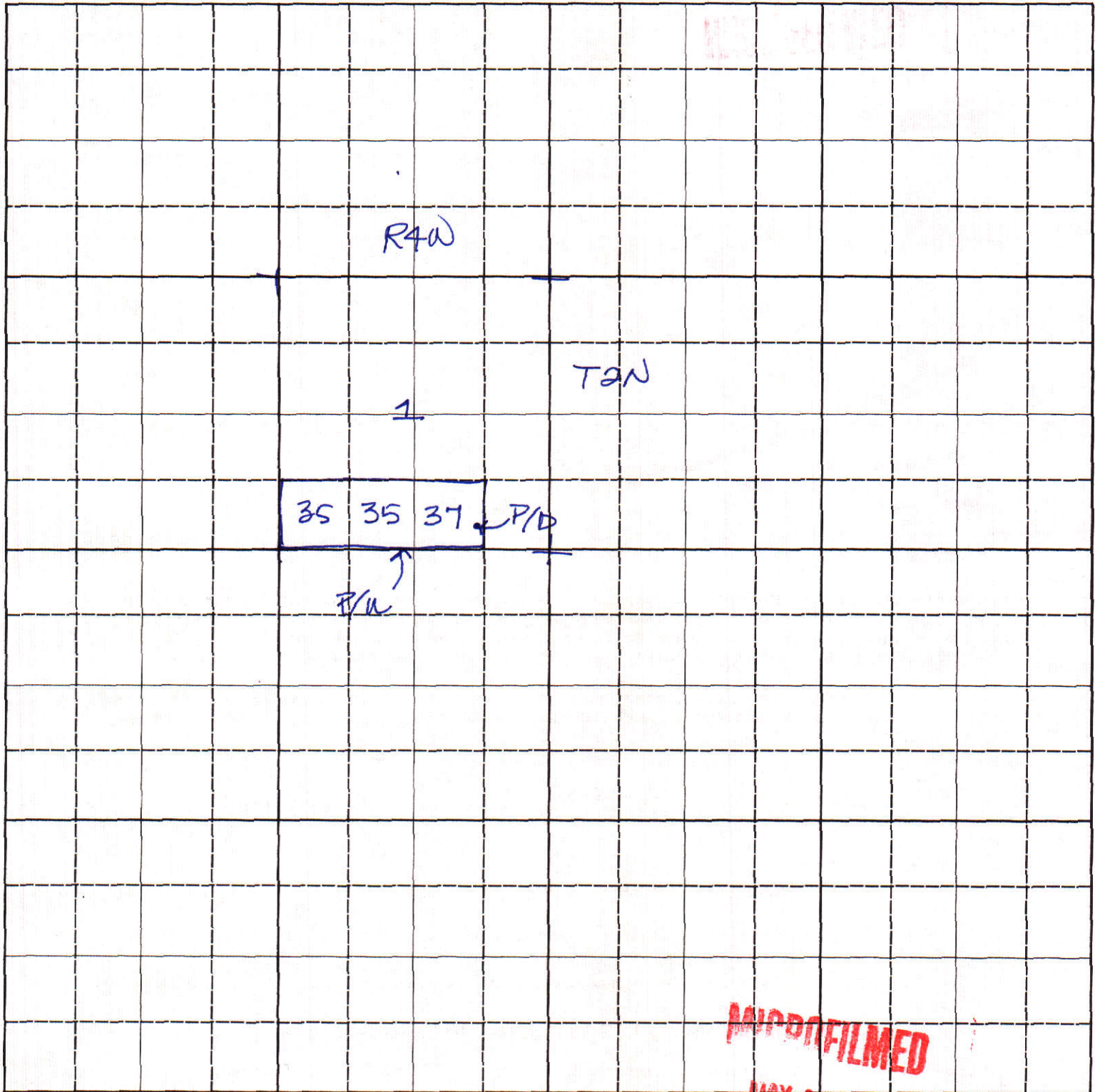


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



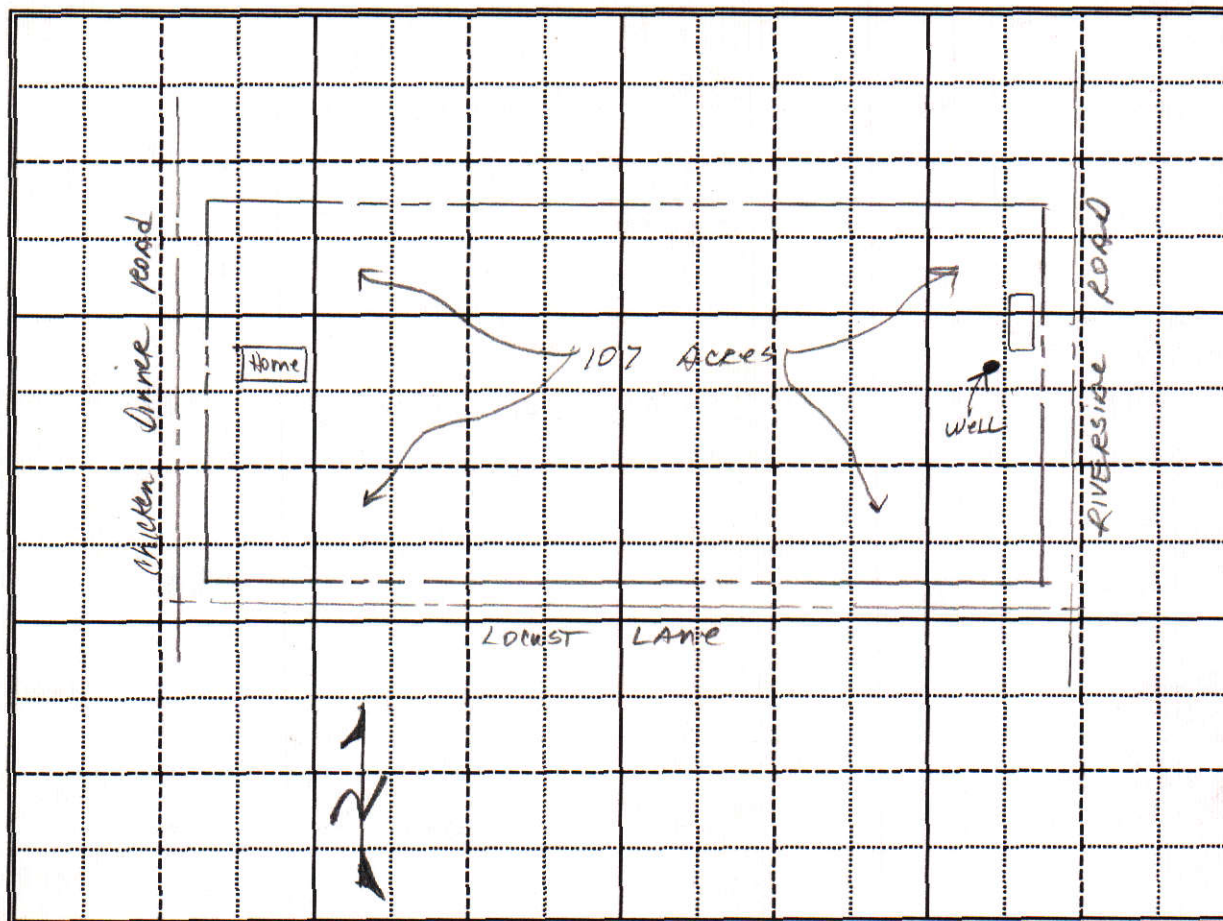
Scale: 2 inches equal 1 mile.

MAILED
MAY 08 1991

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.

B. Eugene Hansen
(Applicant)

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



Scale: 1" = NTS

☒ 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
	General Electric	20	FNS 6 22297	N/A	6"

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

D. FLOW MEASUREMENTS N/A - Winter Exam

1.

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

2. Measurements:

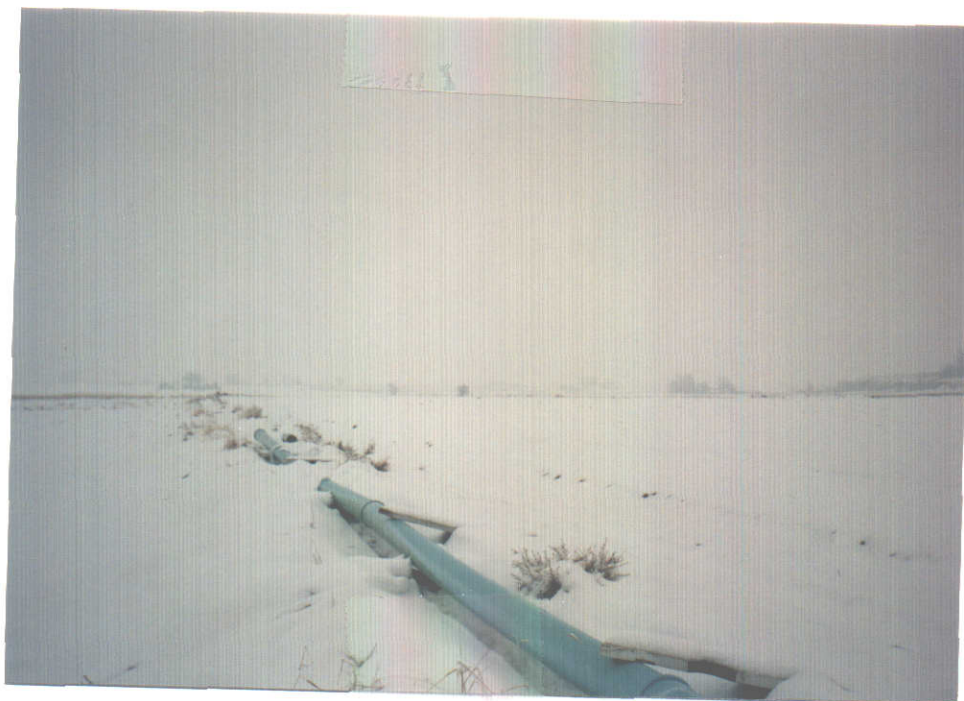
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DEC 20 1996



PHOTO ONE-

Well, with unsealed casing, and pump. Metal plate is covering hole which is used to check the static level, and to occasionally ~~add~~ add gravel.



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DEC 20 1996

PHOTO TWO-

View westerly ~~of~~ of irrigation ditch and 6" PVC discharge line. This sedge is irrigated by gravity from east to west.



PHOTO THREE-

View easterly of valves at 'T' where water is discharged into ditch. Water from well is also used to operate mint still. Waste water from still is returned to irrigation ditch by pipe from large tank.

>

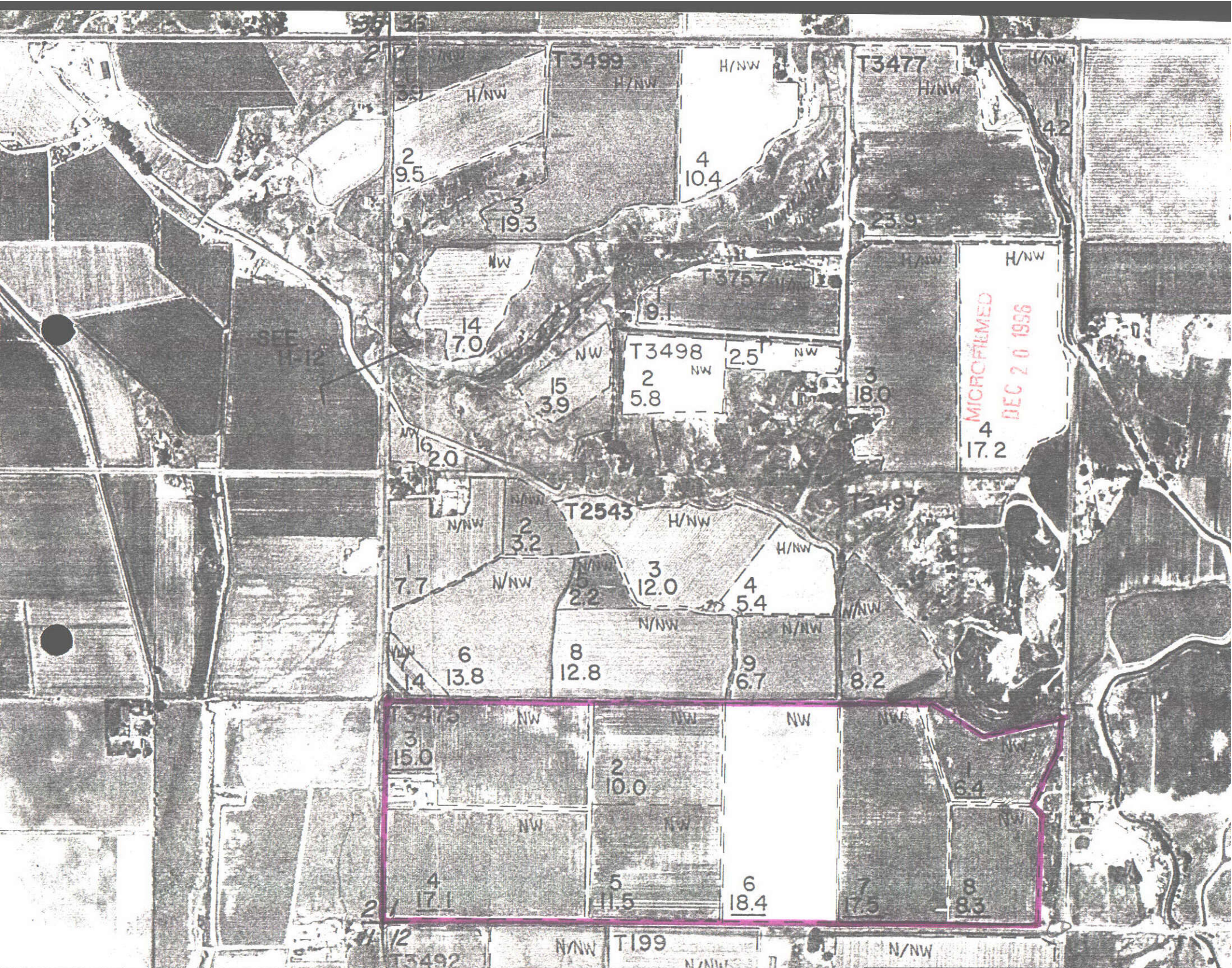
PHOTO FOUR-

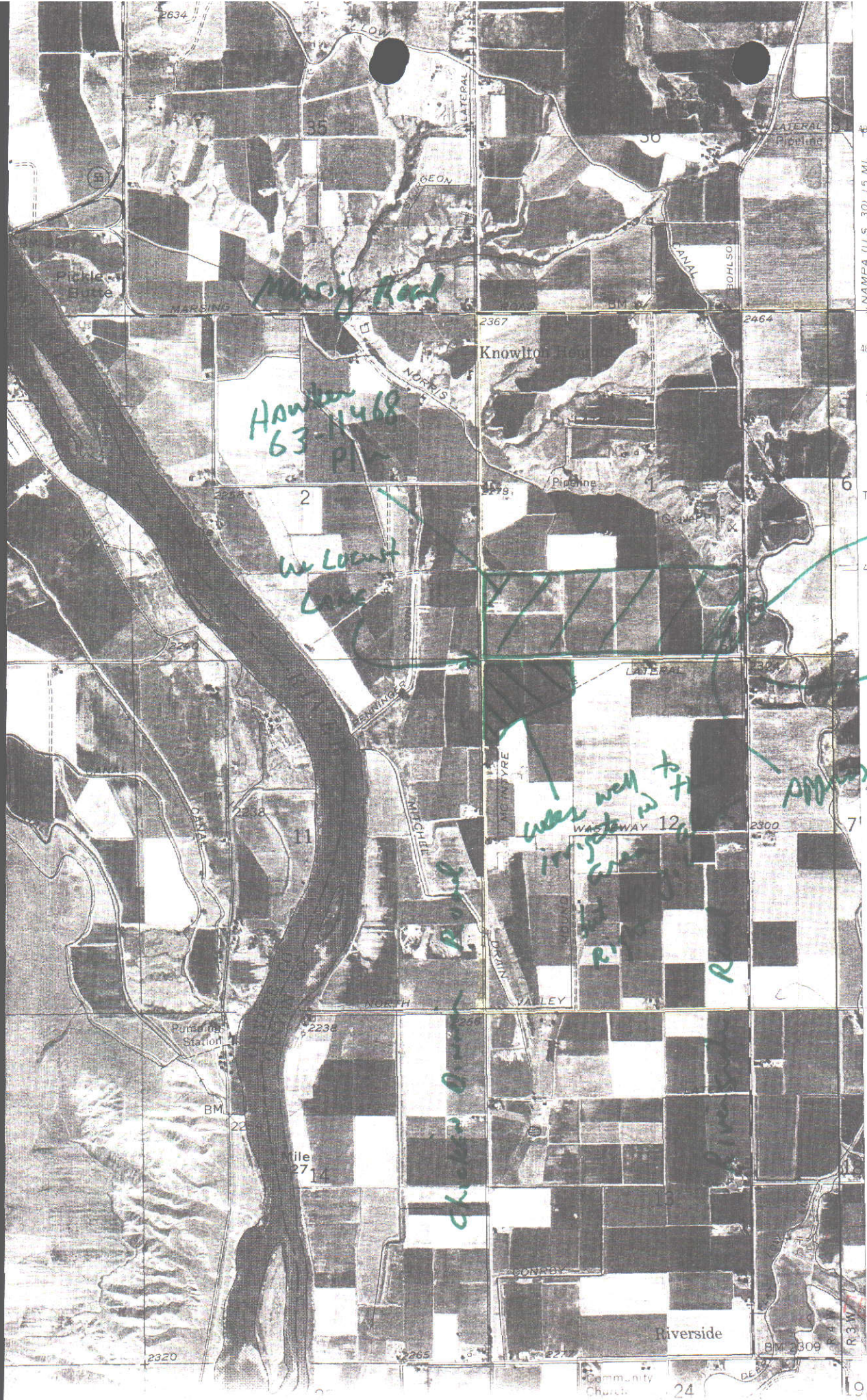
MICROFILMED
DEC 20 1993



PERMIT 63-11468 INIT PC
T. R. S. Q/Q
P/D 2N 4W 1 SWSE
SCALE
PHOTO ID. X-54 Marsing

DEC 20 1996





T3N
T2N

Jacobs place
Another domestic site adversely affected
Approximate well location

T2N
R4W
S1 & 12

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FEB 04 1993

State of Idaho
Department of Water Resources

AMENDED

WATER RIGHT LICENSE

AMENDED

WATER RIGHT NO. 63-11468

Priority: February 15, 1991

Maximum Diversion Rate:

1.95 CFS

This is to certify, that B EUGENE HAWKER
DONNA M HAWKER

11140 CHICKEN DINNER RD
CALDWELL ID 83605

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 15, 1991; and has submitted Proof of Beneficial Use on December 24, 1992. An examination indicates that the works have a diversion capacity of 1.950 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	1.95 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 1, Township 02N, Range 04W
CANYON 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>
02N	04W	1	SWSW 32	SESW 40	SWSE 32	104

Total number of acres irrigated: 104

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right when combined with all other rights shall provide no more than 4.5 afa per acre for the lands above.
5. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
6. 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.
7. This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 468.0 af for the lands above.

WFOFUMED

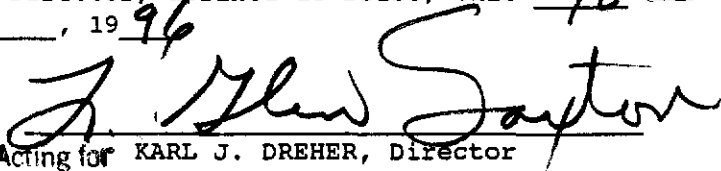
11/15/92

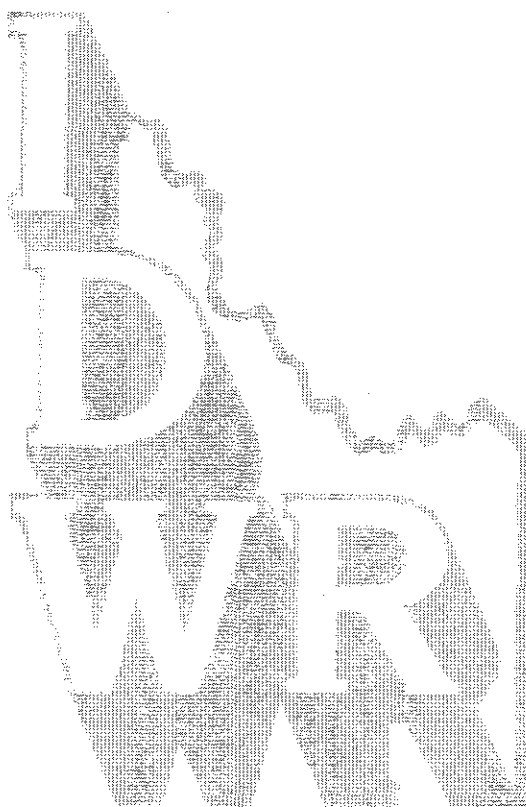
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-11468

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 10th
day of December, 1996


Acting for KARL J. DREHER, Director



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DEC 7 1996

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-11468

Priority: February 15, 1991

Maximum Diversion Rate:

0.50 CFS

This is to certify, that B EUGENE HAWKER
DONNA M HAWKER

11140 CHICKEN DINNER RD
CALDWELL ID 83605

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 15, 1991; and has submitted Proof of Beneficial Use on December 24, 1992. An examination indicates that the works have a diversion capacity of 0.500 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	0.50 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 1, Township 02N, Range 04W
CANYON 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>
02N	04W	1	SWSW 32	SESW 40	SWSE 32	104

Total number of acres irrigated: 104

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right when combined with all other rights shall provide no more than 4.5 afa per acre for the lands above.
5. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
6. 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.
7. This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 468.0 af for the lands above.

MICROFILMED

DEC 2 1992

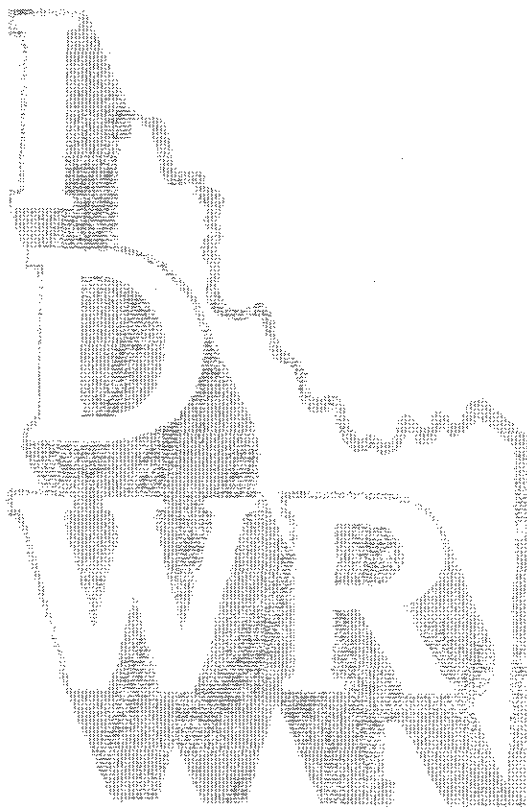
State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-11468

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 29th
day of November, 1996.


Acting for KARL J. DREHER, Director



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DEC 24 1996

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DEC 29 1992

Department of Water Resources

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. 63-11468 Telephone No. 454-9519

2. Name(s) of Permit Holder(s): Eugene Hawker

3. Post Office Address: 11140 Chicken Dinner Rd. Caldwell, ID 83605

4. Source of Water: groundwater

a. If ground water, well driller's name: Riverside Date drilled: 4/22/92

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

5. Extent of Use:

Domestic _____ (No. of households) Irrigation 107 (No. of acres)

Stockwater 02055 (No. and type of stock) Other _____

30 Range Cattle 12/24/92 11g

6. Total rate and/or volume for which proof is submitted 2.14 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 No Installed? Yes No

8. Fee Enclosed: \$ 150⁰⁰ (See License Examination Fee Schedule)

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

Same as above.

Name

Telephone No.

Address

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

12/24/92
Date

Eugene Hawker
Signature (and title if on behalf of a company or organization)

FEB 04 1993

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 63-11468

Proposed Priority: February 15, 1991 Maximum Diversion Rate: 2.14 CFS

This is to certify, that **B. EUGENE HAWKER**
DONNA M. HAWKER
11140 CHICKEN DINNER RD.
CALDWELL, ID 83605

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	03/15 to 11/15	2.14 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS
	Totals	2.14 CFS

LOCATION OF POINT(S) OF DIVERSION: SWSE Sec. 1, Township 02N, Range 04W
CANYON 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>
02N	04W	1	SWSW 35	SESW 35	SWSE 37	107

Total number of acres irrigated: 107

PLACE OF USE: STOCKWATER, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **May 3, 1993**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
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.
7. Stockwater use is for 30 range cattle.

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MAY 08 1991

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 63-11468

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

25th day of April, 1991.

R. Keith Higginson
for R. Keith Higginson, Director



RECEIVED
MAY 1 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant B. Eugene & OR Donna M. Hawker Phone 454-9519
Post office address 11140 Chicken Dinner Rd. Caldwell ID 83605

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

3. Location of point of diversion is _____ ¼ of SW ¼ of SE ¼, Govt. Lot _____
Sec. 1 Township 2N Range ~~4E~~ 4W B.M. Canyon County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 2.14 for irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .02 for Stockwater purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

5. Total quantity to be appropriated is (a) 2.14 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. _____
well, pump, pipelines, gravity & Sprinkle irrigation

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

c. Proposed well diameter is 12" inches; proposed depth of well is 300' feet.

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

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

MAY 08 1991

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

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. 30 head range cattle
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2N	~~43~~ 4W	01											35	35			37		107

Total number of acres to be irrigated 107

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

wilder Irrig. District

11. a. Who owns the property at the point of diversion? applicant

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

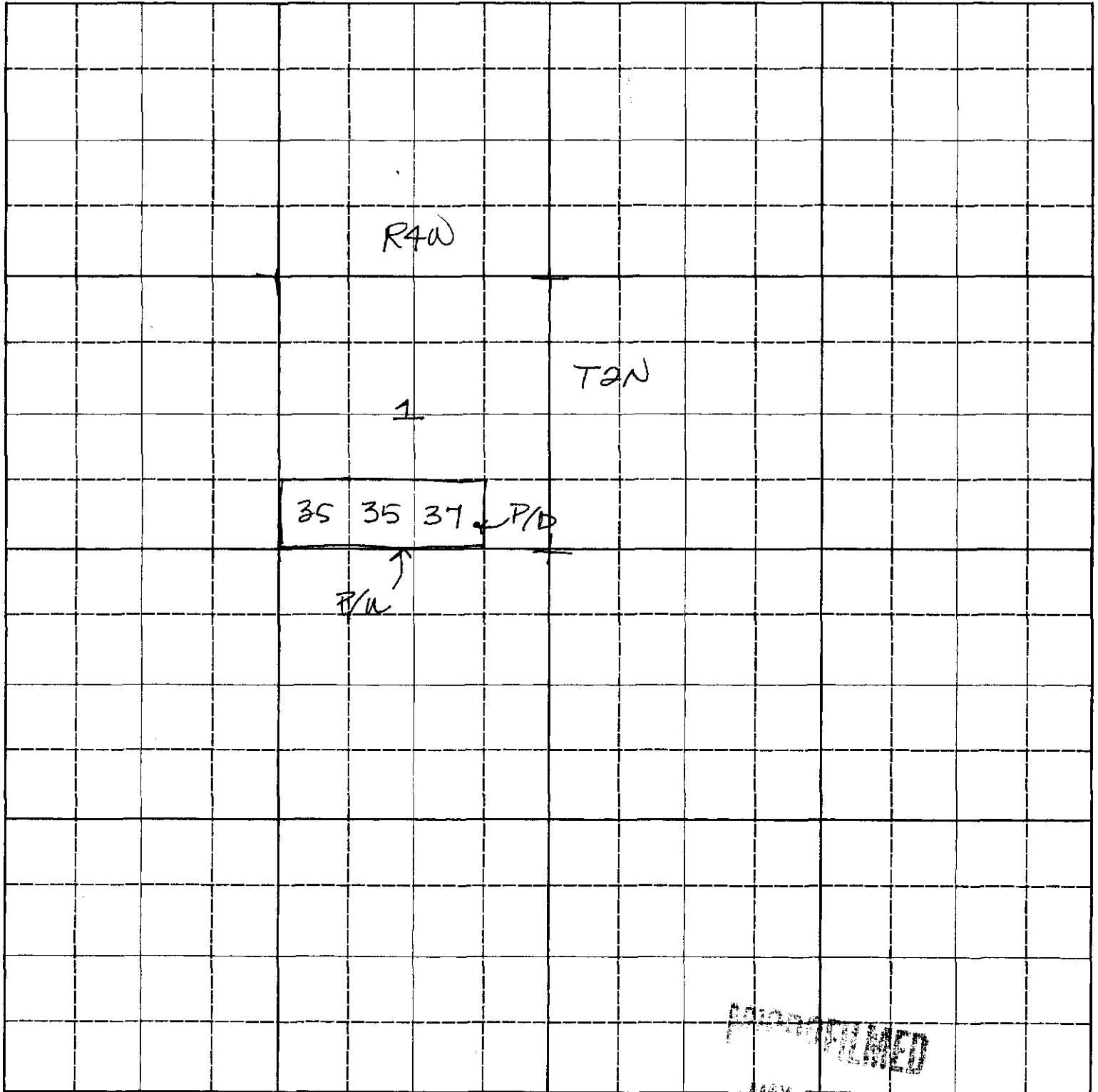
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Stockwater use is for 30 range cattle.

RECORDED

MAY 08 1991

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



Scale: 2 inches equal 1 mile.

RECEIVED
MAY 08 1991

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.

B. Eugene Hansen
(Applicant)

Received by CJH Date 2-15-91 Time 9:45 Preliminary check by 82
Fee \$ 85.00 Receipted by CJH # WD13006 Date 2-15-91
Publication prepared by GG Date 2/28/91 Published in Press-Tribune
Publication approved st Date 3-28-91
3/6 & 3/13/91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

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MAY 08 1991



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 11, 1996

B EUGENE HAWKER
DONNA M HAWKER
11140 CHICKEN DINNER RD
CALDWELL ID 83605

RE: Permit No. 63-11468

Dear Mr. and Mrs. Hawker:

The accompanying Amended Water Right 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 within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of this order. The hearing officer 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 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. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this 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 Director. The Director retains the right to review the preliminary order on his own motion.

MICROFILMED
DEC 20 1996

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 Rules of Procedure 302 and 303.

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:

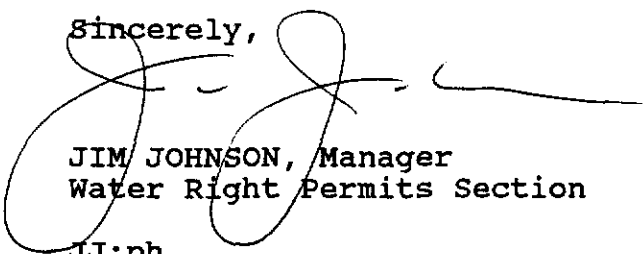
- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or

RECORDED
DEC 24 1975

- 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.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:ph

Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 11th day of **December, 1996**, I mailed a true and correct copy, postage prepaid, of the foregoing **WATER RIGHT LICENSE as a PRELIMINARY ORDER** to the person(s) listed below:

**B EUGENE HAWKER
DONNA M HAWKER
11140 CHICKEN DINNER RD
CALDWELL ID 83605**

WATER RIGHT PERMIT NO. 63-11468

Patti Harrell

**Patti Harrell
Secretary**

MAILED
DEC 14 1996

MEMORANDUM

Date: December 5, 1996

To: File 63-11468

From: Jim Johnson

Subject: Meeting with Gene Hawker

=====

On Thursday December 5, 1996, Mr. Hawker met in my office beginning at 3:45 pm, in response to the preliminary order issued by the department on November 29, 1996 for license 63-11468.

Mr. Hawker was concerned that an error had been made in determining the listed rate of 0.50 cfs on the license. He was quite sure that his pump produced more water.

I carefully reviewed the field examiner's report and found that the examiner had used three values to estimate discharge that were questionable. The psi estimate used was 40, however, the distribution system is a combination pipe and ditch which does not require 40 psi. I changed this number to 1 psi to account for the elevation difference between the pump and the head of the open ditch. The second value the examiner used was 150 ft pumping lift. Mr. Hawker reported that his bowls were set at 70 ft with no draw down, therefore, the lift value should be changed to 70 ft. The third value is pumping plant efficiency estimate, which the examiner used 70%. Mr. Hawker represented that his pumping system could supply as much water as he received from his canal shares. He reported that he owned 107 inches of surface water shares and the aerial photos of Mr. Hawker's property confirmed that about 107 acres were irrigated. By adjusting the pumping plant efficiency to 80% the discharge calculation equaled 1.95 cfs which is very close to the surface water Mr. Hawker receives.

My recommendation is to make the above adjustments to the field exam and to amend the license to show a diversion of 1.95 cfs.

MAILED
DEC 10 1996



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 2, 1996

B EUGENE HAWKER
DONNA M HAWKER
11140 CHICKEN DINNER RD
CALDWELL ID 83605

RE: Permit No. 63-11468

Dear Mr. and Mrs. Hawker:

The accompanying 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 within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of this order. The hearing officer 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 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. Otherwise, this preliminary order will become a final order of the agency.

If any party appeals or takes exceptions to this 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 Director. The Director retains the right to review the preliminary order on his own motion.

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 Rules of Procedure 302 and 303.

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:

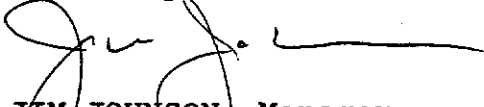
- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or

UNRECORDED
JUL 28 1975

- 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.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:ph

Enclosures

WR0749NP
No. L63-11468

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/21/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	B EUGENE HAWKER	02/15/1991	IRRIGATION	03/15 11/15	0.500 CFS	243.50 AFA
C	DONNA M HAWKER					
	11140 CHICKEN DINNER RD			TOTAL DIVERSION:	0.500 CFS	243.50 AFA
	CALDWELL ID 83605					
	(208) 454-9519					

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 0.500 CFS

Point(s) of Diversion: T02N R04W S01 SWSE CANYON County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE													
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac			
02N	04W	1	:					:					:			32	40	:				32	:	104.0	
																							TOTAL ACRES		104.0

Pou County: CANYON

Other Rights: WILDER IRRIGATION DISTRICT

Other Water Rights with Same Point(s) of Diversion and Source:
63-11468

Other Water Rights Listing Overlapping Place(s) of use:
63-11468

Conditions of Approval:

- R27 - This right when combined with all other rights shall provide no more than 4.5 afa per acre for the lands above.
- 065 - The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.

Remarks:

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.
This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 468.0 af for the lands above.

Dates: App. Received: 02/15/1991 Priority Date: 02/15/1991
Proof Due Date: 05/03/1993 Proof Made Date: 12/24/1992
Exam Made Date: 02/10/1994 Exam Sent to S.O.: 12/02/1994
Licensed Date:

WR0749NP
No. L63-11468

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/21/96
PAGE: 2

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

Comments: Date: 12/29/1992 User-ID: VAULT Subject: Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd

Audit: 11/21/96 SCURTIS

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

[illegible]

MEMORANDUM

TO: File 63-11468

FROM: Sharla

DATE: November 21, 1996

RE: Recommendation Adjustment(s)

The final license recommendations for Right 63-11468 are based on the following:

C. DIVERSION AND DELIVERY SYSTEM

2. Place(s) of Use::

SWSW (32 acres); SESW (40 acres); SWSE (32 acres); S1, T2N, R4W

Using the number of acres listed by ASCS on the aerial photo, the total number of acres is 104 rather than 107 as permitted. This right is ~~unable~~ to supply full volume for these acres. The limited volume based on rate of diversion will be listed on the license. There are also overlapping surface water rights from Wilder Irrigation District. Standard overlap conditions regarding surface water will be placed on the license as well.

Examiner: Rick Collingswood
Exam Date: February 20, 1994

LICENSE REVIEW CHECKLIST

PERMIT NO. 63-11468

DATE 11/21/96

REVIEWER: S H A R L A

NAME	Change <u>—</u>	OK <u>✓</u>	Address Change <u>NO</u>
SOURCE	<u>—</u>	<u>✓</u>	Is change clarification of originally intended source? <u>—</u> If not, prepare Notice of Intent to Void <u>—</u>
POINT OF DIV	<u>—</u>	<u>✓</u>	Amendment required <u>NO</u>
PLACE OF USE	<u>—</u>	<u>✓</u>	Amendment required <u>NO</u>

Does map agree with written description? ✓ yes — no

OVERLAPS — P/D — P/U

RATE OF DIV

Permitted Rate	<u>2.14</u> cfs	
Fee limit	<u>3.0</u> cfs	<u>\$150⁰⁰</u> w/ 100' TDH
Measured	<u>—</u> cfs	
Theoretical	<u>.64</u> cfs	6" discharge pipe @ 5fps V = .98 cfs
		Recommended Total Div Rate <u>.50</u> cfs

ANNUAL VOLUME/ NATURE OF USES

Use <u>Dr.</u>	Volume Calculation
<u>—</u>	<u>104 X 4.5 = ~~468.0~~</u> af
<u>—</u>	<u>—</u> af
<u>—</u>	<u>—</u> af
<u>—</u>	<u>468.0</u> af
SUBTOTAL	<u>~~468.0~~</u> af

Flow rate .50 cfs X 246 days X 1.98 = 243.5 af
 Total volume recommended 243.5 af
 (SUBTOTAL or Flow Rate, whichever is less)

REMARKS

WB7, WB8 (468.0)
—
—

CONDITIONS — Watermaster Control WD# —

— GW Measurement/Measuring Device

— Overlap

— Use-specific conditions 065

Advancement of Priority Date Required — yes — no

SRBA Claim Filed N/A A63-28322

Adjustment Memo — 3/15/1950
Priority claimed

1st Amend Letter N/A
 2nd Amend Letter —

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

DEC 06 1994

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 63-11468

1. Owner: B. Eugene & Donna M. Hawker Phone No. 454-9519

Current Address: 1140 Chicken Dinner Rd., Caldwell, ID 83605

2. Accompanied by: Eugene Hawker EXAM DATE: 2/10/94

Address: SAME Phone No. SAME

Relationship to Permit Holder: Applicant

3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 63-02388

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
			SW	SE	1	2N	4W	Canyon	Aerial Map

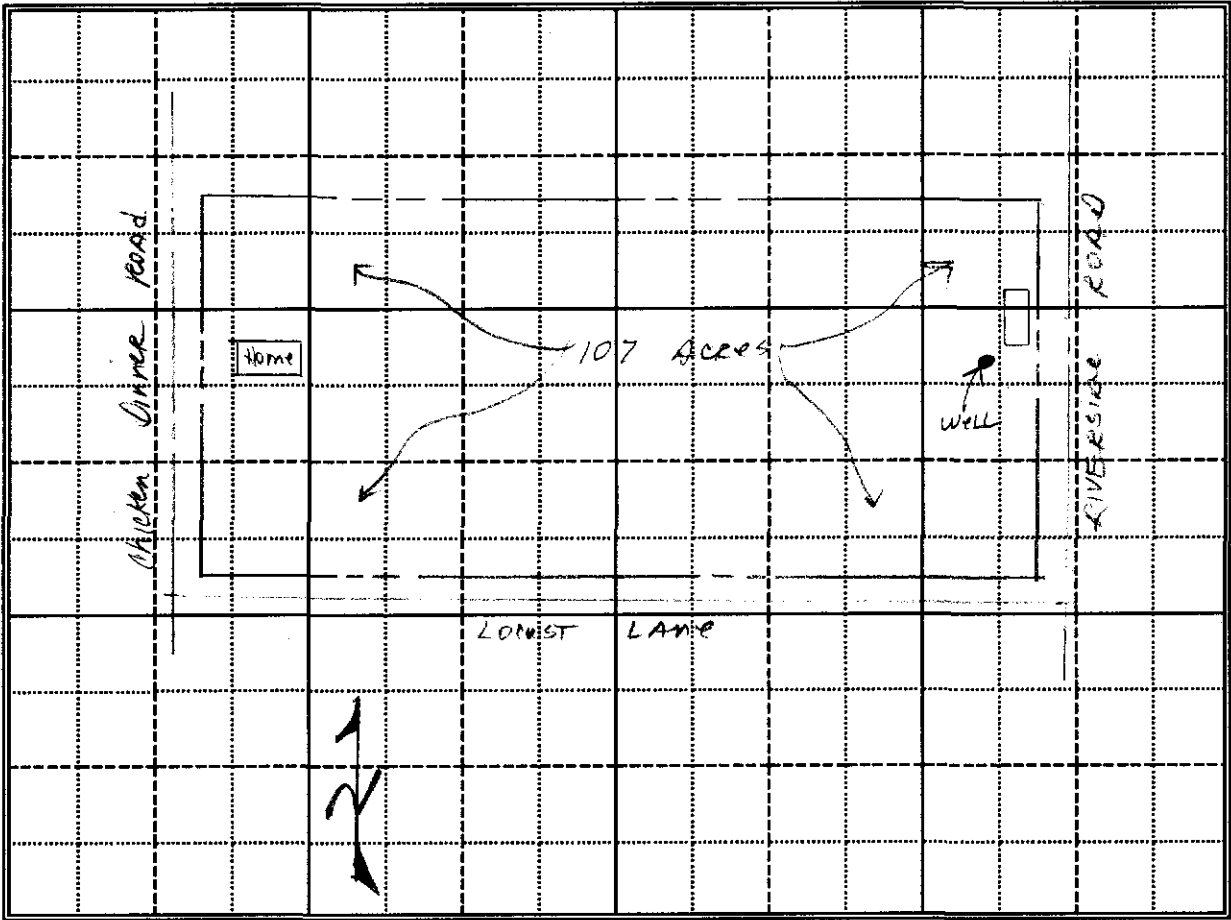
2. Place(s) of Use:

Indicate Method of Determination Same as P/D

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2N	4W	1											35	35			37		107

RECEIVED
DEC 7 1994

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



Scale: 1" = NTS

☒ 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
	General Electric	20	FNS6 22297	N/A	6"

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

D. FLOW MEASUREMENTS N/A - Winter Exam

1.

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

2. Measurements: _____

DEC 14 1985

E. NARRATIVE/REMARKS/COMMENTS

OVERLAP - P/K Same QD, different areas of use.

Well is supplemental irrigation to Wilder Irrigation District water. Water is used to gravity irrigate 107 acres. Also, the well is used to supply water to mint still. Waste water from mint still is discharged through pipe back to irrigation ditch to be used for irrigation.

Mr. Hawker has not met the requirements in regards to the well. The well, which has (2) casings, does not have air-tight seals or access ports.

The systems capacity is only 0.50 CFS, not 2.41 CFS as requested on permit. *not 50' / Hawker*

Recommend no license to be issued until well casings meet the departments recommendations as stated on the permit. These conditions pertain to air-tight seals and access ports. Once those conditions are met, then recommend licensing for 0.50 CFS ~~irrigate~~ *irrigation* of 107 acres. Also, since there exists no stock, stock needs to be removed from permit. *Wilder Irrigation District was running*

$$\text{Theoretical: } Q = \frac{(8.8)(0.7)(20)}{150} = 123.2 = 0.40 \text{ CFS}$$

$$\frac{240 + (2.31 \times 40)}{150} = \frac{332.4}{150} = 2.21 \text{ CFS}$$

NOTE: Assumed 40 psi as per pump size.

Dynamic Pumping Level of 150' used due to static level of 30' and pump size.

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

MICROFILMED
DEC 20 1986

F. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

(see narrative for theoretical flow calculations)

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 107 \times 4.5 = 481.5 \text{ AFA}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.50 \times 246 \times 1.9835 = 244.0 \text{ AFA}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 244.0 \text{ AFA}$$

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		
IRRIGATION	3/15	11/15	0.50	244.0
Totals:			0.50	244.0

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

I. AUTHENTICATIONField Examiner's Name Rick Collingwood Date 2/10/94

Reviewer _____ Date _____

SEAL

DEC 14 1993



PHOTO ONE-

Well, with unsealed casing, and pump. Metal plate is covering hole which is used to check the static level, and to occasionally ~~check~~ add gravel.



>

MICROFILMED
DEC 20 1996

PHOTO TWO-

View westward of irrigation ditch and 6" PVC discharge line. This acreage is irrigated by gravity from east to west.



PHOTO THREE-

View easterly of valves at 'T' where water is discharged into ditch. Water from well is also used to operate mint still. Waster water from still is returned to irrigation ditch by pipe from large tank.

>

MICROFILMED
DEC 29 1988

PHOTO FOUR-



422

NAMPA (U.S. 30 15 MI.

4521

32

T. 2

4820

4819

4818

4817

PERMIT 63-11468 INIT RC
T. R. S. Q/Q
P/D 2N 4W 1 SWSE
SCALE
PHOTO ID. X-54 Marsing

verside

22

BM 22

23

19



T3498
2
5.8
NW

MICROFILMED
4
17.2
DEC 26 1956
H/NW

138
8
12.8
NW

12.0
3
4
H/NW

6
18.4
NW

T199

H/NW



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

January 28, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Eugene Hawker
11140 Chicken Dinner Road
Caldwell, ID 83605

RE: Complaint From Neighboring Wateruser

Dear Mr. Hawker:

In response to your telephone call on December 28, 1992, I have investigated the information in your water right file.

You expressed two concerns, first that an un-notarized complaint has been allowed to be placed in your file, and second that the Jacobs' water use might exceed the limits of domestic use.

With respect to the information in your water right file, the file does contain notes from our Water Rights Supervisor in the Western Regional Office, Mr. Steve Lester, and copies of the two letters that he sent to you. It is common for our staff to attempt to avert water distribution problems by sending an informational letter to a party about whom we have received a complaint. This type of letter is not an allegation of wrongdoing, but rather is an expression of some water delivery considerations and guidelines for use by the parties. This technique is sometimes useful in resolving disputes between parties.

With respect to the use of water by your neighbors, enclosed please find information regarding a water right in the name of Mrs. Vangie Jacobs. Based on this information you are welcome to contact our Western Regional Office with any concerns that you may have about the use of water under this water right. By copy of this letter I will advise Mr. Lester that you may be contacting him about concerns in this regard.

Please feel free to contact me if you wish to discuss any aspect of this letter.

Sincerely,


R. Keith Higginson
Director

cc: Western Region

FEB 04 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

TRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-7866

DATE: 12/31/92

TO: Wade Tuthill

FROM: Norm Young

information
attached

DOCUMENT DESCRIPTION: Please draft a response
for Keith

COVER SHEET + 1 PAGES

CONTACT: Debie IF YOU DO NOT RECEIVE ALL THE PAGES

327-7910

RECEIVED

FEB 04 1993

-82
1/4/93

MEMORANDUM

TO: DAVE TUTHILL AND NORM YOUNG

FROM: STEVE LESTER

DATE: JANUARY 4, 1993

SUBJECT: COMPLAINT REGARDING WELL OWNED BY GENE HAWKER, 63-11468

Here is a summary of the work related to the Hawker well complaint. Copies of the correspondence etc. were forwarded to SO file but are included just in case material was not filed.

12/14/92 - Mrs. Jacobs visited office and by her visit filed a complaint (instead of sending letter; accepted practice based on precedent). Allegations focused on a) adverse impact to domestic well associated with a trailer on her property, and b) use of water to irrigate acres outside of permit P/U. She said that most of the problem is due to Hawker well pumping excessive amounts to irrigate additional acres beyond the permit. Stated that well for trailer pre-dates 1978, although this is not reflected in SRBA claim A63-26676. (She may want to amend her claim or file another one to record an earlier priority date.) She stated that water levels are okay now that irrigation season has ended. She also said that she recorded domestic well water levels during the irrigation season.

12/21/92- Since field visit would serve no use because irrigation season is over, I replied with an informative letter to Mr. Hawker. A letter seemed especially appropriate due to the allegation of illegal P/U; sometimes people are not aware of the terms of a particular water right.

12/22 - 12/27/92 - Mr. Hawker visited regional office and discussed his permit file with another staff member.

12/28/92 - Telephone conversation with Mr. Hawker in which he objects to letter of complaint and so forth. I told him that he is welcome to place any pertinent material in his file. I sent him a letter of clarification and a copy of the conversation memo.

12/31/92 - Received request via NCY and DRT to provide information for director's consideration.

Misc. - No database record of recent ($\geq$ 1990) well drilling activity can be found under the name of Jacobs or in T2N, R4W, S.1, SESE. Per receipts, only #W014549 for A63-26676 is identified with Jacobs from 1/1/90-1/4/93.

CC: A63-26676

APPROVED
FEB 04 1993

Water Distribution Complaints Log
Western Regional Office
12/14/92- 12/18/92

Date	Name of Complainant	Location	IDWR Rep
12/14/92	VANGIE JACOBS	SOUTHEAST OF PICKLE BUTTE	STEVE LESTER
Summary of complaint/response.			
Mrs. Jacobs visited office today to discuss and lodge complaint about alleged interference of one of her domestic wells and about illegal use of irrigation water. The irrigator is Eugene Hawker, permit 63-11468 (pre-moratorium). She has been keeping water level records since the irrigation well across the street was completed on 4/22/92 (well log). She reports that water level in domestic well dropped from about 75' to over 120'. Pressure problems have also been experienced. Also, she stated that the irrigation well has been used on lands outside of the permit P/U. Permit is for 107 acres in SWSW, SESW, SWSE Sec. 1, T2N, R4W; she said she observed well water pumped into a canal that serves acres in at least NWNW Sec. 12 (no ground water rights for that QQ). The acres in S.12 were in addition to Sec. 1 land. She concluded by saying that the domestic well recovered after the irrigation season. I told her about the extra protection for pre-1978 domestic wells under Parker v. Wallentine but also cautioned her that this was ultimately a civil matter. I suggested that she continue to keep records for her well. The alleged illegal use was discussed. I told her that I would write a letter to the irrigator informing him of the above concerns etc. and that dept. wanted to know if she saw water used outside of 63-11468 P/U next season - we would respond to a written complaint about that. Will send cc of letter to complainant. Well for 63-11468: drilling permit 63-91-W-0030. SRBA claim for Jacobs: A63-26676 with 3 wells, 2 homes, 1981 d.o.p. but she told me that 1 well (for trailer) was original homesite well and is older than 1978. Perhaps owner will file separately on older well if she pursues the civil part of this complaint. Map, water right & other info, and letter filed in Complaint file at Region.			
1/8/93	AL THORNTON	FLOATING FEATHER (LEXINGTON HILLS ETC.)	STEVE LESTER
This office received a written complaint from Mr. Al Thornton of Sage Acres Subd. located east of Hwy 55. He complained that permit 63-11413 was being used in the non-irrigation season for a water amenity in Lexington Hills and Trail Creek Ranch Subdivisions. He also said that his well was suffering possibly as a result of this, although he realized that other factors could be at work. On 12/31/92 I visited the site and spoke to him at his house. Dept. etc. data indicates that interference does not occur between sites in question. However, use of wells for amenity in new subdivisions does not appear to be allowable under 63-11413. See permit file for details. Sent letter today to permit owner (City of Eagle) with cc to complainant. City should take appropriate water right action within 20 days or additional steps must be taken by IDWR. All pertinent information is filed in S.O. and Region files for 63-11413.			

FEB 04 1993

December 31, 1992

B. EUGENE HAWKER
DONNA M. HAWKER
11140 CHICKEN DINNER RD.
CALDWELL ID 83605

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 63-11468

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.

I note that the permit issued to you by the department requires the installation of a flow measurement port to allow the department to determine the rate of diversion. The proof which you submitted does not show that you have installed this equipment.

The installation of the flow measurement port must be complete by the time the department representative conducts the examination of your system unless the department has rescinded the requirement prior to the field examination. In some cases, the equipment requirement can be rescinded because the equipment cannot be physically installed, is not appropriate or can be accommodated with other measuring methods.

If you have questions concerning this matter, please feel free to contact the WESTERN Regional Office in Boise at (208)334-2190.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

RECEIVED

FEB 04 1993

RECEIVED
FEB 15 1991

State of Idaho
Department of Water Resources

Department of Water Resources

APPLICATION FOR DRILLING PERMIT

1. Applicant (please print) B. Eugene Hawker

2. Mailing Address 11140 Chicken Dinner Rd. Caldwell ID 83605
Telephone _____

☒ Well Owner () Well Operator () Other, specify _____

3. Proposed well location SW 1/4 SE 1/4, or Gov't Lot No. _____
Sec. 01, Twp. 2N, Rge. 4W, County Canyon
Street Address of Well Site _____
Lot, block and subdivision _____

4. Proposed use of well:
() Domestic: The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.
Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.
☒ Non-Domestic: Any beneficial use not included within the definition of domestic. Irrigation
() Injection
() Monitoring - A well bore schematic and map is required for each well.
No. of proposed wells: _____

5. Well construction information:
A. ☒ New well () Deepen () Replace - See Condition 9
B. Proposed Surface Diameter 12" Proposed Maximum Depth 300'
C. Anticipated bottom hole temperature:
☒ 85°F or less (Cold water well)
() 85°F to 212°F (Low temp. geothermal well)
() 212° or more (Geothermal well)

6. Construction Start Date 2-15-90

7. Anticipated Well Driller Dotyn
NOTE: The actual well driller must be identified prior to drilling.

8. Applicant's signature B. Eugene Hawker Date Feb 15, 1991
Title _____
(Owner, Firm Representative, Other)

RECEIVED

FEB 04 1993

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is Approved

Date 2/15/91

If approved, this permit authorizes the construction or modification of a well subject to the following conditions. READ CAREFULLY

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
3. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Approval of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
8. If a bottom hole temperature of 85° or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
9. If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules & Regulations.

SPECIFIC CONDITIONS:

RECEIVED

FEB 04 1993

David R. Tuttle
Signature of Authorized Department Representative

Mgr. Western Reg Off.
Title

Receipt No. W0013006 Received by Cyl Fee 200.00 Date 2-15-91

EXTENSION OF DRILLING PERMIT

Extension approved by _____ Approval Date _____

This extension is good for 60 days beyond the above extension approval date.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 28, 1992

Eugene or Donna Hawker
11140 Chicken Dinner Road
Caldwell, ID. 83605

RE: Telephonic Response to 12/21/92 Letter from IDWR Concerning Permit
No. 63-11468

Dear Mr. Hawker:

You called me this morning and we discussed my letter of 12/21/92 regarding your irrigation well and a complaint received at this office concerning the well. The intent of my earlier letter was for information purposes - I tried to make it clear that I have no first-hand knowledge of the situation. Perhaps I was not successful in conveying this to you in the letter. I have not been to the site in question and have no knowledge of the validity of the complaint or of your version of the situation.

Nothing is found in department records that verifies that your well has had an adverse impact on other wells or that your well has been used illegally (outside of a valid water right). My earlier letter was to let you know that this office had received information about your operation and to let you know some of the implications of adverse impact and/or illegal water use.

There are times when this department provides technical assistance in disputes over water where the ultimate responsibility is between the citizens (civil matter) just as there are times when the department must intervene and regulate a water right permit. Of course, such intervention must be based on verified information and must respect due process of law.

Attached is a copy of the conversation memo resulting from our discussion today.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure: Conv. Memo

RECEIVED

FEB 04 1993

CONVERSATION MEMORANDUM

DATE 12/28/92FILE 63-11468NAME OF PARTY Engene HansenEMPLOYEE Steve LaskaRE: My 12/21/92 LETTER & COMPLAINT:

His main points:

1) Totally denied that his well caused adverse impacts or was used illegally. Said well lateral in question to deliver water to 15 acres of mint that couldn't be reached without use of questioned lateral.

2) Drilled his irrig. well prior to complainant's well work. I mentioned that domestic use is exempted from receiving a water right but has a "de facto right" dating to date of 1st use. Upgrading, replacing, or adding a domestic well to such a use does not alter the d.o.p. for that domestic use.

3) Said complainant's had well problems prior to his (Hansen's) drilling. Said monitored their well(s) in 1991 &/or 1992 & found that complainant's domestic well was ~~not~~ **MINOR** of water.

4) Considerable discussion of domestic definition for wells (C.E.C. 42-111), exempted uses, transfers, new applications, dept. procedure in complaints, & numerous related topics.

5) I invited him to add anything that he wants to his permit file. Told him that we would not remove a complaint letter or response even though nothing is verified at this time.

Bottom Line: Totally deny allegations of complainant.

15
acres within
proper place
of use

FEB 04 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

December 21, 1992

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Eugene or Donna Hawker
11140 Chicken Dinner Road
Caldwell, ID. 83605

RE: Complaint Concerning Water Right Permit No. 63-11468

Dear Water User:

A complaint was received at this office on 12/14/92 regarding your new irrigation well for the above-referenced water right. The complainant alleged that your well has adversely affected at least one domestic well in the nearby area. Of course, I have no first hand knowledge of the alleged interference and/or illegal use of the well but am writing to let you know what might or might not result from continued allegations.

Generally, interference of domestic wells by irrigation wells is a civil matter not within the jurisdiction of this agency. You should be aware, however, that some domestic wells have additional protection under an Idaho Supreme Court ruling (Parker v. Wallentine) which covered pre-1978 domestic wells. Such wells are entitled to the same pumping level and same amount of water that was found before an irrigation well was drilled and used. This means that any interference by your well of a pre-1978 domestic well violates the supreme court ruling. Again, this is a civil matter between private parties. The department's role in such an issue would be limited to collecting and evaluating data to determine if interference is occurring. The department might become involved in a case like this upon receiving a written complaint.

Another issue that was mentioned in the complaint is the land irrigated by your permit. Permit no. 63-11468 allows irrigation of 107 acres in SWSW, SESW, and SWSE, Section 1. The allegation was made that you irrigated land in the NW 1/4, Section 12 east of Chicken Dinner Road and south of West Locust Lane. Any irrigation of acres other than those listed on the permit must be considered an illegal diversion subject to regulation by this agency under Sections 42-351 and 42-352, Idaho Code.

During these difficult times of drought, this office is very concerned about illegal diversions and will take action to manage water rights to ensure that water is used in its proper location. The department will actively pursue a written complaint next year if an illegal diversion of water is discovered.

Please contact me if you need additional information.

Sincerely,

Steve Lester
Water Rights Supervisor



FEB 04 1993

CONVERSATION MEMORANDUM

DATE 12/14/92FILE ComplaintNAME OF PARTY Mrs. Jacobs (A63-26676)
*Vangie*EMPLOYEE Steve Latta

See attached profile report

RE: Office visit

Complaint about an irrigation well adversely affecting a domestic well owned by Mrs. Jacobs (18000 W. Locust Ln., Caldwell, 83605). Irrigation well is 63-11468 (pre-monotomium permit), and domestic well pre-dates 1978 (Parker v. Wallentine issue). She has keep records showing:

- domestic well decline after irrigation well drilled & used (irrig. well 63-91-W-030 completed 4-22-92)

- had to drill another domestic well (or deepen existing one) after irrig. well impact occurred.

- irrig. well ~~is~~ continued to impact domestic well: has recorded SWL falling from mid 70' to $\approx$ 125'.

- water levels have improved since irrig. well not in use now.

- observed well routing water to land in ~~area~~ area was S.12 (not in plan of 63-11468).

FEB 04 1993

Wonders what to do since irrigator has been uncooperative. Told her it was civil ~~not~~ matter but discussed Parker v. Wallentine case. Soil dept. interested in investigating due to drought & increased complaints.

Will write letter to irrigator w/ cc to Complaintant.
information

Entered Complaint Dr 12/14/92.

WDGRL:
None for
Jacobs on
is SESE S.1
F2W R4W

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LOCKE JACOBS	12/01/1981	DOMESTIC	01-01 12-31	0.08 CFS	
C	VANGIE JACOBS					
	18000 LOCUST LANE					
	CALDWELL ID 83605					
	(208) 459-6575					
TOTAL DIVERSION:					0.08 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T02N R04W S01

SESE

CANYON County

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE													
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
02N	04W	1	:																						

POU County: CANYON

Non-Irrigation Uses: DOMESTIC, TWO HOMES.

Other Rights: WILDER IRRIGATION DISTRICT.

Remarks: BOTH HOMES ARE UNDER SINGLE OWNERSHIP.

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

* per 12/14/92 office visit: said have 3 wells for 1 home & 1 trailer.
Trailer & 1 well: this part pre-dates 1978 so
may be protected by Parker v. Wallentine (2d. Supreme
court case) ensuring same quantity of H₂O & same
pumping ~~level~~ level.

ALSO SEE:

COMPLAINTS, LHS file
in Secretary WPS
account, entry dated
12/14/92

Perhaps owner would like to file separate claim
for this part (as later fee required)?

- 82

FEB 04 1993



423 N

NAMPA (U.S. 30) 15 MI.

T3N

T2N

4821

32' 30"

T 2 N

4820

Jacobs place

Another domestic site adversely affected

4819

white wall location

4818

T2N
R4W
S.1 & 12

4817000m N

04 1993

verside

Community Church

24

19

IDAHO DEPARTMENT OF WATER RESOURCES

WELL INSPECTION FORM

1. DRILLING PERMIT NO: 63-91-W-030 OTHER APPLICABLE NO: _____
2. OWNER: Eugene Hawker Phone: 454-9519
Address: 11140 Chicken Dinner Rd., Caldwell, ID 83625
3. WELL LOCATION: Twp 2N, Rge. 4W, Sec. 1, SW 1/4 SE 1/4
County Cannon (Provide sketch map and photo on reverse.)
4. DRILLER: Riverside Drilling Lic. No. 333
When Drilled? 7-22-92
5. WELL CONSTRUCTION (since the casing is open, no pool)
Casing Diameter 12 inches Water tight cap? ☐ Yes ☒ No Access Port: ☐ Yes ☒ No
Casing $\geq$ 12 inches above ground? ☐ Yes ☒ No - Describe Flush with concrete base
Depth of Casing 450 ft. Method Drilled Reverse Rotary
Condition of Well Casing: ☒ Good ☐ Fair ☐ Poor Describe _____
Control Valve? ☒ Yes ☐ No Pressure Gauge: ☐ Yes ☒ No
Condition of Piping and Valving Good
Auger to a depth of 560 ft. Evidence of Annular Seal ☐ Yes ☐ No
Are there obvious construction problems that may be a source for contamination or waste of water?
☒ Yes ☐ No (Describe in Remarks and Attach Photo - On Reverse)
6. HYDROLOGIC INFORMATION
Depth to Static Water 30 ft. Water Temperature N/A °F
Flowing Artesian ☐ Yes ☒ No Pressure: N/A (psi)
Water Sample Taken? ☐ Yes ☒ No If yes, describe purpose _____
Water Quality Measurements/Observations (Describe) _____
7. WELL USE:
☐ Domestic ☒ Irrigation ☐ Stock
☐ Test ☐ Municipal ☐ Industrial
☐ Abandoned ☐ Waste Disposal/Injection ☐ Not Used
☐ Other: _____

Casing is not sealed. Approximately 3-4" between top of casing and base of pump. Also, an adjacent casing is used to check the static level and add gravel to. The string shown in photo is in sound casing and used for measurement. A metal cap is placed over second casing, but is not secured. This cap is not flush with casing, therefore there exists two possible contaminating points.

Rick Collingswood, Water Rights Examiner
Signature of Dept. Representative & Title

3/10/94
Inspection Date

PHOTOS, DRAWINGS, OTHER ATTACHMENTS:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORTState 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.USE TYPEWRITER OR
RECEIVED
MAY 26 1992**1. WELL OWNER**Name B. Eugene Hawker
Address 11140 Chicken Din., Caldwell, ID
Drilling Permit No. 63-91-W-030
Water Right Permit No. 63-11468**2. NATURE OF WORK**

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

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 CONSTRUCTIONCasing schedule: ☒ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
.250 inches	12 inches	2 feet	80 feet
.250 inches	12 inches	100 feet	170 feet
.250 inches	12 inches	180 feet	240 feet
.250 inches	12 inches	260 feet	310 feet

* Was casing drive shoe used? ☐ Yes ☒ No 330' to 380'
Was a packer or seal used? ☐ Yes ☒ No 400' to 430'
Perforated? ☐ Yes ☒ No 440' to 450'How perforated? ☐ Factory ☐ Knife ☐ Torch ☐ Gun
Size of perforation _____ inches by _____ inches

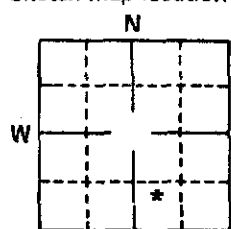
Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☒ Yes ☐ NoManufacturer's name Roscoe MossType Full flow louveredDiameter 12" Slot size .090 Set from 80 feet to 100 feetDiameter 12" Slot size .090 Set from 170 feet to 180 feetGravel packed? ☒ Yes ☐ No to Size of gravel 3/8 minusPlaced from 460' feet to 560' 3" minus feetSurface seal depth 50' Material used in seal: ☐ Cement grout☒ Bentonite ☒ Puddling clay ☐ _____Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing
☒ Overbore to seal depthMethod of joining casing: ☐ Threaded ☒ Welded ☐ Solvent
Weld☐ Cemented between strata

Describe access port

12" From 240' to 260' From 310' to 330'12" From 380' to 400' From 430' to 440'**6. LOCATION OF WELL**

Sketch map location must agree with written location.

County Canyon
SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 1 T. 2 S. $\frac{1}{4}$ R. 4 W. $\frac{1}{4}$ **7. WATER LEVEL**

Department of Water Resources

Static water level 30 feet below land surface.Flowing? ☐ Yes ☒ No G.P.M. flow _____

Artesian closed-in pressure _____ p.s.i.

Controlled by: ☐ Valve ☐ Cap ☐ Plug

Temperature _____ OF. Quality _____

Describe artesian or temperature zones below.

8. WELL TEST DATA☐ Pump ☐ Bailer ☐ Air ☐ Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped

9. LITHOLOGIC LOG

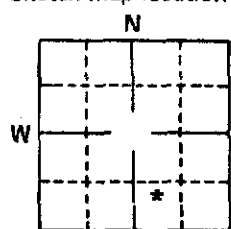
Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
28"	0	8	Top soil & sand		X
28"	8	15	Sand & gravel up to 3"		X
"	15	28	Yellow clay		X
"	28	36	Brown sandstone		X
"	36	40	Brown sandy clay		X
"	40	49	Brown claystone		X
"	49	51	Yellow clay		X
"	51	69	Brown/white sand med-fine	X	
"	69	77	Blue clay		X
"	77	95	Fine blue sand	X	
"	95	98	Blue clay		X
"	98	108	Sandstone, fine blue sand	X	
"	108	109	Hard white sandstone		X
"	109	112	Blue sandstone		X
"	112	172	Blue clay		X
"	172	174	Fine sand	X	
"	174	186	Blue clay		X
"	186	192	Blue clay, fine sand		X
"	192	195	Fine sand almost silt	X	
"	195	214	Sandy blue clay		X
"	214	249	Blue clay w/sandstone layers		X
"	249	264	Blue sand	X	
"	264	268	Blue clay		X
"	268	272	Sandstone w/fine sand		X
"	272	317	Blue clay		X
"	317	326	Sand & sandstone	X	
"	326	379	Blue clay		X
"	379	396	Sand & sandstone	X	
"	396	400	Blue clay		X
"	400	402	Sandstone & fine sand	X	
"	402	437	Blue clay		X
"	437	439	Black sand	X	
"	439	442	Blue sand/sandstone	X	
"	442	560	Blue clay		X

10.Work started 4-14-92 finished 4-22-92

OCT 27 1992

6. LOCATION OF WELL

Sketch map location must agree with written location.

County Canyon
SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 1 T. 2 S. $\frac{1}{4}$ R. 4 W. $\frac{1}{4}$ **11. DRILLERS CERTIFICATION**

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

Firm Name Riverside Drilling Firm No. 333

PO Box 720

Address Parma, ID 83660Date 5-11-92

Western Regional Office

Signed by (Firm Official)

and

(Operator)

MICROFILMED

MAY 27 1992

AUG 11 1992

Lot No. _____ Block No. _____



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 3, 1991

B. EUGENE HAWKER
DONNA M. HAWKER
11140 CHICKEN DINNER RD.
CALDWELL, ID 83605

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 63-11468

Dear Permit Holder:

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

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

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

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.

MICROFILMED

MAY 08 1991

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

MAY 08 1991

NOTICE OF APPLICATION FOR WATER RIGHT

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

AFFIDAVIT OF PUBLICATION

MARTINEAU, STEVEN L.
7472 HWY 45
NAMPA, ID 83686
Source: GROUNDWATER
Diversion Pt:
Use: IRRIGATION

Date Filed: 2/19/1991
In: T02N R02W S33
80.0 ACRES TOTAL

NWSE Sec 33 T 02N R 02W of Canyon)
(1.600 CFS)
Total Diversion: (1.600 CFS)

NWSE SWSE Sharla O'Krakel

Department of Water Resources
Western Regional Office

MAR 14 1991

BLICKENSTAFF, DOUG
7248 LYNWOOD RD.
NAMPA, ID 83686
Source: GROUNDWATER
Diversion Pt:
Use: IRRIGATION

Date Filed: 2/22/1991
In: T02N R02W S29
110.0 ACRES TOTAL

NWSE Sec 29 T 02N R 02W
(2.000 CFS)
Total Diversion: (2.000 CFS)

SWNE NESE

NWSE that I am the Principal Clerk of the Idaho Press-Tribune, a (except Saturday) newspaper published in the City of a and Caldwell, in the County of Canyon, State of Idaho; he said newspaper is in general circulation in the said y of Canyon, and in the vicinity of Nampa and Caldwell, and en uninterruptedly published in said County during a period enty-eight consecutive weeks prior to the first publication of tice, a copy of which is hereto attached.

FLOYD, LLOYD W.
12703 CHINDEN DINNER RD.
CALDWELL, ID 83605
Source: GROUNDWATER
Diversion Pt:

Use: IRRIGATION:

Date Filed: 2/20/1991
In: T03N R03W S17
57.0 ACRES TOTAL

NENW Sec 17 T 03N R 03W
NWNW Sec 17 T 03N R 03W
(1.140 CFS)
Total Diversion: (1.140 CFS)

NWNW

SWNW

that the notice, of which the annexed is a printed copy, was hed in said newspaper two times

he regular and entire issue of said paper, and was printed in wspaper proper, and not in a supplement.

hat said notice was published the following dates:

PYWELL, MARLEAN
PYWELL, JEAN
6282 LYNWOOD RD.
NAMPA, ID 83686
Source: GROUNDWATER
Diversion Pt:
Use: IRRIGATION

Date Filed: 2/13/1991
In: T01N R02W S11
111.0 ACRES TOTAL

SWNW Sec 11 T 01N R 02W
(2.000 CFS)
Total Diversion: (2.000 CFS)

NENW

NWNW

SWNW

SENW

March 6, 13, 1991

HAWKER, B. EUGENE
HAWKER, DONNA M.
11140 CHICKEN DINNER DR.
CALDWELL, ID 83605
Source: GROUNDWATER
Diversion Pt:

Use: IRRIGATION
STOCKWATER

Date Filed: 2/15/1991
In: T02N R04W S01
107.0 ACRES TOTAL

SWSE Sec 1 T 02N R 04W
(2.140 CFS)
Total Diversion: (2.140 CFS)

SWSW

SESW

SWSE

his 13th day of March in the of 1991, before me, a Notary Public, personally red Sharla O'Krakel, known ntified to me to be the person whose name subscribed to the instrument, and being by me first duly sworn, declared he statements therein are true, and acknowledged to me that e executed the same.

MILLER, MONTE
MILLER, ALICE
6156 DEERFLAT DR.
NAMPA, ID 83686
Source: GROUNDWATER
Diversion Pt:

Use: IRRIGATION

Date Filed: 2/13/1991
In: T02N R02W S13
25.0 ACRES TOTAL

SESE Sec 13 T 02N R 02W
(.500 CFS)
Total Diversion: (.500 CFS)

SESE

HILL, ENOS V.
HILL, ELTON D.
302 S. DEWEY LN.
NAMPA, ID 83687
Source: GROUNDWATER
Diversion Pt:

Use: IRRIGATION
STOCKWATER
DOMESTIC

Date Filed: 2/8/1991
In: T03N R01W S29
120.0 ACRES TOTAL

NWSE Sec 29 T 03N R 01W
(2.400 CFS)
(.130 CFS)
(.060 CFS)
Total Diversion: (2.590 CFS)

SWNE

SENW

SWSE

SHROLL, NORMAN
7130 HWY. 45
NAMPA, ID 83687
Source: GROUNDWATER
Diversion Pt:

Use: IRRIGATION

Date Filed: 2/21/1991
In: T02N R02W S28
71.0 ACRES TOTAL

NENE Sec 28 T 02N R 02W
(1.420 CFS)
Total Diversion: (1.420 CFS)

SENE

SENE

KENDALL, A. WILLIAM
418 ALUMBAUGH
BOISE, ID 83704
Source: SPRINGS
Diversion Pt:

Use: STOCKWATER

Date Filed: 2/19/1991
In: T05N R03W S35

Tributary: EAST HARTLEY GULCH
NWNENE Sec 35 T 05N R 03W
(.020 CFS)
Total Diversion: (.020 CFS)

NENE

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 on or before MARCH 25, 1991.
R. KEITH HIGGINSON, Director
March 6, 13, 1991

Sharla O'Krakel

E OF IDAHO)
)
NTY OF CANYON)

Notary Public for Idaho
Residing at Nampa
MY COMMISSION EXPIRES
JULY 12th, 1991

MICROFILMED

MAY 08 1991

63-11468

HAWKER, B. EUGENE
HAWKER, DONNA M.
11140 CHICKEN DINNER DR.
CALDWELL, ID 83605

Source: GROUNDWATER

Diversion Pt: SWSE Sec 1 T 02N R 04W

Use: IRRIGATION (2.140 CFS)
STOCKWATER (.020 CFS)
Total Diversion: (2.140 CFS)

Date Filed: 2/15/ 1991

In: T02N R04W S01 SWSW SESW SWSE

107.0 ACRES TOTAL

RECEIVED
MAY 08 1991