

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Kenneth Hukill Phone 945-2601
Post office address Route 1, Box 26 Ovid Id 83260
2. Source of water supply Spring which is a tributary of Sinks
3. Location of point of diversion is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____
Sec. 25 Township 12S Range 42E B.M. Bear Lake County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .03 for Stockwater purposes from January to 31 Dec (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) .03 cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Sump in the spring & stock tank.
 - 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 _____ inches; proposed depth of well is _____ 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).

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. 75 cattle

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. _____

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	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
<u>12S</u>	<u>42E</u>	<u>25</u>					<u>S</u>												

Total number of acres to be irrigated _____

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

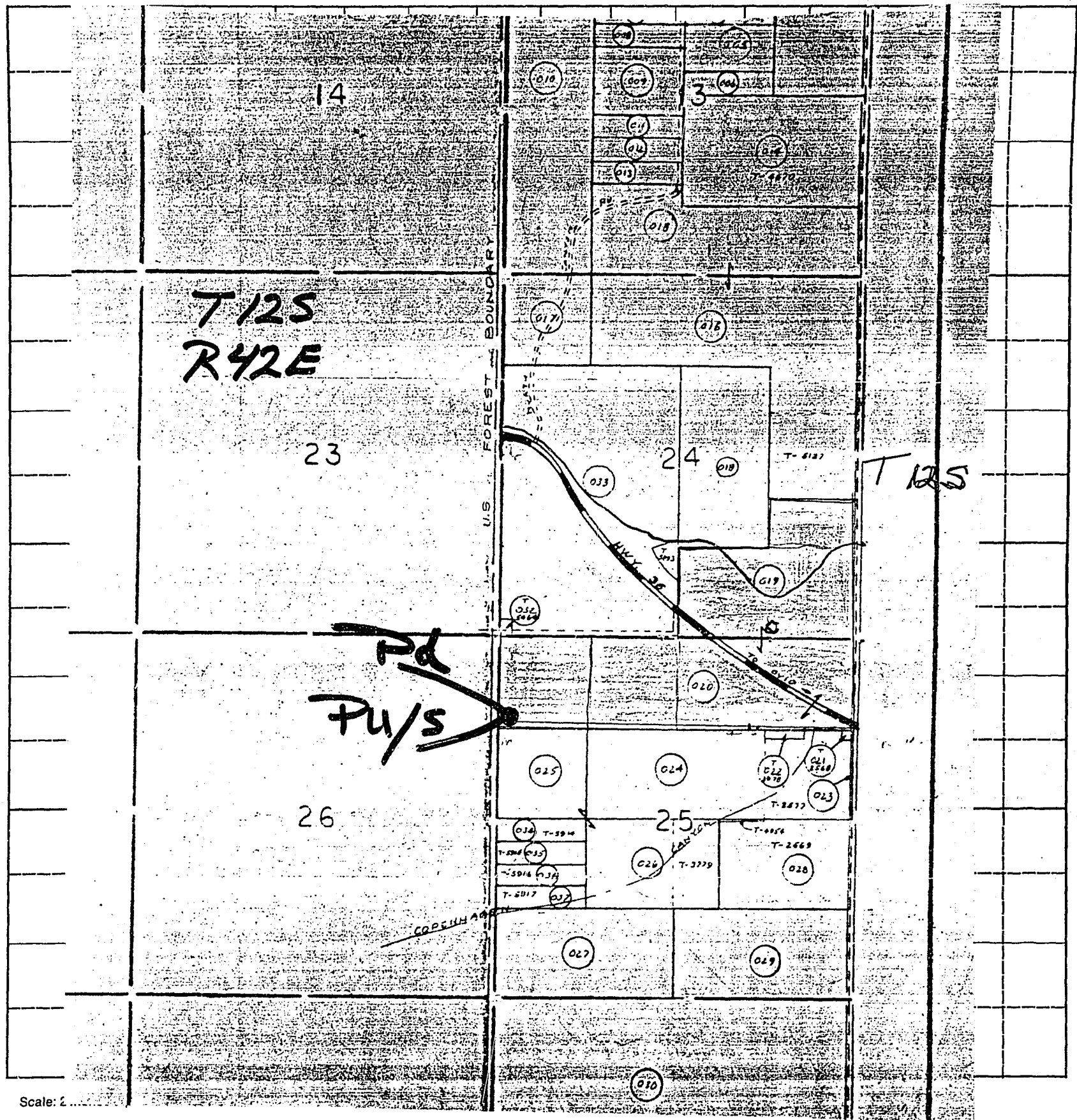
11. a. Who owns the property at the point of diversion? Applicant

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: _____

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



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

Kenneth Hukill
(Applicant)

Received by DMD Date 14 Mar 90 Time 11:23 Preliminary check by _____
Fee \$ 30⁰⁰ Receipted by DMD # E012344 Date 14 March 90
Publication prepared by RB Date 5-17-24-90 Published in News-Examiner
Publication approved OW Date 6-14-90

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:

No 3954

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Bear Lake ss.

Rosa Moosman
being duly sworn,

deposes and says:

That he is the Editor of THE NEWS-EXAMINER, a weekly newspaper published at Montpelier, in the County of Bear Lake and State of Idaho; and said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Montpelier; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

May 17, 1990 and ending
with the issue of May 24, 1990

Rosa L. Moosman
Fees, \$11.00

Subscribed and sworn to before me this 30 day
of May, 1990

Robert C. Smith

Notary Public, Residing at Montpelier, Idaho

My Commission Expires May 21, 1996

RECEIVED

MAY 31 1990

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION
FOR WATER RIGHT

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

11-07380
HUKILL, KENNETH
RT. 1, BOX 26
OVID, ID 83260
Source: SPRING
Tributary: SINKS
Diversion Pt: SWNNW Sec 25 T 12S R 42E

Use: STOCKWATER (.030 CFS)
Total Diversion: (.030 CFS)
Date Filed: 3/14/1990
In: T12S R42E S25 NWNW
11-07381

HUKILL, KENNETH
RT. 1, BOX 26
OVID, ID 83260
Source: SPRING
Tributary: SINKS
Diversion Pt: SWSESE Sec 24 T 12S R 42E

Use: STOCKWATER (.030 CFS)
DOMESTIC (.040 CFS)
Total Diversion: (.040 CFS)
Date Filed: 3/14/1990
In: T12S R42E S24 SESE S 25 NENE

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402 on or before June 4, 1990.

R. KEITH HIGGINSON,
Director

Legal No. 3954 - Publish May 17, 24, 1990

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 11-07380

Proposed Priority: March 14, 1990 Maximum Diversion Rate: 0.03 CFS
This is to certify, that KENNETH HUKILL
RT. 1 BOX 26
OVID, ID 83260
has applied for a permit to appropriate water from:

SPRING 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	0.03 CFS

LOCATION OF POINT(S) OF DIVERSION: SWNNWN Sec. 25, Township 12S, Range 42E
BEAR LAKE County

PLACE OF USE: STOCKWATER

TWN RGE SEC

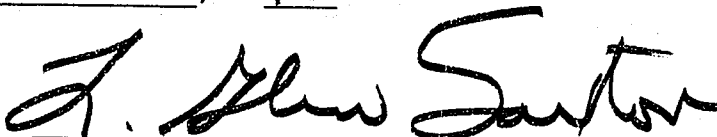
12S 42E 25 NWNW

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 1992.
2. Subject to all prior water rights.
3. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
4. Stockwater use is for 75 cattle.

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

13th day of September, 1990.

for 
R. Keith Higginson, Director

The permit(s) will be subject to all prior water rights. Protests must be filed with the Director, Dept. of Water Resources, Eastern Region, 150 Shoup Avenue, Suite 15, Idaho Falls, Idaho 83402 on or before JUNE 4, 1990.

R. KEITH HIGGINSON, Director

Published 5/17/1990 & 5/24/1990

11-07380

HUKILL, KENNETH
RT. 1, BOX 26
OVID, ID 83260

Source: SPRING

Tributary: SINKS

Diversion Pt: SWNWNW Sec 25 T 12S R 42E

Use: STOCKWATER (.030 CFS)
Total Diversion: (.030 CFS)

Date Filed: 3/14/ 1990

In: T12S R42E S25 NWNW

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

Idaho Falls, Idaho 83402
(208) 525-7161

MAY 9, 1990

THE NEWS-EXAMINER
P.O. BOX 278
MONTPELIER, ID 83254

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 JUNE 4, 1990.

Yours truly,

Rita Bodell
Secretary

Encl.

10-May-1990

Kenneth Hukill

Ovid, ID 83260

RE: Application for Permit No. 11-7380 & 11-7381

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 the News-Examiner on MAY 17 & 24, 1990. 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
Water Rights Supervisor

HWJ/rb

RECEIVED

MAY 1990

Department of Water Resources
Eastern District Office

179 Ovid Road
Ovid, Idaho 83260-0001
May 26, 1990

Director, Dept. of Water Resources
Eastern Region
150 Shoup Ave. Suite 15
Idaho Falls, Idaho 83402

Dear Mr. Higginson:

The Ovid Irrigation Company, which has a decree, dated May 15, 1864, wishes to file a protest to water applications filed by Huckill, Kenneth, with application numbers 11-07380 and 11-07381.

Sincerely,

Wayne D. Johnson

Wayne D. Johnson, Pres.
Ovid Irrigation Co.
179 Ovid Road
Ovid, Idaho 83260-0001

FWN:lln

June 15, 1990

RE: Application for Permit No. 11-07380 & 11-07381 HUKILL

Mr. Wayne D. Johnson, Pres.
Ovid Irrigation Company
179 Ovid Road
Ovid, ID 83260-0001

Dear Mr. Johnson:

Your protest against approval of the above referenced applications has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances requiring additional time, our objective is to schedule a conference and/or hearing to consider the protests within 60 days. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code): the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

June 15, 1990
Page 2

The protestant must be prepared to present proof of allegations involving one or more of the five items.

If this office can be of further assistance, please contact us.

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

Enclosure

cc: IDWR - State Office

June 15, 1990

Kenneth Hunkill
Rt. 1, Box 26
Ovid, ID 83260

Dear Mr. Hunkill:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to application No. 11-07380 and 11-07381. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances requiring additional time, our objective is to schedule a conference and/or hearing to consider the protests within 60 days. At a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

The applicant must be prepared to present evidence and/or testimony addressing each of the five items. Although representation by legal

June 15, 1990
Page 2

counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If this office can be of further assistance, please contact us.

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

Enclosure

cc: IDWR - State Office

Ovid Irrigation Company
394 Ovid Road
Ovid, ID 83260

RECEIVED

Ovid, Idaho
Aug. 10, 1990

AUG 13 1990

Department of Water Resources
Eastern District Office

State of Idaho
Dept. of Water Resources
Eastern District Offices
150 Shoup - Suite 15
Idaho Falls, Idaho 83402

Dear Sir:

I am writing in response to your letter of June 15th, concerning a protest by the Ovid Irrigation Co. on two springs filed on by Ken Hukill in Bear Lake County. Ken Hukill's address is 7152 U.S. Highway 36, Ovid, Idaho 83260.

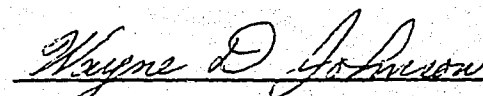
According to Ken Hukill, he applied for a use permit on two springs on his property for stock water and domestic use and for 1/2 acre of lawn and garden. You suggested in your letter we get together and try to resolve this problem, which we did.

We, the Ovid Irrigation Company agreed to withdraw the protest on Ken Hukill's permit with the following stipulations:

1. Ken's permit is limited to one household for stock water and domestic use of 1/2 acre of lawn and garden.
2. This cannot be added to any other use in the future by Ken Hukill or others who may own the property.

Please let us know your reaction to this. Thank you.

Sincerely,


Wayne D. Johnson, President

WDJ/dwj

August 20, 1990

RE: Application for Permit Nos. 11-07380 & 11-07381
KENNETH HUKILL

Mr. Wayne D. Johnson, President
Ovid Irrigation Company
379 Ovid Road
Ovid, ID 83260-0001

Dear Mr. Johnson:

This letter is to acknowledge receipt of the withdrawal of protest against the above referenced applications. The Department is now continuing processing of these applications.

If you have any questions, please feel free to contact this office.

Very truly yours,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

August 20, 1990

RE: Application for Permit Nos. 11-07380 & 11-07381

Mr. Kenneth Hukill
Rt. 1, Box 26
Ovid, ID 83260

Dear Mr. Hukill:

This letter is to advise you that the protest filed against approval of the above referenced applications has been withdrawn. The Department has resumed the processing of these application.

If you have any questions, please feel free to contact this office.

Very truly yours,

HAROLD W. JONES
Water Right Supervisor

HWJ: CW

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
September 13, 1990

KENNETH HUKILL
RT. 1 BOX 26
OVID, ID 83260

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 11-07380

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.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ: SC
Enclosures

July 31, 1992

KENNETH HUKILL
RT. 1 BOX 26
OVID ID 83260

PROOF DUE NOTICE

RE: PERMIT NO. 11-07380

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, 1992. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

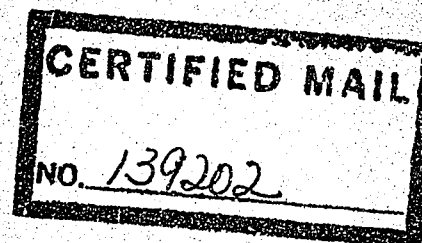
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental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

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

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures





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

September 17, 1992

Kenneth Hukill
7152 Hwy 36
Montpelier, ID 83254706

Re: Permit No.'s 11-07380 and 11-07381

Dear Permit Holder:

Returned are the proofs of beneficial use you submitted in connection with the above referenced permits. Unfortunately, they are unacceptable as filed.

The Department has determined, from pertinent sections of the Idaho Code, that the permit holder must meet two requirements in order to be exempt from the license exam fee. They are:

1. The water right must use a groundwater source.
2. The rate of diversion must be .04 cfs or less.

As you can see, you do not meet requirement #1 since you use a cold water spring (surface) for your source. Therefore, a license examination fee of \$50 applies to each of your permits. I have enclosed a copy of the Instructions for the Proof of Beneficial Use for your convenience.

In order to meet all of the required dates, you will need to return the proofs and fees on or before October 1, 1992.

If you have any questions or if I can be of any further assistance, please feel to contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Karen L. Gustafson'.

Karen L. Gustafson
Secretary/Records Manager

Enclosure

Form 217
11/91

RECEIVED

SEP 17 1992

Department of Water Resources

RECEIVED

SEP 25 1992

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

OFFICE USE ONLY

Amt. of Fee \$ 50.00

Date 9-25-92

Receipt No. 0025587

Receipt by [Signature]

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. 11-07381 Telephone No. 8473023
2. Name(s) of Permit Holder(s): Kenneth Hukill
3. Mailing Address: 7152 Highway 36 Montpelier, Idaho 83254
4. Source of Water: SPRING

If GROUNDWATER, Well Driller's Name: _____ Date Drilled: _____

OPTIONAL:

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

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

Domestic 1 (No. of households) Stockwater 75 Cattle (No. and type of stock)

Irrigation _____ (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 0.04 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.

Name Kenneth Hukill Telephone No. _____
Address 7152 Highway 36 Montpelier Idaho

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.

9-14-92
Date

Kenneth Hukill
Signature (and title, if on behalf of a company or organization)

October 2, 1992

KENNETH HUKILL
7152 HWY 36
MONTPELIER ID 83254

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 11-07380

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