



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.

RECORDED

MAR 19 1991

Merrill C. Walker
(Applicant)

APP. FOR PERMIT 41-07094, M. WALKER

Sec. 5 T. 10S R. 31E



● Existing Irrigation Well

□ Existing Place of Use

Prepared By J E Stanton
10-12-1999



41-7067

T. 9 S
T. 10 S

35

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4910

Creek

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Well
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POD RANCHES
C/O FAROLD NELSON

RICHARD
MAY

TN 226
James Robinson et ux

ESTHER
ROBINSON

T.N. 174

35 AC
T.N. 174
MERRILL E. WALKER-C/O ONA WALKER

POD RANCHES
C/O FAROLD NELSON

ALVIN
RALPHS
ET-UX

T.N. 17 T.N. 174
MERRILL E. WALKER

40 AC

ALPHS
ET UX

15

OCT 14 1999
T.N. 14

T.N. 32

MARVIN McLEAN

Marvin H.
McLean

JAMES L. WOODWORTH ET. UX

ORVAL

NELSON

E. CHARLES
BARNARD

BURTON
ANDERSON

T.N. 100

T.N. 47 46
T.N. 45 44

T.N. 177

MELVIN

MELVIN

Photos



P/O
Pump + well

CANAL GATE
IN BACK



PoU

MICROFILMED

OCT 14 1999

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 41-07067

Priority: May 3, 1983

Maximum Diversion Rate: 0.69 CFS
Maximum Diversion Volume: 292.4 AF

This is to certify, that MERRILL E WALKER
DONNA D WALKER

4227 SW BENCH RD
ROCKLAND ID 83271

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 3, 1983; and has submitted Proof of Beneficial Use on February 27, 1992. An examination indicates that the works have a diversion capacity of 0.850 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.69 CFS	292.4 AF

LOCATION OF POINT(S) OF DIVERSION: SENW , Sec. 5, Township 10S, Range 31E
POWER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10S	31E	5	SWNW 35	SENW 40		75

Total number of acres irrigated: 75

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
2. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
3. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
4. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 300.0 af at the field headgate for the lands above.

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OCT 14 1999

State of Idaho
Department of Water Resources

Water Right License

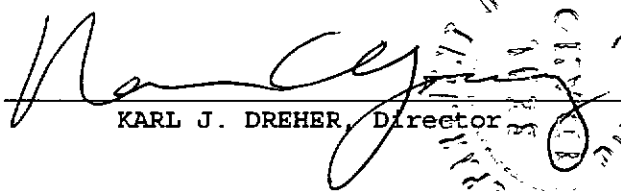
WATER RIGHT NO. 41-07067

CONDITIONS OF APPROVAL AND REMARKS

6. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right.

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 administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 12TH day of

October, 1999.


KARL J. DREHER, Director

MICROFILMED

OCT 14 1999

07/88

RECEIVED

STATE OF IDAHO

For Office Use Only

Amt. of Fee \$ 100Date 2/27/92Receipt No. 3014196Received by JF

FEB 27 1992

Department of Water Resources
Southern Region Office

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. 41-07067 Telephone No. 548-2343
2. Name(s) of Permit Holder(s): Merrill E. Walker and Donna D. Walker
3. Post Office Address: Box 336 - Rockland, ID 83271
4. Source of Water: Ground Water
 - a. If ground water, well driller's name: Sigman - New Date drilled: 1953 - 1979
 - b. Pump horsepower: 75 Pressure (psi): 0 Dynamic pumping level (ft.): 350'

5. Extent of Use:

Domestic _____ (No. of households)

Irrigation 80 (No. of acres)

Stockwater _____ (No. and type of stock)

Other _____

6. Total rate and/or volume for which proof is submitted 600 Gpm 69 cfs _____ acre/feet

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

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

OR

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

8. Fee Enclosed: \$ 100 (See License Examination Fee Schedule)

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

Merrill Walker
Name548-2343
Telephone No.4222 SW Bench Rd. Rockland, Id.
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.

27 Feb 92
DateMerrill E. Walker
Signature (and title if on behalf of a company or organization)MICROFILMED
APR 08 1992

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 41-07067

Proposed Priority: May 3, 1983 Maximum Diversion Rate: 0.69 CFS
This is to certify, that MERRILL E. WALKER

DONNA D. WALKER
BOX 336
ROCKLAND, ID 83271

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/01 to 11/01	0.69 CFS
<u>LOCATION OF POINT(S) OF DIVERSION:</u>		SENW Sec. 5, Township 10S, Range 31E POWER County

<u>PLACE OF USE:</u> IRRIGATION	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
<u>TWN RGE SEC</u>				
10S 31E 5	SWNW 40	SENW 40		80
Total number of acres irrigated:				80

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 2, 1992.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
5. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
6. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

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

7th day of March, 1991.

MICROFILMED

MAR 19 1991

for

R. Keith Higginson, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Merrill E. and/or Donna D. Walker Phone 548-2343
Post office address Box 336, Rockland, ID, 83271
2. Source of water supply Groundwater which is a tributary of _____
3. Location of point of diversion is SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 5 Township 10S
Range 31E B.M. Power County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.69 for Irrigation purposes from MAR. 1 to NOV. 1 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

- a. 0.69 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. 16" x 690' well 75 hp pump
pipeline to 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 _____ to _____ inclusive.
(Month/Day) (Month/Day)
- c. ~~Proposed~~ well diameter is 16 inches; ~~proposed~~ depth of well is 690 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 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: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
- (2) Amount of power to be generated: _____ horsepower under _____ feet of head.
- (3) List number of each kind of livestock to be watered _____
- (4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____
- (5) If water is to be used for other purposes describe: _____

RECEIVED
MAR 19 1981

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	
10S	31E	5							40	40									80

Total number of acres to be irrigated 80

c. Describe any other water rights used for the same purposes as described above. Claim Filed
4-20-83 41-003⁵ 42 shares Bench Ditch water

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 _____

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MAR 19 1981

Received by T. B. Mays Date 5/3/83 Time 11:30 a
Preliminary check by ADM Fee \$ 45.00
Receipted by T. C. Blau Date 5-9-83 # 27317
Publication prepared by M. Baldwin Date 4/23/80
Published in Power Co. Press
Publication dates 5/2 & 5/9/80
Publication approved M. Baldwin Date 6/5/80
Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by JA

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other:

State of Idaho
County of Power

MAY 10 1990
Department of Water Resources
Eastern District Office

Erma Crompton being first duly sworn on oath, states:

That she is the publisher of The Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publication being the 2 day of may 1990 and the date of last publication being the 9 day of may 1990.

(Signed)

Erma Crompton

State of Idaho
County of Power

On this 16 day of may in the year of 1990, before me, a Notary Public, personally appeared Erma Crompton, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Brett Crompton
Notary Public for Idaho
Residing at American Falls, Idaho
My commission expires: June 8, 1993

NOTICE OF APPLICATION FOR
WATER RIGHT
The following application(s) have
been filed to appropriate the public
waters of the State of Idaho:

41-07066
GARRY, KATHLEEN D.
SPETH, KERRY G.
378 TYNEE
AMERICAN FALLS, ID 832110000

Source: GROUNDWATER

Diversion Pt: SENW Sec 7 T 09S R
30E

Use: IRRIGATION (.280 CFS)
Total Diversion: (.280 CFS)

Date Filed: 4/8/1983

In: T09S R30E S07 SWNW SENW
14.0 ACRES TOTAL

41-07067
WALKER, MERRILL E.
WALKER, DONNA D.
BOX 336
ROCKLAND, ID 83271

Source: GROUNDWATER

Diversion Pt: SENW Sec 5 T 10S R
31E

Use: IRRIGATION (.690 CFS)
Total Diversion: (.690 CFS)

Date Filed: 3/3/1983

In: T10S R31E S05 SWNW SENW
80.0 ACRES TOTAL

41-07068
ROCKLAND VALLEY RANCHES
BOX 334
ROCKLAND, ID 83271

Source: ROCK CREEK
Tributary: SNAKE RIVER

Diversion Pt: SENW Sec 15 T 09S R
30E

Use: IRRIGATION (2.000 CFS)
Total Diversion: (2.000 CFS)

Date Filed: 4/26/1983

In: T09S R30E S14 SWSW SESW
NESE SWSE SESE
S15 SWNE SENW NESW NESE
NWSE SESE
SENW NWNE NWNE SENE
NENW NWNW SENW
367.0 ACRES TOTAL

41-07069
WALKER, ONA
WALKER, GLENNA
ROCKLAND, ID 83271

Source: GROUNDWATER

Diversion Pt: NESW Sec 33 T 09S R
31E

Use: IRRIGATION (.100 CFS)
STOCKWATER (.040 CFS)
DOMESTIC (.040 CFS)
Total Diversion: (.100 CFS)

Date Filed: 4/28/1983

In: T09S R31E S33 NESW NWSW
5.0 ACRES TOTAL

41-07071
DEEG, TIMOTHY P.
HC 75 BOX 2130
AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Total Diversion: (.197 CFS)

Date Filed: 7/13/1983

In: T09S R 31E S06 SWSE
11.0 ACRES TOTAL

41-07072
BOTTRUFF, CHARLES R.
BOTTRUFF, TERESA
3713 REGISTER RD.
AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Diversion Pt: NENW Sec 7 T 09S R
30E

Use: IRRIGATION (.160 CFS)
DOMESTIC (.080 CFS)
Total Diversion: (.220 CFS)

Date Filed: 8/12/1983

In: T09S R30E S07 NENW
8.0 ACRES TOTAL

41-07073
ALLEN, JEFF D.
P.O. BOX 311
ROCKLAND, ID 83271

Source: ROCK CREEK, EAST FORK
Tributary: ROCK CREEK

Diversion Pt: NWNE Sec 10 T 10S R
31E
NWNE Sec 11 T 10S R 31E

Use: IRRIGATION (.400 CFS)
Total Diversion: (.400 CFS)

Date Filed: 3/21/1984

In: T10S R31E S03 SWSE
23.0 ACRES TOTAL

41-07075
PERMANN, LANNY N.
2918 COLD CREEK RD.
AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Diversion Pt: NWSE Sec 5 T 09S R
30E

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

Date Filed: 9/11/1983

In: T09S R30E S05 NENE NWNE
SWNE SENE NWSE SWSE
240.0 ACRES TOTAL

41-07078
MONTROSS, ERNIE
MONTROSS, COLEEN
BOX 299
ROCKLAND, ID 832710000

Source: GROUNDWATER

Diversion Pt: SENENE Sec 36 T 09S
R 30E

Use: IRRIGATION (.150 CFS)
Total Diversion: (.150 CFS)

Date Filed: 9/22/1986

In: T09S R30E S36 NENE
5.0 ACRES TOTAL

The permit(s) will be subject to all
prior right. Protests must be filed
with the Director, Dept. of Water
Resources, Southern Region, 222
Shoshone Street East, Twin Falls,
Idaho 83301 on or before MAY 21,
1990.

Keen, Shelley

From: Keen, Shelley
Sent: Tuesday, December 28, 1999 8:38 AM
To: Stanton, Jim
Subject: Your proposal for addressing the Merrill Walker groundwater rights

Jim,

Thank you for working with Merrill Walker to sort out his water right filings. I read the memo you prepared after meeting with him, and I like your suggestion that we obtain an accurate measurement of Mr. Walker's system capacity before we decide how to proceed with Application 41-07094. I will place your memo in water right file 41-07067 and wait to hear the results of your measurement in the spring.

On another subject, has John Lezamiz discussed Permit 37-08591 with you recently? On November 22 I sent him a copy of a letter saying IDWR is going to void the permit unless someone demonstrates that a beneficial use was developed. I believe I sent you a copy of my letter also. On November 24 John called to tell me he would contact you to discuss this matter since he lives in the Twin Falls area. If he has not contacted you, it is time for me to prepare the order voiding the permit.

And last, thanks for your memo on Permit 45-07567(Southwest Irrigation District). I will continue to work toward issuing a license. I assume you are still looking into the possibility of conveyance losses associated with 45-07588.

ACTION REQUIRED

FROM: Jim Stanton

TO: Shelley Keen 12-17-99

Please review and comment so I can take appropriate action. Th-nks.

MEMO

TO: File

DATE: 12/17/1999

FROM: J E STANTON

SUBJECT: Groundwater Rights of Merrill Walker, Sec. 5 T. 10S R. 31E

Today I met with Mr. Walker in my office to discuss his groundwater use on this property. He has well in the NE corner of the S ½ NW ¼ Sec. 5. This well can pump directly into sprinklers, or it can flow open discharge into a headbox. He get surface water through the Bench Ditch via a pipeline. This pipeline can either feed into the headbox for ditch irrigation, or it can be hooked to his mainline for use in sprinklers. Both the well and the surface water can be used anywhere on the place. The south half of the place is sprinkled, while the north half is irrigated with both sprinklers and ditches. He estimated that, when the well is running, it goes into the ditches about half the time. The well supplements the surface water, but is used quite a bit almost every year. The last 2 years have seen plenty of surface water, so the well hasn't been used quite as much.

With regard to the water rights, Claim 41-04028 has been recommended for 39 inches on 39 acres of the 75 total acres with a 1953 priority. We recently issued License 41-07067 for 0.69 cfs on the whole 75 acres; the examiner found 0.85 cfs in the sprinkler system, but the license was limited to the permitted amount. A 1979 driller's test on this well showed a flow rate of 1.37 cfs, but Walker has never measured the actual system capacity under open discharge. I would expect the capacity to be somewhere between 0.85 cfs and 1.37 cfs. He told me that the system has not changed since the well was deepened in 1979. The license was issued as if the SRBA claim did not exist, so does not contain any system limitations between the 2 rights. The licensing exam was done in 1992 by an inexperienced summer agent, and no SRBA work had been done on the claim at that time.

Mr. Walker recently applied for permit 41-07094 for 36 inches on the 36 acres not covered by the claim. It appears that he forgot about the 7067 filing. This application does not request water for any new land, and the two existing rights would allow the full annual volume of 300 AFA to be pumped. I suggest that we hold this application until the well can be measured under open-discharge conditions next year. Once the actual pumping capacity is determined, we should officially annotate the license file with a letter stating the total allowable pumping rate of the two rights combined. If this can be done, Mr. Walker could withdraw this application and still be covered for what his well has been doing since 1979. My inspection revealed an "old" system, so it seems fair to give him an "old" priority date for all of it.

If the above recommendation cannot be implemented, then his system is probably limited to the 0.85 cfs measured under pressure. The driller's measurement of 1.37 cfs should

represent the maximum water supply in this well. In this case, the application should be approved for the difference (0.52 cfs). What this would mean is that the 7067 right is really only worth 0.07 cfs on 36 acres, which doesn't seem reasonable or fair.

APP. FOR PERMIT 41-07094, M. WALKER

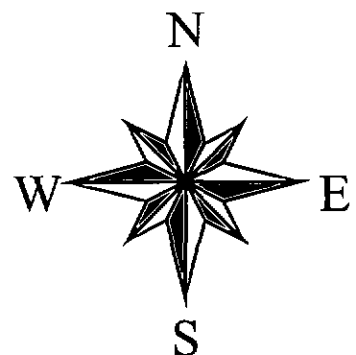
Sec. 5 T. 10S R. 31E



⊙ Existing Irrigation Well

□ Existing Place of Use

Prepared By J E Stanton
10-12-1999





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

October 13, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MERRILL E WALKER
DONNA D WALKER
4227 SW BENCH RD
ROCKLAND ID 83271

RE: WATER RIGHT NO. 41-07067

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. 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 of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or change of 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 reporting form.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

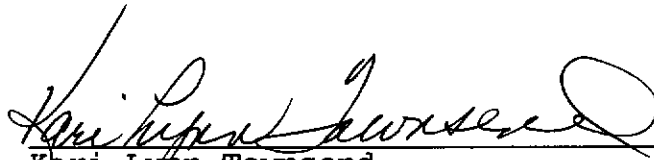
MICROFILMED
OCT 14 1999

CERTIFICATE OF MAILING

I hereby certify that on the 13th day of October, 1999, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 41-07067

MERRILL E WALKER
DONNA D WALKER
4227 SW BENCH RD
ROCKLAND ID 83271


Kari Lynn Townsend
Secretary

MICROFILMED
OCT 14 1999

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief 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 the 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 twenty-one (21) 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 a 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. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department 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 Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department 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 Department 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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OCT 14 1999

WR0749NP
No. L41-07067

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/27/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MERRILL E WALKER	05/03/1983	IRRIGATION	~~03/15-11/15~~	0.690 CFS	292.40 AFA
C	DONNA D WALKER			4/1 10/31		
	4227 SW BENCH RD			TOTAL DIVERSION:	0.690 CFS	292.40 AFA
	ROCKLAND ID 83271					

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 0.850 CFS

Point(s) of Diversion: T10S R31E S05 SENW POWER 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	SUM	
10S	31E	5	:		:		:		:		:		:		:		:		:		:		:		:		:		:		75.0	
																												TOTAL ACRES	75.0			

Pou County: POWER

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

41-04028 41-07067

Other Water Rights Listing Overlapping Place(s) of use:

41-00035 41-02001 41-04028 41-07005 41-07067 41-07094

Conditions of Approval:

- 070 - This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
- 048 - The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
- 049 - The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
- 075 - Irrigation of large projects such as parks, golf courses, or sports activities fields is not authorized under this right.

Remarks: GEN This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of 300.0 af at the field headgate for the lands above.
The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted

WR0749NP
No. L41-07067

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/27/99
PAGE: 2

=====

Remarks: under this right.

Dates: App. Received: 05/03/1983 Priority Date: 05/03/1983
 Proof Due Date: 03/02/1992 Proof Made Date: 02/27/1992
 Exam Made Date: 06/13/1994 Exam Sent to S.O.: 07/05/1995
 Licensed Date:

Misc: Water District Number: Field Exam Fee: R (Received)

Comments: Date: 02/28/1992 User-ID: VAULT Subject: Proof of Beneficial Use Rcvd
 Proof of Beneficial Use Rcvd

Audit: 09/27/99 SCURTIS

MEMORANDUM

TO: File 41-07067

FROM: Sharla

DATE: September 28, 1999

RE: Recommendation Adjustment(s)

The adjustments to licensing recommendations for Permit 41-07067 are as follows:

H. RECOMMENDATIONS

Irrigation	4/1 – 10/31	0.69 cfs	292.4 ~~6~~ af
------------	-------------	----------	-----------------------

The standard irrigation season for this area is 4/1 – 10/31. The volume in this case is limited by the permitted rate ($0.69 \times 214 \text{ days} \times 1.98 = 292.4 \text{ af}$).

Exam Date: June 13, 1994

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SEP 28 1999

LI~~SE~~ REVIEW CHECKLIST

PERMIT NO. 41-07067 DATE 9/18/99 REVIEWER: SHARLA

NAME/Address Change/OK
OK
 SOURCE OK Does change clarify orig. intended source? If no, Void permit
 POINT OF DIV OK Change (P39 /P47) Add (P45/P42) Feds - P40

W32 (multiple in ll)
 W36 (overlap)
 W59 (subd. desc)

Overlaps: Right(s): _____
 File reviewed _____ Profile reports printed _____

PLACE OF USE OK Change (P41/P47) Add (P41/P42) Feds - P43

W60 (subd. desc)
 W27 (ppu acre limit)

Overlaps: Right(s): _____
 File reviewed _____ Profile reports printed _____

PD & PU amend (P37) Feds - P48

RATE OF DIV

Permitted Rate .69 cfs

Fee limit 1.00 cfs \$ 100⁰⁰

Measured .85 cfs nozzle discharge

Theoretical .88 cfs

Recommended Total Div Rate _____ cfs

WATER USES

OK
1.00 cfs 75X4 af Irrig -
 _____ cfs _____ af
 _____ cfs _____ af
 _____ cfs _____ af
 _____ cfs _____ af
 _____ cfs _____ af
 TOTALS _____ cfs 300.0 af

Change (P46)
 Domestic - (W01/WB5/070/071/075)
 Power - (W42 or W43/025/027/R22 or R23)
 Fish (042) Fire (077) Wtr Quality (081/R07)
 Payette (W22/047/27A)

overlap (R58-R61, R62-R65, R66-R69)
 supp. gw (WB7/065/079) remove last sentence
 overlap spec. combined rts (W35)
 <1acre (W31)

Flow rate .69 cfs X 214 days X 1.98 = 292.4 af

REMARKS

ADD'L CONDITIONS _____ Watermaster Control WD# _____

_____ GW Measurement/Measuring Device

_____ Others Trust (052/R53 remove 051) Non-trust (048/049)

Advance Priority _____ yes ☒ no

SRBA Claim _____

Adjust Memo season
 Amend letters _____

4028
 4/1 - 10/31 vol ltd by
 permit rate
exp

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JUN 9 1995
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 41-7067

1. Owner: MERRILL + DONNA WALKER Phone No. 548-2343

Current Address: 4227 SW BENCH Rd. ROCKLAND Id

2. Accompanied by: MERRILL WALKER EXAM DATE: 6-13-94

Address: Box 336 ROCKLAND, ID Phone No. _____

Relationship to Permit Holder: _____

3. Source: GROUNDWATER tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: CANAL WATER

2. Other water rights with the same point of diversion: NONE

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NE	SE	NW	5	10s	31E	POWER	Photo Quad

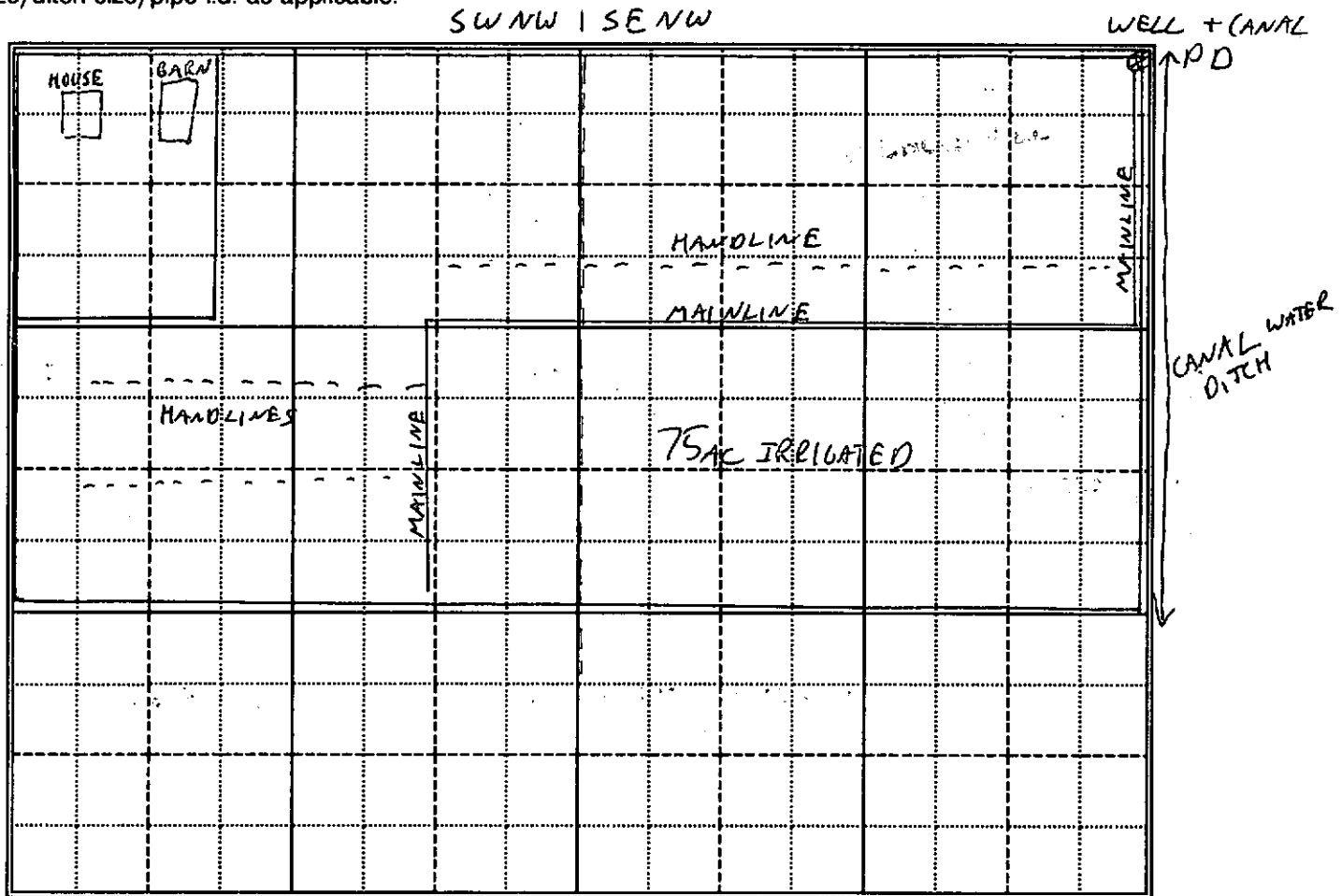
2. Place(s) of Use:

Indicate Method of Determination Photo Quad

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10s	31E	5							35	40									75

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3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.

Scale: $T =$ _____

____ Copy of USGS 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)

Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
		75			

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Pitot + PSI GAUGE						

2. Measurements: MEASURED PRESSURE OF 4 HEADS ALONG 42 HEAD RUN
AVERAGE PRESSURE ABOUT 75 PSI ON $\frac{3}{16}$ " NOZZLES

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E. NARRATIVE/REMARKS/COMMENTS

A 75 HP GAS MOTOR LIFTS WATER FROM 350 FEET TO A 6" MAINLINE. HAND LINES EXTEND FROM THIS MAINLINE TO IRRIGATE THE LAND. CANAL WATER IS USED TO IRRIGATE AS MUCH OF THE LAND AS POSSIBLE UNTIL THE WATER IS EXHAUSTED. THIS PERMIT IS FOR SUPPLEMENTARY WATER TO BE USED WHERE AND WHEN THE CANAL WATER CANNOT. USUALLY CANAL WATER IS USED TO FLOOD THE SOUTHERN 40 ACRES AND WELL WATER IS USED TO SPRINKLE THE NORTHERN 30⁺ ACRES, BUT HAND LINES CAN BE SET UP TO SPRINKLE THE ENTIRE 80 ACRES.

Have conditions of permit approval been met? ☐ yes ☐ no

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F. FLOW CALCULATIONS

X Additional Computation Sheets Attached

Measured Method: SPRINKLER
(75 PSI, 42 HEAD, 3/16" NOZZLE)
= 0.85 cfs

THEORETICAL: (75 HP, 350' LIFT, 75 PSI)
= 0.88 cfs

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated})^{\overline{75}} \times (\text{Irrigation Requirement})^{\overline{4.0}} = \underline{300.0}$
 $V_{D.R.} = [\text{Diversion Rate (cfs)}]^{\overline{0.85}} \times (\text{Days in Irrigation Season})^{\overline{215}} \times 1.9835 = \underline{362.5}$
 $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{300.0}$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>IRRIGATION</u>	<u>4/1</u>	<u>11/1</u>	<u>0.69</u>	<u>300.0</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<u>0.69</u>	<u>300.0</u>

2. Recommended Amendments

___ Change P.D. as reflected above ___ Add P.D. as reflected above X None
___ Change P.U. as reflected above ___ Add P.U. as reflected above ___ Other

I. AUTHENTICATION

Field Examiner's Name Michael Haralloyer Date 6-27-94

Reviewer _____ Date _____

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SEAL

OCT 14 1999

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

FILE: 41-7067
DATE: 6-16-94
BY: ATH

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

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

$$Q = \frac{(8.8) \times (...7.5 \text{ H.P.}...) \times (0.70)}{[(...350 \text{ FT.}) + (...7.5... \times 2.31)]} = 0.88$$

LIFT FROM:	PSI FROM:	NOTES ON PUMP:
measurement ()	measurement ☒	Motor Make, Serial or ID
owner ☒	owner ()	
area estimate ()	estimate ()	Pump Make, Serial or ID, rating
well logs ()	owner gage ()	
Booster (Y) ☒		

REMARKS

ANNUAL VOLUME ANALYSIS

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

(season)	(days)	
3/15 - 11/15	246	
4/1 - 11/1	215	POTENTIAL = $(...215...) \times (1.98) \times (...0.88...)$
4/15 - 10/15	184	
3/1 - 12/1	276	(.....)

POTENTIAL =

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

NOTE that this is NOT Consumptive use

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

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

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OCT 14 1994

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OCT 14 1999
FBI

[illegible]

INDEX

Photos



P/O
PUMP + well

CANAL GATE
IN BACK



P.O.U

MICROFILMED

OCT 14 1966

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORTUSE TYPEWRITER OR
BALLPOINT PENState 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.

OCT 5 1984

RECEIVED

1. WELL OWNER

Name Merrill Walker
Address Rockland, Idaho 83271
Owner's Permit No. 41-84-C-0003-000

7. WATER LEVEL

Department of Water Resources
Eastern District OfficeStatic water level 90 feet below land surface.
Flowing? ☐ Yes ☒ No G.P.M. flow _____
Artesian closed-in pressure _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature 58 °F. Quality _____
Describe artesian or temperature zones below.

2. NATURE OF WORK

41-07067

- ☒
- New well
- ☐
- Deepened
- ☐
- Replacement
-
- ☐
- Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

8. WELL TEST DATA

☐ Pump ☐ Bailor ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped

3. PROPOSED USE

- ☒
- Domestic
- ☐
- Irrigation
- ☐
- Test
- ☐
- Municipal
-
- ☐
- Industrial
- ☐
- Stock
- ☐
- Waste Disposal or Injection
-
- ☐
- Other _____ (specify type)

4. METHOD DRILLED

- ☐
- Rotary
- ☐
- Air
- ☐
- Hydraulic
- ☐
- Reverse rotary
-
- ☒
- Cable
- ☐
- Dug
- ☐
- Other _____

5. WELL CONSTRUCTION

Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
<u>.250</u> inches	<u>6</u> inches	<u>1</u> feet	<u>229</u> feet

Was casing drive shoe used? ☒ Yes ☐ NoWas a packer or seal used? ☐ Yes ☒ NoPerforated? ☐ Yes ☒ NoHow perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation _____ inches by _____ inches

Number	From	To

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 _____

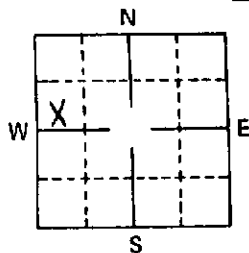
Placed from _____ feet to _____ feet

Surface seal depth 28' Material used in seal: ☐ Cement grout☐ Bentonite ☒ Pudding clay ☐ _____Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing☒ Overbore to seal depthMethod of joining casing: ☐ Threaded ☒ Welded ☐ Solvent

Weld

☐ Cemented between strataDescribe access port well cap

6. LOCATION OF WELL

Sketch map location must agree with written location.Subdivision Name MICROFILMEDJAN 07 1986

Lot No. _____ Block No. _____

MICROFILMEDCounty POWERS 14 1/4 A 11 1/4 Sec. 5, T. 10 N. R. 31 E. W.

10.

Work started 3-20-84 finished 3-26-84

11. DRILLERS CERTIFICATION

I/We certify that all minimum well construction standards were
complied with at the time the rig was removed.Firm Name Dan's Pump & Service Firm No. 339

P.O. Box 190

Address American Falls, Id. Date 4-4-84Signed by (Firm Official) [Signature]

and

(Operator) [Signature]

March 6, 1992

MERRILL E. WALKER
DONNA D. WALKER
BOX 336
ROCKLAND ID 83271

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 41-07067

Dear Permit Holder:

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

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

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

APR 08 1992

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 41-07067

Reviewed by Klg

Date 2/28/92

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?

irrigate - 80 acres

yes Address same as permit?

yes Proof timely received?

Correct Uses? yes

If not, complete calculation below.

SOURCE OF WATER

 Surface water source

✓ Ground water source

NA Drilling permit required?

1953 1979 / Copy in the file? Drilling Permit No.

/ Amount paid for permit Correct?

/ Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?

NA Required?

50 Amount Submitted

/ Installed?

yes Correct?

/ Waiver requested?

PRIORITY CALCULATION

Date proof received NA

Date proof due / -

No. of days late / =

Priority Date / +

New Priority Date /

DEFICIENCIES OR ACTION ITEMS

proof acceptable

DATA ENTRY

New Address

Proof Made 2/27/92
3/6/92 Klg

138316
December 31, 1991

MERRILL E. WALKER
DONNA D. WALKER
BOX 336
ROCKLAND ID 83271

PROOF DUE NOTICE

RE: PERMIT NO. 41-07067

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 March 1, 1992. (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,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

MICROFILMED

APR 08 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 14, 1991

MERRILL E. WALKER
DONNA D. WALKER
BOX 336
ROCKLAND, ID 83271

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 41-07067

Dear Permit Holder:

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

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed you should complete and submit this form immediately.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosures

RECEIVED

MAR 19 1991

APPLICATION FOR PERMIT REVIEW

Application #: 41-7067

Reviewer:

Pam Skaggs ²⁸

Date: 2-15-91

✓ Existing:

No - 26A-P17
Complete in 1 year - P16

✓ Yes

✓ Proof not submitted - P16
Proof submitted - N/A

✓ Groundwater:

GT. 0.7 cfs - 01G-P03, 01C-P03(existing well)
✓ LT. 0.7 cfs - N/A

✓ Drilling Permit:

Approved w/permit - P99
✓ Not included - 046-P23(All GW, even existing wells)

✓ Location:

Water Districts - WD No. 41
Surface water - 005, 005-01H-P01(LT.7 w/pump)
005-01J-P08(GT.7)

✓ Groundwater *splitting* - P05

Irrigation Districts - 023

Canal Co. Areas - 023

Drainage Districts - 024

Boise Front (63) - 058 (Groundwater)

✓ Swan Falls Flag - 1 (1 or Blank)

Trust - 051-052-053-P74(Cons.), 041(DCMI, w/Irr

Non Trust - 048-049 or Irr & Dom)

✓ River Basins:

(Surface Water) Water District Control Condition &....

Boise (63) - 11D-P72

Payette (65) - 047-P04, 059-P71

Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)

Use:

Fish Propagation - 002-P06, 06A, 007, 09E-P10, 010, 042, 044

Power - Use Power Review

Mining - 06A, 006, 010, 09E-P10 & 054(req.)

Storage - 18A-P for multiple measuring devices(In W.D.), 18B-P09(Size)

Rec. & Aesthetic - 027(Non-Consumptive)

Domestic - 021(restricted areas)

Ownership:

Non land owner - 004

Protested:

Agreement - 020

Minimum Stream Flow:

Overlapping uses - 029-P20

✓ Beneficial Use Due Date: - 03-02-1992

Other Conditions Recommended _____

RECEIVED

MAR 19 1991

Jan
3-6-91

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

WALKER, Merrill E. &/or Donna

INITIAL REVIEW BY: ADL

APPLICATION NUMBER: _____

CHECK:

- ☒ Source.
- ☒ Point of diversion.
- ☒ County.
- ☒ Quantity of water and period of use.
- ☒ 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.
- ☐ Idaho Fish and Game Department.
- ☐ Idaho Department of Lands.
- ☐ U.S. Bureau of Land Management.
- ☐ U.S. Forest Service.
- ☐ Other _____

Copies sent by: _____ Date: _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
- ☐ Yes ☐ No Other rights on same place of use. _____
- ☒ Yes ☐ No* In form for advertising.
- ☐ Yes ☒ No Final date for protests: _____
- ☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 6/5/90
- ☒ 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? _____
- 5/3/83 Date of priority recommended.
- Special conditions of approval or cover letter. #3

By: Loren O'Halloran Date: 1/22/91

STATE OFFICE REVIEW:

- ☐ See attached sheet for more information.

By: _____ Date: _____

RECEIVED
JAN 25 1991

Department of Water Resources

41-07067

WALKER, MERRILL E.
WALKER, DONNA D.
BOX 336
ROCKLAND, ID 83271

Source: GROUNDWATER

Diversion Pt: SENW Sec 5 T 10S R 31E

Use: IRRIGATION (.690 CFS)
 Total Diversion: (.690 CFS)

Date Filed: 5/ 3/ 1983

In: T10S R31E S05 SWNW SENW

80.0 ACRES TOTAL

MICROFILMED

MAR 19 1991

The permit(s) will be subject to all prior water rights. Protests must be filled with the Director, Dept. of Water Resources, Southern Region, 222 Shoshone Street East, Twin Falls, Idaho 83301 on or before MAY 21, 1990.

R. KEITH HIGGINSON, Director

Published 5/ 2/1990 & 5/ 9/1990

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MAR 19 1991

24-Apr-1990

MERRILL &/OR DONNA WALKER
BOX 336
ROCKLAND ID 83271

Re: Application for Permit No. 41-07067

Dear Applicant (s):

On March 25, 1988 the Federal Energy Regulatory Commission (FERC) issued an order satisfying the last condition to make the Swan Falls Agreement effective. The Department is now prepared to proceed with the normal processing of your application.

This office will be advertising the application in the Power County Press on 5/2 & 5/9/90. A period of ten days after the last publication will be allowed for the submittal of protests.

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

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

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

Very truly yours,

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

LH:MB

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MAR 19 1991

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

APRIL 23, 1990

POWER COUNTY PRESS
174 IDAHO STREET
AMERICAN FALLS, ID 83211

Gentlemen:

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

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

Please send the affidavit of publication and publication billing to this office before MAY 21, 1990.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

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MAR 19 1991