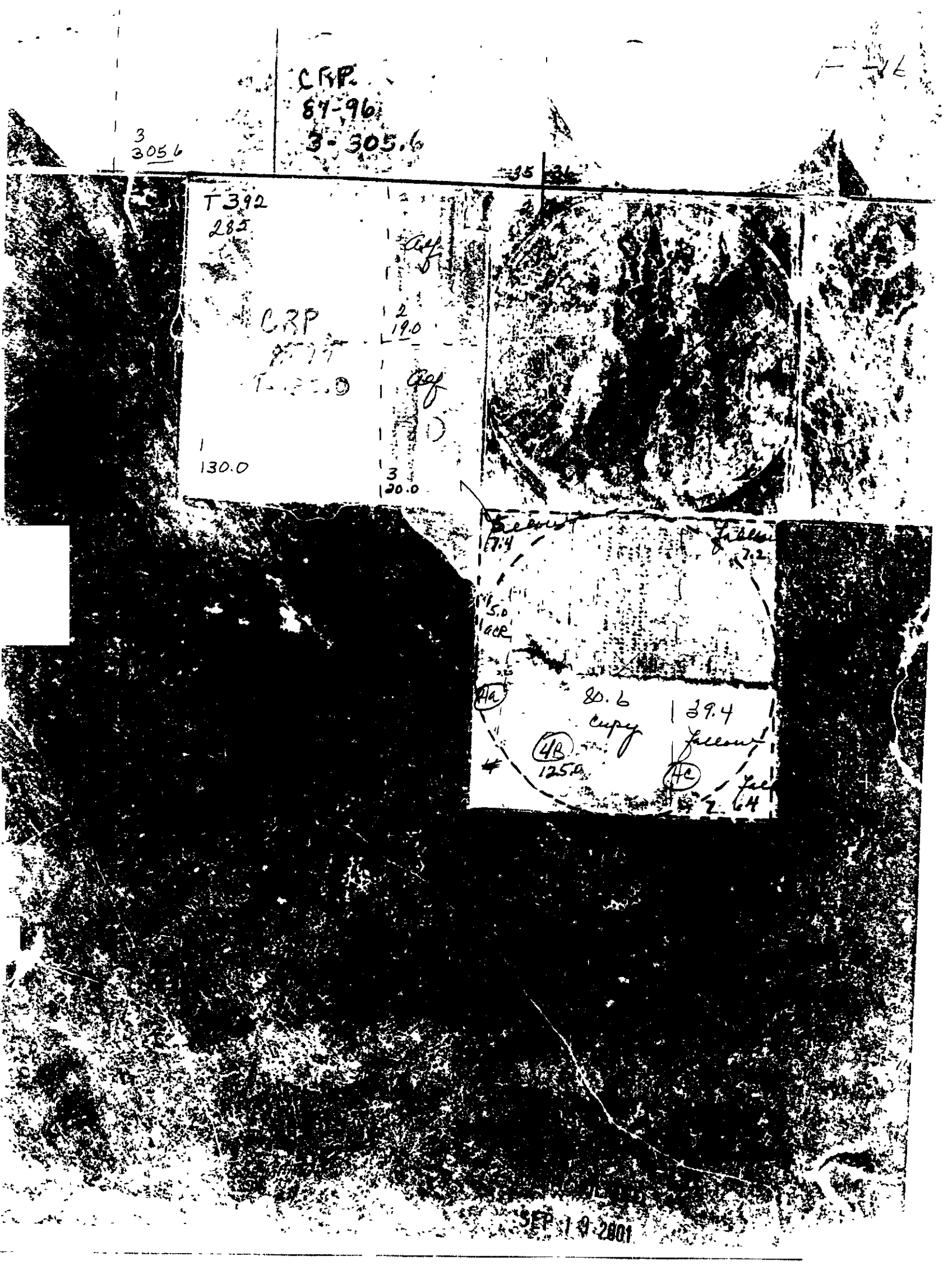
WHEAT

I do not want nonparticipating program crop acreage to apply to Flex first.

OPERATOR'S CERTIFICATION: I certify to the best of my knowledge and belief that the acreage of crops and land uses listed herein are true and correct. The signing of this form gives ASCS representatives authorization to enter and inspect crops and land uses on the above identified land. I understand that an inaccurate acreage report could result in payment reduction or loss of program benefits and/or reduction in future allotments and quotas when applicable.

Operator's Signature | Date

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SEP 19 2001


CRP
87-96
3-305.6
3
3056
T392
285
CRP
130.0
20.0
80.6
39.4
125.0
SEP 19 2001

ELMORE, IDAHO

Form Approved - OMB No. 0560-0004

PROGRAM YEAR 1993

REPORT OF ACREAGE

FARM AND TRACT DETAIL LISTING

DATE

Operator Name and Address ID

CARL HICKEY 2613
P BOX 243
MOUNTAIN HOME, ID 83647-0243

Original

Revision

Cropland 315.0

Farmland 332.0

Tract Number	Field Number	Irr Prc	Crop	Var/ Type	Int Use	Lnd Use	Reported Acreage	Determined Acreage	O/ M	Crop Stat	PltPr FCIC	Prod Share	Prod ID
6		Ir	WHEAT	SWW			.0						DEF
		Ir	OFAV			Y FAV	.0						DEF

Crop	Nirr	Irr	Crop	Nirr	Irr
OFAV	.0		WHEAT		.0

Photo Number/Legal Description None

Cropland .0 Reported .0 Difference .0 Reported D,B,S,R,A .0

392	1	Ir	CRP		1		130.0		DO	I			DEF
	2	Ir	ALFAL		Hay	CUPCP	19.0			I			DEF
	3	Ir	ALFAL		Hay	CUPCP	20.0			I			DEF
	4A	Ir	FALOW			CUPCP	37.7			I			DEF
	4B	Ir	FALOW			CUPAY	87.3			I			DEF
	5	Ir	FALOW			CUPCP	7.4			I			DEF
	6	Ir	FALOW			CUPCP	7.2			I			DEF
	7	Ir	FALOW			CUPCP	6.4			I			DEF

Crop	Nirr	Irr	Crop	Nirr	Irr	Crop	Nirr	Irr
CRP		130.0	CUPAY	87.3		CUPCP	97.7	

Photo Number/Legal Description F16 R 4E T 3S SEC 2,1

Cropland 315.0 Reported 315.0 Difference .0 Reported D,B,S,R,A .0

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SEP 19 2001

ELMORE, IDAHO

Form Approved - OMB No. 0560-0004

REPORT OF ACREAGE

FARM SUMMARY

PROGRAM YEAR 1993

DATE 10-07-93

Operator Name and Address ID

EARL HICKEY 2613
P O BOX 243
MOUNTAIN HOME, ID 83647-0243

Original _____
Revision SLG

Cropland 315.0
Farmland 332.0

NOTE The following statements are made in accordance with the Privacy Act of 1974(5 USC 552a). Section 374 of the Agricultural Adjustment Act of 1938, as amended, authorizes collection of the following data. The data will be used to determine eligibility for assistance. Furnishing the data is voluntary, however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the provisions of the Act.

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This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin age, sex, marital status, or handicap.

The following producer shares are identical for every field and crop

Producer Name	ID	Share
EARL HICKEY	2613	1.0000

Crop	Reported	Determined	Crop	Reported	Determined	Crop	Reported	Determined
CRP	130.0		CUPAY	87.3		CUPCP	97.7	
DFAV	.0		WHEAT	.0				

Initials

Yes No

_____ _____ Does land designated for Acreage Conservation Reserve (ACR), Conserving Use (CU), and Pay/92 acreage to be credited for payment purposes, meet cropping requirements and other eligibility requirements as applicable?

_____ _____ Have all crops and land uses been reported on this farm (not listed on this report of acreage)?

_____ I request that any acreage available to be credited to program crops for payment or considered planted purposes, be credited in the following order:

WHEAT

_____ If eligible, P&CP credit for a zero report shall be credited to the following crops

WHEAT

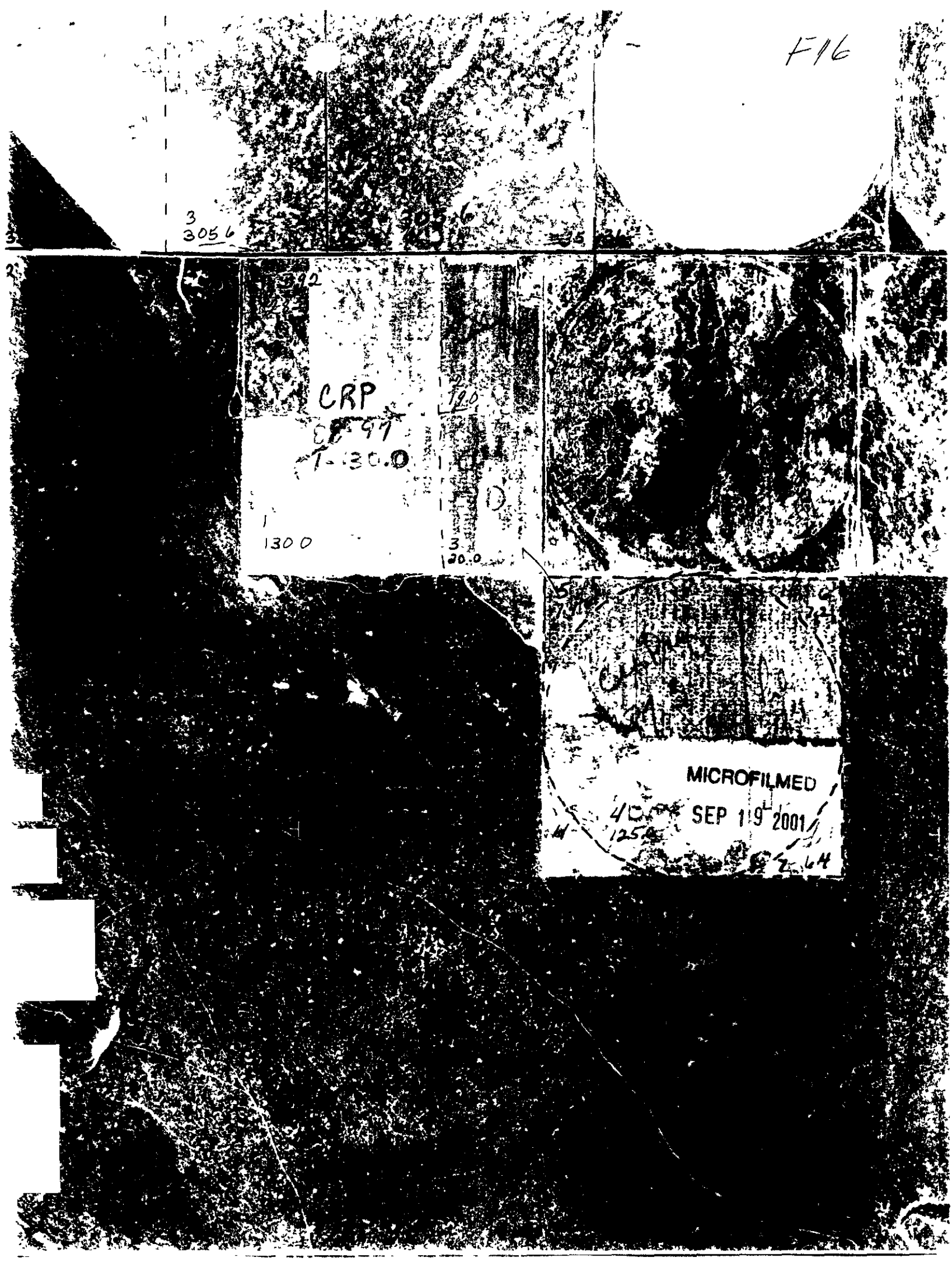
_____ I do not want nonparticipating program crop acreage to Flex first.

OPERATOR'S CERTIFICATION I certify to the best of my knowledge and belief that the acreage of crops and land uses listed herein are true and correct. The signing of this form gives ASCS representatives authorization to enter and inspect crops and land uses on the above identified land. I understand that an inaccurate acreage report could result in payment reduction or loss of program benefits and/or reduction in future allotments and quotas when applicable.

Operator's Signature | Date

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SEP 19 2001

F16



ELMORE, IDAHO

Form Approved - OMB No. 0560-0004

ASCS-578(02-01-91)

REPORT OF ACREAGE

PROGRAM YEAR 1994

FARM NUMBER: 780

FARM AND TRACT DETAIL LISTING

DATE: 05-17-94

Operator Name and Address ID

CARL HICKEY 2613
PO BOX 243
MOUNTAIN HOME, ID 83647-0243

Original: ✓

Revision:

Cropland: 315.0

Farmland: 332.0

Tract Number	Field Num ID	Irr Prc	Crop	Var/ Type	Int Use	Lnd Use	Reported Acreage	Determined Acreage	O/ M	Crop Stat	PltPr FCIC	Prod Share	Prod ID
0		N1	WHEAT	SWS			.0						DEF

Crop	Nirr	Irr
WHEAT	X	0

corrected 5-20-94 mlg

Photo Number/Legal Description: None

Cropland: .0 Reported: .0 Difference: .0 Reported D,B,S,R,A: .0

392	1	Ir	CRP	1			130.0			I			DEF
	2	Ir	ALFAL	Hay		CUPCP	19.0			I			DEF
	3	Ir	ALFAL	Hay		CUPCP	20.0			I			DEF
	4	Ir	FALOW			CUPAY	125.0			I			DEF
	5	Ir	FALOW			CUPCP	7.4			I			DEF
	6	Ir	FALOW			CUPCP	7.2			I			DEF
	7	Ir	FALOW			CUPCP	6.4			I			DEF

Crop	Nirr	Irr	Crop	Nirr	Irr	Crop	Nirr	Irr
CRP	130.0		CUPAY	125.0		CUPCP	60.0	

Photo Number/Legal Description: F16 R 4E T 3S SEC 2,1

Cropland: 315.0 Reported: 315.0 Difference: .0 Reported D,B,S,R,A: .0

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SEP 19 2001

ELMORE, IDAHO

Form Approved - OMB No. 0560-0004

ASCS [illegible] OF [illegible]

REPORT OF ACREAGE

PROGRAM YEAR 1994

FARM NUMBER: [illegible]

FARM SUMMARY

DATE: 05 17 94

Operator Name and Address ID

CARL HICKEY 2613
PO BOX 243
MOUNTAIN HOME, ID 83647-0243

Original: X

Revision: ____

Cropland: 315.0

Farmland: 332.0

NOTE: The following statements are made in accordance with the Privacy Act of 1974(5 USC 552a). The Agricultural Adjustment Act of 1938, as amended, and the Agricultural Act of 1949, as amended, authorized the collection of the following data. The data will be used to determine eligibility for assistance. Furnishing the data is voluntary, however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the provisions of the Acts.

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspect of this collection of information, including suggestions for reducing this burden, to the Department of Agriculture, Clearance Officer, OIRM Room 404-W, Washington, D.C. 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB No. 0560-0004), Washington, D.C. 20503. RETURN THIS COMPLETED FORM TO YOUR ASCS COUNTY OFFICE.

The following producer shares are identical for every field and crop:

Producer Name	ID	Share
CARL HICKEY	2613	1.0000

Crop	Reported	Determined	Crop	Reported	Determined	Crop	Reported	Determined
CRP	130.0		CUPAY	125.0		CUPCP	60.0	
WHEAT	.0							

I understand that any acreage available to be credited to program crops for payment or considered planted purposes, be credited in the following order:

WHEAT

I understand that if eligible, P&CP credit for a zero report shall be credited to the following crops:

WHEAT

I understand I have requested nonparticipating program crop acreage to apply to Flex first.

OPERATOR'S CERTIFICATION: I certify to the best of my knowledge and belief that the acreage of crops and land uses listed herein are true and correct, and that all required crops and land uses have been reported for the farm as applicable. The signing of this form gives ASCS representatives authorization to enter and inspect crops and land uses on the above identified land.

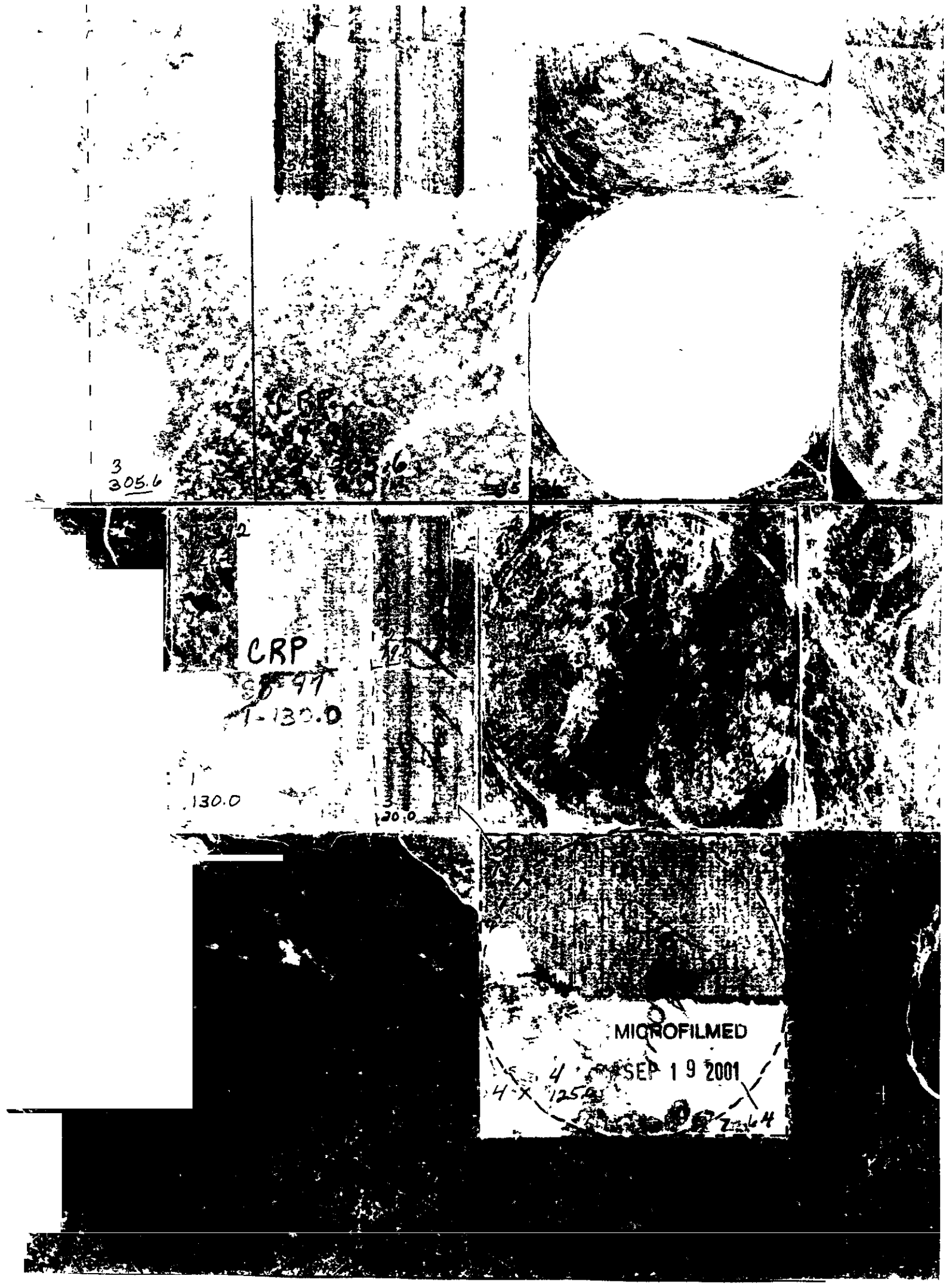
Operator's Signature Carl Hickey Date 5-17-94

This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, sex, age, marital status, or disability.

MICROFILMED

SEP 19 2001

PAGE [illegible]


CRP
305.6
3
305.6
CRP
97
1-130.0
130.0
MICROFILMED
SEP 19 2001
4 X 125

ELMORE, IDAHO

Form Approved - OMB No. 0560-0004

ASCS-578(02-01-91) REPORT OF ACREAGE PROGRAM YEAR 1995

FARM NUMBER: 285 FARM AND TRACT DETAIL LISTING DATE: 08-30-95

Operator Name and Address ID

CARL HICKEY 2613
PO BOX 243
MOUNTAIN HOME, ID 83647-0243

Original: _____

Revision: _____

Cropland: 315.0

Farmland: 332.0

Tract Number	Field Num ID	Irr Prc	Crop	Var/ Type	Int Use	Lnd Use	Reported Acreage	Determined Acreage	D/ M	Crop Stat	PltPr FCIC	Prod Share	Prod ID
0		Ir	OFAV			Y FAV	.0	.0	DM				DEF
		Crop OFAV	Nirr .0	Irr									
		Photo Number/Legal Description: None											
		Cropland: .0	Reported: .0		Difference: .0			Reported D,B,S,R,A: .0					
392	1	Ir	CRP		1		130.0	130.0	DO	I			DEF
	2	Ir	FALOW			CUPCP	19.0	19.0	DO	I			DEF
	3	Ir	FALOW			CUPCP	20.0	20.0	DO	I			DEF
	4	Ir	FALOW			PAY	125.0	125.0	DO	I			DEF
	5	Ir	FALOW			CUPCP	7.4	7.4	DO	I			DEF
	6	Ir	FALOW			CUPCP	7.2	7.2	DO	I			DEF
	7	Ir	FALOW			CUPCP	6.4	6.4	DO	I			DEF
		Crop CRP	Nirr 130.0	Irr	Crop CUPAY	Nirr 125.0	Irr	Crop CUPCP	Nirr 60.0	Irr			
		Photo Number/Legal Description: F16 R 4E T 3S SEC 2,1											
		Cropland: 315.0	Reported: 315.0		Difference: .0			Reported D,B,S,R,A: .0					

MICROFILMED

SEP 19 2001

ELMORE, IDAHO

Form Approved - OMB No. 0560-0004

ASCS-578(02-01-91) REPORT OF ACREAGE PROGRAM YEAR 1995

FARM NUMBER: 285 FARM SUMMARY DATE. 08-30-95

Operator Name and Address ID

CARL HICKEY 2613
PO BOX 243
MOUNTAIN HOME, ID 83647-0243

Original. _____

Revision: _____

Cropland: 315.0

Farmland: 332.0

NOTE: The following statements are made in accordance with the Privacy Act of 1974(5 USC 552a). The Agricultural Adjustment Act of 1938, as amended, and the Agricultural Act of 1949, as amended, authorized the collection of the following data. The data will be used to determine eligibility for assistance. Furnishing the data is voluntary, however, without it assistance cannot be provided. The data may be furnished to any agency responsible for enforcing the provisions of the Acts.

Public reporting burden for this collection of information is estimated to average 60 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspect of this collection of information, including suggestions for reducing this burden, to the Department of Agriculture, Clearance Officer, Ag Box 7630, Washington, D.C. 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB No. 0560-0004), Washington, D.C. 20503. RETURN THIS COMPLETED FORM TO YOUR ASCS COUNTY OFFICE.

The following producer shares are identical for every field and crop:

Producer Name	ID	Share
CARL HICKEY	2613	1.0000

Crop	Reported	Determined	Crop	Reported	Determined	Crop	Reported	Determined
CRP	130.0	130.0	CUPAY	125.0	125.0	CUPCP	60.0	60.0
OFAV	.0	.0						

I understand that any acreage available to be credited to program crops for payment or considered planted purposes, be credited in the following order:

WHEAT

I understand that if eligible, P&CP credit for a zero report shall be credited to the following crops and as a result, P&CP credit for other crops may be reduced:

None

I understand I have not requested nonparticipating program crop acreage to apply to Flex first.

OPERATOR'S CERTIFICATION: I certify to the best of my knowledge and belief that the acreage of crops and land uses listed herein are true and correct, and that all required crops and land uses have been reported for the farm as applicable. The signing of this form gives ASCS representatives authorization to enter and inspect crops and land uses on the above identified land.

Operator's Signature	Date

This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, sex, age, marital status, or disability.

MICROFILMED

SEP 19 2001


3
305.6
CRP
T-130.0
130.0
MICROFILMED
SEP 19 2001
125.0

MEMORANDUM

To: Files 61-07203 and 61-07399

From: L. Glen Saxton

RE: **REVIEW OF FILES**

Date: May 26, 1999

Jim Johnson forwarded the above referenced files to me indicating that Carl Hickey of Mountain Home has been in contact with him seeking the reinstatement of Permit No. 61-07399 which he relinquished in 1993 at the request of the department. Although the department has received nothing in writing from Mr. Hickey, I reviewed the files to determine if there was a reason why permit no. 61-07399 should not have been relinquished.

My review of the file shows the following:

- All the land under the above referenced permits is within the Cinder Cone Butte Critical Ground Water Area.

- On September 3, 1991, the department conducted a field examination of land irrigated under the permits and found that a total of 329 acres had been irrigated. Of the 329 acres, 160 were in the SW1/4 Section 1 and 169 acres were in the NE1/4 Section 2, all in T3S, R4E, B.M.

- The 329 acres are irrigated from one (1) well located in the NENE Section 2, T3S, R4E, B.M. The measured capacity of the well was 2.29 cfs.

- The rate of 2.29 cfs for 329 acres would provide 0.00687 cfs per acre and is not large enough to irrigate 329 acres at the same time. The needed volume for "full" irrigation of 329 acres is also limited by the rate of diversion.

- The applicant's placement of approximately 130 acres in the CRP program has not prejudiced development of a water right under Permit No. 61-07399. Since the land which was placed in the CRP program is included in the license.

- The license issued by the department on July 12, 1993, clearly shows that no more than 169 acres of the 329 acre permissible place of use can be

MICROFILMED

2001

irrigated in a single irrigation season. Note Condition of Approval No. 7. which reads as follows:

> 7. This right is limited to the irrigation of 169 acres in the place of use described above in a single irrigation season.

I can not find a mistake made by the department in asking for the relinquishment of Permit No. 61-07399 and or a reason for the department to consider reinstatement of the permit.

MICROFILMED
SEP 19 2001

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

May 28, 1993

CARL D HICKEY
CONNIE M HICKEY
PO BOX 243
MOUNTAIN HOME ID 83647-0243

RE: WATER RIGHT NO. 61-07203

Dear Water Right Holder(s):

We previously forwarded to you an Amendment for Water Permit so that we could amend your permit to correspond with the findings of the Department's field examiner.

As of this date, we have not received the amendment. If we do not receive it within fifteen (15) days, we will assume you no longer have any interest in the permit and cancellation proceedings will begin. Enclosed for your convenience is another amendment form in the event the first one was misplaced.

The field examiner found that permit no. 61-07203 represents the total system capacity and recommended that permit no. 61-07399 be relinquished or voided. Enclosed is a partially completed relinquishment form for your convenience.

If you do not concur with these findings or if you have any questions, please contact us within the 15-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure

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

April 28, 1993

CARL D HICKEY
CONNIE M HICKEY
PO BOX 243
MOUNTAIN HOME ID 83647-0243

RE: WATER RIGHT NO. 61-07203 & 61-07399

Dear Water Right Holder(s):

The above referenced water rights are in the process of being licensed. However, before a license can be issued, your permit no. 61-07203 must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the $20.00 filing fee within 15 days.

Also enclosed is an ORDER reinstating your permit for failure to timely submit the examination fee &/or fee information sheet. Reinstating the permit enabled us to process the right for licensing.

The field examiner found that permit no. 61-07203 represents the total system capacity and recommended that permit no. 61-07399 be relinquished or voided. Enclose is a partially completed relinquishment form for your convenience.

If you do not concur with these findings or if you have any questions, please contact me within the 15-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:cz

Enclosure

10/25/1992

After reviewing the field exams for 61-07203 and 61-07399 and before sending them on to state office for licensing, Dave Tuthill requested proof that Carl Hickey had actually irrigated all 329 acres at one time. Mr. Hickey was unable to dig up any type of proof. I then set up a meeting between Mr. Hickey, Jim Johnson, and myself on August 25, 1992. Since Mr. Hickey did not have the capacity to irrigate all 329 acres at the time of the field exam, Jim Johnson concluded that permissible place of use should be allowed in this situation to reflect the system's actual use.

ANALYSIS

The 200 hp well has a system capacity of 2.26 cfs. Permit 61-07203 was filed for domestic use and 172 acres, of which 169 are developed with 130 of those inactive (CRP). Permit 61-07399 was filed on the same well for 160 additional acres. The entire system consists of 329 active and inactive acres.

Since the system capacity of 2.26 cfs is not sufficient to irrigate 329 acres at one time, the field exam recommendations are based on permissible place of use.

Because the same permissible place of use is recommended for both 61-07203 and 61-07399 and the total system capacity does not exceed the earlier permit's cfs amount, Dave Tuthill recommended that 61-07203 should represent both rights and 61-07399 be relinquished for simplicity.

61-07203: 329 X 4.5 = 1480.5 AFA REQUIRED
2.26 X 1.9835 X 246 = 1102.7 AFA CAPABLE

Within the 329 acres described in the field exam report, this right is limited to the irrigation of 169 acres in a single irrigation season, 2.26 cfs system capacity, and 1102.7 afa diversion volume.

This right represents 61-07203 and 61-07399.

Permit 61-07399 should be relinquished.

Revised 10/25/1992 see attached

September 2, 1992

After reviewing the field exams for 61-07203 and 61-07399 and before sending them on to the SO for licensing, Dave Tuthill requested proof that Carl Hickey had actually irrigated all 329 acres at one time. Mr. Hickey was unable to dig up any type of proof. I then set up a meeting between Mr. Hickey, Jim Johnson and myself on August 25, 1992. Since Mr. Hickey did not have the capacity to irrigate all 329 acres at the time of the field exam, Jim Johnson concluded that permissible place of use should be allowed in this situation to reflect the system's actual use.

ANALYSIS (REVISED)

The 200 hp well has a system capacity of 2.26 cfs. Permit 61-07203 was filed for domestic use and 172 acres, of which 169 are developed with 130 inactive (CRP). Permit 61-07399 was filed on the same well for 160 additional acres. The entire system 329 active and inactive acres.

The system capacity of 2.26 cfs is not sufficient for 329 acres to be irrigated at one time. Due to the circumstances listed above, the following recommendations are based on permissible place of use.

RECOMMENDATIONS & CONDITIONS

61-07203: Within the 329 acres described in the field exam report, this right is limited to the irrigation of 169 acres in a single irrigation season.

Right 61-07399 is also diverted through the same p/d described in the field exam report.

Use of this right with right 61-07399 is limited to a total combined diversion rate of 2.26 cfs, a total combined diversion volume of 1102.7 afa and a total irrigation of a combined total of 329 acres in a single irrigation season.

61-07399: Within the 329 acres described in the field exam report, this right is limited to the irrigation of 160 acres in a single irrigation season.

Right 61-07203 is also diverted through the same p/d described in the field exam report.

Use of this right with right 61-07203 is limited to a total combined diversion rate of 2.26 cfs, a total combined diversion volume of 1102.7 afa and a total irrigation of a combined total of 329 acres in a single irrigation season.

REVISED 9/2/92 - SEE ATTACHED

ANALYSIS

THE 200 HP WELL HAS A SYSTEM CAPACITY OF 2.26 CFS. PERMIT 61-07203 WAS FILED FOR DOMESTIC USE AND 172 ACRES, OF WHICH 130 ARE INACTIVE IN THE CRP PROGRAM. PERMIT 61-07399 WAS FILED ON THE SAME WELL FOR 160 ADDITIONAL ACRES. THE ENTIRE SYSTEM COVERS 329 INACTIVE AND ACTIVE ACRES. I RECOMMEND AMENDING 61-07203 TO 172 ACTIVE ACRES WITH THE 1975 PRIORITY AND AMENDING 61-07399 TO COVER THE ADDITIONAL 27 ACTIVE ACRES AND THE 130 INACTIVE ACRES WITH THE LATER 1980 PRIORITY.

THE SYSTEM CAPACITY OF 2.26 CFS IS NOT SUFFICIENT FOR 329 ACRES TO BE IRRIGATED AT ONE TIME. HOWEVER, MR. HICKEY STATED THAT HE HAD IRRIGATED THE ENTIRE 329 ACRES AT ONE TIME BEFORE PUTTING 130 ACRES IN CRP. BECAUSE BOTH RIGHTS ARE PERMITS, THE FLOW RATE FOR EACH HAS BEEN PRO-RATED USING THE 2.26 CFS SYSTEM CAPACITY.

RECOMMENDATIONS

2.26 CFS/329 = .00687 CFS/ACRE
2.26 X 1.9835 X 246 = 1102.7 AFA CAPABLE

61-07203: .0068 X 172 = 1.17 CFS
1.17 X 1.9835 X 246 = 570.9 AFA

61-07399: .0068 X 160 = 1.09 CFS
1.09 X 1.9835 X 246 = 531.9 AFA

CONDITIONS

A. THIS RIGHT, WHEN COMBINED WITH 61-07399, SHALL NOT EXCEED THE SYSTEM CAPACITY 2.26 CFS.

B. THIS RIGHT, WHEN COMBINED WITH 61-07399, SHALL PROVIDE NO MORE THAN 1102.8 AFA.

Form 219
6/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

RECEIVED
DEC 09 1992
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 61-07399

1 Owner CARL D. HICKEY Phone No. 79-2127

Current Address: P.O. BOX 243 MTN HOME ID 83647

2 Accompanied by: OWNER EXAM. DATE: 7/31/91

Address: CAME Phone No. _____

Relationship to Permit Holder. _____

3 Source: GROUNDWATER tributary to _____

B. OVERLAP REVIEW

1 Other water rights with same place of use: NONE

_____ ☐ Copies Attached

2 Other water rights with same point of diversion: 61-07203

_____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached

see 61-07203 File for MAPS + PHOTOS

Scale: 1" = _____.

2 ☐ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and place(s) of use (required)

☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).

☐ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

☐ See Remarks on page 4 for continuation

4

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
WELL	US	200	DC-700B230	LANE	10"

Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	1		W½	NE	2	3S	4E	ELMORE	ORTHO PHOTO / ASCS PHOTO

6. Place(s) of Use: Indicate Method of Determination

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2S	1E	2	43	46	40	40													169
		1									40	40	40	40					160

329

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. **Measurements:**

THEO: 200 · 8.8 · .7 = 2.26 CFS

350 + 2.3 · 85

owner gage

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)
Total Head: (1) + (2) = _____ (3) : Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)
Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)
Meter Input HP: (6) x 1.34 = _____ (7)
Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)
Panel Input HP: (6) x 1.34 = _____ (7) Efficiency (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1 Volume Calculations for Irrigation: SEE AHACHMENT

V_{IR} = (Acres Irrigated) x (Irrigation Requirement) = _____

V_{DR} = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = _____

V = Smaller of V_{IR} and V_{DR} = _____

2 Volume Calculations for Other Uses

H. **REMARKS AND OVERLAP REVIEW ANALYSIS**

SEE AHACHMENT

NO OTHER WRs USED

Recommend this permit be relinquished per attached analysis

I **RECOMMENDATIONS**

Recommend cancellation
See Attached analysis dated 10/25/92. DAF

1. **Recommended Amounts**

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
IRRIGATION	3/15	11/15	~~1.08~~ 2.26	~~526.9~~ 1102.8
Totals:			~~1.08 CFS~~ 2.26	~~526.9 AFA~~ 1102.8 AFA

2. **Recommended Amendments**

☐ Change P.D as reflected above ☐ Add P.D. as reflected above ☐ None

☑ Change P.U as reflected above ☑ Add P.U. as reflected above ☐ Other

J. **AUTHENTICATION**

Field Examiner's Name LORI WHITE

Signature Lori White

Certification Date 11/4/92

Field Report Preparation Date 9/5/91

gl4 V30/92

PROFESSIONAL ENGINEER REGISTERED 3909 STATE OF IDAHO DAVID R. TUTHILL, JR. 11/4/92

K **Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.**

61-2399

HICKEY, CARL &/or CONNIE M.

BOX 243, MTN. HOME, ID 83647

Source: GROUNDWATER

Date Filed: 04/04/1980

Amount: 3.25 CFS

Diversion Point: LOT 01 Sec 02 T 03S R 04E, ELMORE Co.

Use: IRRIGATION (3.20 CFS) from 03/15 to 11/15
STOCKWATER (0.05 CFS) from 01/01 to 12/31

Place of Use: NESE NWSE SWSE SESE Sec 34 T 02S R 04E FOR 160 ACRES

Diversion Means: WELL, PUMP & PIPELINE

December 6, 1990

Connie M. Hickey
c/o Carl Hickey
Box 243
Mountain Home, ID 83647

Dear Permit Holder:

Re: Permit No. 61-7399

The department received the proof of beneficial use form. Enclosed is a copy of the order reinstating the permit since the proof of beneficial use form was received after the proof due date.

The next step is for the department to conduct the field inspection to confirm and determine the extent of beneficial use. I cannot tell just when the representative from our Western Regional office will conduct the exam, but he will try to contact you or your representative prior to being in the area.

If you have questions, please contact me.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

c: Western Region

/38399

August 31, 1990

CONNIE M. HICKEY
BOX 243
MTN. HOME, ID 83647

PROOF DUE NOTICE

RE: PERMIT NO. 61-07399

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before November 1, 1990. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS
GOVERNOR
R KEITH HIGGINSON
DIRECTOR

June 7, 1989

RE: Permit No. 61-7399

Connie M. Hickey
Box 243
Mountain Home, ID 83647

Dear Ms. Hickey:

Enclosed is an order that authorizes you to continue development under permit to appropriate water no. 61-7399. Please note in condition #1., page two of the order that you must develop your system and beneficially use the water prior to November 1, 1990. Failure to beneficially use the water before November 1, 1990 could result in a loss of your water right permit.

Please note the conditions of approval contained in your permit and the continuation order. You must comply with the conditions to fully complete beneficial use.

Sincerely,

TIM LUKE
Sr. Water Resource Agent

TL:hm

Enclosure

April 25, 1989

Mountain Home News
P.O. Drawer O
Mtn. Home, ID 83647

Dear Legal Department:

Enclosed you will find legal notices which we w'sh to have published on May 4 and May 11, 1989 (once a week for two consecutive weekly issues) in your newspaper. If your paper is published weekly, the notices must appear in the issue that is distributed during the weeks of May 1 and May 8. If you cannot publish the notices 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 a; oreciated.

Please send the affidavit of publication and billing to the office below before May 22, 1989.

Idaho Department of Water Resources
1301 North Orchard St.
Statehouse Mail
Boise, ID 83720

Sincerely,

HEIDI M. MIKEL
Secretary

NOTICE OF EXISTING
WATER RIGHT PERMIT

PERMIT NO. 61-7399
Presently Recorded as Follows:

Name: CONNIE M. HICKEY
Address: BOX 243
MTN. HOME, ID 83647
Source: GROUNDWATER
Diversion Pt.: NENE (LOT 1), SEC. 2 T3S R4E
ELMORE COUNTY
Use: IRRIGATION (3.20 CFS)
STOCKWATER (0.05 CFS)
Priority: 4/4/1980
Place of Use: SW1/4 SEC. 1 T3S R4E
Total Acres: 160

This permit was not developed by July 1, 1985, and is being reprocessed in compliance with Section 42-203D, Idaho Code. Protests against the continuance of the permit must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, ID 83720 on or before May 22, 1989. A protest must overcome the presumption of Water Appropriation Rule 5,2,1.

R. Keith Higginson, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

RECEIVED
APR 24 1989
Department of Water Resources

PERMIT NO. 61-7399

IF YOU ARE NOT INTERESTED IN HAVING YOUR PERMIT PROCESSED, PLEASE COMPLETE AND RETURN THE ENCLOSED RELINQUISHMENT FORM.

INSTRUCTIONS: Please answer the following questions as thoroughly as possible and submit the $20.00 readvertisement fee if applicable.

1. Did irrigation occur on the lands identified under your permit prior to July 1, 1985? Yes_____ No ✓

If yes, you are requested to submit clear evidence that shows the number and location of acres irrigated.

Aerial photographs taken prior to July 1, 1985, located in area ASCS offices, are best forms of evidence. Photos submitted to the the Department must be accompanied by a signed statement from an ASCS representative which verifies the photo date and that the lands were irrigated prior to July 1, 1985. If ASCS does not have photos for the land and/or time in question, you must have the ASCS provide the Department with a statement that photos are not available and then proceed to submit other forms of suitable evidence.

2. Please state the number of acres you have irrigated under this permit since July 1, 1985. 160 acres

3. If you have not irrigated lands under this permit, please state the number of acres you plan to complete. N A

NOTE: You must submit the $20.00 readvertisement fee if any or all of the lands were not irrigated before July 1, 1985.

4. If the permit is a supplemental filing please identify other water rights which are used on the same land.

_____

_____

Use the reverse side of this form if you wish to add any comments.

I hereby assert that the responses provided above are true to the best of my knowledge. I understand that any willful misrepresentations may result in voiding of the application.

Permit Holder Lloyd Kirby Date 4-24-89

This is a DLE App for 160 acres. Irrigation of lands did not commence until after 1985.

IDAHO DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

5. REMARKS/COMMENTS:

State of Idaho
DEPARTMENT OF WATER RESOURCES (208) 327-7900
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - [redacted]

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

April 6, 1989

RE: PERMIT NO. 61-7399

Dear PERMIT HOLDER:

Due to the Swan Falls litigation, development proposed by the enclosed permit may have been delayed. The Department is presently reviewing the permit and may authorize completion of development proposed under the permit.

The purpose of this letter is to determine: (1) the extent of development under the permit, and (2) your continued interest in developing or completing development under the permit.

Enclosed are two forms which will help the Department expedite the reprocessing of the permit.

Please complete and return the enclosed questionnaire if you wish to continue with your plans of development or have completed all or a portion of your development before July 1, 1985.

Please complete the enclosed relinquishment form and return it to the Department if you have abandoned or have no interest in continuing with your plans for development of the project.

If the entire project was not completed prior to July 1, 1985, and you still wish to proceed with your plans of development, then you must submit a $20.00 re-advertisement fee to the Department as required by Water Appropriation Rule 4,2,3. and Section 42-221F, Idaho Code.

Failure to return the questionnaire and pay any required re-advertisement fee within thirty (30) days of the date of this letter is cause for the Department to cancel the permit.

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 327-7864. The enclosed forms and all other relative information must be returned within thirty (30) days to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720
Attn: Tim Luke - Water Allocation/Trust Water

Please note that a copy of your permit is enclosed. The permit number is shown on the enclosed questionnaire.

Sincerely,

TIM LUKE
Sr. Water Resource Agent

Enclosures

61-7399

Form 3W-9
6/82

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

COMMENCEMENT OF WORKS

Permit No. 61-7399
Name(s) of Permit Holder(s): Jennie M. Hickey
Post Office Address: P.O. Box 243
Paul, Idaho 83347 Tel. No. 383-4418 or 337

☒ I hereby certify that construction of diversion works for the above referenced permit began on 9/1/1977 (date). I understand that I must continue to develop the water system with due diligence to maintain a valid permit.

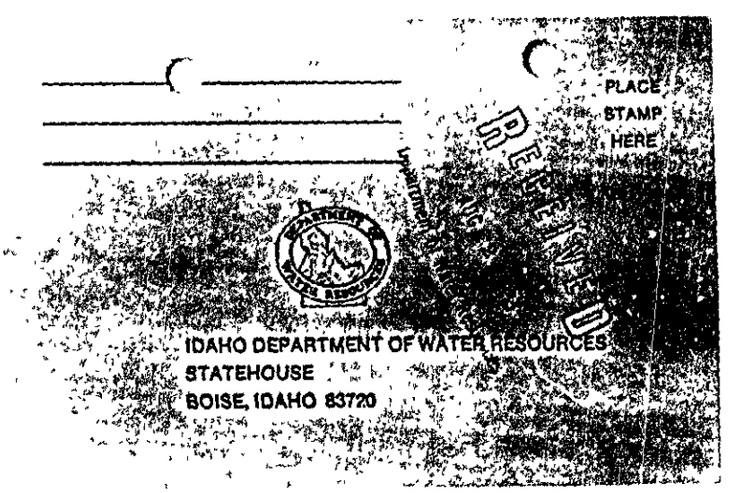
☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

_____

*Note: A financing difficulty is not an acceptable reason.

8/1/83
Date

Jennie M. Hickey
Signature of Permit Holder


PLACE
STAMP
HERE
IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

FORM 1274-18 DEPARTMENT OF THE INTERIOR PAGE: 1
BUREAU OF LAND MANAGEMENT
AS OF: 8/25/86
SERIAL REGISTER PAGE PRINTED: 8/26/86

ACT 3-3-1877; 43USC321-323,325,327-329 CASE TYPE SERIAL NUMBER
DESERT LAND ACT 252000 ID1 19871

NAME AND ADDRESS

HICKEY CONNIE M
BOX 243
MOUNTAIN HOME ID 83647
APPLICANT 100.00000 %

DESCRIPTION OF LAND

BOISE MER

T. 3 S, R. 4 E, ELMORE COUNTY, ID
BOISE DISTRICT BRUNEAU RESOURCE AREA
SEC. 1: SW

160.000 ACRES

ACTIONS

DATE	CODE	TAKEN	REMARKS	
8/16/1983	124	APLN RECD	9:08AM	JC
********	PENDING ACTION: BRUNEAU RESC AREA			
10/20/1983	600	RECORDS NOTED		
12/24/1984	911	REPORT RECEIVED	LEASABLE MINERALS	SH
5/15/1985	005	NEPA ANAL RECD		SH
5/15/1985	020	PROPOSED CL ISSUED	160 AC SUITABLE	SH
8/05/1985	176	CLASSIFICATION ISSUED		JC
9/20/1985	042	CASE SENT	TO ISO (943)	SC
9/24/1985	550	CL SUITABLE		DH
10/16/1985	042	CASE SENT	I-1	CB
10/17/1985	600	RECORDS NOTED		DWS
11/04/1985	042	CASE SENT	ISO FOR ALLOWANCE	MD
11/07/1985	197	ENTRY ALLOWED		DH
2/04/1986	600	RECORDS NOTED		DWS

GENERAL REMARKS

01 APPROVED WATER PERMIT 61-7599 BRUNEAU R A

NOTICE OF EXISTING WATER RIGHT PERMIT

PERMIT NO. 61-7200

Presently Recorded as Follows:
Name: CONNIE M. HICKEY
Address: BOX 243, MTN. HOME, ID 83647
Source: GROUNDWATER
Diversion PL. NENE (LOT 1) SEC. 2 T3S R4E. ELMORE COUNTY
Use: IRRIGATION (3.20 CFS); STOCKWATER (0.05 CFS)
Priority: 4/4/1980

Place of Use: SW¼ SEC. 1 T3S R4E
Total Acres: 160

This permit was not developed by July 1, 1985, and is being reprocessed in compliance with Section 42-203D, Idaho Code. Protests against the continuance of the permit must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, ID 83720 on or before May 22, 1989. A protest must overcome the presumption of Water Appropriation Rule 2.1.

R. Keith Higginson, Director

First publication May 3, 1989.
Last publication May 10, 1989.

RECEIVED
MAY 11 1989
Water Resources

Affidavit of Publication

County of Elmore)
) ss.
STATE OF IDAHO)

I, Mike Thornberry do solemnly swear that I am the foreman or publisher of the MOUNTAIN HOME NEWS a weekly newspaper of general circulation published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of the proof of publication thereof, was published in said newspaper for 2 consecutive weeks, the first publication having been made on the 3 day of May, 19 89, and the last publication having been made on the 10 day of May 19 89; every Wednesday issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Mike Thornberry

STATE OF IDAHO)
COUNTY OF ELMORE)

On this 10th day of May in the year of 1989, before me, a Notary Public, personally appeared Mike Thornberry, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn declared that the statements therein are true and acknowledged to me that he executed the same

Notary Public for Idaho
Residing at Mtn Home Idaho
My commission expires 2/5/91

July 23, 1986

Connie M. Hickey
Box 243
Mountain Home, ID 83647

Dear Ms. Hickey:

Re: Permit No. 61-7399

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to November 1, 1990. Note that the permit has been reinstated with no advance in priority.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Idaho State Office
3380 Americana Terrace
Boise, Idaho 83706

IN REPLY REFER TO I-19871 (943)

NOV 7 1985

Connie M. Hickey
Box 243
Mountain Home, ID 83647

Dear Ms. Hickey:

Enclosed is the Notice of Allowance for your desert land entry I-19871 along with regulation Circular No. 2291.

You should keep in mind the requirement for doing annual improvement work (see pages 5-6 of circular). This must be done in order to keep your entry in good standing. You will not be sent advance requests for submitting annual proof, but you will be notified if you are in default. Forms for filing annual proof statements are available from this office on request.

Information on final proof (pages 6-9) explains in detail the requirements in order to receive patent to the lands. Final proof must be made within four years from the date the entry is allowed. When you are ready, you should file a notice of intention to make proof. A form for this notice is also available from this office on request.

We wish you good luck and success in the development and completion of your entry.

Sincerely yours,

William E. Ireland

William E. Ireland, Chief
Realty Operations Section

Enclosures

cc: DM., I-1

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Idaho State Office
3380 Americana Terrace
Boise, Idaho 83706

IN REPLY REFER TO I-19871 (943)

NOTICE OF ALLOWANCE
Connie M. Hickey
Box 243
Mountain Home, ID 83647

Serial No I-19871 160 Acres

T. 3 S., R. 4 E., B.M.
sec. 1, SW¼.

Your application for desert land entry for the above-described land has this day been approved and allowed, subject to any valid existing rights and your further compliance thereto with the applicable laws and regulations. The acceptability of final proof will be contigent upon substantial compliance with the requirements of the Desert Land Act of March 3, 1877 (19 Stat. 377; 43 U.S.C. 321-323) as amended and supplemented, and the appropriate rules and regulations of 43 CFR, Part 2520. The development and reclamation of the land must be basically in accordance with your approved plan of development which is on file in the Idaho State Office. At the time of final proof, you must show that you have in good faith, substantially reclaimed, irrigated and cultivated all of the irrigable land in the entry in a manner calculated to produce profitable results. At that time you must also show that you have a completely developed source and supply of irrigation water that is adequate to permanently irrigate all the irrigable acres in the entry and that you have a legal right to the use of this water. Any substantial change in your source of water or deviation in the construction of the irrigation facilities as shown by your approved plan of development must have prior approval of the Bureau of Land Management. The irrigable acreage of this entry has been determined to be approximately 160 acres. In correspondence relating to this entry, always refer to the serial number shown above.

Allowance of this entry is subject to the Act of July 17, 1914, which requires all oil and gas deposits are reserved to the United States.

Allowed this 7th day of
November, 1985.

William E. Ireland, Chief
Realty Operations Section

STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 61-7399 Reviewed by MJ Date 7-15 1986

BASIC INFORMATION

4 Date stamp received
4 Extension received timely
(not prior to 6 month before proof due date or after reinstatement period)
4 Fee received and receipted
4 Name and signature same as permit
N Address change (indicate on coding sheet)

BASIS FOR EXTENSION REQUEST

___ Has adequate work been completed to demonstrate due diligence?
___ Has the cost incurred been adequate to demonstrate an intent to complete the project?
___ Has the permit been involved in litigation?
a. Swan Falls _____ Dismissed from Swan Falls _____
Other _____ Identify _____
b. Is supporting documentation needed to complete the file? _____
Requested _____
c. Calculate the period of delay

Date litigation completed _____

Date litigation began - _____

Total period of delay = _____

Present proof due date + _____

NEW PROOF DUE DATE = _____

4 Is delay by a government agency?
Is supporting documentation needed to complete the file? yes
Requested? _____

ACTION TAKEN - Recommend approval of extension for 4½ yrs - the same amount of time the Government took to approve the new proof date is November 1, 1990.

Special conditions or remarks:

4 Reinstate w/no advance in priority

Date extention received _____ = _____
Proof due date _____ = - _____
No. of days late _____ = _____
Priority date _____ = + _____
ADJUSTED PRIORITY DATE _____ = _____

___ Prepare coding sheet
___ Change rolodex card

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
MAY 13, 1986

DICKEY, CONNIE M.
BOX 249
MTN. HOME, ID 83647

LAPSE NOTICE

RE: PERMIT NO. 61-7399

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-216A, IDAHO CODE, THE ABOVE REFERENCED WATER PERMIT HAS LAPSED. THIS OFFICE DID NOT RECEIVE EITHER AN ACCEPTABLE PROOF OF BENEFICIAL USE SUBMITTAL OR AN ACCEPTABLE REQUEST FOR AN EXTENSION OF TIME. YOU WERE PROVIDED THE PROPER FORMS IN OUR PROOF DUE NOTICE TO YOU DATED FEBRUARY 28, 1986.

YOUR PERMIT CANNOT BE REINSTATED UNLESS YOU SUBMIT PROOF OF BENEFICIAL USE OR SUBMIT AN EXTENSION OF TIME REQUEST SHOWING REASONABLE CAUSE FOR DELAY. EITHER THE COMPLETED PROOF OF BENEFICIAL USE SUBMITTAL (INCLUDING THE EXAMINATION FEE ON A COMPLETED FIELD EXAMINATION REPORT) OR THE EXTENSION REQUEST FORM TOGETHER WITH THE $15 FEE MUST BE RECEIVED BY THIS DEPARTMENT WITHIN SIXTY DAYS OF THE DATE OF MAILING OF THIS LAPSE NOTICE OR THE PERMIT WILL NO LONGER BE OF ANY FORCE OR EFFECT.

A PROOF OF BENEFICIAL USE FORM AND A REQUEST FOR EXTENSION OF TIME FORM ARE AGAIN ENCLOSED FOR YOUR USE. PLEASE NOTE THAT ONLY ONE EXTENSION OF TIME CAN BE GRANTED UNLESS THE PROJECT HAS NOT BEEN COMPLETED BECAUSE OF LACK OF A NECESSARY APPROVAL BY A GOVERNMENTAL AGENCY OR BY LITIGATION WHICH MIGHT BRING TITLE TO THE WATER IN QUESTION.

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

ENCLOSURES

LGS:ff

5-28-1986

Rita Flesh

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-1440
CERTIFIED MAIL
FEBRUARY 28, 1986

-138879

DICKEY, CONNIE M.
BOX 241
MTN. HOME, ID 83647

PROOF DUE NOTICE

RE: PERMIT No. 61-7394

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF THE ABOVE REFERENCED WATER PERMIT WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE MAY 1, 1986. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST.) ENCLOSED IS A FORM WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION WHICH MIGHT BRING TITLE TO THE WATER IN QUESTION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER A COMPLETED PROOF OF BENEFICIAL USE FORM OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RETA BEECH
SECRETARY/RECORDS MANAGER

ENCLOSURE

2520

CLASSIFICATION DECISION
(Proposed)
I-19871

The following-described land has been examined and found suitable for agricultural development. The land is hereby classified as suitable for disposal under provisions of the Desert Land Act of March 3, 1877 (19 Stat. 377; 43 U.S.C. 321-323), as amended, and the regulations thereunder (43 CFR 2520):

T. 3 S., R. 4 E., Boise Meridian
sec. 1, SW¼
containing 160 acres

The land is suitable for agricultural purposes as contemplated by 43 CFR 2430.5(a)(c) and (e). The land meets the classification criteria of 43 CFR 2410.1(a)-(d) in that it is physically suited for the purpose of this classification; all present and future uses and users have been considered; and this classification is consistent with local, state and federal programs, policies, plans, zoning and regulations applicable to the area.

Classification of this land for disposal under the provisions of the Desert Land Act will segregate it from all other forms of appropriation including the locatable mining laws but not the mineral leasing laws.

The following petition for classification is hereby approved:

I-19871 Connie M. Hickey
Box 243
Mountain Home, Idaho 83647

This decision relates only to land classification. Adjudicative action will determine the merits of the application and qualifications of the applicant. If the entry is allowed or the land is transfered out of federal ownership, the grazing use will be terminated but there will be no reduction of the permitted AUMs within the allotment.

5/15/85
Date

J. David Brunner
For the State Director

A copy of the Proposed Decision for I-19871 was sent to the following:

Connie M. Hickey Box 243 Mountain Home, Idaho 83647	Certified Mail
Elmore County Commissioners Elmore County Courthouse Mountain Home, Idaho 83647	Certified Mail
Honorable John V. Evans Governor of Idaho Statehouse Boise, Idaho 83720	Certified Mail
Idaho State Clearinghouse Div. of Econ. & Comm. Affairs Statehouse Boise, Idaho 83720	Certified Mail
Idaho Fish and Game Department 600 S. Walnut Boise, Idaho 83702	Regular Mail
Idaho Department of Water Resources State and Western Regional Office 450 West State Street Boise, Idaho 83720	Certified Mai.
John Anchustegui 3380 Catalina Lane Boise, Idaho 83705	Certified Mail
Jean Smith McCarthy 905 Warm Springs Ave. Boise, Idaho 83702	Certified Mail
Domingo Aguirre & Sons 315 E. 5th North Mountain Home, Idaho 83647	Certified Mail
Boise District Advisory Board c/o Gene Davis Bruneau, Idaho 83604	Regular Mail

Boise District Multiple Use Advisory Council c/o Walt Yarbrough, Chairman Box 76, Route B Grand View, Idaho 83624	Regular Mail
Honorable James McClure United States Senator 304 N. 8th Street, Room 149 Boise, Idaho 83702	Regular Mail
Honorable Steve Symms United States Senator 304 N. 8th Street, Room 338 Boise, Idaho 83702	Regular Mail
Honorable Larry Craig Member, U.S. House of Representatives 304 N. 8th Street, Room 134 Boise, Idaho 83702	Regular Mail
Honorable Richard Stallings Member, U.S. House of Representatives 304 N. 8th Street, Room 434 Boise, Idaho 83702	Regular Mail
Elaine Martin, Executive Chairman Idaho Carey Act Development Assn. Route 4 Jerome, Idaho 83338	Regular Mail
Idaho Wildlife Federation c/o Russ Heughins History Department Washington State University Pullman, Washington 99164-4030	Regular Mail

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Boise District
3948 [illegible]

IN REPLY REFER TO
I-19871
2520

May 16, 1985

Idaho Dept. of Water Resources
State and Western Regional Off.
450 W. State St.
Boise, ID 83720

Dear Interested Citizen:

Attached is a Proposed Decision to classify 160 acres of public land in Elmore County, Idaho, as suitable for Desert Land Entry. The official report setting out the facts upon which the decision is based, is available for inspection at the Bureau of Land Management, Boise District Office, 3948 Development Avenue, Boise, Idaho 83705.

If you desire, you may comment upon, or protest the Proposed Decision in writing within 30 days from the date of receipt of this letter. You may present any information which you believe will enable me to make a sound decision concerning the classification of these public lands. Comments should be made to me at the above address.

Sincerely yours,

J. David Brunner
Associate District Manager

Enclosure

RECEIVED
MAY 21 1985
Depar[illegible]
Wes[illegible]

. ate of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address
Statehouse
Boise, Idaho 83720
(208) 334-4440

June 13, 1985

J. David Brunner
Associate District Manager
Bureau of Land Management
Boise District
3948 Development Avenue
Boise, ID 83705

RE: I-19871

Dear Mr. Brunner:

This Department has no objections to the above classification decision.

The applicant, Connie M. Hickey, has Water Right Permit 61-7399 on file with this Department.

Thank you for this opportunity to comment.

Sincerely,

John D Carlson

JOHN D. CARLSON
Construction Permits Section

JDC:ldt

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Boise District
3948 Development Avenue
Boise, Idaho 83705

IN REPLY REFER TO: I-19871
2520

August 5, 1985

RECEIVED
AUG 3 1985
Department of Water Resources
Western Regional Office

CERTIFIED MAIL NO. 45016
RETURN RECEIPT REQUESTED

Idaho Department of Water Resources
State and Western Regional Office
450 W. State Street
Boise, Idaho 83720

Dear Interested Citizen:

Attached is an Initial Decision to classify 160 acres of public land in Elmore County, Idaho, as suitable for Desert Land Entry. The official report setting out the facts upon which the decision is based, is available for inspection at the Bureau of Land Management Boise District Office, 3948 Development Avenue, Boise, Idaho 83705.

A 30-day period will be allowed for comments following receipt of this decision. The classification becomes final at that time if no protests are received.

All comments, objections or protests should be sent to the Secretary of the Interior, LLM 320, Washington, D. C. 20240.

Once the land is classified, the application will be processed. Applications on land classified suitable will be subjected to engineering and economic feasibility analysis and will require a showing that sufficient water is available. If the analysis and water showing are favorable, entry will be allowed. If not, the application will be rejected.

Sincerely yours,

J. David Brunner
Associate District Manager

Enclosure

2520

CLASSIFICATION DECISION
(Initial)

A.

The following-described land has been examined and found suitable for agricultural development. The land is hereby classified as suitable for disposal under provisions of the Desert Land Act of March 3, 1877 (19 Stat. 377; 43 U.S.C. 321-323), as amended, and the regulations thereunder (43 CFR 2520):

T. 3 S., R. 4 E., Boise Meridian
sec. 1, SW¼
containing 160 acres

The land is suitable for agricultural purposes as contemplated by 43 CFR 2430.5(a)(c) and (e). The land meets the classification criteria of 43 CFR 2410.1(a)-(d) in that it is physically suited for the purpose of this classification; all present and future uses and users have been considered; and this classification is consistent with local, state and federal programs, policies, plans, zoning, and regulations applicable to the area.

Classification of this land for disposal under the provisions of the Desert Land Act will segregate it from all other forms of appropriation including the locatable mining laws but not the mineral leasing laws.

The following petition for classification is hereby approved:

I-19871 — Connie M. Hickey
Box 243
Mountain Home, Idaho 83647

This decision relates only to land classification. Adjudicative action will determine the merits of the application and qualifications of the applicant. If the entry is allowed or the land is transfered out of federal ownership, the grazing use will be terminated but there will be no reduction of the permitted AUMs within the allotment.

8/1/85
Date

J. David Brunner
For the State Director

A copy of the Initial Decision for I-19871 was sent to the following:

Connie M. Hickey Box 243 Mountain Home, Idaho 83647	Certified Mail
Elmore County Commissioners Elmore County Courthouse Mountain Home, Idaho 83647	Certified Mail
Honorable John V. Evans Governor of Idaho Statehouse Boise, Idaho 83720	Certified Mail
Idaho State Clearinghouse Div. of Econ. & Comm. Affairs Statehouse Boise, Idaho 83702	Certified Mail
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Idaho Department of Water Resources State and Western Regional Office 450 W. State Street Boise, Idaho 83720	Certified Mail
John Anchustegui 3380 Catalina Lane Boise, Idaho 83705	Certified Mail
Jean Smith McCarthy 905 Warm Springs Ave. Boise, Idaho 83702	Certified Mail
Domingo Aguirre & Sons 315 E. 5th North lMountain Home, Idaho 83647	Certified Mail
Boise District Advisory Board c/o Gene Davis Bruneau, Idaho 83604	Regular Mail

Boise District Multip. Use Advisory Council c/o Walt Yarbrough, Chairman Box 76, Route B Grand View, ID 83624	Regul. Mail
Honorable James McClure United States Senator 304 N. 8th Street, Room 149 Boise, ID 83702	Regular Mail
Honorable Steve Symms United States Senator 304 N. 8th Street, Room 338 Boise, ID 837092	Regular Mail
Honor. ble Larry Craig Member, U.S. House of Representatives 304 N. 8th Street, Room 134 Boise, ID 83702	Regular Mail
Honorable Richard Stallings Member, U.S. House of Representatives 304 N. 8th Street, Room 434 Boise, ID 83702	Regular Mail
Elaine Martin, Executive Chairman Idaho Carey Act Development Assn. Route 4 Jerome, Idaho 83338	Regular Mail
Idaho Wildlife Federation c/o Russ Heughins History Department Washington State University Pullman, WA 99164-4030	Regular Mail

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

September 10, 1985

Secretary of the Interior
LLM 320
Washington, DC 20240

RE: I-19871/2520

Dear Mr. Brunner:

Connie M. Hickey of Mountain Home has an approved water right permit No. 61-7399 which is situated within the boundaries of an area designated as the Cinder Cone Butte Critical Groundwater Area.

The permit together with all other permits in the State are subject to review with respect to Section 42-2039, Idaho Code, which became effect July 1, 1985.

Thank you for this opportunity to comment.

Sincerely,

John D. Carlson

JOHN D. CARLSON
Construction Permits Section

JDC:ldt

Form 204
3-81

For Office Use Only
Fee Received 15.00
Date 4/17/86
Receipt # 402953

RECEIVED
APR 17 1986
Department of Water Resources
Western Regional Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

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

I, Lonnie D. Tuckey (Name) of Box 243 Mountain Home, Idaho 83647 (Address)

State of Idaho, deposes and says

That he is the holder or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of the State of Idaho No. 61-7399

That under the terms and conditions of said permit, work thereunder was required to be completed on or before May 1, 19 86

That he has heretofore performed the following work described under said permit. *(This must be filled out! If no work has been completed put none.)*

The Point of Diversion was not allowed until approximately July 7, 1985

Costing $ _____

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

Work was not started as final approval of APPL was during the winter of 1985 APPL # T-1987-2520 - Please see copy of attachment for approval.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to May 1, 19 91 (1 yr minimum 5 yrs maximum)

NOTE
AS OF JULY 1 1980
THERE IS A $15.00
CHARGE FOR REQUESTS
FOR EXTENSION OF
TIME

Lonnie D. Tuckey
and for
Connie M. Tuckey
(Signature)*

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

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to November 1, 1990. IT IS FURTHER ORDERED that the permit be REINSTATED with no advance in priority.

Signed this 21st day of July 19 86

L. Glen Saxton
Chief, Operations Bureau

July 13, 1984

Connie M. Hickay
Box 243
Mountain Home, ID 83647

Dear Ms Hickey:

Re: Permit No. 61-7399

Enclosed please find a copy of your approved Application for Amendment of the above-referenced permit.

In connection with the development of a water right under this permit, the Department wishes to call to your attention an Idaho Supreme Court decision issued in November 1982 which likely could affect your future use of water.

The decision in the case of Idaho Power Company vs the State of Idaho, et al stated in part that Idaho Power Company's use of water for power generation purposes at the Swan Falls dam on the Snake River is not subordinated to upstream depletion by later-in-time uses. The question of whether Idaho Power's 8,400 cfs water right at Swan Falls dam has been diminished by subsequent development, however, was remanded back to district court for determination. The findings of the district court could restrict water availability or require compensation to Idaho Power Company for uses developed later in time than Idaho Power Company's water right at Swan Falls dam.

The 1982 Idaho Legislature added a requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date a permit is issued. In the case of this amendment, you must commence works within a year from the day the amendment was signed and proceed diligently until the project is completed unless development continues to be delayed by lack of BLM approval or the Swan Falls issue. The enclosed blue card must be com-

plated and returned to this office as soon as you commence construction. If you are still prevented from commencing works eleven months from now, note the reason on the blue card and return it then.

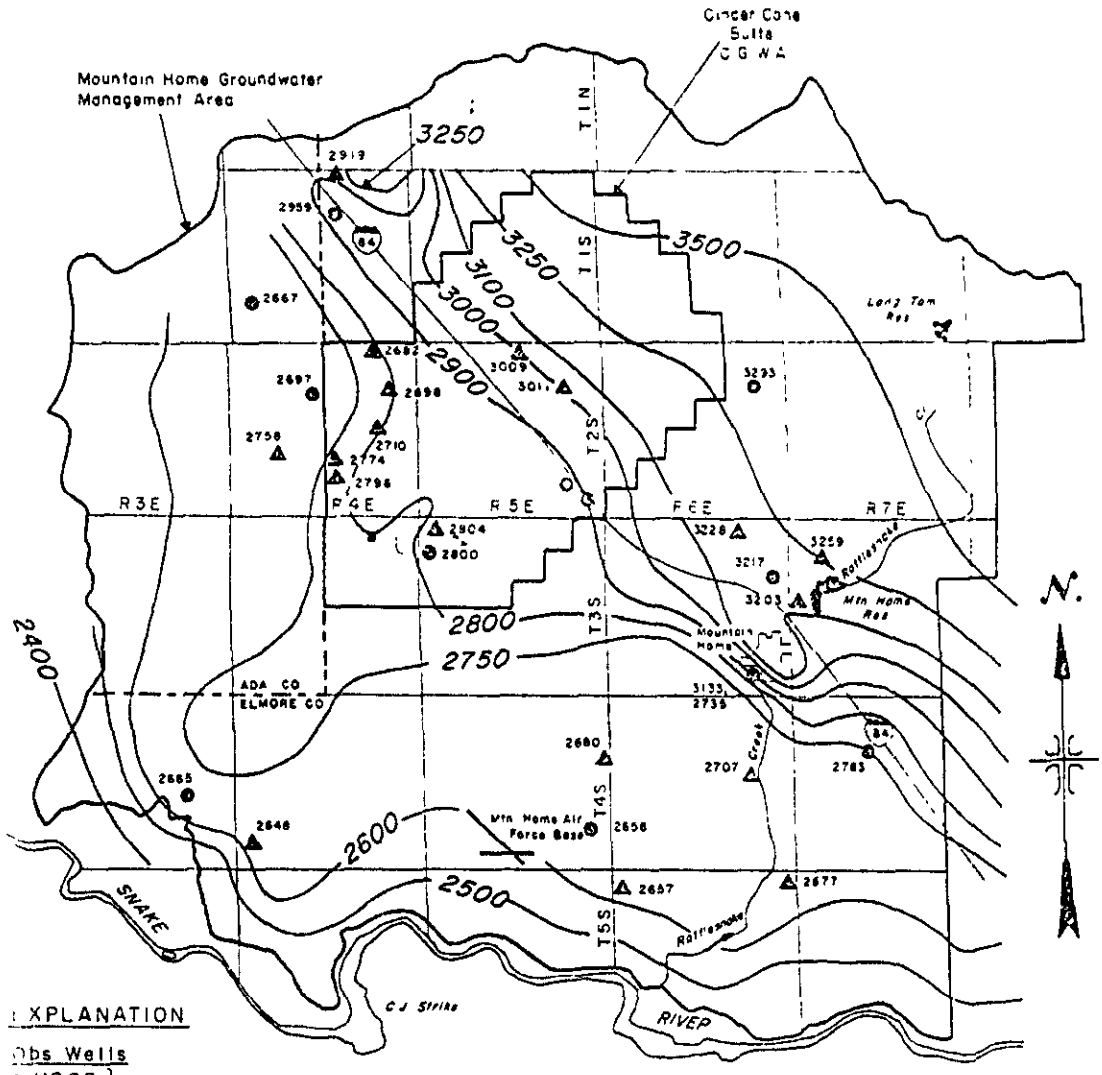
Sincerely,

DAVID R. TUTHILL
Supervisor, Water Allocations Section

DRT:rt

Enclosures

cc: BLM



EXPLANATION

Obs Wells

○ USGS
△ IDWR

} Show spring 1984 water table elevations

NB Contour lines, which reflect spring and summer 1980 conditions, taken from a 1983 USGS report (Groundwater Quality in the Western Snake River Basin, Swan Falls to Glenns Ferry, Idaho)

0 1 2 3 4 5 6 Mi
Scale

Mountain Home Area: Springtime Groundwater Information

Cinder Cone Butte CGWA	Spring depth to water, in feet below land surface datum				Water level change, in ft/yr
	1984	1983	1982	1981	
2S-5E-36BBB1	282.80	282.85	282.44	282.24	0.5 (declining)
2S-5E-26BDB1	310.30	308.77	308.18	307.71	0.7-1.3 (declining)
3S-5E-7BDD1	273.60	278.99	275.56	269.38	5.5 (rising)
Mtn. Home GWMA					
2S-4E-9DDD2	424.38	423.85	421.86	42 .30	1.2 (declining)
4S-3E-23CDD1	251.77	250.36	249.15	247.95	1.2 (declining)

..ate of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street Boise Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address
Statehouse
Boise Idaho 83720
(208) 334-4440

May 7, 1984

MEMO

TO: Ken Dunn and Wayne Haas

FROM: Stan Szczepanowski

SUBJECT: SPRING 1984 GROUNDWATER CONDITIONS IN MOUNTAIN HOME AREA OBS WELLS OF THE USGS AND IDWR

During the period 20 to 23 March 1984, 20 IDWR obs wells and 13 USGS obs wells were measured for depths to groundwater. Ten IDWR obs wells were measured in the Mountain home Groundwater Management Area (GWMA). While records for some of these extend back only to 1982, the limited trends noted to date are: 5 wells declining, two having risen since 1983, two stable, and one having no trend, since this spring was the first measurement. Of the 8 IDWR obs wells in the Cinder Cone Butte Critical Groundwater area (CGWA), 5 are in apparent decline and the other 3 wells have water levels that have risen.

The USGS obs wells have longer records and are better indicators of trends than the IDWR wells. Ten obs wells are in the Mountain Home CGWA; declines are known from 3; rising conditions in 4 (although 2 of these are in the shallow, perched groundwater system around Mountain Home); stable levels in 2, and in 1 well, which had been fairly stable, the water level dropped from 1983 by 1.4 ft. There are 3 obs wells in the Cinder Conte Butte CGWA; one shows a continuing decline, the second appears to be holding steady and the third, although steadily declining from 1980 to 1983, showed a 5 ft. improvement over the 1983 reading.

The map shows the spring 1984 water table elevations in the USGS and IDWR obs wells. These elevations are plotted on a map which shows potentiometric contours of water levels based on spring and summer 1980 measurements (taken from a published USGS document). Note please that while most of the 1984 plotted elevations fall along or between appropriate contours, some points indicate actual declines since 1980. Hydrographs of well water levels in USGS obs wells are more revealing than the map: 4 wells show continuing downward trends, 2 wells shows an improvement, the trend in another is unclear, and the trend in one well is probably still downward. Water level changes, in ft/yr, are found in the table.

SS:mb

cc: John Beal

INTER-DEPARTMENT MEMO — 1

FROM Dave Tuthill DCT

DATE June 12, 1984

TO 61-7399

SUBJECT Application for Amendment

Pursuant to a review of the file I find that the Applicant proposes no change in P/D; no change in rate of flow; and no change in total acreage.

The nearest observation well to the proposed P/D is No. 35-SE-7BDD1, which is about 1.5 miles distant. The obs well showed declines from 1981 to 1983, but an increase from 1983 to 1984, resulting in a modest decline net. (See attached Memo)

Recommend approval of the amendment.

SIGNATURE

SNAKE RIVER HYDRO POWER

IDAHO POWER COMPANY

Drawer 860 Mtn. Home, ID 83647

May 31, 1984

RECEIVED
JUN 7 1984
Department of Water Resources

Ms. Connie Hickey
P.O. Box 243
Mtn. Home, ID 83647

Dear Ms. Hickey:

On your execution of this letter, Idaho Power Company (Company) will accept for processing your application for electrical service. The Company acknowledges that you have delivered to it a copy of an Idaho Water Right Application or Permit, and you have acknowledged and agreed to comply with Company tariffs, policies and procedures. With the acceptance of your application for processing, your application will be processed in accordance with normal procedures and policies of this Company.

However, be advised that by reason of a complaint filed with the Idaho Public Utilities Commission and the Idaho Supreme Court decision in Idaho Power Company vs State of Idaho, et al, you may be sued as a defendant in the remand of the above cited case or in Idaho Power Company vs Idaho Department of Water Resources, et al, or in a related case or proceeding so as to determine whether or not your proposed or actual consumptive water use depletes the Idaho Power Company's protectible water rights. You are notified that the Company does not by the acceptance of your electrical service application for processing or by providing electrical service as requested, waive any rights the Company has relating to water rights, water use by the Company, or any other claim or right of the Company. You are further notified that as a result of legal action, you could be permanently enjoined or otherwise stopped from diverting water and perhaps required to compensate the Company for any damages by reason of your diversion.

Please acknowledge your understanding of this letter by executing the "Customer Acknowledgement" below.

Very truly yours,

George R. Hayes

"Customer Acknowledgement"

I understand the contents of this letter.

Connie Hickey
Applicant

6-7-84
Date

SNAKE RIVER
HYDRO POWER

IDAHO POWER COMPANY

RECEIVED
JUN 7 1984
Department of Water Resources

August 1, 1980

Mr. Carl Mickey
Box 243
Mountain Home, ID 83647

Dear Sir:

Regarding your proposed well located NW SW, Section 19, T2S, R5E, Boise, M.

Our geologist states that the water table is below the Snake River level, and he recommends the hookup be allowed.

This permission is subject to your letter of June 25, 1980 for your continued agriculture operation.

Sincerely,

George R. Haynes

George R. Haynes,
District Manager
IDAHO POWER COMPANY
Mountain Home District Office

GH:rc

Idaho Power RATES AND CONTRACTS DEPARTMENT

JUN 7 1984

Department of Public Utilities

IDAHO CUSTOMER ELECTRIC SERVICE REQUEST

Daily Cash Report No	Date
Total Customer Payment	
Customer Order No	Request No

Work Order Number

Customer Account Number

Recorded Date

CUSTOMER REQUEST

Customer: Connie Hickey | Phone Number: 383-4413 | Dist: Nita Wanner

Billing Address: P.O. Box 243 | City: Mtn. Home | State: Id | Zip Code: 83647

Person Contacted: Abbe | Address | Phone

Service Address: Northeast Corner NE¼ | Location | Sec: 2 | Twp: 3 S | Range: 4 E

Service For: Pump | Date Service Needed ▶ | Temporary Date | Permanent Date | Type of Load: ☐ Commercial ☐ Irrigation ☐ Residential ☐ Industrial ☐ Other

Rate Schedule	New Load ▶	1Ø (Phase)	3Ø (Phase)	Exist Demand	Est Demand	Voltage	Service	Primary
24				180	100	277/480	☐ OH ☐ UG	☑ OH ☐ UG

REMARKS

See attached Map.

Has 200 HP Pump add 125 Hp Booster

OTHER

Right of Way Required: ☐ Yes ☑ No

Service Request: ☐ Line Extension ☐ Upgrade ☐ Additional Applicant ☐ Customer

Customer Cost Determined By: ☐ Average Unit Cost ☐ Work Order Cost

REQUEST ACCEPTANCE

Customer Acceptance On Above Request: X Connie Hickey | JUN 04 1984

Request Prepared by: [signature]

See Reverse For Detail On Line Extension Cost Total

CUSTOMER COSTS

1 Line Extension Cost	$	9. Line Ext. Construction Credit	($)
2 Unusual Conditions	$	10. ¼ Common Share Portion (NSR)	$
3 Up to 1,000 Allowance	($)	11. Right-of-Way Permit (NSR)	$
4 Net Extension Cost (1+2−3)	$	12. Svc. OH/UG Difference (NSR)	$
5 Line Extension Upgrade (See Schedule 71 paragraph III 5)	$	13. Svc. OH/UG Construction Credit	($)
6 Company Betterments	($)	14 Relocation Costs (NSR)	$
7 Net Line Ext Upgrade (5−6)	$	15 NSR Cash (10+11+12−13−14)	$
8 Construction Contribution (4+7)	$	16 Cash on Existing Agreement	$
		17 Total Customer Pmt. (8−9+15+16)	$

NOTICE

The undersigned acknowledges that this written quotation will be binding for 60 days and is subject to acceptance of any and all service request information provided by the Customer, Company's ability to obtain required labor, materials, equipment, satisfactory rights-of-way, to comply with governmental regulations and in accordance with and subject to the Company's standard Rules and Regulations, Line Extension Schedule No. 71 and applicable Rate Schedule, as now or hereinafter in effect and on file with the Idaho Public Utilities Commission. Customer payment due thirty (30) days prior to start of construction.

QUOTATION ACCEPTANCE

Customer's Signature: X | Date | Quotation Date

Idaho Power Company

Authorized Signature | Title

INSTRUCTIONS

District Office Cashier: *Monies Collected from Customer should be distributed on the DCR as shown in the adjacent block*

Line 10 Assign To M1,2 (Original WO)	$
Lines 8 – 9 Assign To M1 2 (New WO)	$
Lines 11 + 14 Assign To WO	$
Lines 12 – 13 Assign To 115 2	$
Line 16 Assign To A/C 252	$
Line 9 As Shown In G I Book, Page 1040 3D (Top Half)	$
Line 13 As Shown In G I Book, Pag 1040 7	$

Prepare Journal Entries for lines 9 and 13 [illegible]

December 1, 1983

RE: Permit No. 61-7399

Connie M. Hickey
Box 243
Mountain Home, ID 83647

Dear Ms. Hickey:

The Department has reviewed the Application for Amendment in connection with the above referenced permit.

The Deparment will withhold action on the appliction pending resolution of the Swan Falls issue which has jeopardized all new development upstream from Swan Falls dam. The specific issues needing clarification, as you may know, include the validity of Idaho Power Company's use of 8400 cfs at Swan Falls dam. This issue has been remanded to the District Court for determination. The other potential solution was the Draft contract between the State of Idaho and Idaho Power Company relative to existing use of water and permit development. Due to consitutional questions which habe been raised, it does not appear that the contract will be signed in the near future.

By copy of this letter the Department will advise the Bureau of Land Management that we are presently holding the application for Amendment without action and the reasons for such.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:sc

cc: Bureau of Land Management

MEMORANDUM

TO: File 61-7399

FROM: Jim Johnson

DATE: November 8, 1983

RE: Application for Amendment of Permit

The purpose of this memo is to document the conversation I had with Lee Sisco concerning the background on the situation that led to the permit holder filing the Amendment of Permit.

Lee stated that Mr. Hickey had filed the application for permit because he had made an earnest money deposit on the lands identified on the permit. The actual purchase of the land, however, was never made. Later, Connie Hickey, Mr. Carl Hickey's wife, filed a DLE application (I-19871) with BLM and after being assigned ownership of the permit, filed the application for amendment.

The water that the permit holder purposes to use on the land will be supplied from an existing well which is already being used for irrigation of lands owned by the Hickey's.

On August 2, 1983, the Department received a Commencement of Works postcard on which Connie Hickey states that construction of diversion works for the permit began on 4-1-1977.

It should be noted, however, that permit 61-7399 was filed on 4-4-1980.

NOTICE OF APPLICATION
FOR AMENDMENT 158

Notice is hereby given that permit No. 61-7399 in the name of Connie M. Hickey was filed on 4/4/1980 for the diversion of 3.25 cfs from a Groundwater source with a point of diversion within the Lot 1 (NE NE) Sec. 2 T3S R4E to be used for irrigation and stockwater purposes from 3/15 to 11/15 and 1/1 to 12/31 within portions of the SE¼ Sec. 34 T2S R4E.

The permit holder now proposes to amend the permit by changing the place of use to the SW¼ Sec. 1 T3S R4E.

Any protest against the approval of the proposed amendment must be filed with the Department of Water Resources, Statehouse, 450 W. State St., Boise, Idaho 83720 on or before September 26, 1983.

A. KENNETH DUNN
Director

First Publication: Sept. 8, 1983
Last Publication: Sept. 15, 1983

OCT 12 1983

...of Water Resources
...gional Office

Affidavit of Publication

County of Elmore } ss.
STATE OF IDAHO }

I, ..Lloyd S...Waters... do solemnly swear that I am the foreman, or publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of the proof of publication thereof, was published in said newspaper for ..2..... consecutive weeks, the first publication having been made on the ...8..... day of .....Sept....., 19..83 and the last publication having been made on the .....15..... day of ..Sept..... 19...83.; every Thursday issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Lloyd S. Waters

Subscribed and sworn to me this ..16th.. day of ..September..., 19..83

Dean W. Sherman
Notary Public

January 31, 1983

Re: Permit No. 61-7390

Connie K. Hickey
Box 243
Mountain Home, ID 83647

Dear Ms. Hickey:

This office acknowledges receipt of the Assignment of the above referenced permit to you.

Enclosed for your records is a copy of the permit. Be sure to note the special conditions of approval on the fourth page that identify requirements necessary for developing the permit into a licensed water right.

The 1982 Idaho Legislature added a requirement to your permit. Because of the change, you must commence the excavation and construction of the diverting works for your permit no later than July 1, 1983. The statute further requires that you then proceed with due diligence in completing the diverting works and applying the water to beneficial use.

To maintain the validity of your permit, you must return the Commencement of Works postcard for your permit subject to the requirement. Note that on the card you can indicate that either (1) you have commenced construction or (2) you have been prevented from initiating development due to a factor beyond your control, such as the Idaho Power Moratorium, a required approval of the Federal Government, or litigation which prevents development of the project. Please note the recent purchase of the land is not considered a reason for prevention from initiating development under this permit. Enclosed you will find the Commencement of Works postcard. Please return this card to our office no later than July 1, 1983.

If you have any questions on this matter, please feel free to contact us.

Sincerely,

ROBYN CARLSON
Chief Clerk

RC:kw
Enclosures

May 6, 1981

Carl & Connie Hickey
Box 243
Mountain Home, Idaho 88647

Dear Mr. & Mrs. Hickey,

RE: Permit No. 61-7399

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note the Special condition requiring you to install an access port or other device to provide for the installation of measuring equipment by the Department. Enclosed are specifications for the installation of the access port, as well as a list of measuring device options.

Please be advised that your proposed well is located within the newly formed Cindercone Butte Critical Groundwater Area. Within this area groundwater levels are declining at some locations. The irrigation diversions that you have proposed to develop may be regulated at some time in the future based on Idaho water law.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

Enclosure

Form No. 202a
2/79

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: _____ APPLICATION NUMBER: 61-7317

CHECK.

- ☑ Source.
- ☑ Point of diversion.
- ☑ County.
- ☑ Description of diverting works.
- ☑ Time required for beneficial use of water.
- ☑ Place of use or acres irrigated.
- ☑ Map.
- ☑ Signature.
- ☑ Fee.

Field check by: _____
Date: _____
Comments: _____

- ☐ Yes ☑ No Field check required.
- ☐ Yes ☑ No Critical groundwater area.
- ☐ Yes ☑ No Request dam safety information. Sent by: _____ Date: _____
- ☑ Yes ☐ No* In form to receipt.

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
- ☐ Idaho Fish and Game Department.
- ☐ Idaho Department of Lands.
- ☐ U.S. Bureau of Land Management.
- ☐ U.S. Forest Service.
- ☐ Other _____

PROCESSING:

- ☐ Yes ☐ No Platted by: _____ Map No. _____
- ☐ Yes ☑ No Other rights on same place of use. _____
- ☑ Yes ☐ No* In form for advertising.
  Final date for protests: 5-1-80 ✓
- ☐ Yes ☑ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☑ Affidavit of publication received. Date: 4/15/80 ✓
- ☑ Application published correctly. If not, record action taken: _____
- ☑ Fee amount, receipt date & number, recorded on application.
- ☑ Publication dates and paper, recorded on application.
- ☑ Protests, dates, withdrawal, etc., recorded on application.
- ☑ Recommendation & initial, recorded on application.
- ☐ Yes ☑ No Measuring device required.
- ☑ Yes ☐ No Access port required.
- ☐ Yes ☑ No Will water be delivered by watermaster? If yes, what district? _____
- 4/4/80 Date of priority recommended.

Special conditions of approval or cover letter. I.P. GW letter
no assignment clause

By DBS Date 4/28/81

STATE OFFICE REVIEW

See attached sheet for more information

By _____ Date _____

ELMORE COUNTY

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF THE	
CINDER CONE BUTTE CRITICAL	ORDER ESTABLISHING CRITICAL GROUNDWATER AREA
GROUNDWATER AREA	

WHEREAS, the Idaho Department of Water Resources has conducted a study of the groundwater resources of the Cinder Cone Butte Area; and,

WHEREAS, information gathered during the study indicates that the available resource is limited and that with present development localized water level declines are occuring within the aquifer system; and,

WHEREAS, the records of the department indicate potential withdrawal and use of groundwater pursuant to the outstanding permits total more than 1.5 times the calculated recharge and would exceed the reasonably safe supply, and

WHEREAS, Section 42-233a, Idaho Code, requires the Director of the Department of Water Resources to designate areas as "critical groundwater areas" in all situations where there is not sufficient groundwater to provide a reasonably safe supply for irrigation of cultivated lands, or other uses in the basin at the current rate of withdrawal or rates of withdrawal projected by consideration of valid and outstanding applications and permits:

NOW, THEREFORE, IT IS HEREBY ORDERED, that the following described area be included within and designated as the "Cinder Cone Butte Critical Groundwater Area," pursuant to Section 42-233a, Idaho Code:

From the point of beginning at the southwest corner of Sec. 15, T. 3S, R. 4E, east to the southeast corner of Sec. 16, T. 3S, R. 5E, thence north to the southwest corner of Sec. 10, T. 3S, R. 5E, thence east to the southeast corner of Sec. 10, T. 3S, R. 5E, thence north to the southwest corner of Sec. 2, T. 3S, R. 5E, thence east to the southeast corner of Sec. 2, T. 3S, R. 5E, thence north to the northwest corner of Sec. 1, T. 3S, R. 5E, thence east to the southeast corner of Sec. 36, T. 2S, R. 5E, thence north to the southwest corner of Sec. 30, T. 2S, R. 6E, thence east to the southeast corner of Sec. 30, T. 2S, R. 6E, thence north to the southwest corner of Sec. 20, T. 2S, R. 6E, thence east to the

southeast corner of Sec. 20, T. 2S, R. 6E, thence north to the southwest corner of Sec. 16, T. 2S, R. 6E, thence east to the southeast corner of Sec. 16, T. 2S, R. 6E, thence north to the southwest corner of Sec. 10, T. 2S, R. 6E, thence east to the southeast corner of Sec. 10, T. 2S, R. 6E, thence north to the northeast corner of Sec. 34, T. 1S, R. 6E, thence west to the northwest corner of Sec. 34, T. 1S, R. 6E, thence north to the northeast corner of Sec. 21, T. 1S, R. 6E, thence west to the northwest corner of Sec. 21, T. 1S, R. 6E, thence north to the northeast corner of Sec. 17, T. 1S, R. 6E, thence west to the northwest corner of Sec. 17, T. 1S, R. 6E., thence north to the northeast corner of Sec. 7, T. 1S, R. 6E, thence west to the northwest corner of Sec. 7, T. 1S, R. 6E, thence north to the northeast corner of Sec. 1, T. 1S, R. 5E. thence west to the northwest corner of Sec. 2, T. 1S, R. 5E, thence south to the southeast corner of Sec. 3, T. 1S, R. 5E, thence west to the southwest corner of Sec. 3, T. 1S, R. 5E, thence south to the southeast corner of Sec. 9, T. 1S, R. 5E, thence west to the southwest corner of Sec. 9, T. 1S, R. 5E, thence south to the southeast corner of Sec. 17, T. 1S, R. 5E, thence west to the southwest corner of Sec. 17, T. 1S, R. 5E, thence south to the southeast corner of Sec. 19, T. 1S, R. 5E, thence west to the southwest corner of Sec. 19, T. 1S, R. 5E, thence south to the southeast corner of Sec. 36, T. 1S, R. 4E, thence west to the northwest corner of Sec. 3, T. 2S, R. 4E, thence south to the point of beginning.

Dated this 7th day of May, 1981. 1350 o'clock

A. KENNETH DUNN
Director

NOTICE OF APPLICATIONS FOR WATER RIGHTS

Notice is hereby given that the following applications have been submitted for permit to appropriate the public waters of the State of Idaho:

62-7296

IDAHO POWER COMPANY
P O BOX 70 BOISE, ID 83707
Source: SNAKE RIVER tributary to COLUMBIA RIVER
Date Filed: 04/07/1980
Amount: 2000 0 AC FT
Diversion Point: NESW Sec 28 T 06S R 11E, ELMORE Co.
Use: POWER STORAGE (2000 0 AC-FT) from 01/01 to 12/31; POWER FROM STORAGE (2000 0 AC-FT) from 01/01 to 12/31
Place of Use: NESW Sec 28 T 06S R 11E
Diversion Means: EARTH FILLED DAMS.

61-7300

HICKEY, CARL & or CONNIE M
BOX 243 MTN HOME, ID 83647
Source: GROUNDWATER
Dated Filed: 04/08/1980
Amount: 3.25 CFS
Diversion Point: LOT 91 Sec 02 T 08S R 04E, ELMORE Co.
Use: IRRIGATION (3.20 CFS) from 03/15 to 11/15; STOCKWATER (0.05 CFS) from 01/01 to 12/31
Place of Use: NESE NWSE SWSE SESE Sec 34 T 02S R 04E FOR 160 ACRES
Diversion Means: WELL, PUMP & PIPELINE
If issued, the permits will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources 92 S. Cole Road, Boise, Idaho 83709 on or before MAY 5, 1980

C STEPHEN ALLRED
Director
Published 4/17 & 4/24/80.

Affidavit of Publication

County of Elmore
STATE OF IDAHO } ss.

I, [illegible] do solemnly swear that I am the foreman, or publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of the proof of publication thereof, was published in said newspaper for [illegible] consecutive weeks, the first publication having been made on the [illegible] day of [illegible], 19[illegible], and the last publication having been made on the [illegible] day of [illegible] 19[illegible]; every Thursday issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice

[signature]

Subscribed and sworn to me this [illegible] day of [illegible], 19[illegible]

[signature]
Notary Public

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
JOHN K. SIMPSON
NORMAN M. SEMANKO
TIMOTHY J. STOVER

Twin Falls Office
142 3rd Ave North
P O BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
P O BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

October 12, 1999

VIA FACSIMILE

Norm Young
Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706-2237

Re: Carl Hickey

Dear Norm:

Thank you for agreeing to meet with us at 10:00 a.m. tomorrow to continue our discussion of Carl Hickey's water rights situation. We will have materials prepared to facilitate the discussion, which we intend to involve the following:

1. Combined use limit for 61-07203 and 61-07399. The Department decided that 61-07203 should be licensed for irrigation of 169 acres within a 329 acre permissible place of use and that 61-07399 should be relinquished. However, the Department's field examiner had previously found that all 329 acres were irrigated. The only reason the authorized acres were reduced upon further review was because of a duty of water question. The Department determined that the flow rate of 2.29 cfs was enough to irrigate only 169 acres and the rights were licensed this way. This ignores the reality that all 329 acres were actually irrigated. In addition, while the Department determined that the well was capable of producing 1102.7 AFA, the diversion volume recommended in the SRBA is much less. Our proposal is to leave the diversion rate "as is", but allow a combined use on 329 acres under 61-07203 and 61-07399 with a combined volume of 1102.7 AFA. Alternatively, the number of acres should be increased from 169 to a number that can realistically be irrigated with 1102.7 AFA. This would require changes by the Department both through the administrative process and in the SRBA.

2. Permit No. 61-07247D. This portion of the permit was never licensed, apparently because IDWR concluded that it had been abandoned or forfeited through five years of non-use. It is apparent from the file that the reason for non-use from 1988 – 1992 was a foreclosure action on the property. The owners did not irrigate the property because ownership of the land and

MICROFILMED
SEP 19 2001

Entire Book Contents

appurtenant water rights was clouded by Farmers Home Administration's foreclosure action beginning in 1988. These efforts were abandoned in 1992 and the owners sold the property to Carl Hickey. Hickey has irrigated the property As a result, this portion of the permit should be licensed. Once it is licensed we intend to file a late claim in the SRBA for the right.

3. Transfer of 61-07203. Because 61-07247D has not been licensed, but Hickey is irrigating the property, the Department apparently advised Hickey to transfer another water right to the property. If the Department agrees with our assessment that 61-07247D should be licensed, we request that the existing transfer of 61-07203 be cancelled so that there is no overlap or stacking of these two rights.

We look forward to meeting with you tomorrow to discuss these matters.

Sincerely,

NORMAN M. SEMANKO

NMS/jl

nms.99\letters\young

Idaho Department of Water Resources
October 13, 1999
Boise, Idaho

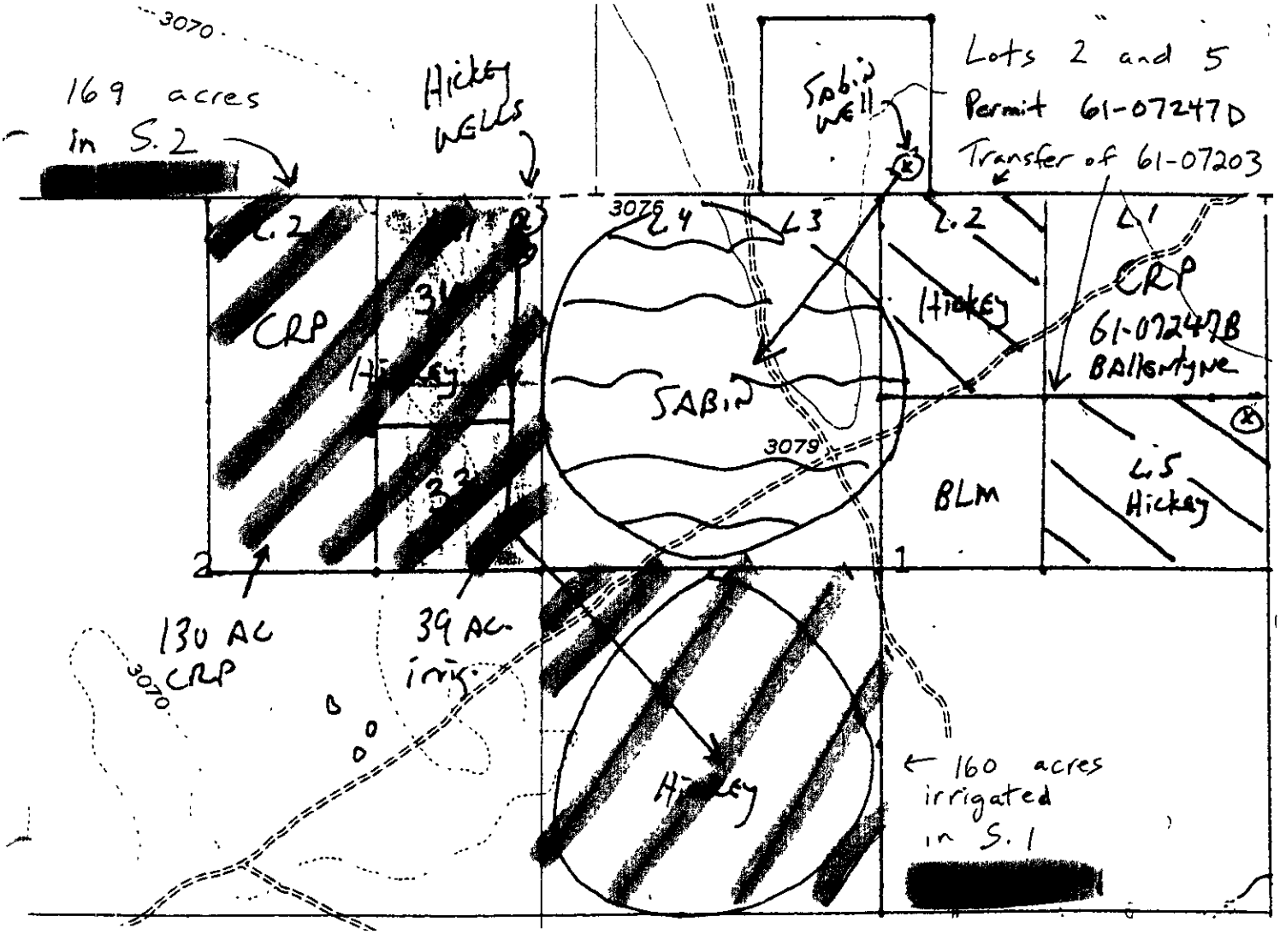
Re: CARL HICKEY

[redacted] Combined Use Limit for 61-07203 and 61-07399 1

2. Permit No. 61-07247D 2

3 Transfer of 61-07203 3

10129901 NMS



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

April 28, 1993

CARL D HICKEY
CONNIE M HICKEY
PO BOX 243
MOUNTAIN HOME ID 83647-0243

RE: WATER RIGHT NO. 61-07203 & 61-07399

Dear Water Right Holder(s):

The above referenced water rights are in the process of being licensed. However, before a license can be issued, your permit no. 61-07203 must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the $20.00 filing fee within 15 days.

Also enclosed is an ORDER reinstating your permit for failure to timely submit the examination fee &/or fee information sheet. Reinstating the permit enabled us to process the right for licensing.

The field examiner found that permit no. 61-07203 represents the total system capacity and recommended that permit no. 61-07399 be relinquished or voided. Enclose is a partially completed relinquishment form for your convenience.

If you do not concur with these findings or if you have any questions, please contact me within the 15-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:cz

Enclosure

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

May 28, 1993

CARL D HICKEY
CONNIE M HICKEY
PO BOX 243
MOUNTAIN HOME ID 83647-0243

RE: WATER RIGHT NO. 61-07203

Dear Water Right Holder(s):

We previously forwarded to you an Amendment for Water Permit so that we could amend your permit to correspond with the findings of the Department's field examiner.

As of this date, we have not received the amendment. If we do not receive it within fifteen (15) days, we will assume you no longer have any interest in the permit and cancellation proceedings will begin. Enclosed for your convenience is another amendment form in the event the first one was misplaced.

The field examiner found that permit no. 61-07203 represents the total system capacity and recommended that permit no. 61-07399 be relinquished or voided. Enclosed is a partially completed relinquishment form for your convenience.

If you do not concur with these findings or if you have any questions, please contact us within the 15-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure

State of Idaho
Department of Water Resources

APPROVED

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 61-07203

Date of Priority: November 25, 1976 Maximum Diversion Rate: 2.30 CFS
Maximum Diversion Volume: 677.2 AF

Comes now CARL D HICKEY
CONNIE M HICKEY
PO BOX 243
MOUNTAIN HOME ID 836470000 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. 61-07203, and requests that the permit be changed as follows:

Source: **GROUNDWATER**

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	04/01 to 10/31	2.26 CFS	676.0 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
	Totals	2.30 CFS	677.2 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 1(NENE), Sec. 2, Township 03S, Range 04E ELMORE County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
03S	04E	1	NESW	40	NWSW	40	SWSW	40	
			SESW	40					160
		2	Lot 1(NENE)	43	Lot 2(NWNE)	46	SWNE	40	
			SENE	40					169
					Total number of acres irrigated:				329

PLACE OF USE: DOMESTIC

TWN	RGE	SEC	
03S	04E	2	Lot 1(NENE)

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JUL 23 1993

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 61-07203

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

Signed at Boise, this 3 day of June, 1993

Carl D. Kirby
(Signature)

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State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 61-07203

****

FOR DEPARTMENT USE ONLY

Preliminary check by BC CA Fee = 20.00 Receipted by CA # C027723 Date 6-3-93

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 61-07203 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right limited to the amount that can actually be beneficially use used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
6. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
7. This right is limited to the irrigation of 169 acres in the place of use described above in a single irrigation season.
8. Two points of diversion are located within the NENE, Lot 1, S02, T03S, R04E.

Witness my hand this 12TH day of July, 1993.

Acting for R. Keith Higginson, Director

JUL 23 19

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 N. Orchard St., Statehouse Mail, Boise ID 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

RELINQUISHMENT
OF
PERMIT

I, Connie M. Hickey, hereby relinquish to the State of Idaho, all my right, title and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. 61-07399.

Signed this 16th day of July, 1993.

Connie M. & Libby McNatt
Permit Holder

Carl D. Hickey
Spouse of Permit Holder

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 61-07203

Priority: November 25, 1976 Maximum Diversion Rate: 2.30 CFS
Maximum Diversion Volume: 677.2 AF

This is to certify, that CARL D HICKEY
CONNIE M HICKEY
PO BOX 243
MOUNTAIN HOME ID 836470000 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 1, 1974; and has submitted Proof of Beneficial Use on April 3, 1980. An examination indicates that the works have a diversion capacity of 2.340 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	04/01 to 10/31	2.26 CFS	676.0 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
	Totals	2.30 CFS	677.2 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 1(NENE), Sec. 2, Township 03S, Range 04E
ELMORE County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
03S	04E	1	NESW	40	NWSW	40	SWSW	40	
			SESW	40					160
		2	Lot 1(NENE)	43	Lot 2(NWNE)	46	SWNE	40	
			SENE	40					169
					Total number of acres irrigated:				329

PLACE OF USE: DOMESTIC

TWN	RGE	SEC	
03S	04E	2	Lot 1(NENE)

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right limited to the amount that can actually be beneficially use used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.

APPROVED

JUL 23 1993

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 61-07203

CONDITIONS/REMARKS:

3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
6. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
7. This right is limited to the irrigation of 169 acres in the place of use described above in a single irrigation season.
8. Two points of diversion are located within the NENE, Lot 1, S02, T03S, R04E.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 12TH day of July, 1995.

Acting for R. Keith Higginson, Director

JUL 23 1993

MEMORANDUM

To: Files 61-07203 and 61-07399

From: L. Glen Saxton

RE: **REVIEW OF FILES**

Date: May 26, 1999

Jim Johnson forwarded the above referenced files to me indicating that Carl Hickey of Mountain Home has been in contact with him seeking the reinstatement of Permit No. 61-07399 which he relinquished in 1993 at the request of the department. Although the department has received nothing in writing from Mr. Hickey, I reviewed the files to determine if there was a reason why permit no. 61-07399 should not have been relinquished.

My review of the file shows the following:

- All the land under the above referenced permits is within the Cinder Cone Butte Critical Ground Water Area.

- On September 3, 1991, the department conducted a field examination of land irrigated under the permits and found that a total of 329 acres had been irrigated. Of the 329 acres, 160 were in the SW1/4 Section 1 and 169 acres were in the NE1/4 Section 2, all in T3S, R4E, B.M.

- The 329 acres are irrigated from one (1) well located in the NENE Section 2, T3S, R4E, B.M. The measured capacity of the well was 2.29 cfs.

- The rate of 2.29 cfs for 329 acres would provide 0.00687 cfs per acre and is not large enough to irrigate 329 acres at the same time. The needed volume for "full" irrigation of 329 acres is also limited by the rate of diversion.

- The applicant's placement of approximately 130 acres in the CRP program has not prejudiced development of a water right under Permit No. 61-07399 Since the land which was placed in the CRP program is included in the license.

- The license issued by the department on July 12, 1993, clearly shows that no more than 169 acres of the 329 acre permissible place of use can be

irrigated in a single irrigation season. Note Condition of Approval No. 7. which reads as follows:

> 7. This right is limited to the irrigation of 169 acres in the place of use described above in a single irrigation season.

- I can not find a mistake made by the department in asking for the relinquishment of Permit No. 61-07399 and or a reason for the department to consider reinstatement of the permit.

Form 219
6/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

RECEIVED
DEC 09 1992
Department of Water Resources

A. GENERAL INFORMATION

Permit No 61-07203

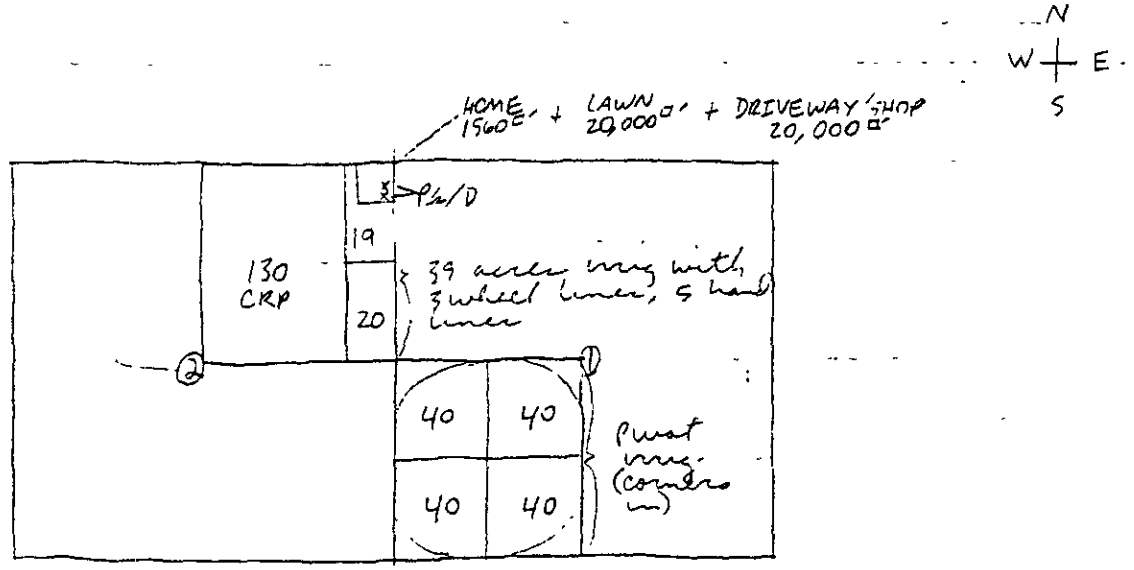
1. Owner: CARL D. HICKEY Phone No 796-2127
   Current Address: P.O. BOX 243 MTN HOME ID 83647
2. Accompanied by: OWNER EXAM. DATE: 7/31/91
   Address SAME Phone No.
   Relationship to Permit Holder:
3. Source: GROUNDWATER tributary to

B. OVERLAP REVIEW

1. Other water rights with same place of use: NONE
   ☐ Copies Attached
2. Other water rights with same point of diversion: 61-07399
   ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



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Scale: 1" = NOT TO SCALE

2 ☐ Copy of U.S G.S Quadrangle Attached
Showing location(s) of point(s) of diversion and place(s) of use (required)

☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).

☐ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater

System Description (continued)

3 **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

A 6" well equipped with a 5 HP submersible pump supplies water to 1 home and lawn. A 16" well equipped with a 200 HP Layne pump supplies water to the 169 acres via 1 pivot, 5 wheel lines and 5 hand lines.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
WELL	US	200	DC-7008230	LAYNE	10"
SUBMERSIBLE	UNKNOWN	5	UNKNOWN	UNKNOWN	

**Code to correspond with No. on map and aerial photo*

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	1	NE	NE	NE	2	3S	4E	ELMORE	ORTHO PHOTO / ASCS PHOTO

6 **Place(s) of Use:** Indicate Method of Determination

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3S	4E	1									40	40	40	40					160
		~~2~~	~~D~~			~~12~~													~~12~~
3S	4E	2	43	46	40	40													169

329

JUL 23 1993

Do not use this space

Do not use this space

D FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. **Measurements:**

IRRIG THEO: $\frac{200 \cdot 8.8 \cdot .7}{350 + 2.3 \cdot 85}$ = 2.26 cfs

(owners gage)

DOM THEO: $\frac{5 \cdot 8.8 \cdot .7}{350 + 2.3 \cdot 20}$ = .08 cfs

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

2 Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1 34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation. See ATTACHED

V_{IR} = (Acres Irrigated) x (Irrigation Requirement) = ~~122 x 4.5 = 774 AFA~~

V_{DR} = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1 9835 = 2.26 x 246 x 1.9835 = 1103.1 AFA

V = Smaller of V_{IR} and V_{DR} = ~~774 AFA~~

2 Volume Calculations for Other Uses:

INTERNAL/EXTERNAL DOM. 1.2 AFA, .04 cfs

.04 x 365 x 1.9835 = 29 AFA

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JUL 23 1993

H. REMARKS AND OVERLAP REVIEW ANALYSIS

SEE AHACHED ANALYSIS

NO OTHER WRS USED

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
IRRIGATION	3/15	11/15	~~2.26 1.18~~ 2.26	~~774 575.8~~ 1102.8
DOMESTIC	1/1	12/31	.04	1.2
Totals:			~~2.3 1.22~~ 2.26 cfs	~~775.2 577~~ 1102.8 AFA

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None

☑ Change P U as reflected above ☑ Add P.U. as reflected above ☐ Other

J. AUTHENTICATION

Field Examiner's Name LORI WHITE

Signature Lori White

1/30/92 Certification Date

Field Report Preparation Date 9/3/91

CONSULTANT'S SEAL

PROFESSIONAL ENGINEER REGISTERED 3909 11/4/92 STATE OF IDAHO DAVID R. TUTHILL, JR.

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

JUL 23 1993

10/25/1992

After reviewing the field exams for 61-07203 and 61-07399 and before sending them on to state office for licensing, Dave Tuthill requested proof that Carl Hickey had actually irrigated all 329 acres at one time. Mr. Hickey was unable to dig up any type of proof. I then set up a meeting between Mr. Hickey, Jim Johnson, and myself on August 25, 1992. Since Mr. Hickey did not have the capacity to irrigate all 329 acres at the time of the field exam, Jim Johnson concluded that permissible place of use should be allowed in this situation to reflect the system's actual use.

ANALYSIS

The 200 hp well has a system capacity of 2.26 cfs. Permit 61-07203 was filed for domestic use and 172 acres, of which 169 are developed with 130 of those inactive (CRP). Permit 61-07399 was filed on the same well for 160 additional acres. The entire system consists of 329 active and inactive acres.

Since the system capacity of 2.26 cfs is not sufficient to irrigate 329 acres at one time, the field exam recommendations are based on permissible place of use.

Because the same permissible place of use is recommended for both 61-07203 and 61-07399 and the total system capacity does not exceed the earlier permit's cfs amount, Dave Tuthill recommended that 61-07203 should represent both rights and 61-07399 be relinquished for simplicity.
(or cancelled)

61-07203: 329 X 4.5 = 1480.5 AFA REQUIRED
2.26 X 1.9835 X 246 = **1102.8 AFA CAPABLE**

Within the 329 acres described in the field exam report, this right is limited to the irrigation of 169 acres in a single irrigation season, 2.26 cfs system capacity, and 1102.8 afa diversion volume.

This right represents 61-07203 and 61-07399.

Permit 61-07399 should be relinquished or Cancelled.

RECEIVED
JUL 23 1993

Form 219
8/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

RECEIVED
DEC 09 1992
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 61-07369

1 Owner: CARL D WICKEY Phone No. 79-2137

Current Address: P.O Box 243 MTN HOME ID 83647

2 Accompanied by: OWNER EXAM. DATE: 7/31/91

Address: SAME Phone No. _____

Relationship to Permit Holder: _____

3. Source: GROUNDWATER tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use NONE

_____ ☐ Copies Attached

2. Other water rights with same point of diversion: 61-07203

_____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i d. as applicable. ☐ Alternative diagram attached

See 61-07203 File For MAPS + PHOTOS.

Scale: 1" = _____.

2 ☐ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and place(s) of use (required)

☐ Aerial Photo Attached
(required for irrigation of 10 acres or more)

☐ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

☐ See Remarks on page 4 for continuation

4

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
WELL	US	200	DX-700B230	LANE	10"

*Code to correspond with No. on map and aerial photo

5 Point(s) of Diversion:

Ident. No.	Gov't. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	1		NE	NE	2	3S	4E	ELMORE	ORTHO PHOTO / ASCS PHOTO

6 Place(s) of Use: Indicate Method of Determination

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
3S	4E	2	43	46	40	40													169
		1									40	40	40	40					160

329

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. **Measurements:**

THEO: 200 · 8.8 · .7 = 226 CFS

~~350~~ + 2.3 · 85 gpg

measured

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1 Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)
Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)
Meter Input KW: 3 6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)
Meter Input HP: (6) x 1.34 = _____ (7)
Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Ampsx 001732 = _____ (6)
Panel Input HP: (6) x 1.34 = _____ (7) Efficiency (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1 Volume Calculations for Irrigation: SEE ATTACHMENT

V_{IR} = (Acres Irrigated) x (Irrigation Requirement) = _____

V_{DR} = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = _____

V = Smaller of V_{IR} and V_{DR} = _____

2 Volume Calculations for Other Uses

H. **REMARKS AND OVERLAP REVIEW ANALYSIS**

SEE AHACHMENT

NO OTHER WRs USED

Recommend this permit be relinquished per attached analysis

I. **RECOMMENDATIONS**

Recommend cancellation
See Attached analysis dated 10/25/92. DMT

1. **Recommended Amounts**

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
IRRIGATION	3/15	11/15	~~1.08~~ 2.26	~~1225.9~~ 1102.8
Totals:			~~1.08~~ CFS 2.26	~~1225.9~~ AFA 1102.8 AFA

2. **Recommended Amendments**

☐ Change P.D as reflected above ☐ Add P.D. as reflected above ☐ None

☑ Change P.U as reflected above ☑ Add P.U. as reflected above ☐ Other

J. **AUTHENTICATION**

Field Examiner's Name LORI WHITE

Signature Lori White

Certification Date

Field Report Preparation Date 9/5/91

gjh V30/92

PROFESSIONAL ENGINEER REGISTERED 3909 11/4/92 STATE OF IDAHO DAVID R. TUTHILL, JR.

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

10/25/1992

After reviewing the field exams for 61-07203 and 61-07399 and before sending them on to state office for licensing, Dave Tuthill requested proof that Carl Hickey had actually irrigated all 329 acres at one time. Mr. Hickey was unable to dig up any type of proof. I then set up a meeting between Mr. Hickey, Jim Johnson, and myself on August 25, 1992. Since Mr. Hickey did not have the capacity to irrigate all 329 acres at the time of the field exam, Jim Johnson concluded that permissible place of use should be allowed in this situation to reflect the system's actual use.

ANALYSIS

The 200 hp well has a system capacity of 2.26 cfs. Permit 61-07203 was filed for domestic use and 172 acres, of which 169 are developed with 130 of those inactive (CRP). Permit 61-07399 was filed on the same well for 160 additional acres. The entire system consists of 329 active and inactive acres.

Since the system capacity of 2.26 cfs is not sufficient to irrigate 329 acres at one time, the field exam recommendations are based on permissible place of use.

Because the same permissible place of use is recommended for both 61-07203 and 61-07399 and the total system capacity does not exceed the earlier permit's cfs amount, Dave Tuthill recommended that 61-07203 should represent both rights and 61-07399 be relinquished for simplicity.

61-07203: 329 X 4.5 = 1480.5 AFA REQUIRED
2.26 X 1.9835 X 246 = 1102.7 AFA CAPABLE

Within the 329 acres described in the field exam report, this right is limited to the irrigation of 169 acres in a single irrigation season, 2.26 cfs system capacity, and 1102.7 afa diversion volume.

This right represents 61-07203 and 61-07399.

Permit 61-07399 should be relinquished.

Revised 9/25/1992 see attached

September 2, 1992

After reviewing the field exams for 61-07203 and 61-07399 and before sending them on to the SO for licensing, Dave Tuthill requested proof that Carl Hickey had actually irrigated all 329 acres at one time. Mr. Hickey was unable to dig up any type of proof. I then set up a meeting between Mr. Hickey, Jim Johnson and myself on August 25, 1992. Since Mr. Hickey did not have the capacity to irrigate all 329 acres at the time of the field exam, Jim Johnson concluded that permissible place of use should be allowed in this situation to reflect the system's actual use.

ANALYSIS (REVISED)

The 200 hp well has a system capacity of 2.26 cfs. Permit 61-07203 was filed for domestic use and 172 acres, of which 169 are developed with 130 inactive (CRP). Permit 61-07399 was filed on the same well for 160 additional acres. The entire system 329 active and inactive acres.

The system capacity of 2.26 cfs is not sufficient for 329 acres to be irrigated at one time. Due to the circumstances listed above, the following recommendations are based on permissible place of use.

RECOMMENDATIONS & CONDITIONS

61-07203: Within the 329 acres described in the field exam report, this right is limited to the irrigation of 169 acres in a single irrigation season.

Right 61-07399 is also diverted through the same p/d described in the field exam report.

Use of this right with right 61-07399 is limited to a total combined diversion rate of 2.26 cfs, a total combined diversion volume of 1102.7 afa and a total irrigation of a combined total of 329 acres in a single irrigation season.

61-07399: Within the 329 acres described in the field exam report, this right is limited to the irrigation of 160 acres in a single irrigation season.

Right 61-07203 is also diverted through the same p/d described in the field exam report.

Use of this right with right 61-07203 is limited to a total combined diversion rate of 2.26 cfs, a total combined diversion volume of 1102.7 afa and a total irrigation of a combined total of 329 acres in a single irrigation season.

REVISED 9/2/92 - SEE ATTACHED

ANALYSIS

THE 200 HP WELL HAS A SYSTEM CAPACITY OF 2.26 CFS. PERMIT 61-07203 WAS FILED FOR DOMESTIC USE AND 172 ACRES, OF WHICH 130 ARE INACTIVE IN THE CRP PROGRAM. PERMIT 61-07399 WAS FILED ON THE SAME WELL FOR 160 ADDITIONAL ACRES. THE ENTIRE SYSTEM COVERS 329 INACTIVE AND ACTIVE ACRES. I RECOMMEND AMENDING 61-07203 TO 172 ACTIVE ACRES WITH THE 1975 PRIORITY AND AMENDING 61-07399 TO COVER THE ADDITIONAL 27 ACTIVE ACRES AND THE 130 INACTIVE ACRES WITH THE LATER 1980 PRIORITY.

THE SYSTEM CAPACITY OF 2.26 CFS IS NOT SUFFICIENT FOR 329 ACRES TO BE IRRIGATED AT ONE TIME. HOWEVER, MR. HICKEY STATED THAT HE HAD IRRIGATED THE ENTIRE 329 ACRES AT ONE TIME BEFORE PUTTING 130 ACRES IN CRP. BECAUSE BOTH RIGHTS ARE PERMITS, THE FLOW RATE FOR EACH HAS BEEN PRO-RATED USING THE 2.26 CFS SYSTEM CAPACITY.

RECOMMENDATIONS

2.26 CFS/329 = .00687 CFS/ACRE
2.26 X 1.9835 X 246 = 1102.7 AFA CAPABLE

61-07203: .0068 X 172 = 1.17 CFS
1.17 X 1.9835 X 246 = 570.9 AFA

61-07399: .0068 X 160 = 1.09 CFS
1.09 X 1.9835 X 246 = 531.9 AFA

CONDITIONS

A. THIS RIGHT, WHEN COMBINED WITH 61-07399, SHALL NOT EXCEED THE SYSTEM CAPACITY 2.26 CFS.

B. THIS RIGHT, WHEN COMBINED WITH 61-07399, SHALL PROVIDE NO MORE THAN 1102.8 AFA.

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	CARL D HICKEY	01/10/1976	IRRIGATION	03-15	11-15	1.99 CFS	
				TOTAL DIVERSION:		1.99 CFS	

Water Source: GROUNDWATER Tributary to: Stage: PERMIT

Point(s) of Diversion: T02S R04E S36 SESW ELMORE County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
03S	04E	1		02-46		05-53													99.5
																		TOTAL ACRES	99.5

Pou County: ELMORE

Other Rights: 61-7202 & 61-7203.

Other Water Rights with Same Point(s) of Diversion and Source:
61-07202 61-07247C

Conditions of Approval:
018 - The right holder shall either install a measuring device or
- provide a certified measurement by a professional engineer or
- install and access port or other device as specified by the
- Department.
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.

Dates: App. Received: 12/22/1975 Priority Date: 01/10/1976 (Priority Date Advanced.)
Proof Due Date: 03/01/1981 Proof Made Date: 03/20/1981 (Proof Received Late.)
Exam Made Date: 10/29/1991 Exam Sent to S.O.: 06/14/1993
Licensed Date:

Misc: Water District Number: Field Exam Fee: R (Received)

Audit: 04/11/94 ZIMMERMA

AUG 05 1994

3809NP
NO. 61-07247B

IDAHO DEPARTMENT OF W[illegible]R RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/21/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	W. J. BALLANTYNE	01/10/1976	IRRIGATION	03-15	11-15	1.20 CFS	270.00 AFA
C	HERBERT C. HETHERINGTON						
C	JEROLD L. WOOD				TOTAL DIVERSION:	1.20 CFS	270.00 AFA

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion Capacity: 10.25 CFS

Point(s) of Diversion: T02S R05E S31 Lot 03(SESW) ELMORE County
T03S R04E S01 Lot 01(NENE) ELMORE County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
03S	04E	1	01-60																60.0
																		TOTAL ACRES	60.0

Pou County: ELMORE

Other Water Rights with Same Point(s) of Diversion and Source:
61-07263 61-07264

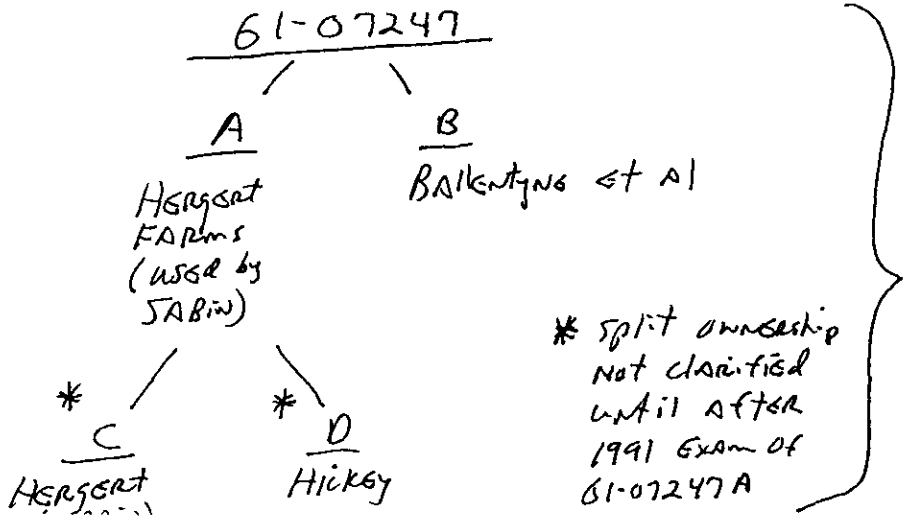
Dates: App. Received: 12/22/1975 Priority Date: 01/10/1976 (Priority Date Advanced.)
Proof Due Date: 03/01/1981 Proof Made Date: 05/20/1981 (Proof Received Late.)
Exam Made Date: 11/20/1987 Exam Sent to S.O.:
Licensed Date: 01/06/1989

Misc: Water District Number: Field Exam Fee:

Audit: 06/09/88 CURTIS 07/14/88 CURTIS 08/10/88 CURTIS 02/13/89 CURTIS

AUG 05 1994

Attachment E



Where B = License NE¼ S.1

* C = Examined permit (1991) for SABIN NW¼ S.1 & overlaps several acres in extreme West part of W½ NE¼ S.1

* D = Hickey's 100 AC. in L.2 & S of S.1 where status uncertain. Possible forfeiture - issue pending

MEMORANDUM

Date: March 21, 1994

From: Jim Johnson

To: File

Subject: Review of lands irrigated in lots 2 and 5

Per request from Carl Hickey I have reviewed permit 61-07247.

The question is whether the permit should be licensed showing irrigation of Lots 2 and 5.

Steve Lester conducted an field exam in 1991 and via information gained some how, (Steve is looking into the source)lots 2 and 5 are not recommended on the field exam but rather abandoned.

Mr. Hickey has provided warranty deeds showing transfer of land ownership from the original land owner to himself. At the time of Steve's field exam it was believed that Leland Sabin owned lots 2 and 5 as well as the NW 1/4 of Section 1.

The cause for land not to be irrigated, according to Mr. Hickey is because of litigation. Mr. Hickey will have to provide adequate evidence.

Presently, Mr. Hickey is collecting information to show lot 2 was at one time irrigated.

No further action will be taken until more information is received.

Hickey.mem

JAN 07 1993

MEMORANDUM

Date: March 30, 1994

From: Jim Johnson

To: Cindy

Subject: Assignment

Cindy I am working with Carl Hickey on this permit. As you will find he recently purchased Lots 2 and Lots 5 and wants to irrigate. The portion of the permit he owns may have been lost. He is attempting to find information show delay in water use caused by litigation.

Please review the ownership documents and make data base changes. Do not prepare the correspondence and return the file to me when you are done. Thanks.

Jim

CJ.

JAN 0 7 1993

United States
Department of
Agriculture

Farmers
Home
Administration

2180 American Legion Blvd
Mountain Home ID 83647
Tel: (208) 587-9791
FAX: (208) 587-6630

March 29, 1994

Carl D. Hickey
P.O. Box 243
Mountain Home, Idaho 83647

Dear Mr. Hickey:

As per your request, the following is a brief history of the 120 acres which you purchased in 1993:

The former owners of the FmHA mortgaged property filed bankruptcy in 1984. The bankruptcy was discharged in January of 1987 and closed in December of 1987. In the bankruptcy, the former owners were released of any continuing liability to FmHA. Based upon discussions with the former owners, it appears that they had assumed that FmHA owned the property after the bankruptcy.

Due to a court case in the Midwest, FmHA was unable to begin foreclosure on the property and in 1988, the former borrowers were notified of rights and servicing options available to them as allowed under the Agricultural Credit Act of 1987. Due to further priorities, constraints, etc., FmHA was unable to accelerate the accounts until June of 1992 and begin the foreclosure process.

Due to the limited value of the security (appraised value of $12,000 in 1990, updated in 1991), it was not very cost effective for FmHA to complete the entire foreclosure process, so an effort was made to get the former owners to sell the property was made. After numerous discussions, etc, the former owners did finally agree to sell the property to you in 1992. After numerous delays, all required signatures were eventually obtained and the sale closed in late 1993.

If you have any questions, please contact this office.

Sincerely,

DAVID A. FLESHER
County Supervisor

MICRO-FILM
JAN 07 1993

Non use
1988 - 1992
5 years

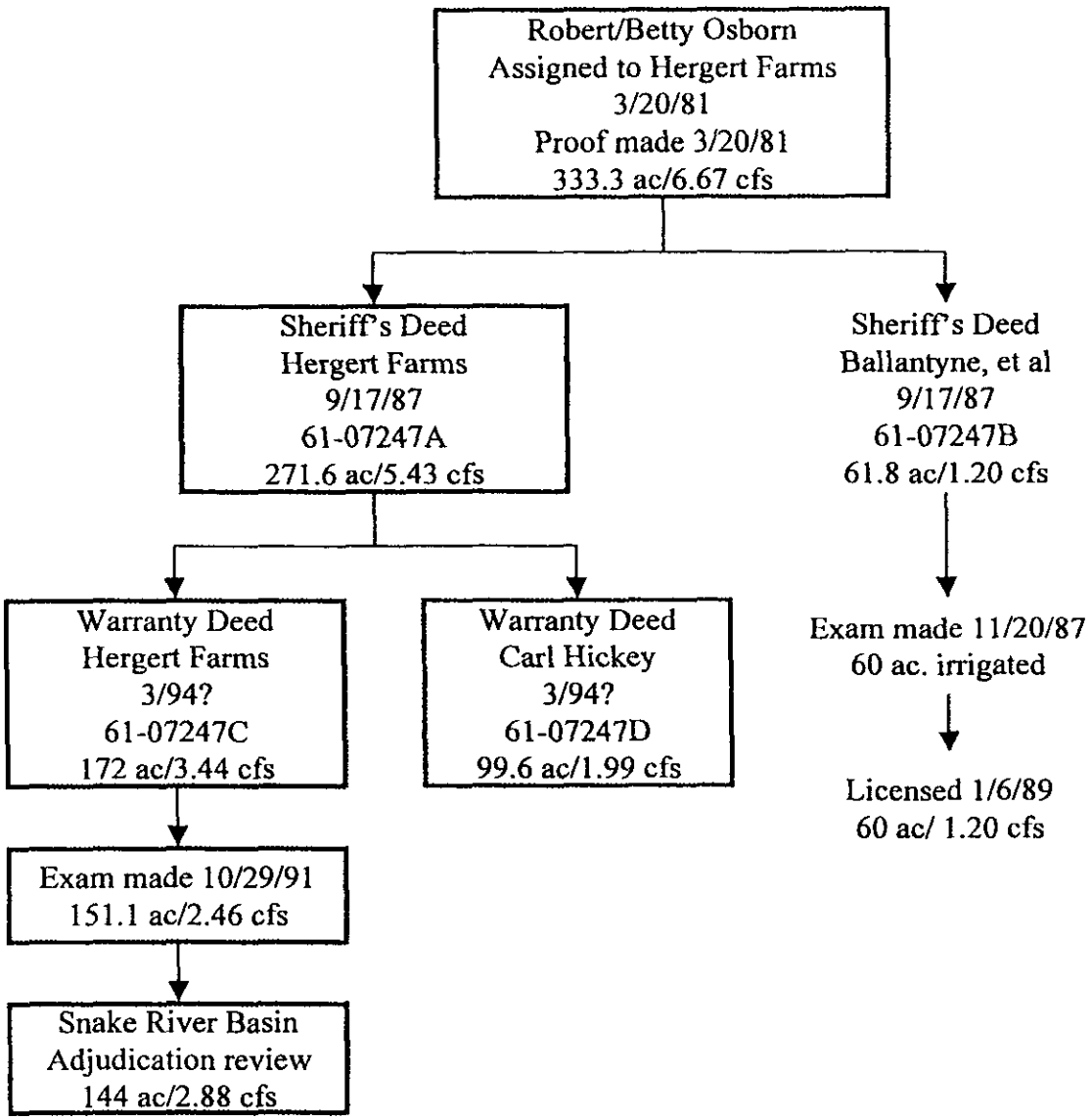
FmHA Farmers Home Administration is an Equal Opportunity Lender
Complaints of discrimination should be sent to
Secretary of Agriculture Washington D C 20250

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
~~Original Application~~	~~61-07147~~	~~Robert E. Osborn~~ ~~Betty F. Osborn~~	~~6.67~~
~~Full Assignment~~	~~61-07147~~	~~Hergert Farms~~	~~6.67~~
	SPLIT INTO PARTS A & B BY ASSIGNMENT		
~~Partial Assignment~~	~~61-07147A~~	~~Hergert Farms~~	~~5.43~~
Partial Assignment	61-07147B	W. J. Ballantyne Edna Ballantyne, Estate of Herbert C. Hetherington Jerold L. Wood Martha Esson	1.20
	PART A SPLIT INTO PARTS C & D BY ASSIGNMENT		
Partial Assignment	61-07147C	Hergert Farms	3.44
Partial Assignment	61-07147D	Carl D. Hickey	1.99

1445 U. 1353

RECEIVED AUG 2 5 1999



WARRANTY DEED

For Value Received

BRYCE L. HERGERT AND PENNY E. HERGERT, husband and wife

The grantor , do hereby grant, bargain, sell and convey unto

CARL D. HICKEY a single man

the grantee , whose current address is P.O. BOX 243 Mountain Home, ID 83647

the following described premises, in ELMORE County Idaho, to-wit

TOWNSHIP 2 SOUTH, RANGE 5 EAST, BOISE MERIDIAN, ELMORE COUNTY, IDAHO

SECTION 32: SE¼NW¼NW¼ (1)

TOGETHER WITH ALL WATER RIGHTS, DITCH RIGHTS AND WELL PERMITS APPURTENANT TO SAID REAL PROPERTY

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee , heirs and assigns forever And the said Grantor do hereby covenant to and with the said Grantee , that he the owner in fee simple of said premises, that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever

Dated.

BRYCE L. HERGERT

PENNY E. HERGERT

276055

STATE OF IDAHO, COUNTY OF ELMORE

On this 15th day of NOVEMBER , 1992 , before me, a notary public in and for the said State, personally appeared

BRYCE L. HERGERT

and

PENNY E. HERGERT

known or identified to me to be the person whose name subscribed to the within instrument, and acknowledged to me that executed the same

DENNIS H. WETHERELL NOTARY PUBLIC IDAHO

Notary Public

Residing at MOUNTAIN HOME , Idaho

Comm Expires 5-15-98

STATE OF IDAHO, COUNTY OF ELMORE

I hereby certify that this instrument was filed for record at the request of GUARANTY TITLE, INC.

at 39 minutes past 2:00 o clock P.M.,

this AUG 27 1993 day of

19 , in my office, and duly recorded in Book of Deeds at Page

DOLORES ROBISON

Ex-Officio Recorder

By Lynda Van Mer Deputy

Fees $ 3.00

MICROFILMED

Mail to

WARRANTY DEED

For Value Received

KELLY R. HERGERT-BELANGER formerly known as KELLY R. HERGERT, a married woman as her sole and separate property.

The grantor , do hereby grant, bargain, sell and convey unto CARL D. HICKEY, a single man

the grantee , whose current address is P.O. BOX 243
Mountain Home, ID 83647

the following described premises, in ELMORE County Idaho, to-wit

TOWNSHIP 3 SOUTH, RANGE 4 EAST, BOISE MERIDIAN, ELMORE COUNTY, IDAHO

SECTION 1: Lot 2

TOWNSHIP 2 SOUTH, RANGE 5 EAST, BOISE MERIDIAN, ELMORE COUNTY, IDAHO.

SECTION 32: SE¼SW¼NW¼ (2)

TOGETHER WITH ALL WATER RIGHTS, DITCH RIGHTS AND WELL PERMITS APPURTENANT TO SAID REAL PROPERTY.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee , heirs and assigns forever And the said Grantor do hereby covenant to and with the said Grantee , that she is the owner in fee simple of said premises, that they are free from all incumbrances

and that she will warrant and defend the same from all lawful claims whatsoever

Dated JULY 30, 1993

Kelly R. Hergert Belanger
KELLY R. HERGERT-BELANGER

276054

STATE OF IDAHO, COUNTY OF ELMORE
On this 30th day of July , 19 93 , before me, a notary public in and for the said State, personally appeared KELLY R. HERGERT-BELANGER fka KELLY R. HERGERT

known or identified to me to be the person whose name subscribed to the within instrument, and acknowledged to me that she executed the same

Margaret E. Howard
MARGARET E. HOWARD Notary Public
Residing at Mountain Home , Idaho
Comm. Expires 06-06-95

STATE OF IDAHO, COUNTY OF ELMORE
I hereby certify that this instrument was filed for record at the request of GUARANTY TITLE, INC.
at 38 minutes past 12:00 o'clock P. M.
this AUG 27 1993 day of
19 , in my office, and duly recorded in Book of Deeds at Page

DOLORES ROBISON
Ex-Officio Recorder
By Linda VanMeer Deputy
Fees $ 3.00 07 933
Mail to

WARRANTY DEED

For Value Received

R. WAYNE HERGERT, aka RICHARD WAYNE HERGERT

The grantor , do hereby grant, bargain, sell and convey unto

CARL D. HICEKY a single man

the grantee , whose current address is P.O. Box 243, Mountain Home, ID 83647

the following described premises, in ELMORE County Idaho, to-wit.

TOWNSHIP 3 SOUTH, RANGE 4 EAST, BOISE MERIDIAN, ELMORE COUNTY, IDAHO

SECTION 1: Lot 2

TOWNSHIP 2 SOUTH, RANGE 5 EAST, BOISE MERIDIAN, ELMORE COUNTY, IDAHO

SECTION 32: SE¼SW¼NW¼

TOGETHER WITH ALL WATER RIGHTS, DITCH RIGHTS AND WELL PERMITS APPURTENANT TO SAID REAL PROPERTY.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee , heirs and assigns forever And the said Grantor do hereby covenant to and with the said Grantee , that he is the owner in fee simple of said premises, that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated JULY 30, 1993

Richard Wayne Hergert
R. WAYNE HERGERT aka RICHARD WAYNE HERGERT

R. Wayne Hergert

276053

STATE OF IDAHO, COUNTY OF ELMORE JULY 1993

On this 30th day of , before me, a notary public in and for the said State, personally appeared

R. WAYNE HERGERT aka
RICHARD WAYNE HERGERT

known or identified to me to be the person whose name subscribed to the within instrument, and acknowledged to me that he executed the same.

Margaret E. Howard
MARGARET E. HOWARD Notary Public
Residing at Mountain Home, Idaho
Comm Expires: 06-06-95

STATE OF IDAHO, COUNTY OF ELMORE

I hereby certify that this instrument was filed for record at the request of

GUARANTY TITLE, INC.

at 37 minutes past 12:00 o clock P.M.,
this AUG 27 1993 day of
19 , in my office, and duly recorded in Book of Deeds at Page

DOLORES ROBISON
Ex-Officio Recorder

By Linda VanMeer Deputy

Fees $ 3.00

Mail to

WARRANTY DEED

For Value Received

MONTE E. HERGERT AND VALINDA T. HERGERT, husband and wife

The grantor s, do hereby grant, bargain, sell and convey unto

CARL D. HICKEY a single man

the grantee , whose current address is

the following described premises, in ELMORE County Idaho, to-wit:

TOWNSHIP 3 SOUTH, RANGE 4 EAST, BOISE MERIDIAN, ELMORE COUNTY, IDAHO

SECTION 1: Lot 5

TOGETHER WITH ALL WATER RIGHTS, DITCH RIGHTS AND WELL PERMITS APPURTENANT TO SAID REAL PROPERTY

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee , heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee , that he the owner in fee simple of said premises, that they are free from all incumbrances EXCEPT THOSE OF RECORD.

and that t he y will warrant and defend the same from all lawful claims whatsoever

Dated July 30 1993

Monte E Hergert
MONTE E. HERGERT

Valinda T. Hergert
VALINDA T. HERGERT

276052

STATE OF IDAHO, COUNTY OF ELMORE JULY 93
On this 30th day of , 19
before me, a notary public in and for the said State, personally appeared

MONTE E. HERGERT
AND
VALINDA T. HERGERT

known or identified to me to be the person s whose name s subscribed to the within instrument, and acknowledged to me that they executed the same

Margaret E. Howard
MARGARET E. HOWARD Notary Public
Residing at Mountain Home , Idaho
Comm Expires 06-06-95

STATE OF IDAHO, COUNTY OF ELMORE
I hereby certify that this instrument was filed for record at the request of

GUARANTY TITLE, INC.

at 36 minutes past 12:00 o'clock P.M.,
this AUG 27 1993 day of
19 , in my office, and duly recorded in Book of Deeds at Page

DOLORES ROBISON
Ex-Officio Recorder

By Linda Van Meer Deputy

Fees $3.00

Mail to

A. Settlement Statement

U.S. Department of Housing and Urban Development

OMB No. 2502-0265

B. Type of Loan

1 ☐ FHA 2 ☐ FmHA 3 ☐ Conv. Unins. 4 ☐ VA 5 ☐ Conv. Ins.

6. File Number:	7. Loan Number:	8. Mortgage Insurance Case Number:

C. NOTE: *This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.*

D. NAME AND ADDRESS OF BORROWER: CARL D. HICKEY
P.O. BOX 243
MOUNTAIN HOME, ID 83647

E. NAME AND ADDRESS OF SELLER: BRYCE L. HERGERT AND PENNY E. HERGERT

TIN

F. NAME AND ADDRESS OF LENDER: FARM HOME ADMINISTRATION

G. PROPERTY LOCATION: T2S, R5E
Section 32

H. SETTLEMENT AGENT: Guaranty Title, Inc.
PLACE OF SETTLEMENT: 206 South 3rd East
Mountian Home, ID 83647

TIN

I. SETTLEMENT DATE: November 1992

J. SUMMARY OF BORROWER'S TRANSACTION			K. SUMMARY OF SELLER'S TRANSACTION		
100. GROSS AMOUNT DUE FROM BORROWER:			**400. GROSS AMOUNT DUE TO SELLER:**		
101 Contract sales price		1,000.00	401 Contract sales price		1,000.00
102 Personal property			402 Personal property		
103 Settlement charges to borrower *(from line 1400)*		109.00	403		
104			404		
105			405		
ADJUSTMENTS FOR ITEMS PAID BY SELLER IN ADVANCE			ADJUSTMENTS FOR ITEMS PAID BY SELLER IN ADVANCE		
106 City/town taxes	to		406 City/town taxes	to	
107 County taxes	to 12-21-92	3.00	407 County taxes	to	
108 Assessments	to		408 Assessments	to	
109			409		
110			410		
111			411		
112			412		
120. GROSS AMOUNT DUE FROM BORROWER ▶		1,112.00	420 GROSS AMOUNT DUE TO SELLER ▶		1,000.00
200. AMOUNTS PAID BY OR IN BEHALF OF BORROWER:			**500. REDUCTIONS IN AMOUNT DUE TO SELLER:**		
201 Deposit or earnest money			501 Excess deposit *(see instructions)*		
202 Principal amount of new loan(s)			502 Settlement charges to seller *(line 1400)*		-0-
203 Existing loan(s) taken subject to			503 Existing loan(s) taken subject to		
204			504 Payoff of first mortgage loan FmHA		846.75
205			505 Payoff of second mortgage loan		
206			506		
207			507		
208			508		
209			509		
ADJUSTMENTS FOR ITEMS UNPAID BY SELLER			ADJUSTMENTS FOR ITEMS UNPAID BY SELLER		
210 City/town taxes	to		510 City/town taxes	to	
211 County taxes	to		511 County taxes	to ~~12-21-92~~	
212 Assessments	to		512 ~~1992~~ Taxes	to 8-16-93	27.36
213			513 1992 Taxes		44.04
214			514 1990 Taxes		39.84
215			515 1991 Taxes		47.01
216			516		
217			517		
218			518		
219			519		
220 TOTAL PAID BY/FOR BORROWER ▶		-0-	520 TOTAL REDUCTIONS IN AMOUNT DUE SELLER ▶		1,000.00
300. CASH AT SETTLEMENT FROM/TO BORROWER:			**600. CASH AT SETTLEMENT TO/FROM SELLER:**		
301 Gross amount due from borrower *(line 120)*		1,112.00	601 Gross amount due to seller *(line 420)*		1,000.00
302 Less amount paid by/for borrower *(line 220)*		(40-~~1~~,~~1~~~)	602 Less total reductions in amount due seller *(line 520)*		(1,000.00)
303 CASH (☒ FROM/II ☐ TO) BORROWER ▶		1,112.00	603 CASH (☐ TO) (☐ FROM) SELLER ▶		-0-

Previous Edition is Obsolete

HUD-1 (3-86) RESPA, HB 4305.2

SUBSTITUTE FORM 1099 SELLER STATEMENT. The information contained in Blocks E, G, H, and I and on line 401 (or, if line 401 is asterisked, lines 402 and 404) is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction will be imposed on you if this item is required to be reported and the IRS determines that it has not been reported.

SELLER INSTRUCTIONS. If this real estate was your principal residence, file Form 2119, Sale or Exchange of Principal Residence, for any gain, with your income tax return; for other transactions, complete the applicable parts of Form 4797, Form 6252, and/or Schedule D (Form 1040).

You are required by law to provide [sec. box H] with your correct taxpayer identification number. If you do not provide [sec. box H] with your correct taxpayer identification number, you may be subject to civil or criminal penalties imposed by law. And, under penalties of perjury, I certify that the number shown on this statement is my correct taxpayer identification number.

L SETTLEMENT CHARGES

		PAID FROM BORROWER'S FUNDS AT SETTLEMENT	PAID FROM SELLER'S FUNDS AT SETTLEMENT
700	TOTAL SALES / BROKER'S COMMISSION BASED ON PRICE $ @ % =		
	DIVISION OF COMMISSION (LINE 700) AS FOLLOWS:		
701	$ to		
702	$ to		
703	Commission paid at settlement		
704			
	800. ITEMS PAYABLE IN CONNECTION WITH LOAN:		
801	Loan origination fee %		
802	Loan discount %		
803	Appraisal fee to		
804	Credit report to		
805	Lender's inspection fee		
806	Mortgage insurance application fee to		
807	Assumption fee		
808			
809			
810			
811			
	900. ITEMS REQUIRED BY LENDER TO BE PAID IN ADVANCE:		
901	Interest from to @ $ / day		
902	Mortgage insurance premium for mos to		
903	Hazard insurance premium for yrs to		
904	*Flood Insurance Premium for* yrs. to		
905			
	1000. RESERVES DEPOSITED WITH LENDER:		
1001	Hazard Insurance months @ $ per month		
1002	Mortgage insurance months @ $ per month		
1003	City property taxes months @ $ per month		
1004	County property taxes months @ $ per month		
1005	Annual assessments months @ $ per month		
1006	*Flood Insurance* months @ $ per month		
1007	months @ $ per month		
1008	months @ $ per month		
	1100. TITLE CHARGES:		
1101	Settlement or closing fee to GUARANTY TITLE, INC.		100.00
1102	Abstract or title search to		
1103	Title examination to		
1104	Title insurance binder to		
1105	Document preparation to		
1106	Notary fees to		
1107	Attorney's fees to *(includes above items Numbers*)		[redacted]
1108	Title insurance to *(includes above items Numbers*)		[redacted]
1109	Lender's coverage $		
1110	Owner's coverage $		
1111			
1112			
1113			
	1200. GOVERNMENT RECORDING AND TRANSFER CHARGES:		
1201	Recording fees: Deed $ 3.00 ; Mortgage $, Releases $ 6.00		9.00
1202	City/county tax / stamps Deed $, Mortgage $		
1203	State tax / stamps Deed $, Mortgage $		
1204			
1205			
	1300. ADDITIONAL SETTLEMENT CHARGES:		
1301	Survey to		
1302	Pest inspection to		
1303			
1304			
1305			
1306			
1307			
1400	TOTAL SETTLEMENT CHARGES *(Enter on line 103, Section J and line 502, Section K)* ▶		109.00

I have carefully reviewed the HUD 1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the HUD 1 Settlement Statement.

Borrower Carl D. Kirby Date 11-25-97 Seller Joyce Lowe Date

Borrower _____ Date _____ Seller Lenny Edwards Date

MICROFILMED JAN 07 1998

The HUD 1 Settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement.

_____ Date _____ Settlement Agent _____ Date _____

A Settlement Statement

U S Department of Housing and Urban Development

OMB No 2502 0265

B Type of Loan

1 ☐ FHA 2 ☐ FmHA 3 ☐ Conv Unins
4 ☐ VA 5 ☐ Conv Ins

6 File Number	7 Loan Number	8 Mortgage Insurance Case Number

C NOTE *This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p o c)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.*

D NAME AND ADDRESS OF BORROWER: CARL D. HICKEY
P.O. BOX 243
MOUNTAIN HOME, ID 83647

E NAME AND ADDRESS OF SELLER: R. WAYNE HERGERT

TIN

F NAME AND ADDRESS OF LENDER: FARM HOME ADMINISTRATION

G PROPERTY LOCATION: T3S, R4E Section 1
T2S, R5E Section 32

H SETTLEMENT AGENT: GUARANTY TITLE, INC.
PLACE OF SETTLEMENT: 206 South 3rd East
Mountain Home, ID

TIN.

I SETTLEMENT DATE

J. SUMMARY OF BORROWER'S TRANSACTION		K. SUMMARY OF SELLER'S TRANSACTION	
100. GROSS AMOUNT DUE FROM BORROWER:		**400. GROSS AMOUNT DUE TO SELLER:**	
101 Contract sales price	5,650.00	401 Contract sales price	5,650.00
102 Personal property		402 Personal property	
103 Settlement charges to borrower *(from line 1400)*	112.00	403	
104		404	
105		405	
ADJUSTMENTS FOR ITEMS PAID BY SELLER IN ADVANCE.		ADJUSTMENTS FOR ITEMS PAID BY SELLER IN ADVANCE.	
106 City/town taxes to		406 City/town taxes to	
107 County taxes to 12-31-92	11.00	407 County taxes to	
108 Assessments to		408 Assessments to	
109		409	
110		410	
111		411	
112		412	
120. GROSS AMOUNT DUE FROM BORROWER: ▶	5,773.00	**420 GROSS AMOUNT DUE TO SELLER:** ▶	5,650.00
200 AMOUNTS PAID BY OR IN BEHALF OF BORROWER:		**500 REDUCTIONS IN AMOUNT DUE TO SELLER:**	
201 Deposit or earnest money		501 Excess deposit *(see instructions)*	
202 Principal amount of new loan(s)		502 Settlement charges to seller *(line 1400)*	-0-
203 Existing loan(s) taken subject to		503 Existing loan(s) taken subject to	
204		504 Payoff of first mortgage loan FmHa	5,075.87
205		505 Payoff of second mortgage loan	
206		506	
207		507	
208		508	
209		509	
ADJUSTMENTS FOR ITEMS UNPAID BY SELLER		ADJUSTMENTS FOR ITEMS UNPAID BY SELLER	
210 City/town taxes to		510 City/town taxes to	
211 County taxes to		511 County taxes to 8-16-93	106.00
212 Assessments to		512 Assessments to	
213		513 1992 Taxes	148.15
214		514 1990 Taxes	163.74
215		515 1991 Taxes	156.24
216		516	
217		517	
218		518	
219		519	
220 TOTAL PAID BY/FOR BORROWER ▶	-0-	520 TOTAL REDUCTIONS IN AMOUNT DUE SELLER ▶	5,650.00
300. CASH AT SETTLEMENT FROM/TO BORROWER:		**600. CASH AT SETTLEMENT TO/FROM SELLER:**	
301 Gross amount due from borrower *(line 120)*	5,773.00	601 Gross amount due to seller *(line 420)*	5,650.00
302 Less amount paid by/for borrower *(line 220)*	(-0-)	602 Less total reductions in amount due seller *(line 520)*	(5,650.00)
303 CASH (☒ FROM) (☐ TO) BORROWER ▶	5,773.00	603 CASH (☐ TO) (☐ FROM) SELLER ▶	-0-

Previous Edition is Obsolete

HUD 1 (3 86) RESPA HB 4305 2

SUBSTITUTE FORM 1099 SELLER STATEMENT The information contained in Blocks E G H and I and on line 401 (or if line 401 is asterisked lines 403 and 404) is important tax information and is being furnished to the Internal Revenue Service If you are required to file a return a negligence penalty or other sanction will be imposed on you if this item is required to be reported and the IRS determines that it has not been reported

SELLER INSTRUCTIONS If this real estate was your principal residence file Form 2119 Sale or Exchange of Principal Residence for any gain with your income tax return for other transactions complete the applicable parts of Form 4797, Form 6252 and/or Schedule D (Form 1040)

You are required by law to provide (see box III) with your correct taxpayer identification number If you do not provide (see box III) with your correct taxpayer identification number you may be subject to civil or criminal

L

SETTLEMENT CHARGES

		PAID FROM BORROWER'S FUNDS AT SETTLEMENT	PAID FROM SELLER'S FUNDS AT SETTLEMENT
700	TOTAL SALES / BROKER'S COMMISSION BASED ON PRICE $ @ % =		
	DIVISION OF COMMISSION (LINE 700) AS FOLLOWS:		
701	$ to		
702	$ to		
703.	Commission paid at settlement		
704			
	800. ITEMS PAYABLE IN CONNECTION WITH LOAN:		
801	Loan origination fee %		
802	Loan discount %		
803	Appraisal fee to		
804	Credit report to		
805	Lender's inspection fee		
806.	Mortgage insurance application fee to		
807	Assumption fee		
808			
809			
810			
811			
	900. ITEMS REQUIRED BY LENDER TO BE PAID IN ADVANCE:		
901	Interest from to @ $ / day		
902	Mortgage insurance premium for mos to		
903	Hazard insurance premium for yrs to		
904	*Flood Insurance Premium for* yrs to		
905			
	1000. RESERVES DEPOSITED WITH LENDER:		
1001	Hazard Insurance months @ $ per month		
1002	Mortgage insurance months @ $ per month		
1003	City property taxes months @ $ per month		
1004	County property taxes months @ $ per month		
1005.	Annual assessments months @ $ per month		
1006	*Flood Insurance* months @ $ per month		
1007	months @ $ per month		
1008	months @ $ per month		
	1100. TITLE CHARGES:		
1101	Settlement or closing fee to GUARANTY TITLE, INC.	100.00	
1102	Abstract or title search to		
1103	Title examination to		
1104	Title insurance binder to		
1105	Document preparation to		
1106	Notary fees to		
1107	Attorney's fees to *(includes above items Numbers)*	[redacted]	
1108.	Title insurance to *(includes above items Numbers)*	[redacted]	
1109	Lender's coverage $		
1110.	Owner's coverage $		
1111			
1112			
1113			
	1200. GOVERNMENT RECORDING AND TRANSFER CHARGES:		
1201	Recording fees Deed $ 6.00 , Mortgage $, Releases $ 6.00	12.00	
1202	City /county tax / stamps Deed $, Mortgage $		
1203	State tax / stamps. Deed $, Mortgage $		
1204			
1205			
	1300. ADDITIONAL SETTLEMENT CHARGES:		
1301	Survey to		
1302	Pest inspection to		
1303			
1304			
1305			
1306			
1307			
1400	TOTAL SETTLEMENT CHARGES *(Enter on line 103, Section J and line 502, Section K)* ▶	112.00	

INC.

JAN 07 1993

I have carefully reviewed the HUD 1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the HUD 1 Settlement Statement.

Borrower Carol D. Hinckley Date 11-25-92 Seller Richard Hergert Date 7-30-93

Borrower _____ Date _____ Seller Kelly R. Hergert Belanger Date _____

The HUD 1 Settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement.

_____ Date _____ Settlement Agent _____ Date _____

WR5809NP
No. 61-07247B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 12/16/93
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	W. J. BALLANTYNE	01/10/1976	IRRIGATION	03-15	11-15	1.20 CFS	270.0 AFA
C	HERBERT C. HETHERINGTON						
C	JEROLD L. WOOD						
					TOTAL DIVERSION:	1.20 CFS	270.0 AFA

Water Source: *GROUNDWATER* Tributary to: Stage: LICENSE

Point(s) of Diversion Capacity: 10.25 CFS

Point(s) of Diversion: T02S R05E S31 Lot 03(SE SW)
T03S R04E S01 Lot 01(NE NE)

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
03S	04E	1	01-60																60.0
																		TOTAL ACRES	60.0

Pou County: ELMORE

Other Water Rights with Same Point(s) of Diversion and Source:
61-07263 61-07264

Dates: App. Received: 12/22/1975 Priority Date: 01/10/1976 (Priority Date Advanced.)
Proof Due Date: 03/01/1981 Proof Made Date: 05/20/1981 (Proof Received Late.)
Exam Made Date: 11/20/1987 Exam Sent to S.O.:
Licensed Date: 01/06/1989

Misc: Water District Number: Field Exam Fee:

Audit: 06/09/88 CURTIS 07/14/88 CURTIS 08/10/88 CURTIS 02/13/89 CURTIS

JAN 07 1994

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	JEROLD L. WOOD	04/01/1976	IRRIGATION	03-15	11-15	2.40 CFS	742.5 AFA
C	EST. OF EDNA BALLANTYNE						
C	MARTHA ESSON						
C	W. J. BALLANTYNE						
C	HERBERT C. HETHERINGTON						
				TOTAL DIVERSION:		2.40 CFS	742.5 AFA

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion Capacity: 11.36 CFS

Point(s) of Diversion: T02S R05E S31 Lot 03(SE SW)
T03S R04E S01 Lot 01(NE NE)

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
03S	05E 6					03-39	04-43	05-45	38									165.0
																	TOTAL ACRES	165.0

Pou County: ELMORE

Other Water Rights with Same Point(s) of Diversion and Source:
61-07247B 61-07264

Conditions of Approval:
R32 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 4.5 afa per acre for the
- lands above.

Remarks: This right when combined with rights 61-07247B and 61-07262 shall not exceed 11.36 cfs.

Dates: App. Received: 04/01/1976 Priority Date: 04/01/1976 (Priority Date Advanced.)
Proof Due Date: 05/01/1981 Proof Made Date: 05/08/1981 (Proof Received Late.)
Exam Made Date: 11/20/1987 Exam Sent to S.O.:
Licensed Date: 08/14/1989

Misc: Water District Number: Field Exam Fee: R (Received)

Audit: 03/31/88 05/01/88 CONVERT 06/09/88 CURTIS 07/14/88 CURTIS
08/08/89 CURTIS 08/17/89 CURTIS 06/05/90 CURTIS 06/22/90 JOHNSON
07/18/90 JOHNSON

A Settlement Statement

U S Department of Housing and Urban Development

OMB No 2502 0265

B Type of Loan

1 ☐ FHA 2 ☐ FmHA 3 ☐ Conv Unins
4 ☐ VA 5 ☐ Conv Ins

6 File Number | 7 Loan Number | 8 Mortgage Insurance Case Number

C NOTE *This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p o c)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.*

D NAME AND ADDRESS OF BORROWER: CARL D. HICKEY
P.O. BOX 243
Mountain Home, ID 83647

E NAME AND ADDRESS OF SELLER: MONTE E. HERGERT AND VALINDA T. HERGERT
TIN.

F. NAME AND ADDRESS OF LENDER: FARM HOME ADMINISTRATION

G PROPERTY LOCATION: T3S, R4E Section 1

H. SETTLEMENT AGENT
PLACE OF SETTLEMENT: Guaranty Title, Inc.
206 South 3rd East
Mountain Home, ID 83647
TIN

I SETTLEMENT DATE

J. SUMMARY OF BORROWER'S TRANSACTION		K SUMMARY OF SELLER'S TRANSACTION	
100. GROSS AMOUNT DUE FROM BORROWER:		**400. GROSS AMOUNT DUE TO SELLER:**	
101 Contract sales price	5,350.00	401. Contract sales price	5,350.00
102 Personal property		402 Personal property	
103. Settlement charges to borrower *(from line 1400)*	109.00	403	
104		404	
105.		405	
ADJUSTMENTS FOR ITEMS PAID BY SELLER IN ADVANCE.		ADJUSTMENTS FOR ITEMS PAID BY SELLER IN ADVANCE:	
106. City/town taxes to		406 City/town taxes to	
107 County taxes to 12-31-92	3.00	407 County taxes to	
108 Assessments to		408 Assessments to	
109.		409	
110		410	
111		411	
112		412	
120. GROSS AMOUNT DUE FROM BORROWER: ▶	5,462.00	420. GROSS AMOUNT DUE TO SELLER: ▶	5,350.00
200. AMOUNTS PAID BY OR IN BEHALF OF BORROWER:		**500. REDUCTIONS IN AMOUNT DUE TO SELLER:**	
201 Deposit or earnest money		501 Excess deposit *(see instructions)*	
202 Principal amount of new loan(s)		502. Settlement charges to seller *(line 1400)*	-0-
203 Existing loan(s) taken subject to		503. Existing loan(s) taken subject to	
204		504 Payoff of first mortgage loan FmHa	4,876.88
205		505 Payoff of second mortgage loan	
206		506	
207		507	
208		508	
209		509	
ADJUSTMENTS FOR ITEMS UNPAID BY SELLER.		ADJUSTMENTS FOR ITEMS UNPAID BY SELLER:	
210 City/town taxes to		510 City/town taxes to	
211. County taxes to		511 County taxes to 8-16-93	75.00
212 Assessments to		512 Assessments to	
213.		513 1992 Taxes	139.26
214		514 1990 Taxes	126.00
215		515 1991 Taxes	132.86
216		516	
217		517	
218		518	
219		519	
220 TOTAL PAID BY/FOR BORROWER ▶	-0-	520 TOTAL REDUCTIONS IN AMOUNT DUE SELLER ▶	5,350.00
300. CASH AT SETTLEMENT FROM/TO BORROWER:		**600. CASH AT SETTLEMENT TO/FROM SELLER:**	
301 Gross amount due from borrower *(line 120)*	5,462.00	601 Gross amount due to seller *(line 420)*	5,350.00
302 Less amount paid by/for borrower *(line 220)*	(-0-)	602 Less total reductions in amount due seller *(line 520)*	(5,350.00)
303. CASH (☒ FROM ☐ TO) BORROWER ▶	5,462.00	603 CASH (☐ TO ☐ FROM) SELLER ▶	-0-

Previous Edition is Obsolete

HUD 1 (3 86) - RESPA, HB 4305 2

SUBSTITUTE FORM 1099 SELLER STATEMENT The information contained in Blocks E, G, H and I and on line 401 (or if line 101 is asterisked, lines 401 and 404) is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction will be imposed on you if this item is required to be reported and the IRS determines that it has not been reported.

SELLER INSTRUCTIONS If this real estate was your principal residence, file Form 2119, Sale or Exchange of Principal Residence, for any gain, with your income tax return; for other transactions, complete the applicable parts of Form 4797, Form 6252, and/or Schedule D (Form 1040).

You are required by law to provide [see line 11] with your correct taxpayer identification number. If you do not provide [see line 11] with your correct taxpayer identification number, you may be subject to civil or criminal

SETTLEMENT CHARGES

		PAID FROM BORROWER'S FUNDS AT SETTLEMENT	PAID FROM SELLER'S FUNDS AT SETTLEMENT
700 TOTAL SALES / BROKER'S COMMISSION BASED ON PRICE $ @ % =			
DIVISION OF COMMISSION (LINE 700) AS FOLLOWS:			
701 $ to			
702 $ to			
703. Commission paid at settlement			
704			
800. ITEMS PAYABLE IN CONNECTION WITH LOAN:			
801. Loan origination fee %			
802 Loan discount %			
803. Appraisal fee to			
804. Credit report to:			
805. Lender's inspection fee			
806. Mortgage insurance application fee to			
807. Assumption fee			
808			
809			
810.			
811			
900. ITEMS REQUIRED BY LENDER TO BE PAID IN ADVANCE:			
901. Interest from to @ $ / day			
902 Mortgage insurance premium for mos. to			
903. Hazard insurance premium for yrs. to			
904. *Flood Insurance Premium for* yrs. to			
905.			
1000. RESERVES DEPOSITED WITH LENDER:			
1001. Hazard insurance months @ $ per month			
1002 Mortgage insurance months @ $ per month			
1003. City property taxes months @ $ per month			
1004. County property taxes months @ $ per month			
1005. Annual assessments months @ $ per month			
1006 *Flood Insurance* months @ $ per month			
1007. months @ $ per month			
1008. months @ $ per month			
1100. TITLE CHARGES:			
1101. Settlement or closing fee to GUARANTY TITLE, INC.		100.00	
1102. Abstract or title search to			
1103. Title examination to			
1104. Title insurance binder to			
1105 Document preparation to			
1106 Notary fees to			
1107. Attorney's fees to *(includes above items Numbers)*		[illegible]	
1108. Title insurance to *(includes above items Numbers)*		[illegible]	
1109. Lender's coverage $			
1110. Owner's coverage $			
1111			
1112.			
1113.			
1200. GOVERNMENT RECORDING AND TRANSFER CHARGES:			
1201. Recording fees: Deed $ 3.00 ; Mortgage $. Releases $ 6.00		9.00	
1202 City /county tax / stamps. Deed $; Mortgage $			
1203 State tax / stamps: Deed $; Mortgage $			
1204.			
1205.			
1300. ADDITIONAL SETTLEMENT CHARGES:			
1301. Survey to			
1302. Pest inspection to			
1303.			
1304.			
1305.			
1306.			
1307.			
1400. TOTAL SETTLEMENT CHARGES *(Enter on line 103, Section J and line 502, Section K)* ▶		109.00	

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the HUD-1 Settlement Statement

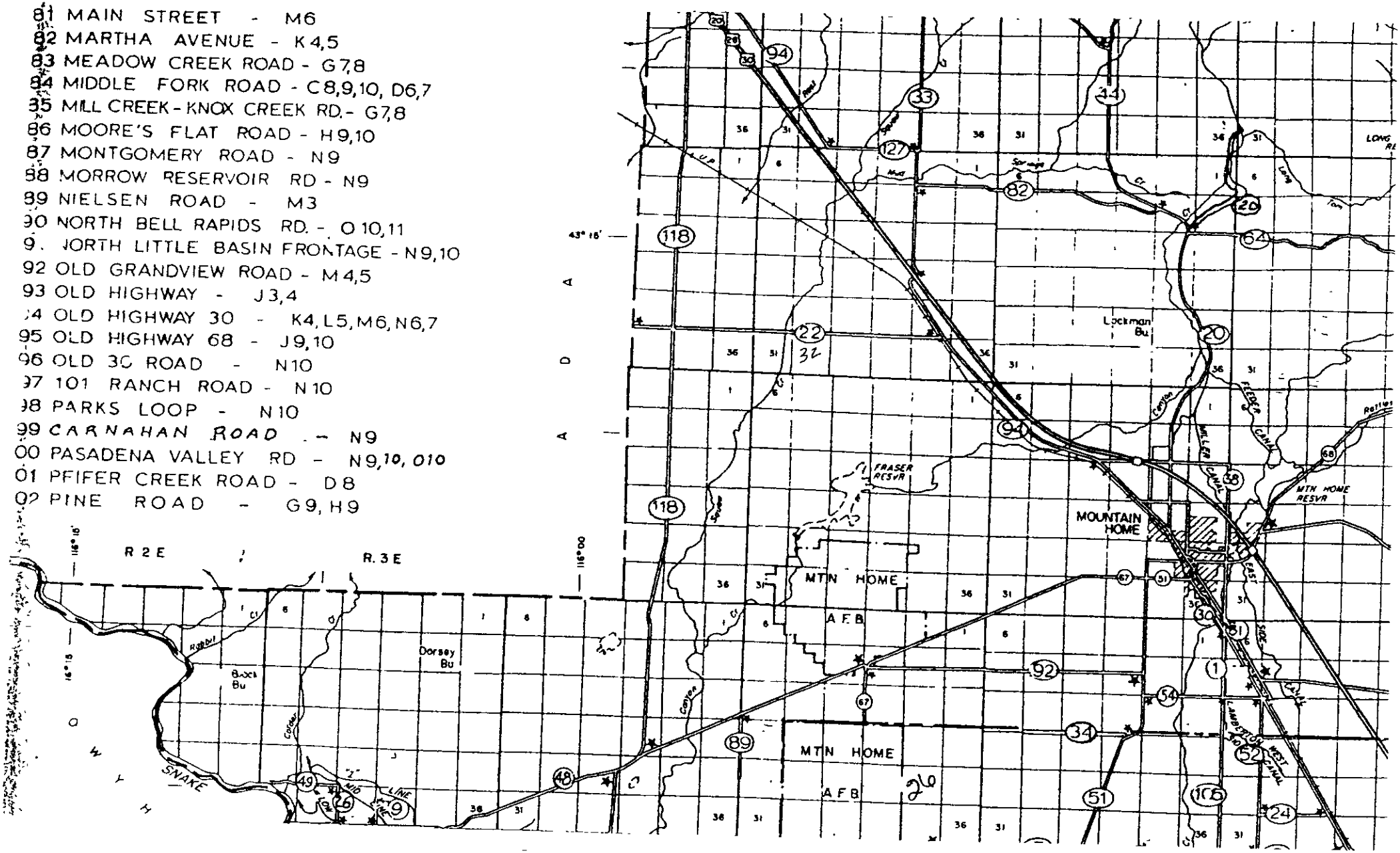
Borrower X David D. Bailey Date 11-25-92 Seller Monte E Hayert Date 7-30-93

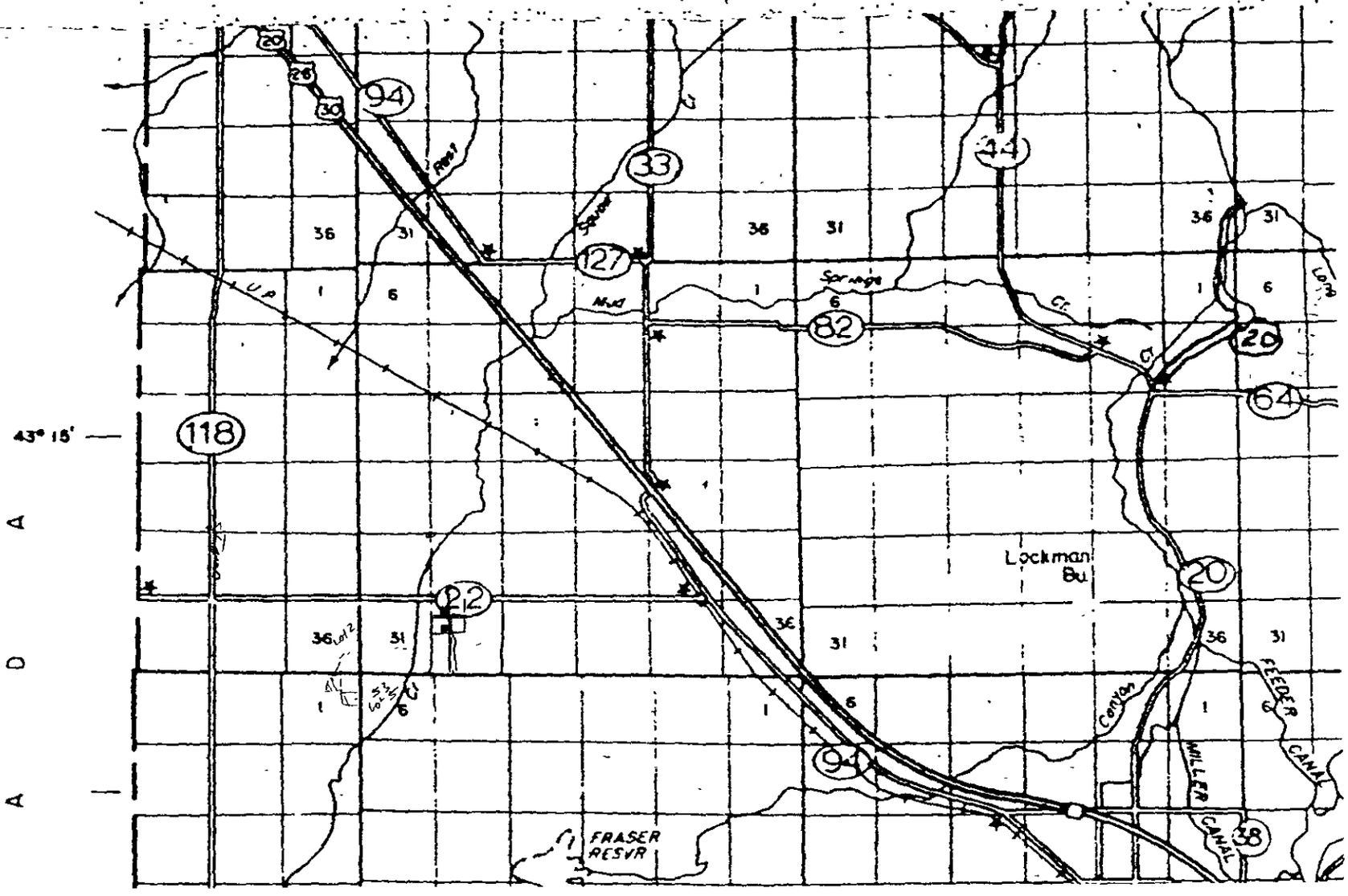
Borrower _____ Date _____ Seller Valinda T Hayert Date 7/30/93

The HUD 1 Settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement

_____ Date _____ Settlement Agent _____ Date _____

81 MAIN STREET - M6
82 MARTHA AVENUE - K4,5
83 MEADOW CREEK ROAD - G7,8
84 MIDDLE FORK ROAD - C8,9,10, D6,7
85 MILL CREEK - KNOX CREEK RD. - G7,8
86 MOORE'S FLAT ROAD - H9,10
87 MONTGOMERY ROAD - N9
88 MORROW RESERVOIR RD - N9
89 NIELSEN ROAD - M3
90 NORTH BELL RAPIDS RD. - O 10,11
91 NORTH LITTLE BASIN FRONTAGE - N9,10
92 OLD GRANDVIEW ROAD - M4,5
93 OLD HIGHWAY - J3,4
94 OLD HIGHWAY 30 - K4, L5, M6, N6,7
95 OLD HIGHWAY 68 - J9,10
96 OLD 30 ROAD - N10
97 101 RANCH ROAD - N10
98 PARKS LOOP - N10
99 CARNAHAN ROAD - N9
00 PASADENA VALLEY RD - N9,10, O10
01 PFIFER CREEK ROAD - D8
02 PINE ROAD - G9, H9




94
33
127
82
44
20
64
118
22
94
20
38
36
31
6
1
U.P.
Mud
Springs
Cr.
Lockman Bu
FEEDER CANAL
MILLER CANAL
FRASER RESVR
Canyon

WATER RIGHT NUMBER	NAME	CFS
61-07203	THIS RIGHT SPLIT INTO PARTS A AND B THRU TRANSFER NO. 4328.	
61-07203A	HICKEY , CARL D	0.96
61-07203B	HICKEY , CARL D	1.34

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 25, 1994

CARL D HICKEY
PO BOX 243
MOUNTAIN HOME ID 83647-0243

RE: Transfer of Water Right No. 61-07203B

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 4328). Please be sure to thoroughly review the "CONDITIONS/REMARKS:" as listed on the transfer.

Sincerely,

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosure

AUG 05 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4328
WATER RIGHT NO. 61-07203B

This is to certify that: **CARL D HICKEY**
PO BOX 243
MOUNTAIN HOME ID 836470000

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
IRRIGATION	04/01 to 10/31	1.34 CFS	400.0 AF

SOURCE

GROUNDWATER

Priority: 11/25/1976

LOCATION OF POINT(S) OF DIVERSION: Lot 5(SENE), Sec. 1, Township 03S, Range 04E ELMORE County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES	ACRES	TOTAL
03S	04E	1	Lot 2(NWNE)	46.5	Lot 5(SENE)	53.5		100
					Total number of acres irrigated:			100

CONDITIONS/REMARKS:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
3. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

[illegible]

AUG 0 5 1994

TRANSFER NO. 4328
WATER RIGHT NO. 61-07203B

CONDITIONS/REMARKS:

6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. Right No. 61-07203A is limited to the irrigation of 69 acres; 36 acres located in (Lot 1) NENE and 33 acres located in SENE, S02, T03S, R04E.

Dated this 21TH day of July, 1994.

for Chief, Water Alloc. Bureau

RECEIVED
AUG 05 1994

Form 1-222
12 92

Page 1 of 9

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4328

RECEIVED
APR 0 6 1994
WATER RESOURCES
WESTERN REGION

APPLICATION FOR ~~TRANSFER~~ OF WATER RIGHT

PART 1

JUN 0 8 1994
Department of Water Resources

RECEIVED
MAR 3 0 1994
Department of Water Resources

Name of applicant Carl D. Hickey Phone 796-2127

Post Office address P O Box 243, Mt Home ID 83647

A. PURPOSE OF TRANSFER

1 ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Split right/ Reduce Acres Part A

2. Describe the reason for the proposed changes Water rights currently on property in question + until resolved Applicant wants to transfer this right from CRP land for use until contract (CRP) expires in 1998.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
61-07203B	11-25-76	1.34cfs	IRR	4-1 to 10-31
				to
				to
				to

2. Total amount of water being transferred 1.34 cubic feet per second and/or 400 acre-feet per annum.

3. Source of water Groundwater tributary to

4 Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge.	County	Local name for diversion
5		SE	NE	1	3S	4E	Elmore	

5 Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3S	4E	1		Lot 2 46.5		Lot 5 53.5													100

AUG 05 1994

PART 1

6 General Information

a Description of diversion system Deep well & pump, buried underground lines with solid set sprinkler system/ handlines in future.

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

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

No change, Land currently under CRP.

d. Remarks.

Acres reduced under Part A to authorized number of Acres - NO P P/U.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 19 ____.

_____

AUG 05 1994

TRANS NO. 4328

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 61-07203

STAGE: LICENSE

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
IRRIGATION	04/01 to 10/31	2.26 CFS	676.0 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	1.2 AF
	Totals	2.30 CFS	677.2 AF

SOURCE

GROUNDWATER

Priority: 11/25/1976

LOCATION OF POINT(S) OF DIVERSION: Lot 1(NENE), Sec. 2, Township 03S, Range 04E ELMORE County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
03S	04E	1		NESW 40		NWSW 40		SWSW 40	
				SESW 40					160
		2	Lot 1(NENE)	43	Lot 2(NWNE)	46		SWNE 40	
				SENE 40					169
						Total number of acres irrigated:			329

PLACE OF USE: DOMESTIC

TWN	RGE	SEC	
03S	04E	2	Lot 1(NENE)

CONDITIONS/REMARKS:

1. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
3. This right is limited to the irrigation of 169 acres in the place of use described above in a single irrigation season.
4. Two points of diversion are located within the NENE, Lot 1, S02, T03S, R04E.

AUG 05 1994

PART 2

Transfer No 4328

10 To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

yes If yes, describe 130 Acres in CRP 6 yrs

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED Part B

(If the entire right is to be changed by the applicant, omit part B and C)

1 amount 1.34 cfs for IRR purposes from 4-1 to 10-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2 Point(s) of Diversion.

Lot	¼	¼	¼	Sec	Twp.	Rge	County	Local name for diversion
1		NE	NE	2	3S	4E	Elmore	

3 Lands irrigated or place of use

Twp	Rge.	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
3S	4E	2	Lot 1 7	Lot 2 46	40	7													100

Total acres 100

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)* Part A

1. amount .92 for IRR purposes from 4-1 to 10-31
(cfs/ac-ft)
amount .04 for DOM purposes from 1-1 to 12-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
1		NE	NE	2	3S	4E	Elmore	
								AUG 05 1994

3. Lands irrigated or place of use Limited to 69 Acres

Twp	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
~~3S~~	~~4E~~	~~S1~~									~~40~~	~~40~~	~~40~~	~~40~~					~~160~~
3S	4E	S2	Lot 1 36			33													69
																			69
																			~~229~~

Total acres ~~229~~

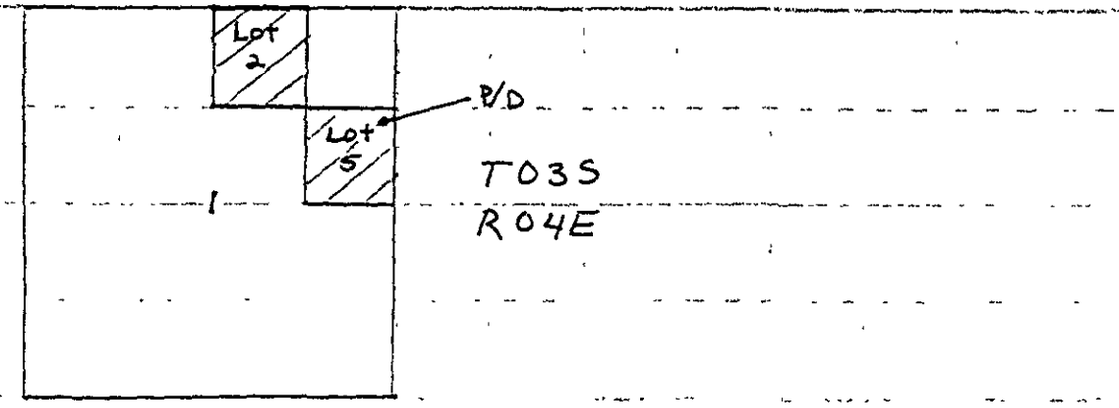
Transfer No. 4328

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



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SCALE. 2 inches equal 1 mile. Draw plan in ink.

PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

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

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

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

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

Carl D. Winkey
(Signature of Applicant)

Subscribed and sworn to before me this 30th day of March, 19 94.

Sharla R. Curtis
(Notary Public)

My commission expires 10-6-96

FOR DEPARTMENT USE ONLY

Transfer contains 9 pages and 5 attachments

Received by CB Date 3-30-94 Protest filed by

Prelim. check by GL Fee $50

Receipted by dw #C029911 Date 3/30/94

Published in Mtn Home News Copies of protest forwarded by

Pub. dates 5-4 & 11, 1994 Hearing held by Date

Watermaster recommendation requested on Recommended for ☒ approval ☐ denial

rec'd. by

Copy of transfer sent to lien holder

AUG 0 5 1994

MEMORANDUM

TO: FILE NO. 61-07203

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER NO. 4328

DATE: July 21, 1994

==========

Right No. 61-07203 is located on ground currently under the CRP Program and not being irrigated. Mr. Hickey wants to use a portion of the right to irrigate other lands that are covered by a questionable water right. He plans to use this right until the problems are resolved or the CRP contract expires on the original place of use.

Transfer No. 4328 was filed to change the point of diversion and place of use under a portion of Right No. 61-07203, splitting the right into parts A and B. The transfer also changes the remaining portion of the right from a permissible place of use to a "regular" irrigation right describing the authorized irrigated acres only.

The original right authorizes 169 irrigated acres within a 329 acre place of use. The transfer splits the right into Part A, 69 acres, and Part B, 100 acres.

Recommended conditions include a measuring device, irrigation overlap, drilling permit requirements and standard transfer conditions.

RECEIVED
AUG 05 1994

MEMORANDUM

RECEIVED
APR 2 8 1994
Department of Water Resources

TO: FILE

FROM: STEVE LESTER

DATE: APRIL 27, 1994

RE: TRANSFER NO. 4328 FOR 61-07203B (HICKEY)

****

This is a memo of explanation. The applicant seeks to provide irrigation water for 100 acres pending resolution of the validity of a portion of a permit on the 100 acres in question.

The application will change right 61-07203 from a permissable place of use practice to a "normal right" whereby irrigation of 169 acres in a 329 acre base becomes irrigation of 169 acres only. Note that licensing of 61-07203 incorporated acres under 61-07399 (a permit for SW 1/4 S01). Permit 61-07399 has been relinquished. Therefore, it appears that the owner intends to abandon any irrigation in SW 1/4 S01 by limiting irrigation to NE 1/4 S02 via 61-07203A and Lots 2 & 5, S01 via 61-07203B. Also see application remarks.

61-07203A will remain for use on 69 acres in NE 1/4 S02 (39 ac. continued irrigation & 30 ac. in CRP) while 61-07203B will be moved from the other 100 acres in CRP in S02 to irrigate 100 acres in Lots 2 & 5 in S01. Page 8 of the application is an ASCS photo showing the 130 acres in CRP in S02, and this should suffice for verification of such enrollment. See Attachment D for my map portraying the situation.

Since 61-07203 was examined in 1991, no additional verification of use is needed. No change will occur in the rate of flow or volume per acre. Actual irrigation in S01 lots per gov't. lot plat is 99.54 acres. Rounding this up to 100 acres is acceptable.

The land to which water will be moved is now covered by questionable right 61-07247D as a result of a recent split documented at the S.O. (contact Jim Johnson if need info). Some background will be helpful.

I conducted the B.U. exam for 61-07247A in 1991. This was for land irrigated by Sabin (Hergert Farms) in the NW 1/4 and a few bordering acres just to the east in NE 1/4 S01 (center pivot). It was difficult to be exact about the extent of use via the center pivot for the few acres in NE 1/4, but it definitely appeared that the pivot reached into NE 1/4 per topo & ASCS photo while doing the exam.

Mr. Sabin told me that he did not own the non-irrigated acres in Lots 2 & 5 in S01. He was not sure who owned those acres. It appeared at the time of the exam that Lots 2 & 5 were forfeited land (incorrectly labelled as "abandoned" in exam report - forfeited is probably a better term). Subsequent research did not yield any data to show that those acres were irrigated in the five years prior to the exam (ASCS and NAPP information). However, I did not determine who owned the land and thus inadvertently deprived the owner of involvement in settling the forfeiture issue.

SEP 0 9 1994

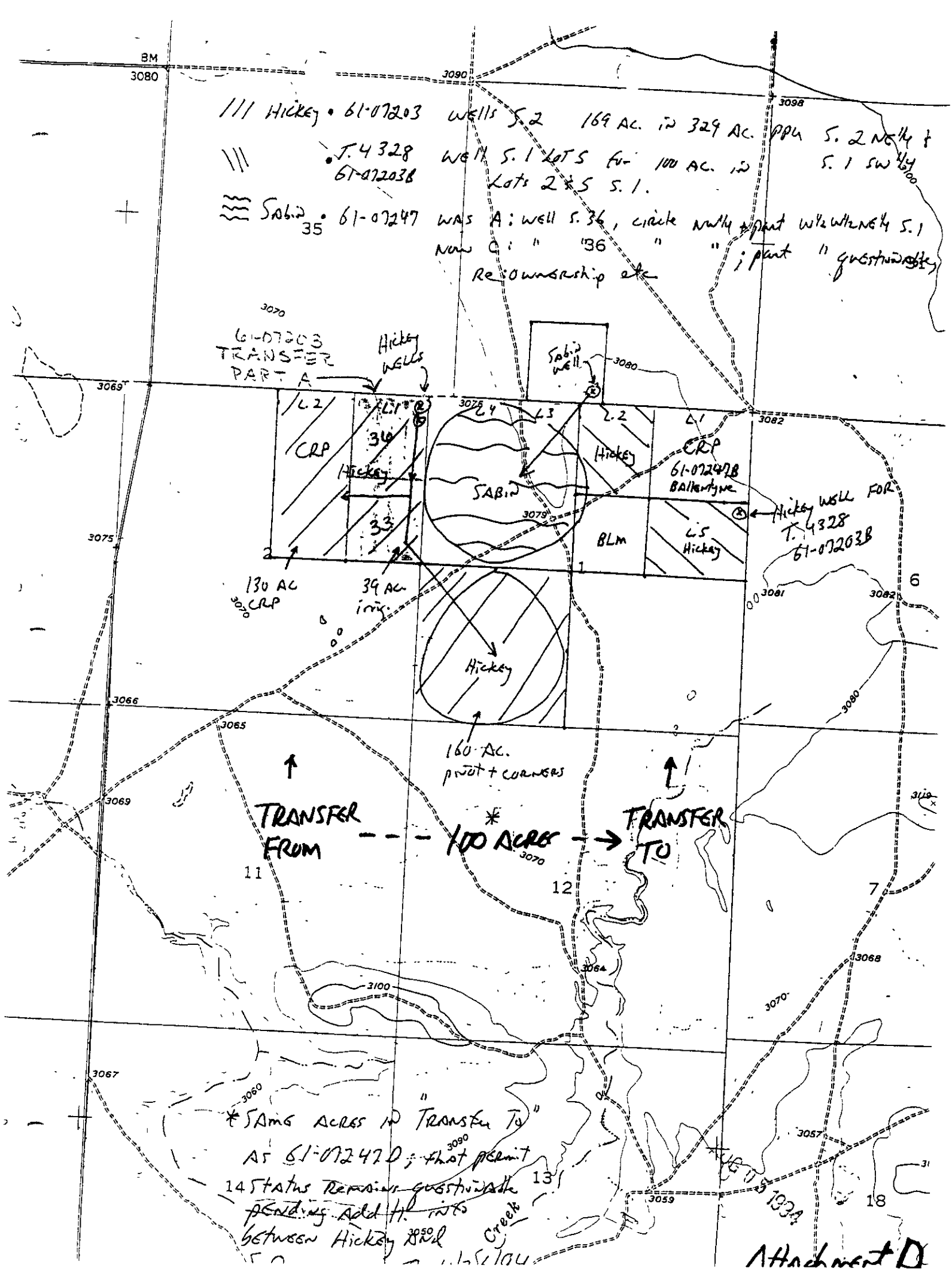
This oversight is being corrected by the recent split of 61-07247A into C (Hergert Farms/Sabin) and D (Hickey). Mr. Hickey is working with Jim Johnson on the issue of forfeiture for D, and I suspect that licensing of C will be delayed pending resolution of the question.

It appears that Mr. Hickey wants to be able to irrigate Lots 2 & 5 while the issue is settled, thus the transfer application was filed.

c: S.O. files 61-07247C & D
61-07399

Region files 61-07247C & D
61-07399 & A61-07399

SEP 09 1994


BM
3080
3090
3098
/// Hickey • 61-07203 wells S. 2 169 Ac. in 329 Ac. appl. S. 2 NE¼ & S. 1 SW¼
T. 4328 61-07203B
Lots 2 & S. 1.
Sabin • 61-07247 WAS A: well S. 36, circle NW¼ & plant W½ WH NE¼ S. 1
NOW C: " "36" " " ; plant " questionable
Re: Ownership etc
35
3070
61-07203 TRANSFER PART A
Hickey wells
Sabin well
3069
3080
3078
3082
L2
L1
L4
L3
L2
L1
CRP
36
Hickey
Hickey
CRP
61-07247B
Ballentyne
SABIN
3079
Hickey well for T. 4328 61-07203B
3075
33
BLM
L5
Hickey
2
1
130 AC CRP
39 Ac. irr.
3070
3081
3082
6
Hickey
3066
3080
3065
160 Ac. pivot + corners
TRANSFER FROM
100 ACRES
TRANSFER TO
3069
11
12
7
3070
3064
3100
3068
3070
3067
3060
3057
3090
13
3059
18
193
Creek
3050
*SAME ACRES AS "TRANSFER TO" AS 61-07247D; that permit status remains questionable pending Add'l info between Hickey and
Attachment D

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT NO. 61-07203

Notice is hereby given that Carl Hickey of Mtn. Home, ID, has applied to the Department of Water Resources for a Change in Point of Diversion and Place of Use of the following described water right(s) to be changed pursuant to Section 42-222 of Idaho Code:

WATER RIGHT AS RECORDED:

BASIS	License
DATE OF PRIORITY	11-25-1976
SOURCE	Ground Water
AMOUNT	2.30 cfs
USE	Irrigation from 4-1 to 10-31 (2.26 cfs) Domestic from 1-1 to 12-31 (.04 cfs)
POINT OF DIV	Lot 1 (NENE), S02, T03S, R04E, Elmore County
PLACE OF USE	SW 1/4 S01, NE 1/4 S02, T03S, R04E (169 acres per year within 329 acre area total)

WATER RIGHT AS CLAIMED IN SNAKE RIVER BASIN ADJUDICATION:

NUMBER	A61-07203
CLAIMED BY	Carl Hickey
BASIS	Permit
DATE OF PRIORITY	12-4-1975
SOURCE	Ground Water
AMOUNT	3.44 cfs
USE	Irrigation from 3-15 to 11-15 (3.44 cfs) Domestic from 1-1 to 12-31 (.04 cfs)
POINT OF DIV	NENENE, S02, T03S, R04E, Elmore County
PLACE OF USE	NE 1/4, S02, T03S, R04E (172 acres total)

PORTION OF LICENSE 61-07203 & CLAIM A61-07203 TO BE CHANGED AS FOLLOWS:

NUMBER	61-07203B
AMOUNT	1.34 cfs
PRIORITY	11-25-1976
USE	Irrigation from 4-1 to 10-31
POINT OF DIV	An existing well in Lot 5 (SENE), S01, T03S, R04E
PLACE OF USE	Lots 2 & 5 (NWNE & SENE), S01, T03S, R04E (100 acres total)

Water right from 100 acres enrolled in CRP in NE 1/4, S02 will be moved to well in Lot 5, S01 to irrigate 100 acres in Lots 2 & 5, S01 pending resolution of questions about water right currently associated with Lots 2 & 5. Balance of right (61-07203A) will remain for 69 acres in NE 1/4, S02.

AUG 05 1994

Any protest against approval of the proposed water right application must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 on or before May 23, 1994.

R. Keith Higginson
Director

Published in the Mountain Home News on May 4 and 11, 1994.

AUG 05 1994