

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 45-07744

Priority: November 19, 1998

Maximum Diversion Rate: 0.13 CFS
Maximum Diversion Volume: 3.4 AF

RECEIVED
OCT 04 2002
Department of Water Resources
Southern Region

It is hereby certified that CRAIG S HAWKER
2927 N 4300 E
MURTAUGH ID 83344 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated November 19, 1998; and has
submitted Proof of Beneficial Use on March 12, 2002. An examination indicates that the works have a
diversion capacity of 0.13 cfs of water from:

SOURCE

UNNAMED DRAIN

Tributary: SINKS

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
STOCKWATER	09/01 to 04/30	0.13 CFS	2.8 AF
STOCKWATER STORAGE	01/01 to 12/31		0.6 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.13 CFS	

LOCATION OF POINTS OF DIVERSION:

UNNAMED DRAIN NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 36, Twp 13S, Rge 21E, B.M., CASSIA County
UNNAMED DRAIN NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 36, Twp 13S, Rge 21E, B.M., CASSIA County
UNNAMED DRAIN NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 36, Twp 13S, Rge 21E, B.M., CASSIA County
UNNAMED DRAIN NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 36, Twp 13S, Rge 21E, B.M., CASSIA County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
13S 22E 30										X							
										L3							

PLACE OF USE: STOCKWATER STORAGE – Same as Stockwater

CONDITIONS OF APPROVAL

1. The issuance of this right does not grant any right-of-way or easement across the land of another.
2. This right authorizes a single point of diversion extending along the tracts specified above.
3. Stockwater storage is for a pond less than 1/2 acre in surface area.

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

Signed and sealed this 2ND day of OCTOBER, 2002.


KARL J. DREHER
Director

45-7744

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 45-07744

Priority: November 19, 1998

Maximum Diversion Rate:

0.13 CFS

This is to certify, that **CRAIG S HAWKER**

2927 N 4300 E

MURTAUGH ID 83344

has applied for a permit to appropriate water from:

UNNAMED DRAIN

tributary of **SINKS**

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>
STOCKWATER	01/01 to 12/31	0.06 CFS
RECREATION	01/01 to 12/31	0.13 CFS
	Totals	0.13 CFS

LOCATION OF POINT(S) OF DIVERSION:

NENENE , Sec. 36, Township 13S, Range 21E
NWNENE , Sec. 36, Township 13S, Range 21E
NENWNE , Sec. 36, Township 13S, Range 21E
NWNWNE , Sec. 36, Township 13S, Range 21E
CASSIA County

PLACE OF USE: STOCKWATER

TWN RGE SEC

13S 22E 30 Lot 3 (NWSW)

PLACE OF USE: RECREATION, same as STOCKWATER use

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of application of water to beneficial use shall be submitted on or before **May 1, 2002**.
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. The issuance of this right does not grant any right-of-way or easement across the land of another.
5. Stockwater use is for 210 range cattle.
6. Recreation use is for a family fishing pond less than 1/2 acre in surface area.

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SEP 27 2000

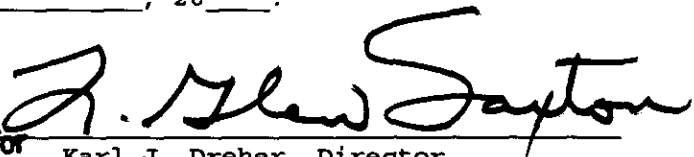
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 45-07744

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

21st day of April, 2000.


Acting for Karl J. Dreher, Director

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APR 27 2000

RECEIVED

State of Idaho
DEPARTMENT OF WATER RESOURCES

OCT 20 1999

ASSIGNMENT OF APPLICATION FOR PERMIT

To change the ownership of an application for permit

Department of Water Resources

OFFICE USE ONLYAmt. of Fee \$25.00Date 10-14-99Receipt No. 5022606Receipt by g. j. [signature]

I, KYLE R. ADAMS, hereby assign to CRAIG S. HAWKER
 of 2927 No. 4300 EAST MURTAUGH, I.D. 83344
(Applicant)
(Full Address)

All my right, title, and interest in and to Application for Permit FILED By KYLE & LAURELL ADAMS
 No. 11-19-1998 to appropriate the public waters of the State of Idaho.

No. 45-07744

OR (for partial assignments)

RECEIVE

OCT 13 1999

The following described portion of my right, title, and interest in and to
 Application for Permit No. _____ to appropriate the public waters of the
 State of Idaho.

Department of Water Resources
Southern Region

Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,
 point of diversion location, and the amount of water in cubic feet per second.

Made this 29th day of SEPTEMBER, 1999

Kyle R. Adams
 Applicant(s)

State of Idaho)
 County of CASSIA)^{SS}

On this 29th day of SEPTEMBER, 1999, personally appeared before me the
 signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

Guy E. Arnold
 Notary Public

SEAL

Guy Arnold
 Signature

My commission expires: 4/11/2000

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APR 27 2000



ALPHA REALTY & EXCHANGE

218 W. 13th, Burley, Idaho 83318
Phone (208) 677-3030 • Fax (208) 678-5694

October 12, 1999

James E. Stanton
State of Idaho
Department of Water Resources
1341 Fillmore Street, Suite 299, Twin Falls, ID 83301-3380

RECEIVED
OCT 13 1999
Department of Water Resources
Southern Region

RE: Assignment of Application for Permit – Kyle R. Adams

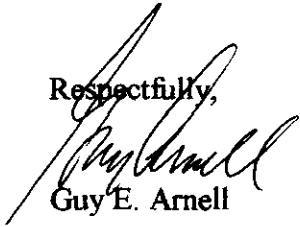
Dear Jim,

As per our telephone conversation this p.m., enclosed please find the above referenced Assignment of Application for Permit from Kyle R. Adams to Craig S. Hawker

Also enclosed, please find a check for \$25.00 to cover the transfer fee.

Thank you,

Respectfully,


Guy E. Arnell

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APR 27 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

NOV 19 1998

Department of Water Resources
Southern Region

1. Name of Applicant Kyle R. &/or Laurell Adams Phone 862-3406
Mailing address 1773 S 600 W, Oakley, ID 83346
2. Source of water supply Seepage Unnamed Drain ¹²⁻¹⁵⁻⁹⁸ which is a tributary of Sinks
3. Location of point of diversion is Township 13S Range 21E Sec. 36, in the NW 1/4
NW 1/4, NE 1/4, Govt. Lot , B.M., CASSID County,
additional points of diversion if any: NE/NW/NE; NW/NE/NE; NE/NE/NE Sec. 36 13S 21E
4. Water will be used for the following purposes:
- | | | |
|--|--|------------------------|
| Amount <u>0.13 cfs</u> for <u>Recreation</u> | purposes from <u>1-1</u> to <u>12-31</u> | (both dates inclusive) |
| (cfs or acre-feet per annum) | | |
| Amount <u>0.06 cfs</u> for <u>Stockwater</u> | purposes from <u>"</u> to <u>"</u> | (both dates inclusive) |
| (cfs or acre-feet per annum) | | |
| Amount <u> </u> for <u> </u> | purposes from <u> </u> to <u> </u> | (both dates inclusive) |
| (cfs or acre-feet per annum) | | |
| Amount <u> </u> for <u> </u> | purposes from <u> </u> to <u> </u> | (both dates inclusive) |
| (cfs or acre-feet per annum) | | |
| Amount <u> </u> for <u> </u> | purposes from <u> </u> to <u> </u> | (both dates inclusive) |
| (cfs or acre-feet per annum) | | |
| Amount <u> </u> for <u> </u> | purposes from <u> </u> to <u> </u> | (both dates inclusive) |
| (cfs or acre-feet per annum) | | |
5. Total quantity to be appropriated is (a) 0.13 and/or (b)
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source Buried 6" perforated pipe, unperforated pipe across West Canal, ditch for stockwater & recreation
- b. Height of storage dam feet; active reservoir capacity acre-feet; total reservoir capacity acre-feet
- c. Proposed well diameter is inches; proposed depth of well is feet
- d. Is ground water with a temperature of greater than 85°F being sought?
- e. If well is already drilled, when? ; Drilling firm
Well was drilled for (well owner) ; Drilling Permit No.
7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in KW.
- b. Stockwatering; list number and kind of livestock. 210 range cattle
- c. Municipal; show name of municipality.
- d. Domestic; show number of households.
- e. Other; describe fully. Recreation - fishing pond for family use

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399 27 2000

9. Description of place of use:

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

b. 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	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	22E	30											R,S						
													H3						

Total number of acres to be irrigated _____

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

Cattle drink water from the Marion pipeline, & will continue to do so

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

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

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: This water has existed for many years, but has interfered with farming in Sec. 25 north of the seepage. This land is farmed by Hilton Critchfield, who put the diversion system in 2 years ago. I have hooked on to the end of his pipeline (with his permission) in order to put this water to use. The upper end of my ditch will be enlarged & fenced off to support fish for family use. The pond will cover less than 1/2 acre. I measured the flow at 60 gpm.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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

MICROFILMED

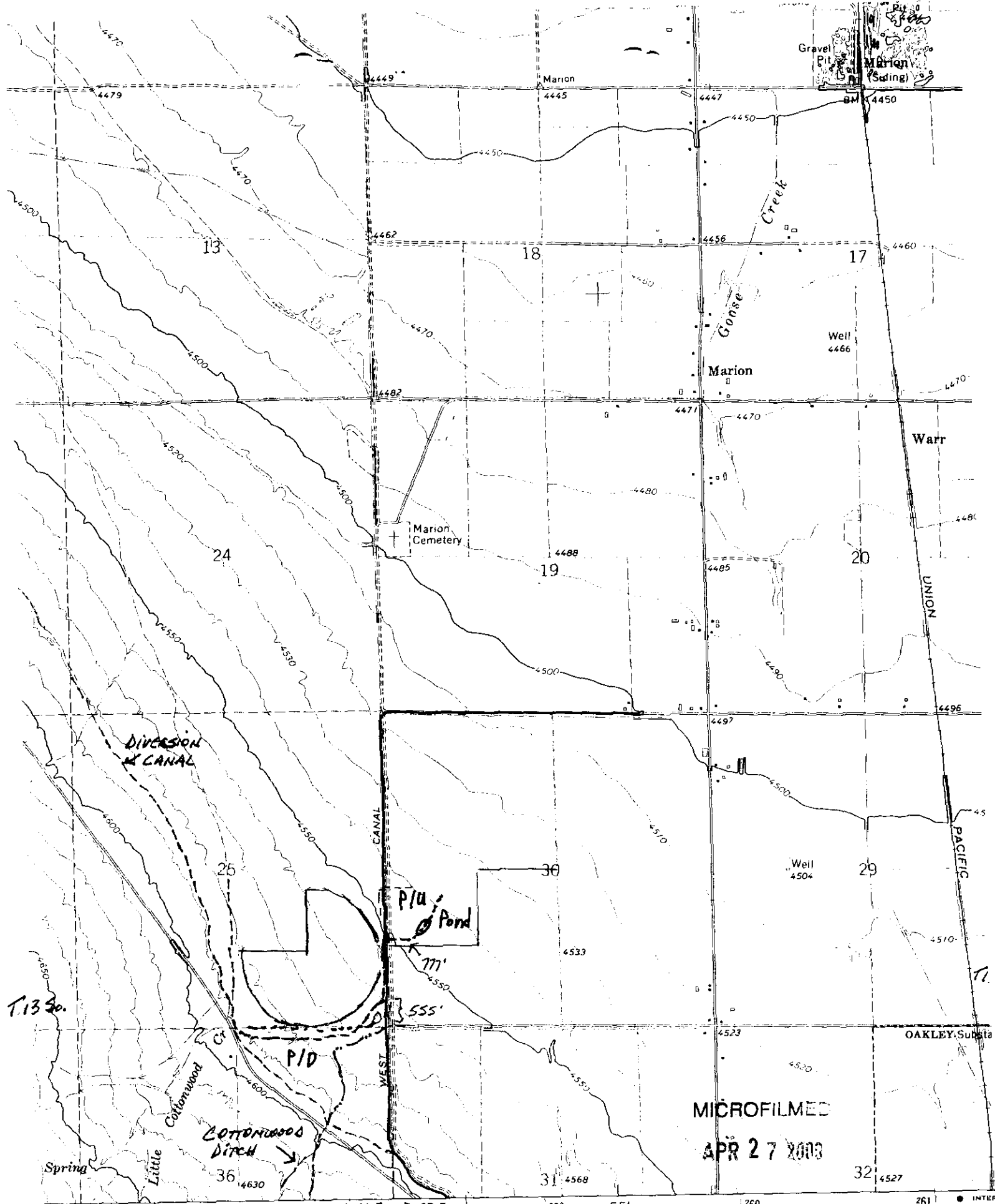
APR 27 2000

Scott Bedke

Signature of Applicant (and title, if applicable)

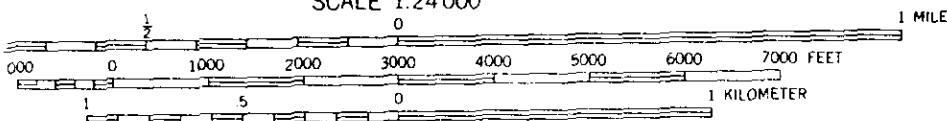
11 am

Received by J.F. Stanton Date 11-19-98 Time 10-17-98 Preliminary check by JF
 Fee \$ 50 Receipted by MB # 5021637 Date 11-19-98
 Publication prepared by MB Date 9/3/99 Published in Id. 2d Press
 Publication approved MB Date 9/30/99



MICROFILMED

APR 27 2003



Secondary highway
hard surface

45-07744

45-87747



CRP 89-98

CRP 89-98

CRP 89-98 ①

106.6

T169

T168

26 25
35 36



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

April 21, 2000

DIRK KEMPTHORNE
GOVERNOR

CRAIG S HAWKER
2927 N 4300 E
MURTAUGH ID 83344

KARL J. DREHER
DIRECTOR

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 45-07744

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

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.

The Department will send you a "Proof Due Notice" approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

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
Enclosures

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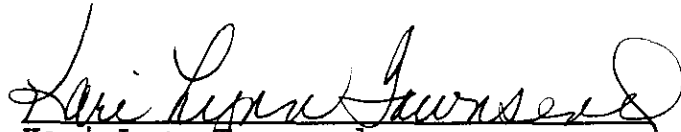
APR 27 2000

CERTIFICATE OF MAILING

I hereby certify that on the 21st day of April, 2000, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 45-07744

CRAIG S HAWKER
2927 N 4300 E
MURTAUGH ID 83344


Kari Lynn Townsend
Secretary

MICROFILMED
APR 27 2000

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 fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from 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 fourteen (14) 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.

CERTIFICATE OF SERVICE

All documents intended to be part of the Department record in connection with a preliminary order shall be served upon the representatives of each party of record. Every document filed with and intended to be part of the agency record must be attached to or accompanied by proof of service by the following or similar certificate.

I HEREBY CERTIFY (swear or affirm) that I have this day of _____, served the foregoing (name(s) of document(s)) upon all parties of record in this proceeding, (by delivering a copy thereof in person: (list names)) (by mailing a copy thereof, properly addressed with postage prepaid, to: (list names)).
(Signature)

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APR 27 2000

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.

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.

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.

RIGHT TO HEARING

Pursuant to Section 42-1701A(3), Idaho Code, unless the right to a hearing before the Department is otherwise provided by statute, any person aggrieved by any decision, determination, order, or action of the Department or any applicant for any permit, license, certificate, approval, registration, or similar form of permission required by law to be issued by the Department, who is aggrieved by a denial or conditional approval ordered by the Department, and who has not previously been afforded an opportunity for a hearing on the matter shall be entitled to a hearing before the Department to contest the denial or conditional approval upon filing with the Department, within fifteen (15) days after receipt of the denial or conditional approval, a written permission stating the grounds for contesting the action by the director and requesting a hearing.

APPEAL OF FINAL ORDER TO DISTRICT COURT

If a preliminary order becomes final, any party aggrieved by the final order or orders previously issued in the 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 (a) a hearing was held, or (b) the final agency action was taken, or (c) the party seeking review of the order resides, or (d) 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. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal. See Sections 67-5270 through 67-5273, Idaho Code.



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 28, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CRAIG S HAWKER
2927 N 4300 E
MURTAUGH ID 83344

RE: ASSIGNMENT OF APPLICATION FOR PERMIT 45-07744

Dear Mr. Hawker:

The department acknowledges receipt of correspondence changing ownership of the above referenced application for permit to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

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APR 27 2000

MEMO

RECEIVED

OCT 20 1999

FROM: Allen Merritt *AM*

DATE: October 19, 1999 Department of Water Resources

TO: Application for Permit No: 45-07744

In the Name of: Adams (Hawker)

SUBJECT: Review and Recommendation

This application proposes to develop a water right for use of a drain installed in an agricultural area to drain the high water table in a field that is cultivated. The drain has already been installed. The proposed use of a recreation pond has not yet been established but the proposed stockwater use may already exist. (See Stanton's 12/14/98 memo)

The use from the drain may be considered groundwater. Use is similar to domestic use limited to 13,000 gpd. All unused water would sink back into groundwater. The use is in a critical groundwater area.

Since the application was filed the property for the place of use has been sold. On 10/11/99 I requested that Stanton inquire again regarding ownership or assignment of application. On 10/13/99 we received the assignment from Adams to Hawker.

Recommendation

I recommend that the permit be approved subject to the following conditions:

- The use is non-consumptive or de minimus.
- Approval does not authorize trespass over land of others.
- Use may be subject to private easement agreement.
- Recreation use is for pond of less than ½ acre surface area.
- Stockwater is for 210 range cattle to drink from ditch & pond.
- No irrigation or consumptive use is authorized to be developed.

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APR 27 2000

Department of Water Resources
Customs Center

MICROFILMED

99-366

**NOTICE OF APPLICATION FOR
WATER RIGHT**

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

45-07744

ADAMS, KYLE R
ADAMS, LAURELL
1773 S 600 W
OAKLEY, ID 83346
Source: UNNAMED DRAIN
Tributary: SINKS
Diversion Pt:

NENENE Sec 36 T 13S R 21 E in CAS-
SIA County.

NWNENE Sec 36 T 13S R 21 E in CAS-
SIA County.

NENWNE Sec 36 T 13S R 21 E in CAS-
SIA County.

NWNWNE Sec 36 T 13S R 21 E in CAS-
SIA County.

Use: STOCKWATER(0.060 CFS)

RECREATION(0.130 CFS)

Total Diversion(0.130 CFS)

Dated Filed: 11/19/1998

In: CASSIA COUNTY

T13S R22E S30 LOT 3 (NWSW)

The permit(s) will be subject to all prior
water rights. Any protest must be filed with
the Director, Dept. of Water Resources,
Southern Region, 1341 Fillmore St., Suite
200, Twin Falls, ID 83301 together with a
protest fee of \$25.00 on or before OCTOBER
4, 1999. The protestant must also send a copy
of the protest to the applicant.

Karl J. Dreher, Director
Published in the South Idaho Press on
September 17 & 24, 1999.

Stanton, Jim

From: Baldwin, Mary
Sent: Friday, September 03, 1999 9:36 AM
To: Stanton, Jim; Baldwin, Mary

Did you ever get the Assignment Form back from Kyle Adams to new owner?

No !

A handwritten signature, possibly reading 'JL' or 'JS', written in a cursive style.

9-21-99

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APR 21 2000

NOTICE OF APPLICATION FOR WATER RIGHT

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

45-07744

ADAMS, KYLE R
ADAMS, LAURELL
1773 S 600 W
OAKLEY, ID 83346

Source: UNNAMED DRAIN

Tributary: SINKS

Diversion Pt:	NENENE	Sec 36	T 13S	R 21E	in CASSIA County.
	NWNE	Sec 36	T 13S	R 21E	in CASSIA County.
	NENWNE	Sec 36	T 13S	R 21E	in CASSIA County.
	NWNWNE	Sec 36	T 13S	R 21E	in CASSIA County.

Use: STOCKWATER	(	0.060 CFS)
RECREATION	(	0.130 CFS)
Total Diversion:	(	0.130 CFS)

Date Filed: 11/19/1998

In: CASSIA County
T13S R22E S30 Lot 3(NWSW)

The permit(s) will be subject to all prior water rights. Any protest must be filed with the Director, Dept. of Water Resources, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 together with a protest fee of \$25.00 on or before OCTOBER 4, 1999. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published: 9/17/1999 & 9/24/1999 MICROMEL

APR 27 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

SEPTEMBER 3, 1999

**Legal Notices Department
SOUTH IDAHO PRESS
230 EAST MAIN STREET
BURLEY, ID 83318**

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 OCTOBER 4, 1999.

Yours truly,

Mary Baldwin
Administrative Assistant

Enclosure

MICROFILM

APR 27 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

September 7, 1999

**KARL J. DREHER
DIRECTOR**

**KYLE R ADAMS &/OR
LAURELL ADAMS
1773 S 600 W
OAKLEY ID 83346**

Re: Application for Permit No. 45-07744

Dear Applicants:

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

This office has scheduled advertising the application in the South Idaho Press on 9/17 & 9/24/99. A period of ten days following the second publication will be allowed for the submittal of protests.

If an 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 an 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. If 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,

**James E. Stanton
Sr. Water Resource Agent**

GS:MB

MICRONLINE

APR 27 2000

Baldwin, Mary

From: Baldwin, Mary
Sent: Friday, September 03, 1999 9:36 AM
To: Stanton, Jim; Baldwin, Mary

Did you ever get the Assignment Form back from Kyle Adams to new owner?

Mary - Property has been sold.
Assignment form sent 7-15-99
J

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APR 27 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 15, 1999

Guy Arnell
218 W 13th St
Burley, ID
83318

RE: App. for Permit, Kyle Adams

Dear Guy;

I finally found this application, and will be giving it to our senior secretary for preparation of the required advertising. I don't know when she will be able to enter in the application into our computer system to give it a number, as she has a large backlog of advertising work. Since Mr. Adams has sold this property, he probably needs to assign the application to the new owner. A form is enclosed for this purpose. Note that there is a \$25. assignment fee. A copy of the application is enclosed for your information.

Regards,

James E. Stanton
Sr. Water Resource Agent

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APR 27 2000

COPY

45-07744

TO: File

DATE: December 14, 1998

FROM: Jim Stanton

SUBJECT: App. for Permit, Kyle Adams

Last Friday I conducted a pre-permit exam for this app. I tried unsuccessfully to set up a meeting with Mr. Adams, but remembered that he may be in warmer country for the winter. Anyway, I inspected the system on my own, walking the length of the diversion works and proposed place of use. The system is as represented in the application. A perforated pipeline has been buried to intercept seepage water in the NE 1/4 of Sec. 36. Mr. Adams told me that this water used to come into the SE 1/4 of Sec. 25, and that this has been a problem for the pivot that is now used there (Mike Hunter, PO Box 187, Oakley, owns the pivot). A shallow ditch along the boundary between the two quarter sections would catch any surface flow, shunting it to a pond that also collects canal water for use in the pivot. There was no sign of surface vegetation that would indicate a wet area, so it is not possible to verify that part of the story. I had a question as to whether this is an illegal diversion, but Allen decided that the source is groundwater; it is therefore exempt from the filing requirements as a stockwater use. The application shows seepage as a source, so this may need to be changed.

Once past the collection area, a solid 6" pvc pipe goes along the west side of the West Canal of the Oakley Canal Co. for maybe 3/16 of a mile before crossing the canal and canal road. It then runs north along the east side of the road, turning sharply east into the Adams property. A 4" pvc pipe sticks up into the air. I measured the flow from this pipe at about 45 gpm (0.10 cfs) with a bucket and stopwatch. I would expect the flow to be higher during the irrigation season, so my measurement seems to support the requested flow of 0.13 cfs. The pipe dumps into a 6" wide ditch that runs straight east into a meandering channel of unknown origin. The channel then runs northeasterly thru the Adams land, which is all pasture; livestock were present, and I presume they were drinking this water. There was no existing pond, but it wouldn't take much work to dam up the existing channel to create one about 2-3' deep. I'm not sure that trout could survive in such a pond, but I suppose Mr. Adams should be allowed to try; even if they don't, it will still be useful for livestock watering.

This was a good-sized project that would take some time to complete. All the interested parties are certainly aware of this diversion; since they apparently haven't complained about it, they are probably not concerned. This water probably leaks out of the west branch of the West Canal; a couple cfs were flowing in the branch during my visit. And it would seep into the West Canal if it went anywhere. The application says it sinks, but I can't confirm this now that the water is collected and piped over the canal. This water will probably be entirely consumed by seepage

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APR 27 2000

45-07743

and evaporation in the proposed pond, so this may not be a non-consumptive use. I'm not sure whether or not we can process this application due to the moratorium. And if the source is groundwater, this is a critical groundwater area.

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APR 27 2000

45-0774

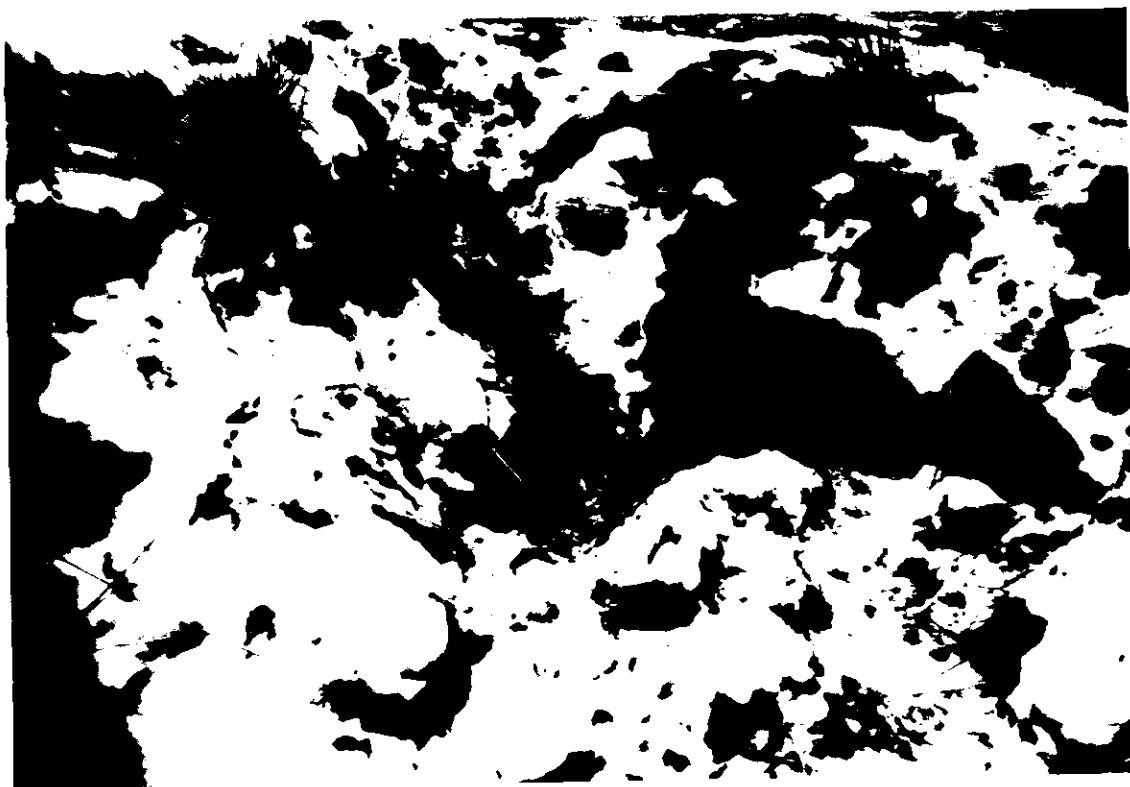


Collection / Drain Area

App For Permit, Kyle Adams
12-11-98
JE Stanton



Pipeline Across Oakley West Canal (Looking South)



Pipeline Under County Road

App For Permit, Kyle Adams
12-11-98
JE Stanton



Pipeline + Ditch (Looking West)



Side View (Looking South)

App. for Permit, Kyle Adams
12-11-98
JE Stanton



End of Ditch Into Old Runoff Channel

App. for Permit, Kyle Adams
12-11-98
JE Stanton



Ditch East of Pipeline Discharge (Looking West)



Runoff Channel Below End of Ditch (Looking North)

App For Permit, Kyle Adams

12-11-98

JE Stanton

12-11-98