

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 29-08073

Priority: August 12, 1991

Maximum Diversion Rate:

0.18 CFS

Maximum Diversion Volume:

36.0 AF

This is to certify, that HARVEY PICKENS
9806 W GIBSON JACK RD
POCATELLO ID 83204

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 12, 1991; and has submitted Proof of Beneficial Use on September 1, 1993. An examination indicates that the works have a diversion capacity of 0.180 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>
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IRRIGATION	04/01 to 10/31	0.18 CFS	36.0 AF
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LOCATION OF POINT(S) OF DIVERSION: Lot 2(SWNW), Sec. 19, Township 07S, Range 35E
BANNOCK 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>
07S	35E	19	Lot 2(SWNW)	9		9

Total number of acres irrigated: 9

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

State of Idaho
Department of Water Resources

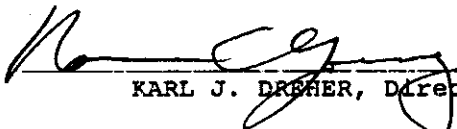
WATER RIGHT LICENSE

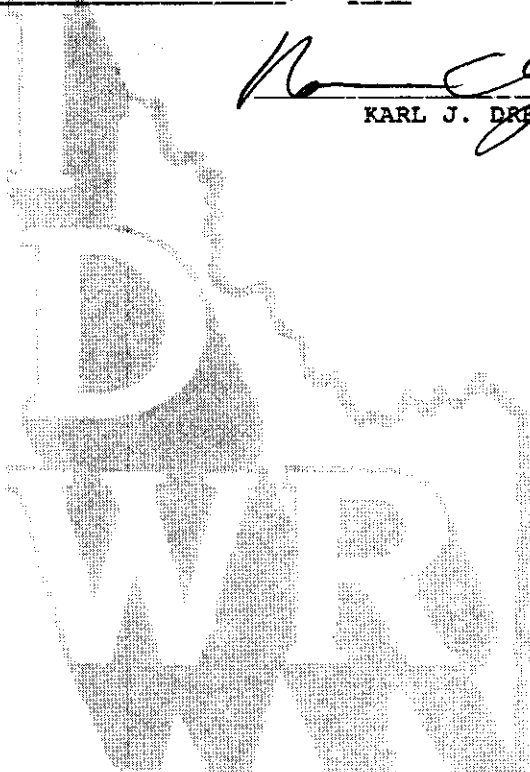
WATER RIGHT NO. 29-08073

CONDITIONS OF APPROVAL AND REMARKS

7. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.

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 21st day of MARCH, 1997.


KARL J. DREHER, Director



UNRECORDED

MAR 25 1997

State of Idaho
Department of Water Resources

RECEIVED

MAR 10 1997

Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 29-08073

Date of Priority: August 12, 1991

Maximum Diversion Rate: 0.18 CFS

Maximum Diversion Volume: 36.0 AF

Comes now HARVEY PICKENS
9806 W GIBSON JACK RD
POCATELLO ID 83204

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 29-08073, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.18 CFS	36.0 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 2(SWNW), Sec. 19, Township 07S, Range 35E
BANNOCK 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>
07S	35E	19	Lot 2(SWNW)	9		9

Total number of acres irrigated: 9

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

Signed at Pocatello, Idaho, this 6 day of March, 1997.

(Signature)

MICROFILMED

MAR 25 1997

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 29-08073

FOR DEPARTMENT USE ONLY

Preliminary check by sub Fee = 50⁰⁰ Received by DOE # C038260 Date 3/10/97

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 29-08073 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.

Witness my hand this 21st day of MARCH, 1997.


KARL J. DREHER, Director

RECORDED

MAR 25 1997

RECEIVED
SEP 01 1993
Department of Water Resources

OFFICE USE ONLY
Amt. of Fee \$ 50.00
Date 9-1-93
Receipt No. C028486
Receipt by CA

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 29-08073 Telephone No. (208) 232-1403
2. Name(s) of Permit Holder(s): Harvey Pickens
3. Mailing Address: 9806 W. Gibson Jack Road Pocatello, Idaho 83204
4. Source of Water: Well

If **GROUNDWATER**, Well Driller's Name: Dubbe Drilling & Pump Date Drilled: 11-22-91

OPTIONAL:

Pump horsepower: 7.5 hp Pressure (psi): 70 Dynamic pumping level (ft.): 275'

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

Domestic _____ (No. of households) Stockwater Horses & H. NA (No. and type of stock)
Irrigation 10 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 0.20 cfs OR _____ acre/feet

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

Measuring device: Required? ____ Yes ✓ No Installed? ____ Yes ____ No

OR
Flow Measurement Port: Required? ____ Yes ✓ No Installed? ____ Yes ____ No

8. Fee Enclosed: \$ 50.00 (See License Fee Schedule on back of Instruction Sheet)

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

Harvey Pickens (208) 232-1403
Name Telephone No.
9806 W. Gibson Jack Road Pocatello, Idaho 83204
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.

RECEIVED

8-30-93
Date

[Signature]
Signature (and title, if on behalf of a company or organization)

OCT 18 1993

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 29-08073

Proposed Priority: August 12, 1991 Maximum Diversion Rate: 0.20 CFS
This is to certify, that **HARVEY PICKENS**

9806 W GIBSON JACK RD
POCATELLO ID 83204

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	0.20 CFS

LOCATION OF POINT(S) OF DIVERSION: SWNW Sec. 19, Township 07S, Range 34E
BANNOCK 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>
07S	34E	19	SWNW	10		10

Total number of acres irrigated: 10

CONDITIONS/REMARKS:

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

RECEIVED

NOV 15 1991

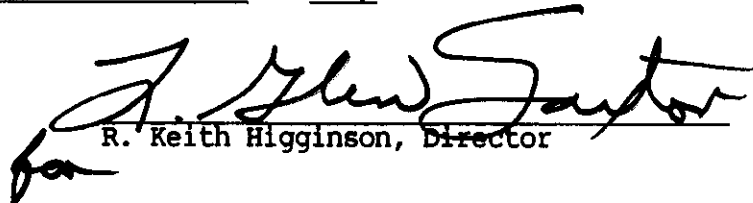
State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 29-08073

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

3rd day of October, 1991.


R. Keith Higginson, Director

NOV 15 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 Harvey Pickens Phone (208) 232-1403
Post office address 9806 W. Gibson Jack Rd. Pocatello, ID. 83204

2. Source of water supply Ground water which is a tributary of N/A

3. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of _____ $\frac{1}{4}$, Govt. Lot _____
Sec. 19 Township 7 South Range 34 East B.M. Bannock County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.20 for Irrigation purposes from Mar. 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated is (a) 0.20 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 3 H.P. Submersible pump used
with a small wheel line.

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

c. Proposed well diameter is 8" inches; proposed depth of well is APPROX. 240' 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
1½ years (minimum 1 year).

NOV 15 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. _____
- 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	
7S	34 E	19							10										10 acres

Total number of acres to be irrigated 10

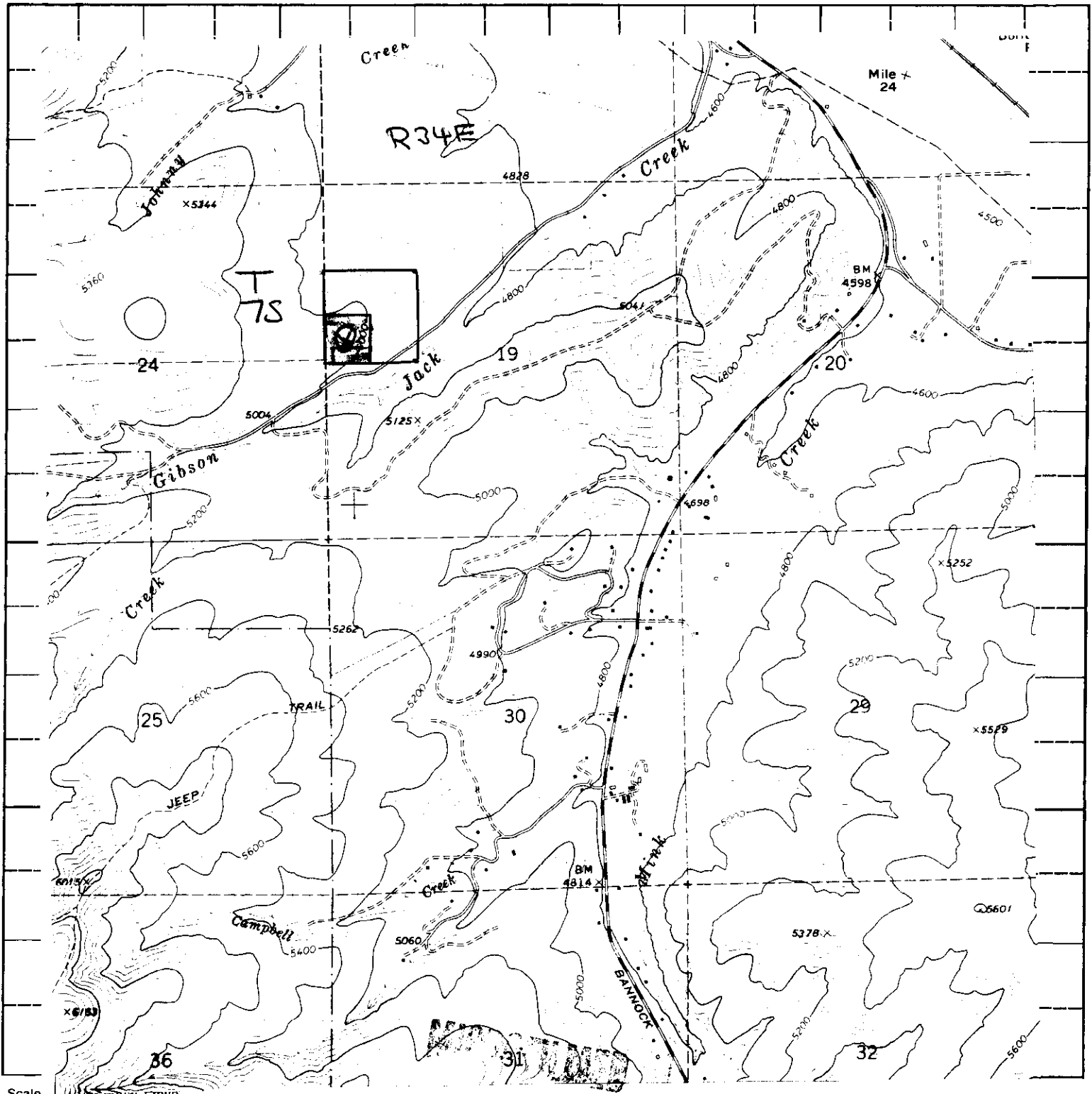
10. Describe any other water rights used for the same purposes as described above. None

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

12. Remarks: Dubbe Drilling & Pump Co.

NOV 15 1991

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



NOV 15 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.

[Signature]
(Applicant)

Received by OW Date 8-12-91 Time 1:00p Preliminary check by _____
Fee \$ 30.00 Receipted by HWS # E016428 Date 8-12-91
Publication prepared by RB Date 9-5-91 Published in ID State Journal
Publication approved OW Date 9-19-91

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

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

RECEIVED

NOV 15 1991

PROOF OF PUBLICATION

RECEIVED

SEP 16 1991

STATE OF IDAHO
County of Bannock

ss.

Department of Water Resources
Eastern District Office

LORI A SEKOT

NOTICE OF APPLICATION

29-08073
PICKENS, HARVEY
9806 W. GIBSON JACK RD.
POCATELLO, ID 83204
Source: GROUNDWATER
Diversion Pt: SWNW Sec 19 T 07S R
34E
Use: IRRIGATION (.200 CFS)
Total Diversion (.200 CFS)
Date Filed: 8/12/1991
In: T07S R34E S19 SWNW
10.0 ACRES TOTAL
The permit(s) will be subject to all prior
water rights. Protests may be submitted
based on the criteria of Sec. 42-203A,
Idaho Code and/or the new public inter-
est criteria of Sec. 42-203C, Idaho
Code. Protests must be filed with the
Director, Dept. of Water Resources, 150
Shoup Ave., Suite 15, Idaho Falls,
Idaho 83402 on or before SEPTEMBER
23, 1991.
R. Keith Higginson, Director
September 5, 12, 1991
Ln938

being first duly sworn on oath deposes and says: That she
was at all times herein mentioned a citizen of the United States of Ameri-
ca, more than 21 years of age, and the Principal Clerk of THE IDAHO
STATE JOURNAL, a daily newspaper, printed and published at Pocatello,
Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was
published in the said IDAHO STATE JOURNAL, on the following dates,
to-wit:

September 5	19 91	19
September 12	19 91	19
	19	19
	19	19
	19	19

That said paper has been continuously and uninterruptedly published
in said County for a period of seventy-eight weeks prior to the publication
of said notice or advertisement and is a newspaper within the meaning
of the laws of Idaho.

Lori A. Sekot

STATE OF IDAHO

COUNTY OF

Bannock

On this 12th day of September in the year of 1991, before me,
a Notary Public, personally appeared LORI A SEKOT,
known or identified to me to be the person whose name subscribed to the within instrument,
and being by me first duly sworn, declared that the statements therein are true, and
acknowledged to me that he executed the same.

Jeri L. Larson
Notary Public for Idaho

Residing at Pocatello

My commission expires July, 1997

NOV 15 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

March 24, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

HARVEY PICKENS
9806 W GIBSON JACK RD
POCATELLO ID 83204

RE: WATER RIGHT NO. 29-08073

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

Within 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 Department.

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 Department. The Department retains the right to review the preliminary order on its own motion.

RECORDED
MAR 26 1997

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

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

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

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

RECORDED
MAR 25 1967

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.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

Sincerely,

A handwritten signature in cursive script, reading "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

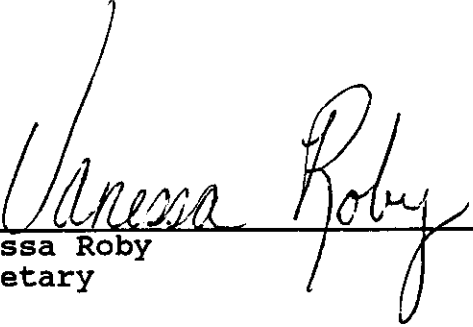
ENCLOSURE
3
MAY 25 1957

CERTIFICATE OF MAILING

I hereby certify that on the 24th day of March, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 29-08073

HARVEY PICKENS
9806 W GIBSON JACK RD
POCATELLO ID 83204



Vanessa Roby
Secretary



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

February 26, 1997

HARVEY PICKENS
9806 W GIBSON JACK RD
POCATELLO ID 83204

RE: WATER RIGHT NO. 29-08073

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to depict your water right as it has actually been developed.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the point(s) of diversion and the place(s) of use description. Please review carefully and if you concur, sign the amendment and return it with the \$50.00 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of Conditions of Approval and Remarks proposed for the license when it is issued. These conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

RECORDED
MAR 25 1997

LICENSE REVIEW CHECKLIST

PERMIT NO. 29-08073

DATE 2/12/97

REVIEWER: SHARLA

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

Does map agree with written description? ✓ yes — no

OVERLAPS — P/D — P/U

RATE OF DIV

Permitted Rate	<u>.20</u> cfs
Fee limit	<u>.20</u> cfs <u>\$5000</u>
Measured	<u>—</u> cfs
Theoretical	<u>.21</u> cfs <u>.11 w/ info on blu</u>
Recommended Total Div Rate	<u>.18</u> cfs

ANNUAL VOLUME/
NATURE OF USES —

✓ Use

lv .18

Volume Calculation

9 X 4 = 36.0 af

af

af

af

SUBTOTAL 36.0 af

Flow rate .18 cfs X 214 days X 1.9835 = 76.3 af

Total volume recommended 36.0 af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

CONDITIONS — Watermaster Control WD# —

R31 GW Measurement/Measuring Device

R31 Overlap

— Use-specific conditions

Advancement of Priority Date Required — yes ✓ no

SRBA Claim Filed N/A

Adjustment Memo —

1st Amend Letter P37 P38

2nd Amend Letter P47

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
DEC 02 1996

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 29-8073

1. Owner: Harvey Pickens Phone No. (208) 232-1403

Current Address: 9806 W Gibson Jack Rd, Postello, ID 83204

2. Accompanied by: Harvey Pickens EXAM DATE: 8-10-95

Address: Same Phone No. (208) 232-1403

Relationship to Permit Holder: Same

3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE

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
Well	2	SW	SW	NW	19	7S	35E	Bannock	USGS/on site

2. Place(s) of Use:

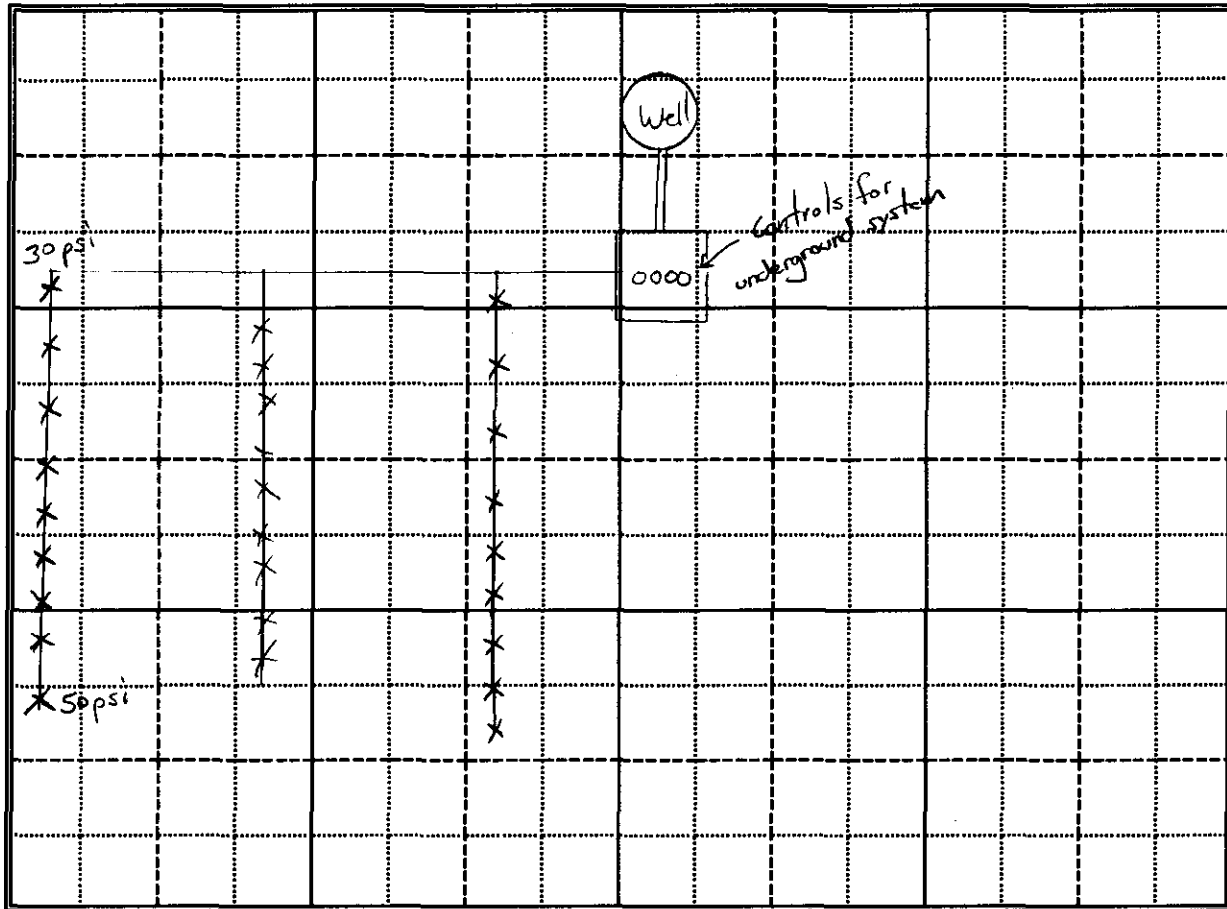
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
7S	35E	19							9.0										9.0
									LTZ										

MICROFILMED

MAR 25 1997

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



Scale: 1" = _____

____ 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
Submersible	Franklin Elec	7 1/2	2802019210	Grundfos	

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
PSI Gauge		Rain Bird			0-160	

2. Measurements: 30 psi 1st bird 50 psi 2nd bird 24 birds lower pasture
 Static water level 75 ft Well 300 ft deep.

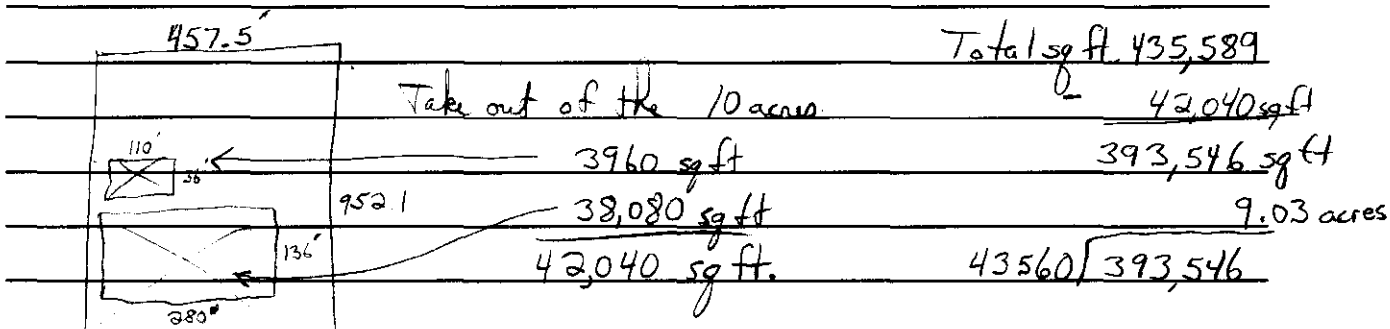
RECORDED

MAR 25 1937

E. NARRATIVE/REMARKS/COMMENTS

* Note wrong Range. should be R35E.
The legal description is wrong. It is in T 7S R35E Sec 19

The permit lists it as being in Range 34E.



* The house and yard area are on their own well

The flow measurement couldn't be conducted easily because of a barn that was being built at the time. A side line was turned on and showed a pressure reading of 30 psi at the first bird and 50 psi at the last bird on the line. The well is at the top of a steep grade. The heads are Hunter brand rated at 5 GPM.

Mr. Pickens has 4 settings he runs. 1 with 9 heads on, 2 with 18 heads & 1 with 24 at the bottom end. Only the setting with 9 along the edge away from the workers could be turned on without wetting down the construction project. The theoretical calculation will exceed the permit so I will use it. I believe the lower setting with 24 birds would easily exceed the permit as well.

See legal description & Subdivision Plat Maps provided by Mr. Pickens

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

MICROFILMED
 MAR 25 1997

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

 H_p 7.5 Eff 70% L.H 150
Pst 30

$$\frac{7.5 h_p \times 8.814 \times 70\%}{150 + (30 \times 2.308)} = .2111 \text{ CFS}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 9 \times 4 = 36$$
$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.18(214)1.9835 = 76.4$$
$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 36$$

2. Volume Calculations for Other Uses:

NONE

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRR	4/01	10/31	0.18	36
Totals:			0.18	36

2. Recommended Amendments

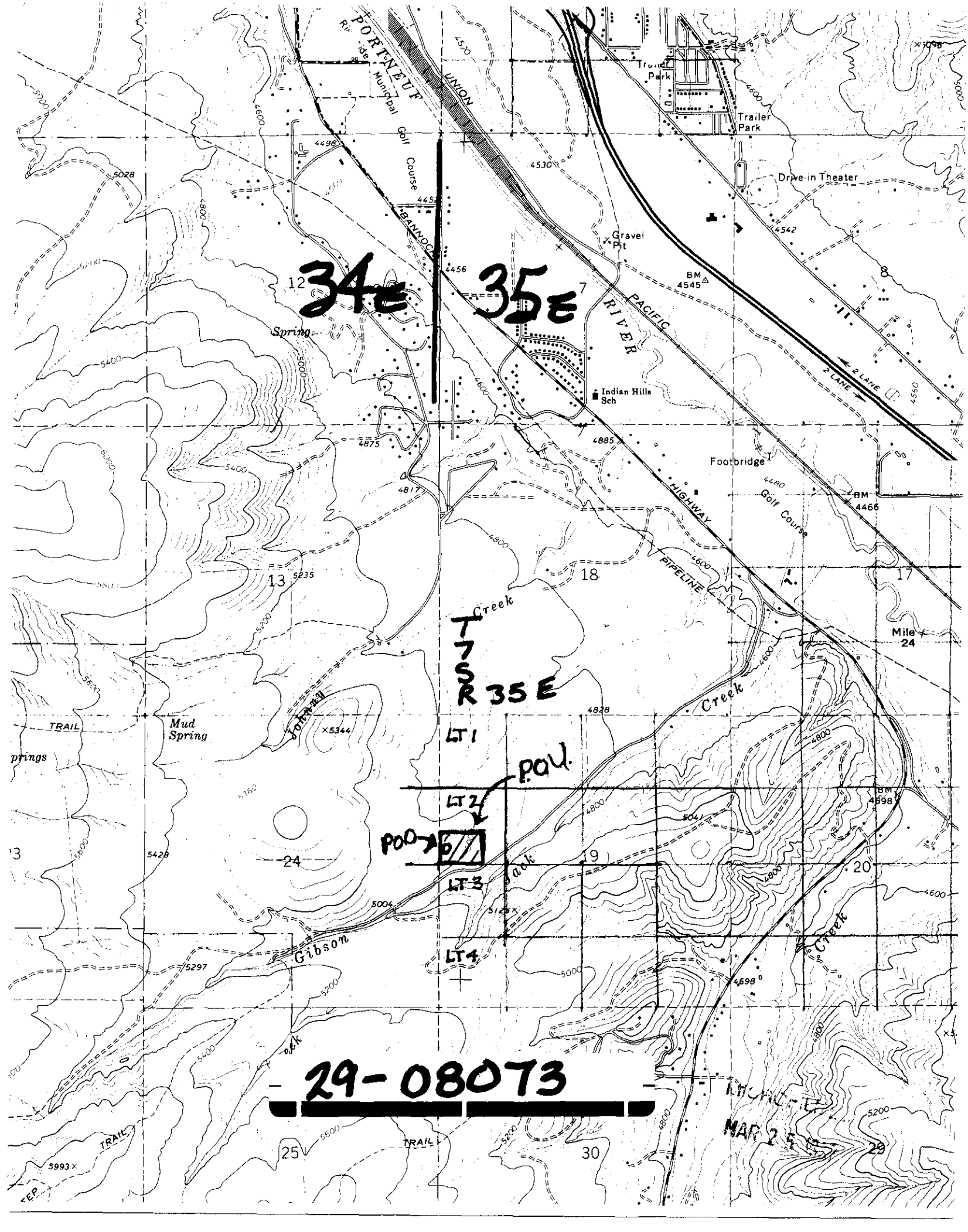
☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATIONField Examiner's Name Steve Mueller Date 8-10-95Reviewer DAVE CARLSON Date 11/27/96

SEAL

MICROFILMED

MAR 25 1997



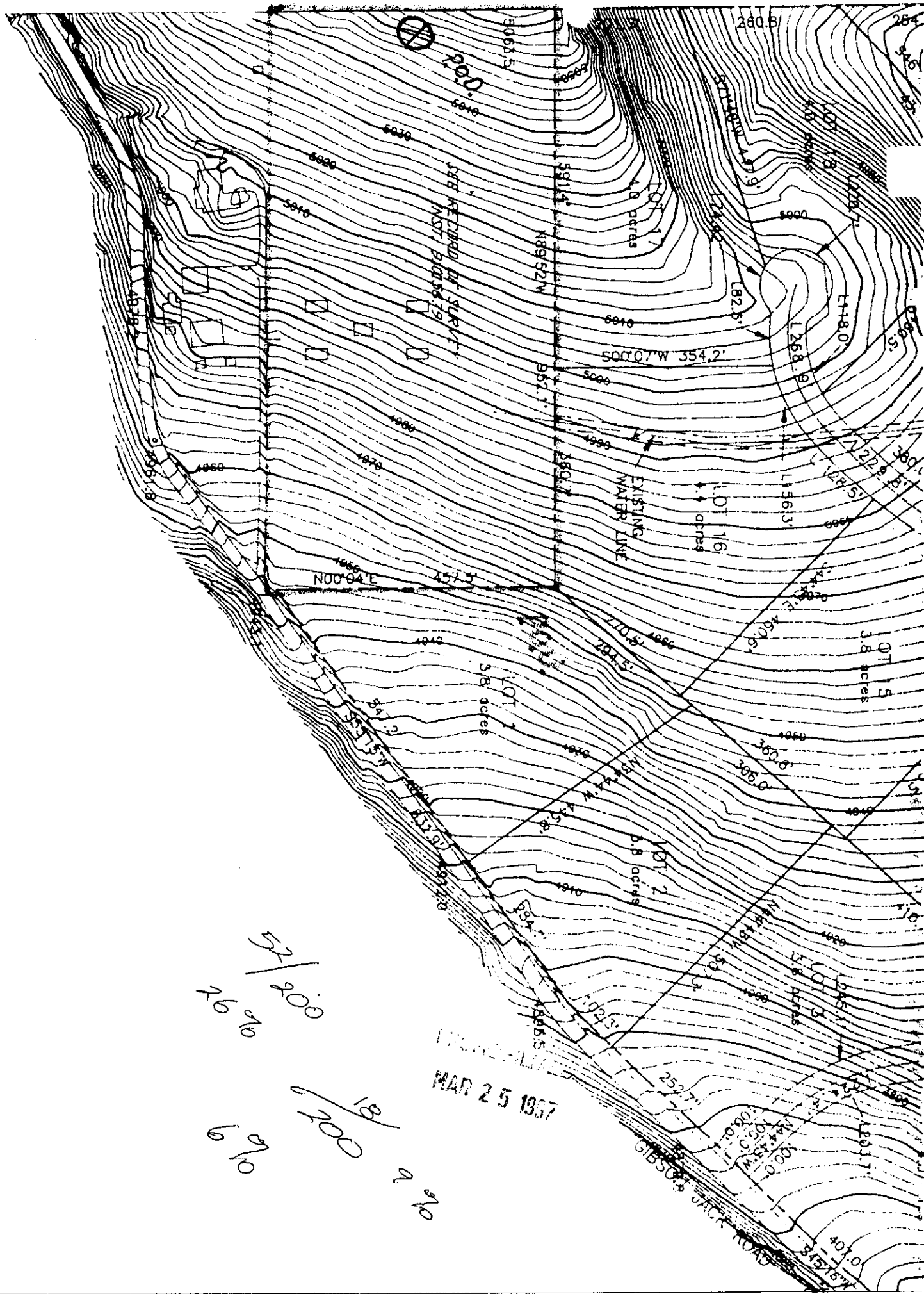
34E 35E

T
S
R 35 E

POO 26

29-08073

MAR 2 1955



52 / 200
26 %

18 / 200
6 %
9 %
0 %

MAR 25 1957

91008933

FOR VALUE RECEIVED

Bob G. Tripp and Larae Tripp, husband
and wife.

The Grantors, do hereby grant, bargain, sell and convey unto Harvey L. Pickens and
Brenda L. Pickens, husband
and wife.

The Grantees, whose address is 9806 W. Gibson Jack Road
Pocatello, Idaho 83204

the following described premises, to-wit:

A tract of land in the southwest quarter of the northwest
quarter of Section 19, Township 7 South, Range ~~34~~³⁵ East,
Boise Meridian, Described as follows:

BEGINNING at the West quarter corner of Section 19, Township
7 South, Range ~~34~~³⁵ East, Boise Meridian, said corner marked
by an iron pin with an aluminum cap stamped LS 968, as
depicted on the Record of Survey Map recorded in the records
of Bannock County as instrument 658184; thence
Northeasterly and easterly along the west and north
boundaries of the land depicted on the Record of Survey Map
recorded in Bannock County as instrument 657503, for the
following two (2) courses:

1, North 60°17'36" East for a distance of 109.21 feet;
thence

2, North 89°54'16" East for a distance of 857.10 feet
to the northeast corner of the said land; thence
North 00°09'18" West for a distance of 457.52 feet; thence
South 89°54'16" West for a distance of 952.10 feet to an
intersection with the west line of said Section 19; thence
South 00°09'18" East along the west line of Section 19 for
a distance of 511.48 feet to the point of beginning.

Comprising 10.06 acres, more or less.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee S,
and their heirs and assigns forever. And the said Grantors do hereby covenant to
and with the said Grantee S, that they are the owners in fee simple of said premises; that said
premises are free from all encumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: July 1, 1991

Bob G. Tripp

Larae Tripp

STATE OF IDAHO, COUNTY OF

On this 1st day of July, 1991,
before me, a notary public in and for said State, personally appeared
before me Bob G. Tripp and Larae
Tripp, husband and wife.

known to me to be the person S whose name S
subscribed to the within instrument, and acknowledged to me
that they executed the same.

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the
request

at
this
19
of Dec

By

91008933

NO. RECORDED AT REQUEST OF

Harvey L. Pickens

91 JUL 9 P4:19

OFFICIAL RECORD BOOK NO. 545

WAPP

R35E

7W

LT2 R35E

POD →

POU

HEL
9.9

HEL

29-08073

THEORETICAL PUMP FLOW CALCULATIONS

Formula:

$$Q_{cfs} = [(Hp)(8.814)(Eff)] \div [Lift + (psi \times 2.308)]$$

$$Hp = \text{Horsepower} = \underline{7.5}$$

$$Eff = \text{Efficiency} = \underline{70\%} \quad (\text{Usually } 70\%)$$

Lift: (Static Level + Assumed Drawdown)

$$\text{Static Water Level} = \underline{75} \text{ ft. well log}$$

$$\text{Assumed Drawdown} = + \underline{75} \text{ ft.}$$

$$\text{Lift} = \underline{150}$$

OR

$$\text{Measured Dynamic Water Level} = \underline{\hspace{2cm}} \text{ ft.}$$

$$psi = \text{Operating Pressure} = \underline{30} \text{ psi}$$

$$Q_{cfs} = \left[\frac{7.5}{Hp} \times 8.814 \times \frac{70}{Eff} \right] \div \left[\frac{150}{Lift} + \left(\frac{30}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = \left[\underline{46.27} \right] \div \left[\underline{219.24} \right]$$

$$Q_{cfs} = \underline{.2111} \text{ cfs}$$

APPROVED PERMIT NO. _____

MAR 25 1997

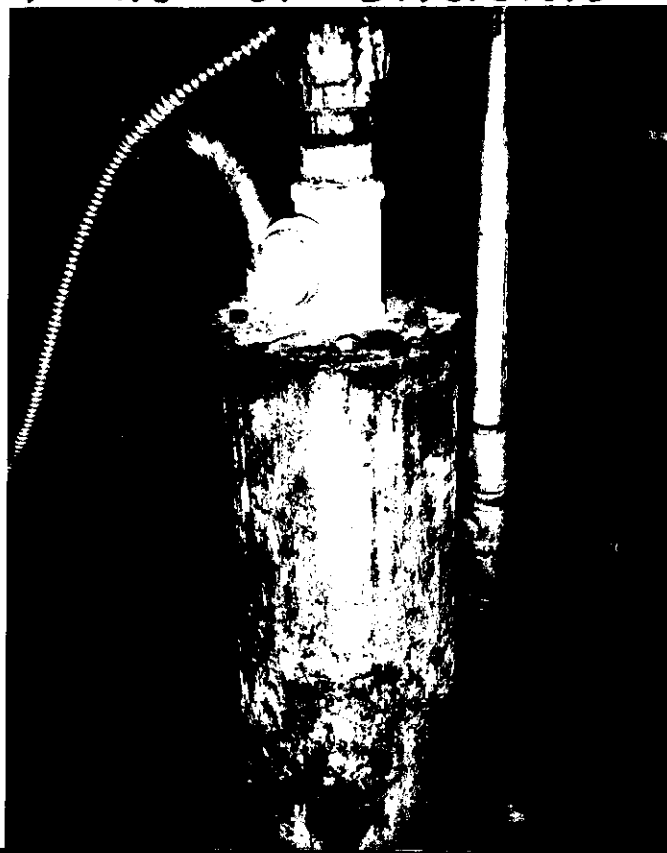
WELL DRILLER'S REPORT

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

[illegible]

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

Point of diversion



System controls

29-8073

September 3, 1993

HARVEY PICKENS
9806 W GIBSON JACK RD
POCATELLO ID 83204

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 29-08073

Dear Permit Holder:

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

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

RECEIVED
OCT 18 1993

Permit No. 29-08073 Reviewed by Klg Date 9/2/93

yes Name same as permit? negative -10
yes Address same as permit?
yes Proof timely received? Correct Uses? yes
 If not, complete calculation below.

yes Drilling permit required?
data c Copy in the file? Drilling Permit No. 29-91-E-0060-000
200 Amount paid for permit yes Correct?
data c Well log in the file?

WA Required?
 / Installed?
 / Waiver requested?

Date proof received NA

Date proof due / -

No. of days late / =

Priority Date / +

New Priority Date /

proof acceptable

Proof Made 9/1/93 ^{9/3/93} Klg

PERMIT NUMBER	OWNER CODE	NAME & ADDRESS	TWP	RGE	SEC	TRACT	LOT	COUNTY
29-91-E-0060-000	O	HARVEY PICKENS 9806 W GIBSON JACK RD POCATELLO, ID 83204 (208) 232-1403	07S	35E	19	SW NW		BANNOCK

Subdivision Location and Description:

Subdivision Name:

Well Site Address: 9806 W GIBSON JACK RD

City, State: POCATELLO, ID

Lot(s):

Block(s):

Geographic Location:

Accuracy Code:

Lat: : : N

Long: : : W

Proposed Use of Well: Irrigation

Proposed Casing Diameter: 8 In.

Proposed Depth: 250 Ft.

Well Use Comments:

Driller License No: 0148

Firm Name: DUBBE DRILLING & PUMP CO

Official: WILLIAM H DUBBE

Permit Status: Permit

Verbal Issue Date:

Date Received: 10/22/1991

Date Approved: 10/23/1991

Proposed Start Date: 10/24/1991

Extension Date:

Extension Expiration:

Receipt No.

E016655

Receipt Date

10/23/1991

Fee

\$ 200.00

Specific Conditions:

Permit Remarks:

WELL DRILLER'S LOG REPORT

Drilling Permit No: 29-91-E-0060-000

Water Right No: 29-08073

Injection Permit No:

Nature of Work: NEW WELL

Construction Method: ROTARY & AIR

Number of Monitor Wells:

Casing Diameter: 8 In.

Depth of Casing: 275 Ft.

Total Depth: 295 Ft.

Screen Installed?

Static Water Level: 75 Ft.

Temperature: F.

Production Rate: 50.00 GPM

Actual Start Date: 10/18/1991

Well Finish Date: 11/22/1991

Log Received Date: 04/30/1992

Certification Date:

Field Inspection Date:

Inspector:

Well Log Remarks:

OCT 18 1993

July 31, 1993

HARVEY PICKENS
9806 W GIBSON JACK RD
POCATELLO ID 83204

PROOF DUE NOTICE

RE: PERMIT NO. 29-08073

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before October 1, 1993.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

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

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

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

CERTIFIED MAIL

MICROFILM

NO 140424

OCT 18 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

October 9, 1991

HARVEY PICKENS
9806 W GIBSON JACK RD
POCATELLO ID 83204

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 29-08073

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.

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

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

NOV 15 1991

diverted will reduce the potential for the watermaster to regulate your water use.

Sincerely,

PAMELA SKAGGS
Technical Records Specialist

PS:blm

Enclosure

NOV 15 1991

APPLICATION FOR PERMIT REVIEW

Application #: 29-8073
Date: 10-02-91

Reviewer: Pam Skaggs *PS*

- ✓ Existing:
 - ✓ No - 26A-P17
 - Complete in 1 year - P16
 - Yes
 - Proof not submitted - P16
 - Proof submitted - N/A
- ✓ Groundwater:
 - GT. 0.2 cfs - 01G-P03, 01C-P03 (existing well)
 - LT. 0.2 cfs - N/A
- ✓ Drilling Permit:
 - Approved w/permit - P99
 - Not included - 046-P23 (All GW, even existing wells)
- ✓ Location:
 - ✓ Water Districts - WD No. 298
 - Surface water - 005, 005-01H-P01 (LT.2 w/pump)
005-01J-P08 (GT.2)
 - ✓ Groundwater - P05
 - Irrigation Districts - 023
 - Canal Co. Areas - 023
 - Drainage Districts - 024
 - Boise Front (63) - 058 (Groundwater)
 - ✓ Swan Falls Flag - / (1, Blank or Other)
 - Trust - 051-052-053-P74 (Consumptive Uses)
 - Non Trust - 048-049
- River Basins:
 - (Surface Water) Water District Control Condition &....
 - Boise (63) - 05A & 11E
 - Payette (65) - 047-P04, 059-P71
 - Snake (01, 02 & 03) - 11A-P04(01), 061-P07(02/03 No W.D.Cond.)
- Use:
 - Fish Propagation - 06A, 09E-P10 & 010 (WQ/Choose One),
042(req.), 002-P06(MD), 07A(Spec.),
044(Policy 5G)
 - Power - Use Power Review
 - Mining - 06A or 010, 09E-P10 & 054(req.)
 - Storage - 18A-for multiple measuring devices(In WD),
18B-P09(Size)
 - Rec. & Aesthetic - 027(Non-Consumptive)
 - Domestic - 021(restricted areas)
- Ownership:
 - Non land owner - 004
- Protested:
 - Agreement - 020
- ✓ Beneficial Use Due Date: - 10-01-1993
- Other Conditions Recommended

NOV 15 1991



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

29-Aug-1991

HARVEY PICKENS
9806 W GIBSON JACK RD
POCATELLO ID 83204

RE: Application No. 29-08073

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in Idaho State Journal on September 5 & 12, 1991. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

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

Sincerely,

Harold W. Jones
HAROLD W. JONES *rb*
Water Rights Supervisor

HWJ/rb



NOV 15 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

AUGUST 28, 1991

IDAHO STATE JOURNAL
P.O. BOX 431
POCATELLO, ID 83204

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 SEPTEMBER 23, 1991.

Yours truly,

Rita Bodell
Secretary

Encl.

NOV 15 1991

29-08073

PICKENS, HARVEY
9806 W. GIBSON JACK RD.
POCATELLO, ID 83204

Source: GROUNDWATER

Diversion Pt: SWNW Sec 19 T 07S R 34E

Use: IRRIGATION (.200 CFS)

Total Diversion: (.200 CFS)

Date Filed: 8/12/ 1991

In: T07S R34E S19 SWNW

10.0 ACRES TOTAL

NOV 15 1991

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before SEPTEMBER 23, 1991.

R. Keith Higginson, Director

Published 9/ 5/1991 & 9/12/1991

SEP 15 1991

SEP 15 1991