

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

9/11/2020

Water Permit 47-8403

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RATHKE TRUST , ZZ

Status: Cancelled

<u>Source</u>	<u>Tributary</u>
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<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
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Source and Point(s) of Diversion

Place Of Use

Conditions of Approval:

Comments:

Dates and Other Information

Water District Number: TBD  
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A



OCT 27 1997

FROM: Allen Merritt 

DATE: October 24, 1997

TO: Application No. 47-08403  
In the Name of: Rathke Trust

SUBJECT: Review and Recommendation

I concur with Corey's 10/24/1997 memo. I recommend that the application be denied.

47-08403

## MEMORANDUM

**TO:** George C. Rathke Application for Permit (47-08403) File  
**FROM:** Corey Skinner *CS*  
**DATE:** October 24, 1997  
**SUBJECT:** Processing Recommendation

The enclosed Application for Permit, 47-08403, was filed by George C. Rathke - Rathke Trust in August of 1996. The application was advertised in October of 1996. The application proposes diverting surface water from a small stream along Magic Waters Road near the confluence of Salmon Falls Creek and the Snake River. The proposed use of the water is for miscellaneous domestic purposes (less than 13,000 gallons per day) for a home site located along Highway 30. The applicant proposed piping the water from the stream to his property.

Problems with the application arose because the applicant does not own the property where he proposes to divert the water or run his pipeline across (see Allen Merritt's 11/21/96 memo). The properties are owned by two different individuals. The application was advertised without protest, but the application was advertised with an incorrect legal description of the point of diversion.

The applicant was contacted several times (by letter and telephone) requesting that he obtain statements agreeing to the proposed application from the individuals who owned the property that he proposed diverting the water from and running his pipeline across. He provided a statement (copy in file) from one of the property owners allowing him to divert water, but the statement specified an amount of water far less than the amount applied for on the application. I contacted the landowner who signed the statement in order to verify that the amount on the statement was correct (not a typo) and he said that it was. The applicant never did provide a statement from the other property's owner.

I have attempted to contact the applicant several times in an attempt to get the issues resolved with this application, but the applicant has not responded to my requests and inquiries. On September 8th, 1997, I sent a letter to the applicant requesting a response and giving the applicant 30 days to respond before the application is processed with a recommendation for denial. As of this date, I have not heard from the applicant.

Page 2  
Rathke App. For Permit (47-08403) Memo  
10/24/97

In my dealings with the applicant regarding this particular application, it appears to me that the applicant is not exactly sure what he wants to do. He changed his mind on the proposed use(s) for the water before the application was advertised. In addition, he appears unsure exactly where to divert the water and run his pipeline. It appears to me that the Department would be justified in processing the application and denying it (perhaps by preliminary order, or by an order to show cause) based on the application not being filed in good faith because it appears to have been filed for speculative purposes. In addition, the water source may not be sufficient for the proposed uses.

FROM: Allen Merritt

DATE: November 21, 1996

TO: Application No. 47-08403  
In the Name of: RATHKE

SUBJECT: Review and Recommendation

This application proposes to develop a small spring for Domestic related uses. On final review of the application I found that there is an apparent mistake in describing the point of diversion. The application indicates there is only one P/D intended and the exact location is unclear. The application lists NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$  and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 30, Twp.8S, Rge.14E, B.M. as the site of the point of diversion. Inspection of the map and the field review confirms that the SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  was intended to be the SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ . The application further indicates it is unknown as to ownership of the proposed point of diversion. On this day I visited the Twin Falls County Assessors office and found that in the area of the spring the ownerships are as follows:

From the center of the S $\frac{1}{2}$  of Section 30:

- The USA owns land to the West (SW $\frac{1}{4}$ )
- Robert Ring owns land to the Northeast (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ )
- Larry Olsen owns land to the Southeast (NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ )

I do not see the need to re-advertise the application at this time; but the applicant needs a statement from Ring and Olsen about agreement for access to spring. If he fails to gain agreement then the application should be amended and re-advertised allowing Ring specifically to protest. If agreement is gained the application still needs to be change to correct typo.

Recommend that Jim work with Rathke.

## MEMORANDUM

TO: Rathke Application for Permit File

FROM: Corey Skinner *CS*

DATE: September 27, 1996

SUBJECT: Staff Review & Field Check

The enclosed application for permit, filed by George Rathke - Rathke Trust, seeks to divert surface water from an unnamed stream for domestic use(s) on property that Mr. Rathke owns. Mr. Rathke originally filed the application for irrigation and recreation use, but the next day, Mr. Rathke came in and changed his application. When Mr. Rathke came in to change his application, we discussed the water development plans for his property and based the changes on his proposed use(s).

Mr. Rathke plans on using the surface water for various uses in connection with a mobile home he is planning to install on his property along Highway 30. According to the Twin Falls County Assessor's office, Mr. Rathke's property is recorded as Parcel 2, Lot 14, Salmon River Ranches Subdivision. Mr. Rathke plans on using the water in a small swimming pool (8' x 16' x 4'), for a little bit of irrigation (less than  $\frac{1}{2}$  acre), and possibly for in house use (pending water quality results?). A well currently exists on Mr. Rathke's property that he also plans on using for the same uses listed above. This particular well is covered under water right L47-07520 and is appurtenant to Mr. Rathke's property. Based on my conversation with Mr. Rathke, the total proposed uses for both the well water (covered under L47-07520) and the surface water (proposed to be diverted upon possible approval of this application) would not exceed the domestic use definition of §42-111, IDAHO CODE.

On September 11th, while in the area, I visited the property involved with Mr. Rathke's application. Based on my observations, other than the well mentioned above, there currently exists nothing remotely resembling water use on Mr. Rathke's property. In addition, there appears to be no water rights appurtenant to Mr. Rathke's property other than L47-07520. Therefore, there should be no overlap problems with the enclosed application.

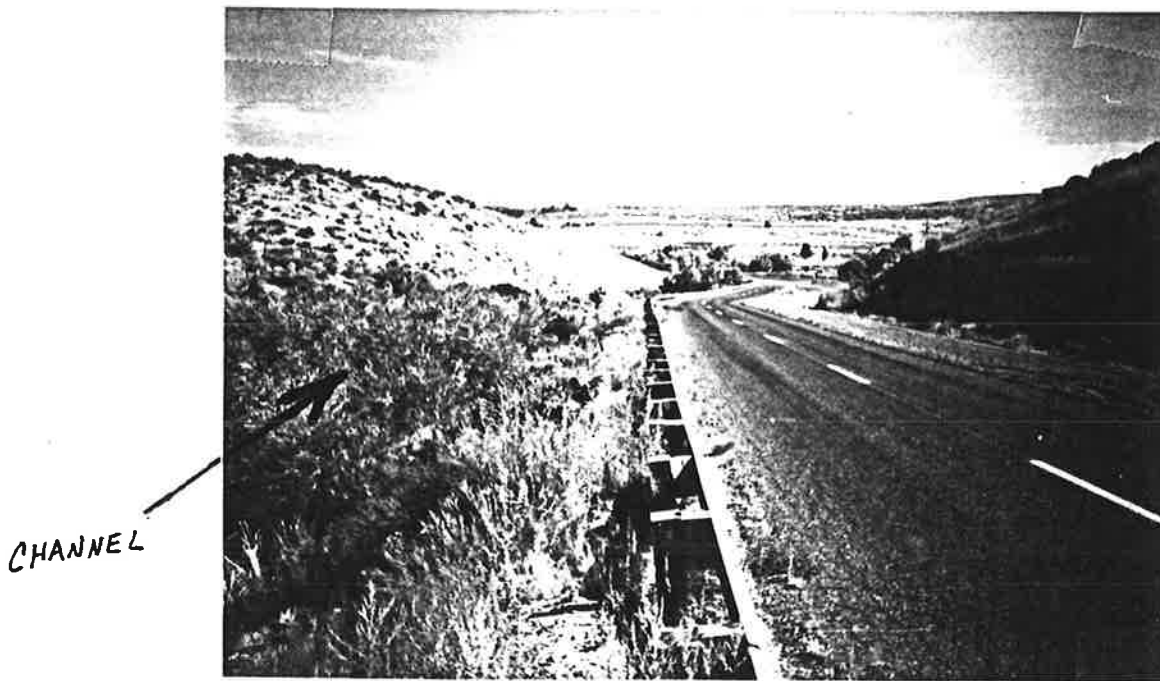
During my visit, I observed that there is a small stream that "runs" down a channel along the northwest edge of the Magic Waters Road. The channel runs down to Highway 30, crosses in a culvert under the highway, and then enters Mr. Rathke's property. Mr. Rathke proposes to divert the water approximately 425 feet up the channel, along the Magic Waters Road, from Highway 30. He will then pipe the water down to his property through a pipeline that runs down the channel, under the highway through the culvert, and onto his property.

47-08403

During my visit, water was present in the channel up to the general area where Mr. Rathke proposes to divert the water. However, lush growth (willows, russian olives, etc.) existed further up the channel indicating that additional water may be present in the channel earlier in the year. The Thousand Springs Quad Map (BB20) shows the channel draining a fairly large area with the upper channel reaches being intermittent and the lower channel reach being perennial and draining into Salmon Falls Creek.

The enclosed application should be pretty straightforward and there appears to be no problems with this application. If the application is approved, conditions limiting the use of this water to the limits of §42-111 should be implemented. In addition, limits should be implemented for combined use(s) with water right L47-07520.

I took the following attached photos during my September 11th visit.

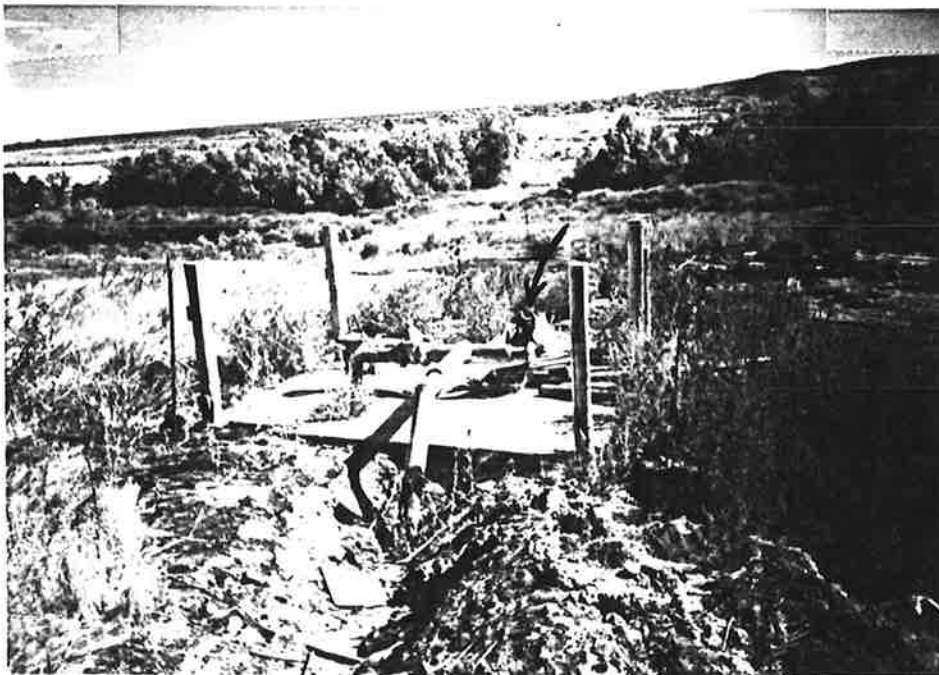


View looking down Magic Waters Road towards Highway 30. The channel that Mr. Rathke proposes to divert water from is to the left (in photo) of the roadway as indicated. During my visit, water was observed in the channel just below the willows visible in this photo. Photo taken 09/11/96.

47-08403



View of Mr. Rathke's property below Highway 30 which will be the place of use for this application. Arrow indicates downstream end of culvert that runs under Highway 30 from channel where water is to be diverted from. The well that Mr. Rathke also plans on using is visible in this photo and is circled.  
**Photo taken 09/11/96.**



View of well, circled in photo above, on Mr. Rathke's property. Use of this well is covered under water right L47-07520. A new pump was sitting near the well as indicated by arrow.  
**Photo taken 09/11/96.**



RECEIVED  
AUG 28 1996  
Department of Water Resources  
Southern Region

Ident. No. 47-08403

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR PERMIT**

To appropriate the public waters of the State of Idaho

1. Name of Applicant George C. Rathke - Rathke Trust Phone 837-9055  
Mailing address 2632-B Access Road North, Hagerman, ID 83332
2. Source of water supply Unnamed Stream which is a tributary of SALMON FALLS CREEK ~~STARKS~~ QCR
3. Location of point of diversion is Township 8S Range 14E Sec. 30, in the NW 1/4, SW 1/4, SE 1/4, Govt. Lot \_\_\_\_\_, B.M., Twin Falls County;  
additional points of diversion if any: SW/NW/NE Sec. 30 T. 8S R. 14E (1 P/D only - exact location is unclear)

4. Water will be used for the following purposes:

Amount ~~0.03~~ cfs for irrigation QCR purposes from ~~4-1~~ to ~~10-31~~ (both dates inclusive)  
(cfs or acre-feet per annum)

Amount ~~0.03~~ cfs for Recreation purposes from ~~1-1~~ to ~~12-31~~ (both dates inclusive)  
(cfs or acre-feet per annum)

Amount 0.04 cfs for DOMESTIC QCR purposes from 01/01 to 12/31 (both dates inclusive)  
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated is (a) ~~0.03~~ 0.04 QCR 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 1" pipeline under Hwy. 30, gravity  
irrigation
- 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 1 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. \_\_\_\_\_
- c. Municipal; show name of municipality. \_\_\_\_\_
- d. Domestic; show number of households. ONE MOBILE HOME, ALSO INCLUDES REC USE
- e. Other; describe fully. Recreation - swimming pool QCR DESCRIBED BELOW  
APPROXIMATE SIZE = 8' x 16' x 4' = 512 FT<sup>3</sup> = 68.4 GALLONS.  
IRRIGATION USE NOT EXCEED 1/2 ACRE.

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	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8S	14E	30																	

Total number of acres to be irrigated 5

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

None for irrigation. Hot water from geothermal water for pool

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

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: Property at P/U is Lot 2 of DePew Subdivision. PER ASSESSOR'S OFFICE, PARCEL 2 LOT 14, SALMON RIVER RANCH C.S.  
The Rathke Trust consists of George, Charles, John, Ann, Sandy Rathke,  
James Rathke.

PER GEORGE RATHKE, POINT OF DIVERSION IS APPROXIMATELY  
425 FEET UP MAGIC WATERS ROAD FROM INTERSECTION WITH  
HIGHWAY 30.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"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.)

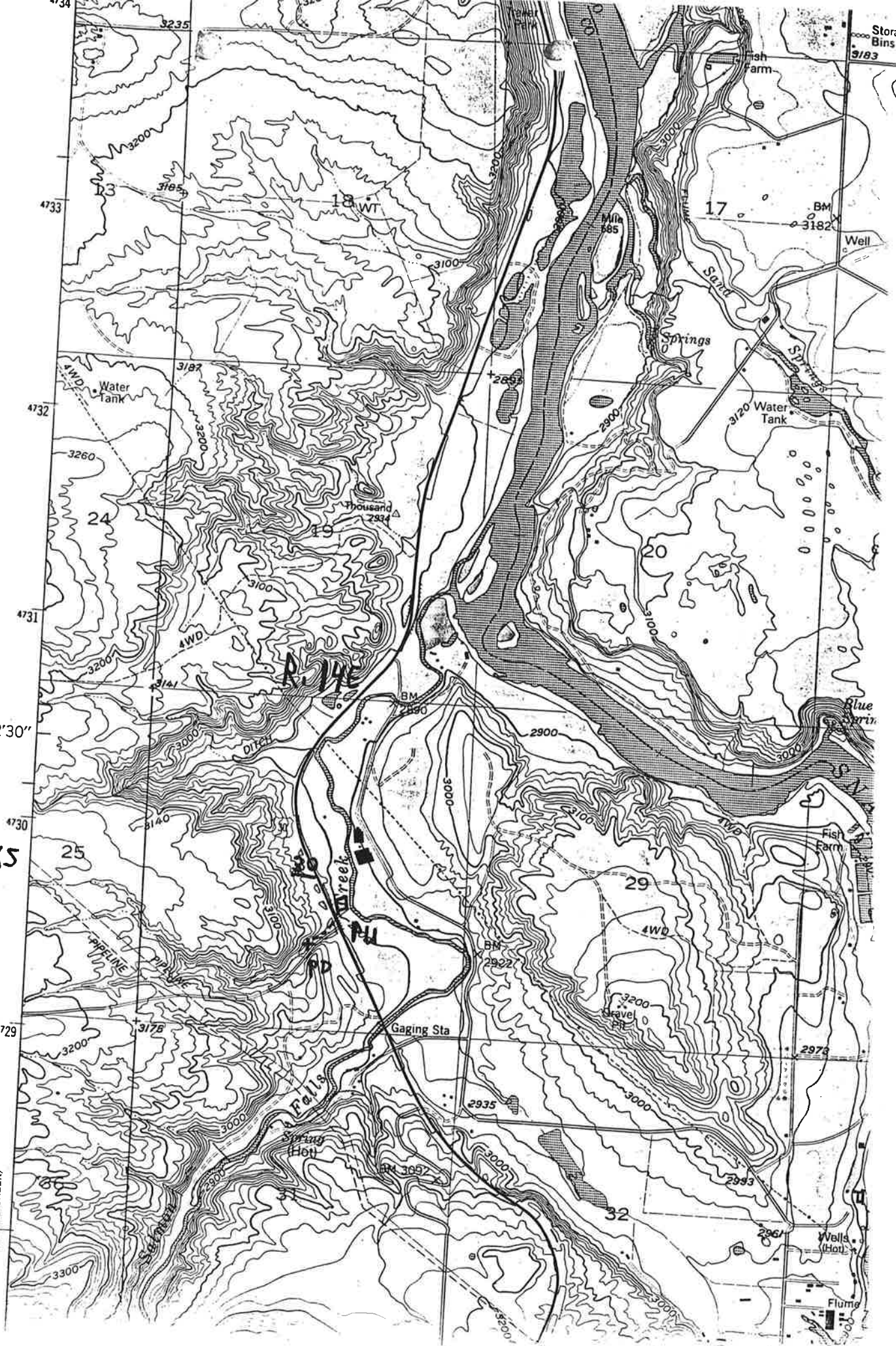
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

George S Rathke  
 Signature of Applicant (and title, if applicable)

Received by JF Estlin Date 8-28-96 Time 12:15 pm Preliminary check by \_\_\_\_\_  
 Fee \$ 50.00 Received by ms # 5019467 Date 8-28-96  
 Publication prepared by ms Date 10/3/96 Published in James Rathke  
 Publication approved ms Date 10/29/96

T. 85

3069 III NW  
(YAHOO CREEK)



47-08402