

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/11/2020

Water Permit 47-8364

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RONALD M POTTS , 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



BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED

SEP 06 1995

Department of Water Resources
Southern Region

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 47-08364 IN)
THE NAME OF RONALD M. POTTS)

PRELIMINARY ORDER

This matter having come before the Idaho Department of Water Resources (department), the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On May 10, 1994, Ronald M. Potts, (applicant) filed Application for Permit No. 47-08364 (application) with the department proposing the diversion of 0.03 cubic feet per second of wastewater to be used from April 1 to October 31 each year for the irrigation of 1/2 acre of land in Twin Falls County, Idaho.

2. As required by law, the department advertised notice of the application which was subsequently protested by the Twin Falls Canal Company.

3. On June 2, 1995, the department corresponded with the applicant and requested information relative to the scheduling of a hearing in the protested matter.

4. The applicant did not respond to the department's correspondence and did not indicate any continuing interest in the application.

CONCLUSIONS OF LAW

1. Section 42-204, Idaho Code, provides in pertinent part as follows:

If the application is returned to the applicant or the department shall request additional information and the applicant fails to return the corrected application or to supply the needed information within thirty (30) days, the department may void the record of said application and notify the applicant of such action.

2. The applicant has not responded to the department and has not provided the information requested.

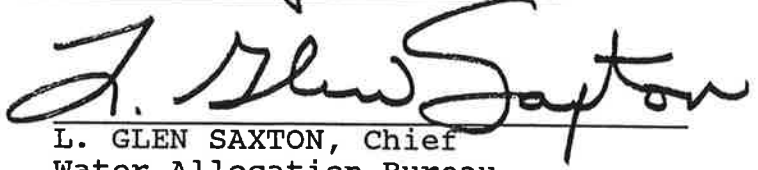
47-08364

3. The department should void the record of the application pursuant to Section 42-204, Idaho Code.

ORDER

IT IS THEREFORE, HEREBY ORDERED that Application for Permit No. 47-08364 in the name of Robert M. Potts is **VOIDED** pursuant to the provisions of Section 42-204, Idaho Code.

Dated this 31st day of August, 1995.


L. GLEN SAXTON, Chief
Water Allocation Bureau



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

13-Nov-1991

R. KEITH HIGGINSON
Director

Robert M. Loveless
121 North 8th Ave.
Buhl, ID 83316

Re: Permit 47-8264


Dear Mr. Loveless:

For your information, I have enclosed a copy of hydrographs from two observation wells maintained by the U. S. Geological Survey (USGS) in the Twin Falls-Filer area. Also enclosed is a map showing the locations of the observation wells and other existing wells used for production of geothermal water.

I have made notes on the hydrographs indicating the times of various events which agree with changes in artesian pressures at the observation wells.

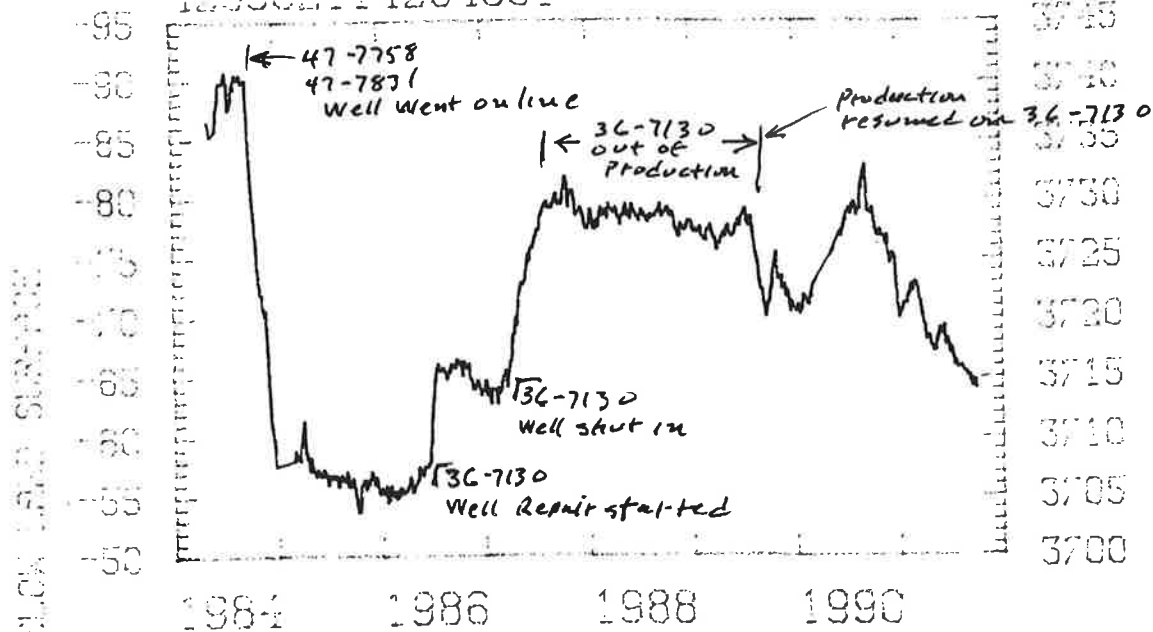
If you have any questions regarding this information, please feel free to contact me.

Sincerely,

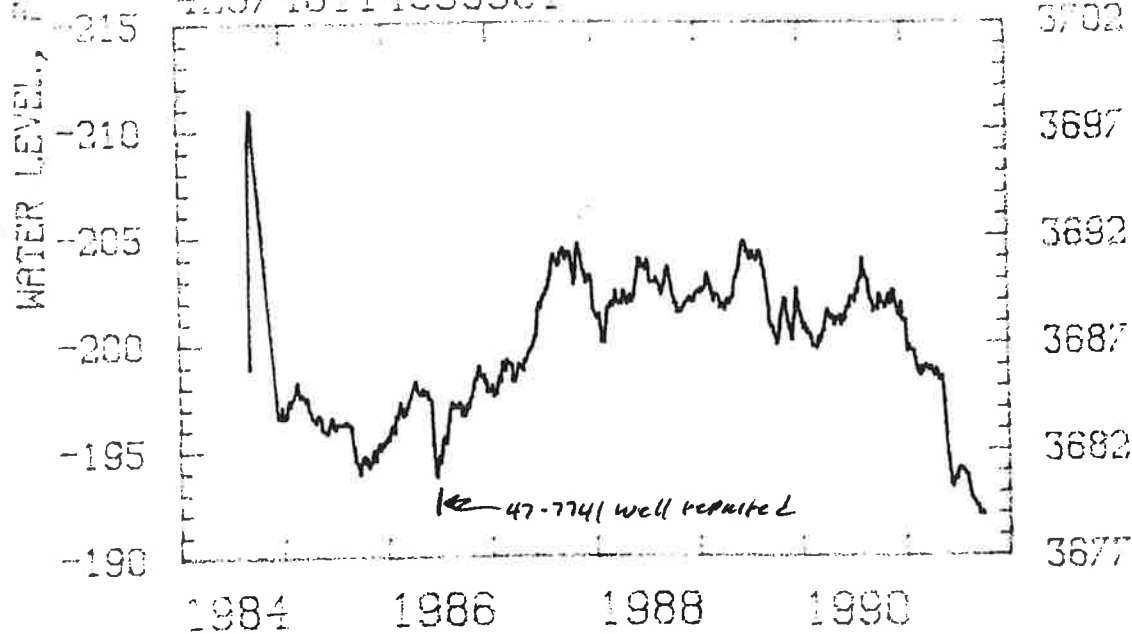

Loren O. Holmes, P. E.
Southern Region Manager

47-8264

10S 17E 05DAA1
423502114284801



09S 16E 20ADD1
423748114353901

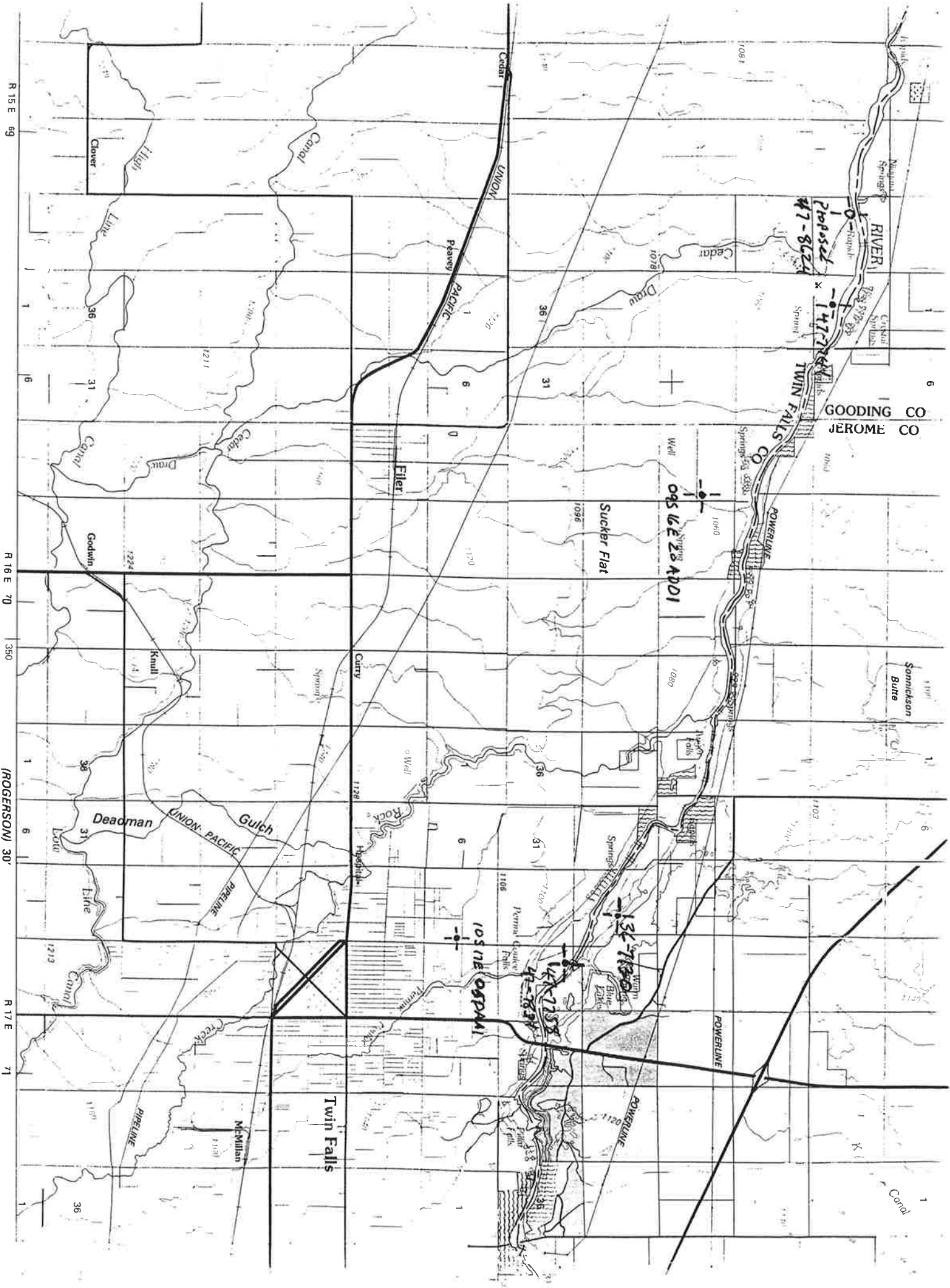


RECEIVED

NOV 04 1991

Department of Water Resources
Southern Region Office

47-8264



47-8264

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 47-08264

RECEIVED
OCT 18 1991

Proposed Priority: January 8, 1991 Maximum Diversion Rate: 2.23 CFS

This is to certify, that ROBERT M. LOVELESS
121 N. 8TH AVE.
BUHL, ID 83316

RECEIVED
OCT 18 1991

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>
COMMERCIAL	01/01 to 12/31	1.00 CFS
FISH PROPAGATION	01/01 to 12/31	2.23 CFS
HEATING	01/01 to 12/31	1.00 CFS
POWER	01/01 to 12/31	2.23 CFS
Totals		2.23 CFS

Department of Water Resources
Southern Region Office

LOCATION OF POINT(S) OF DIVERSION: NENWSW Sec. 11, Township 09S, Range 15E
TWIN FALLS County

PLACE OF USE: COMMERCIAL
TWN RGE SEC

09S 15E 11 NWSW

PLACE OF USE: FISH PROPAGATION, same as COMMERCIAL use

PLACE OF USE: HEATING, same as COMMERCIAL use

PLACE OF USE: POWER, same as COMMERCIAL use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 1994.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which permit holder had no control.
4. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. Water used under this permit if discharged into a natural channel or subsurface system shall meet Idaho Water Quality Standards.

47-08264

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

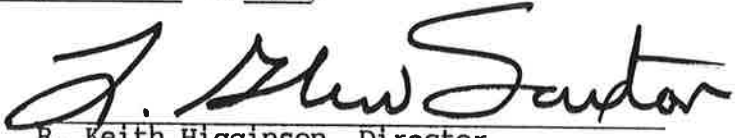
NO. 47-08264

CONDITIONS/REMARKS:

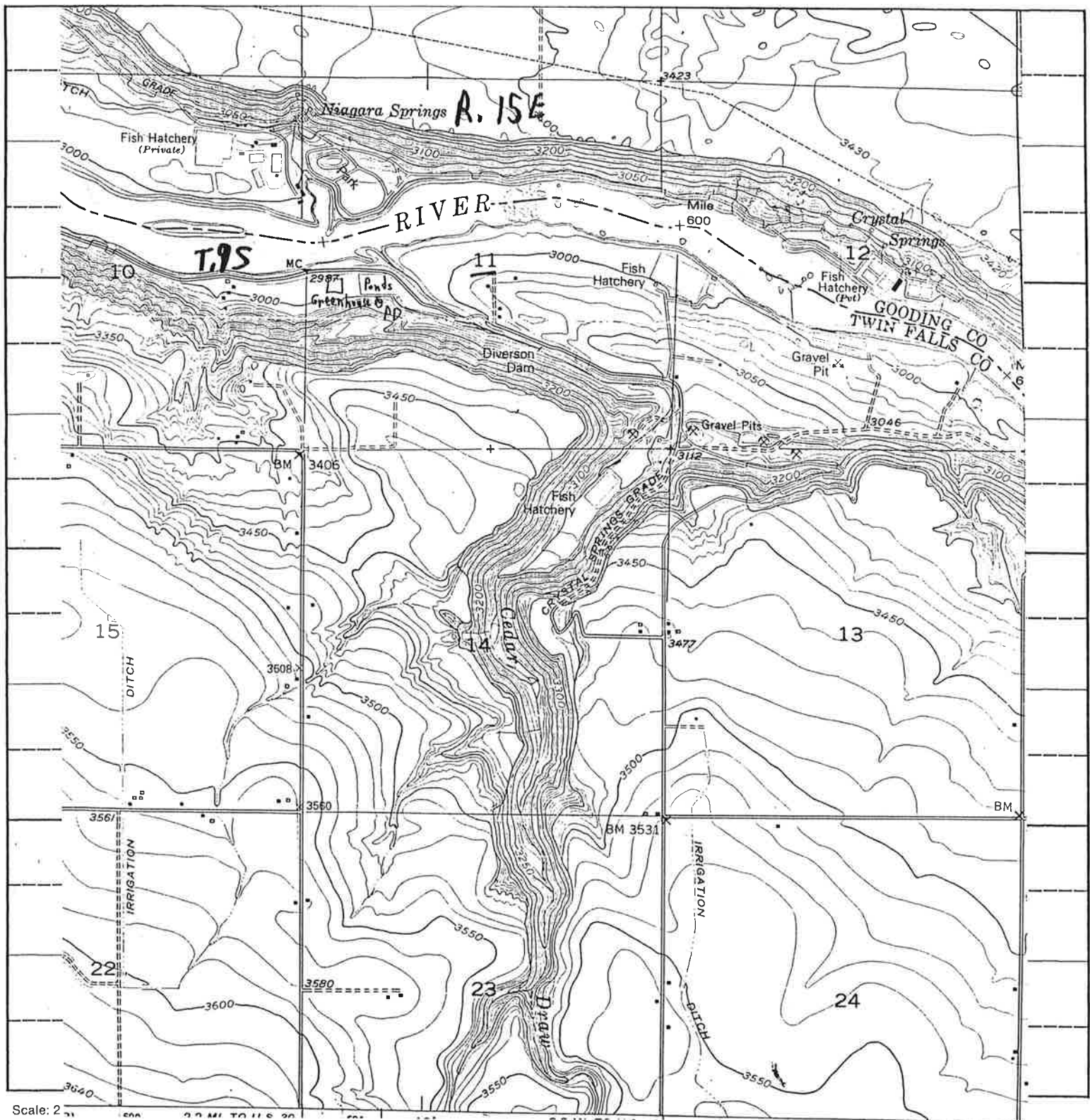
6. The permit holder shall be required to provide the Department, upon request, information showing volume changes per hour necessary to maintain an adequate environment for the fish propagation facility. Volume changes per hour shall be based upon actual fish production.
7. This permit is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this permit. Failure to comply with these provisions is cause for immediate cancellation of this permit.
8. The water right acquired under this permit 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 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.
9. Point of diversion is located within the Twin Falls Groundwater Management Area.
10. Permit holder shall comply with the drilling permit requirements of Section 42-233, Idaho Code for low temperature geothermal wells.
11. Commercial use is for a greenhouse.
12. Heating use is for 1 home.
13. Power use is limited to personal use.

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

9th day of October, 1991

for 
R. Keith Higginson, Director

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.

Robert M. Lovelace
(Applicant)

RECEIVED

STATE OF IDAHO

Ident. No. 47-08264

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

JAN - 8 1991

Date Sent to S.O.

JUL 25 1991

Department of Water Resources
Southern Region Office

To appropriate the public waters of the State of Idaho

1. Name of applicant Robert M. Loveless Phone 543-6148Post office address 121 N. 8th Ave., Buhl, ID 833162. Source of water supply Groundwater which is a tributary of _____3. Location of point of diversion is NE 1/4 of NW 1/4 of SW 1/4, Govt. Lot _____Sec. 11 Township 9S Range 15E B.M. Twin Falls County; additional

points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 2.23 for Power purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)Amount 2.23 for Fish Prop. purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)Amount 1.0 for Heating purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)Amount 1.0 for Commercial purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)5. Total quantity to be appropriated is (a) 2.23 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Artesian hot-water well to be drilled,
pipeline to generator & existing fish ponds, smaller line to residence & greenhouse,
Outflow from greenhouse will discharge into fish ponds.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 700 feet.d. Is ground water with a temperature of greater than 90°F being sought? Yes7. Time required for the completion of the works and application of the water to the proposed beneficial use is
5 years (minimum 1 year).

4/7. 08264

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

- a. Hydropower; show total feet of head and proposed capacity in KW. 21 KW at 70 psi
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. Heating of residence & 18,000 sq. ft. greenhouse. Commercial use in greenhouse. Mixing with surface water to grow catfish in summer & trout in winter. Power production for personal use.

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	
9S	15E	11									X								

X = PU for all uses

Total number of acres to be irrigated _____

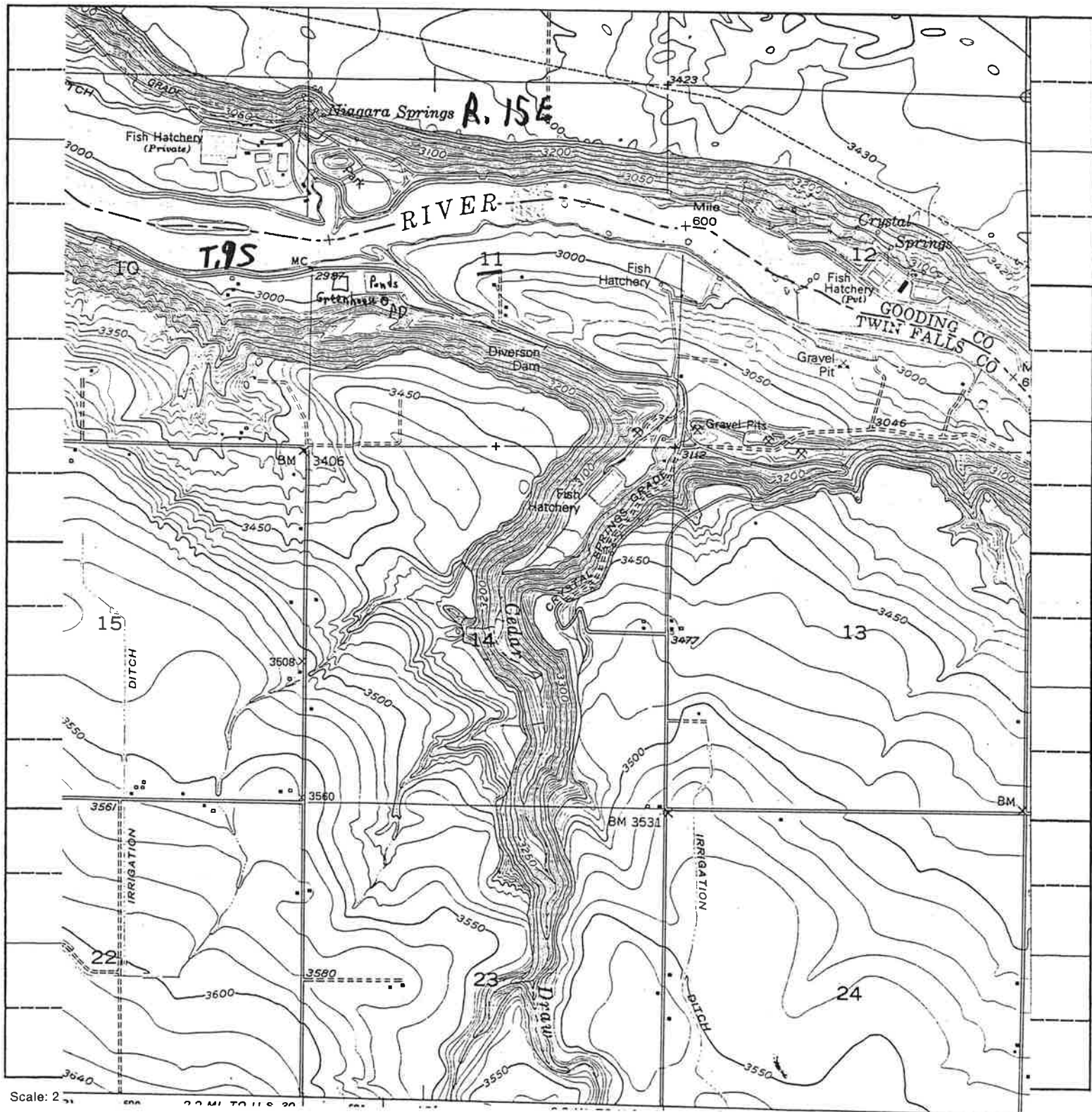
10. Describe any other water rights used for the same purposes as described above. _____

47-7398 (fish prop.)

11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? "
- 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: Greenhouse will grow various crops for commercial sale. Home will be about 2000 sq. feet.
Fish facility is fully developed under 47-7398. No new ponds will be built.
Hot water will be added as needed to prevent winter Freezing unless we switch from trout to catfish.

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.

Robert M. Lores
(Applicant)

Received by J. F. Stanton Date 1-8-91 Time 10:30 am Preliminary check by _____
Fee \$ 85.00 Received by JP # SO/2989 Date 1-8-91
Publication prepared by M. Baldwin Date 4-17-91 Published in Times News
Publication approved M. Baldwin Date 6-24-91

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:

INTER-DEPARTMENT MEMO — 1

FROM Jim Stanton

DATE 10-1-91

TO Tim Luke

SUBJECT App. 47-08264, Robert Loveless, Field Inspection

I was previously on this property in connection with a licensing exam for fish ponds. The land is in the Snake River Canyon very close to the river. The well site is above the ponds but still in the canyon. Kelly's Orchard is a little west of the property, and ~~there~~ there are a ~~couple~~ couple of domestic wells east of the property. I am not aware of any other water users near this location. Flat land is in short supply in the canyon, thereby limiting the potential for water diversions. The largest uses in the canyon divert surface water rather than groundwater. Computer shows no groundwater rights in Sec. 10. Only rights in Sec. 11 are 3/4 mile east of the Loveless property.



SIGNATURE

INTER-DEPARTMENT MEMO

TO: Glen Saxton
FROM: Allen Merritt

SUBJECT: 47-08364
DATE: 8/30/95

47-08364
Here is another file that may need a "continuing interest" letter. I held a conference and TFCC & Potts seemed to work things out but Potts has never let us know what he wants done with this application. Please refer to 2/23 memo & my 6/2/95 letter. Potts has not responded to letter.

() For your information

() Response required

Alm
signature



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

June 2, 1995

Ronald M. Potts
4326 Clear Lakes
Buhl ID 83316

RE: Application for Permit No. 47-08364

Dear Mr. Potts:

As you may recall the department held a conference on February 16, 1995 regarding the protest filed against approval of your application. The protest was filed by the Twin Falls Canal Company (TFCC).

At the conference I recall that the TFCC offered to meet with you to explore other avenues to provide you with water such as assisting you in obtaining shares in the TFCC or issuing you a "license" from the TFCC to use waste water. I recall the conference did not resolve the protest but you were not at that time willing to pursue scheduling a hearing before the department at that time.

As of this date we continue to hold your application pending resolution of the protest or withdrawal of the application. The purpose of this letter is to inquire as to the progress you have made with exploring the avenues discussed at the conference and inquire as to whether or not you now wish to proceed to a hearing. Please contact our office within 14 days to inform our office of the status of your progress.

If you have questions please feel free to contact our office.

Sincerely, -

Allen Merritt, PE
Southern Region Manager

DATE: February 23, 1995

SUBJECT: Pre-hearing conference

Mr. Potts wants to utilize a small waste stream that crosses his property before going into an adjacent pasture where it sinks. He applied for a permit which was protested by the Twin Falls Cattle Company. At the conference Mr. Potts described his proposal. The TFCC's position is that the wastewater could be collected by them to serve downstream shareholders. They take the position that rights within their system should not be allowed. This particular matter presents several interesting legal questions. The TFCC position was that Mr. Potts could use the water and the TFCC even offered to issue a "license" or written permission to use the wastewater but they did not want the state to issue a water right permit. We discussed this "license" issue, possibility of assigning the application to the TFCC, and conditioning permit with private agreement.

They finally agreed that Mr. Potts would meet with the TFCC people and see what this "license" would do for him and it was agreed that Mr. Potts would be put high on the list for purchasing a share in the TFCC system. Mr. Potts did not want to pursue a protest hearing at this time. I requested that if he gets satisfaction from TFCC that he consider withdrawing his application.

PLACE: Conference Room, Department of Water Resources,
Southern Regional Office; Twin Falls, ID

HEARING OFFICER: *Adm*

ASSISTED BY: *None*

[illegible]

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION
FOR PERMIT NO. 47-08364

NOTICE OF
PRE-HEARING CONFERENCE

RONALD M. POTTS,
Applicant

SOURCE: WASTE WATER
Tributary to Sinks

TWIN FALLS CANAL CO.,
Protestant

COUNTY: Twin Falls

On May 10, 1994, Ronald M. Potts, applicant, filed with the Department of Water Resources an application for permit 47-08364. The Department has received a protest against the approval of said application from the above captioned protestant.

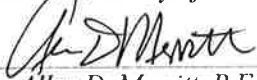
The Department has set the matter of the unresolved protest for a pre-hearing conference for Thursday, February 16, 1995, at 11:00 am in the Conference Room in the office of the Department of Water Resources' Southern Region at 222 Shoshone St. E., Twin Falls, Idaho.

The purpose of the conference is to formulate and simplify the issues, obtain admissions of fact and of documents which will avoid unnecessary proof, arrange for the exchange of proposed exhibits or prepared expert testimony prior to the hearing, limit the number of witnesses, consolidate the examination of witnesses, and advise the parties of the procedure which will be followed at any subsequent hearing.

The conference will be held in accordance with Chapter 2, Title 42, of the Idaho Code and the adopted Rules of Practice and Procedure of the Department of Water Resources.

The conference will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the department within (10) days prior to the conference.

Dated this 1st day of February.


Allen D. Merritt, P.E.
Southern Regional Manager

I hereby certify that on the 1st day of February, 1995, I mailed a true and correct copy, postage prepaid by certified mail, of the foregoing Notice of Pre-Hearing Conference to the parties listed below:


Secretary

RONALD M POTTS
4326 CLEAR LAKES
BUHL ID 83316

GARY SLETTE ESQ
TWIN FALLS CANAL CO
PO BOX 1906
TWIN FALLS ID 83303-1906

RECEIVED

Form 202
10/92

MAY 10 1994

Ident. No. 47-08364

De,

Resources
Source: Region Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Ronald M. Potts Phone 543-8854
Post office address 4326 Clear Lakes, Buhl, Id 83316
2. Source of water supply Waste water which is a tributary of Home Sinks
3. Location of point of diversion is SW ¼ of NW ¼ of SW ¼, Govt. Lot 3
Sec. 19 Township 9S Range 15E B.M. Twin Falls County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .03 for Irrigation purposes from 4-1 to 10-31 (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) .03 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Canvas dam in ditch
to flood irrigate lawn.
 - 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 85°F being sought? _____
 - e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____
7. Time required for the completion of the works and application of the water to be proposed beneficial use is
1 years (minimum 1 year).

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. _____

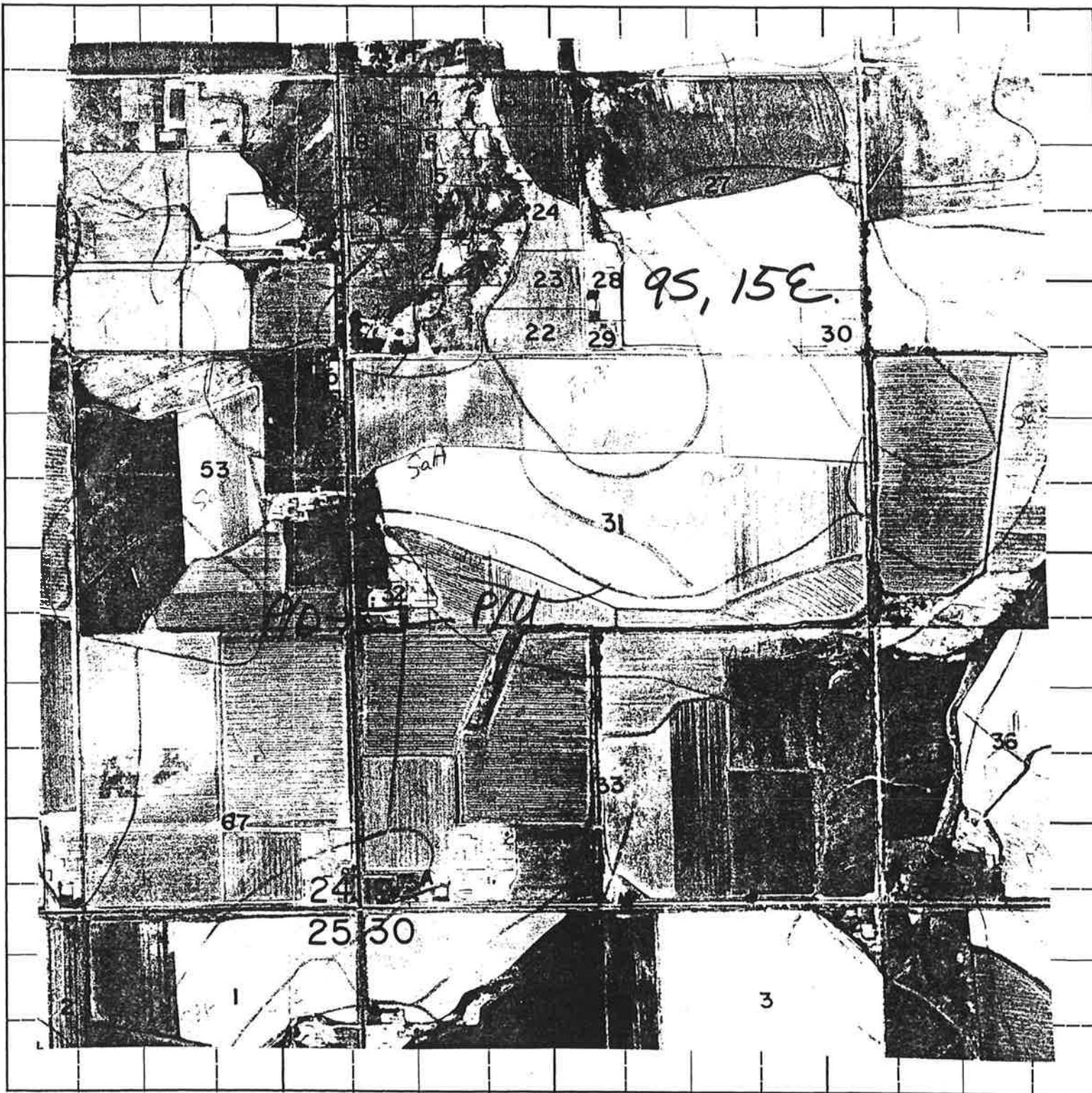
9. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	15E	19										.5							.5
												43							

Total number of acres to be irrigated .5

10. Describe any other water rights used for the same purposes as described above. Domestic well
11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? "
- 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: Source is waste water from fields to the South of P/U. I want to use the water to irrigate a lawn area rather than well water.

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



Scale: 2 inches equal 1 mile.

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.


(Applicant)

Received by MTS Date 5-10-94 Time 11:30 Preliminary check by J.F. Stanton
Fee \$ 30 Receipted by MTS # 5016883 Date 5-10-94
Publication prepared by mp Date 6/9/94 Published in Times News
Publication approved MBaldwin Date 8/17/94

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: