

ש ו ז ח ט י

Department of Water Resources
Southern Region Office

PRELIMINARY ORDER VOIDING
PERMIT

47-07184

1. On March 12, 1973, David Kinyon applied to the Department of Water Resources for a permit to appropriate 0.04 cubic feet per second of water from unnamed springs, tributary of Salmon Falls Creek, within the SE¼NE¼, Section 29, Township 10S, Range 13E, B.M., Twin Falls County, to be used for stockwater purposes.

2. On August 8, 1973, the Department approved the Application for Permit.

3. On August 9, 1978, the Department received Proof of Beneficial Use for the permit.

4. On August 27, 1994, Department staff conducted a field examination and the examiner's report indicated that water had not been diverted and put to a beneficial use as authorized on the permit.

5. The provisions of Section 42-219, Idaho Code, authorize the Director of the Department to void permits for which the applicant has not fully complied with the law and the conditions of the permit.

CONCLUSIONS OF LAW

1. Section 42-219, Idaho Code, states:

In the event that the Department shall find that the applicant has not fully complied with the law and the conditions of the permit, it may issue a license for that portion of use which is in accordance with the permit, or may refuse issuance of a license and void the permit.

2. Permit No. 47-07184 required that the permit holder complete construction of works and application of water from the source identified to the proposed beneficial use within the authorized permit period.


3. Examination by the Department revealed that the permit holder has not complied with the conditions of the permit by not completing construction of works and application of water from the identified source to the proposed beneficial use as required by the permit and Section 42-219, Idaho Code.

4. The permit should be voided pursuant to Section 42-219, Idaho Code.

ORDER

IT IS HEREBY ORDERED that Permit No. 47-07184 is VOIDED and issuance of a license is REFUSED under Section 42-219, Idaho Code.

Dated this 13th day of September, 1994.



L. GLEN SAXTON
Chief, Water Allocation Bureau

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 27th day of September, 1994, I mailed a true and correct copy, postage prepaid, of the foregoing Preliminary Order to the following:

David Kinyon
Castleford, ID 83321



Donna L. Corless
Clerical Specialist



State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

June 22, 1987

David Kinyon
Castleford, ID 83331

Re: 47-7184, 47-7185

Dear Mr. Kinyon:

We acknowledge receipt of the affidavits submitted as proof of beneficial use for the above referenced permits.

Before licenses can be issued, field examinations must be made by a representative of this Department. We cannot tell just when these examinations will be made, but our examiner will try to contact you at the time he makes the examinations so that you may show him the system.

Field examinations must be done while the system is in operation. For this reason we concentrate on irrigation permits during the summer months and do examinations on permits for other uses during the non-irrigating months.

If you have any questions regarding the field examinations, please contact our office.

Very truly yours,

Lori A. Graves
Clerk

lg

Enclosure



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

June 19, 1985

David Kinyon
Castleford, ID 83321

Re: Water Right Identification No. 47-7184

Dear Wateruser:

The proof of beneficial use (Form A) which you recently submitted to the department is being returned to you for the following reason:

- ☒ Proof of beneficial use has already been submitted for the water right.
- ☐ Proof of beneficial use is not applicable for existing licensed rights.
- ☐ Proof of beneficial use is not applicable for existing decreed rights.
- ☐ Proof of beneficial use is not applicable for a right represented by a claim to a water right.
- ☐ Other:

Sincerely,


RITA I. FLECK
Secretary/Records Manager

Enclosure

cc: Region

RECEIVED
JUN 27 1985
Department of Water Resources
Southern District Office

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NOS. 47-7184 &
47-7185 IN THE NAME OF DAVID KINYON

ORDER OF REINSTATEMENT

WHEREAS, on March 12, 1973, David Kinyon filed with the Department of Water Resources two (2) applications for permit to appropriate water. Permit No. 47-7184 proposed to divert 0.04 cubic feet per second of water from unnamed springs within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 29, Twp. 10S, Rge. 13E, Twin Falls County to be used for stockwater purposes and Permit No. 47-7185 proposed to divert 0.02 cubic feet per second of water from springs in Devil Creek tributary to Salmon Falls Creek with the point of diversion within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 31, Twp. 11S, Rge. 13E, Twin Falls County to be used for stockwater; and,

WHEREAS, on August 8, 1973, the Department approved said applications and issued Permit Nos. 47-7184 and 47-7185 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before August 1, 1978; and,

WHEREAS, on May 31, 1978, the Department notified the permit holder by certified mail that proof of beneficial use was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, on August 8, 1978, the Department notified the permit holder that Permit Nos. 47-7184 and 47-7185 had lapsed for failure to submit proof of beneficial use of water; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on August 9, 1978;

IT IS, THEREFORE, HEREBY ORDERED that Permit Nos. 47-7184 and 47-7185 be REINSTATED and the priority date advanced to March 20, 1973.

Dated this 24 day of August, 1978.


BOBBY D. FLEENOR

Chief, Regional Office Bureau

47-7184

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

RECEIVED

IN THE MATTER OF Application for)
Permit No.'s 47-7184 & 47-7185)
in the name of DAVID KINYON)

MEMORANDUM DECISION
AND ORDER

On March 12, 1973, the applicant, David Kinyon submitted Application for Permit No.'s 47-7184 and 47-7185 to the Department of Water Administration requesting authority to divert .04 cfs(47-7184) and .02 cfs(47-7185) of water during the period of January 1 to December 31. The water is to be diverted from unnamed springs(47-7184) and springs in Devil Creek(47-7185) tributaries to Salmon Falls Creek with the points of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 29, Twp. 10S, Rge. 13E,(47-7184) and in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 31, Twp. 11S, Rge. 13E, (47-7185) B.M., Twin Falls County. The water is to be used for stockwatering purposes for 600(47-7184) and 150(47-7185) head of cattle within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12; SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13; NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, Twp. 11S, Rge. 12E, B.M.,(47-7184) and in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 31, Twp. 11S, Rge. 13E, B.M.,(47-7185).

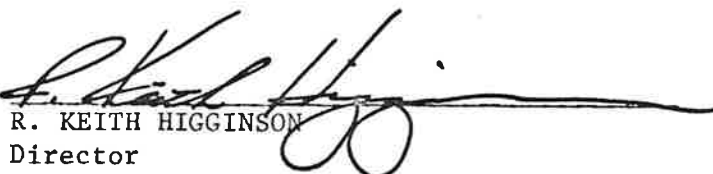
Notice of the application was published, as required by law, in the Buhl Herald of Buhl, Idaho. Protests were received from Magic Water Company and from Robert W. and June Ring.

A conference was held in regard to these protests in Twin Falls, Idaho on August 2, 1973. The applicant, David Kinyon, and the protestants, Robert W. and June Ring, represented themselves at the conference. The other protestant, Magic Water Company, did not appear at the conference. Robert W. and June Ring withdrew their protest against the approval of the permit with the condition that it be made subject to their prior water rights.

The Director of the Department of Water Administration, therefore, sets aside the protest of Magic Water Company and approves Application for Permit No.'s 47-7184 and 47-7185 subject to the following conditions:

1. That said permits shall be subject to all prior water rights.
2. That proof of construction of works and application of water to beneficial use shall be submitted to the Department of Water Administration on or before August 1, 1978.

Dated this 8 day of August, 1973.


R. KEITH HIGGINSON
Director

RECEIVED

AUG 7 1973

Department of Water Resources
Southern District Office

Identification No. _____

Permit No. \$ 47-7184

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder David Kinyon
b) Post Office Address Castleford, Idaho 83331
2. Permit Number 47-7184
3. Date of Priority that you are prepared to establish 3-12-73
4. a) Source from which water was appropriated unnamed springs
b) Location of the point of diversion: SE ¼ NE ¼, Section 29
Township 10S, Range 13E Boise Meridian, Other points of diversion:
5. a) The amount of water and use to which the water has been applied:
Amount 0.04 for stockwater purposes from Jan. 1 to Dec. 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 0.04 cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: not measured
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:

b) Describe the agreement or understanding by which you take water from the works: _____

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) springbox & stock tank

b) Describe the type and size of measuring device which you have installed at your point of diversion: _____

c) Give well driller's name and address and the date the well was completed: _____

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:
stock water for 200 head of cows and calves
within the SE¼NE¼, Sec. 29, Twp 10S Rge 13E

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres irrigated _____

10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.

Aug 9 1978 (Date) David Kington (Signature)

State of Idaho)
) ss.
 County of Twin Falls)

On this 9th day of August, 1978, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Loren O'Halloran
 Notary Public residing at _____
Twin Falls, Id

My commission expires Mar 21, 1979

Form 211
5/78

Ident. No. 47-7184

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Southern District Office

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

RECEIVED
OCT 11 1978

Department of Water Resources
Southern District Office

Comes now David Kinyon

of (address) Castleford, ID 83321, 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. 47-7184, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SE 1/4 NE 1/4, Section 29, Township 10S, Range 13E, B.M.,
County of Twin Falls. Other points of diversion:

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 0.04 for stockwater purposes from Jan 1 to Dec 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)

3. Place of use or land to be irrigated:

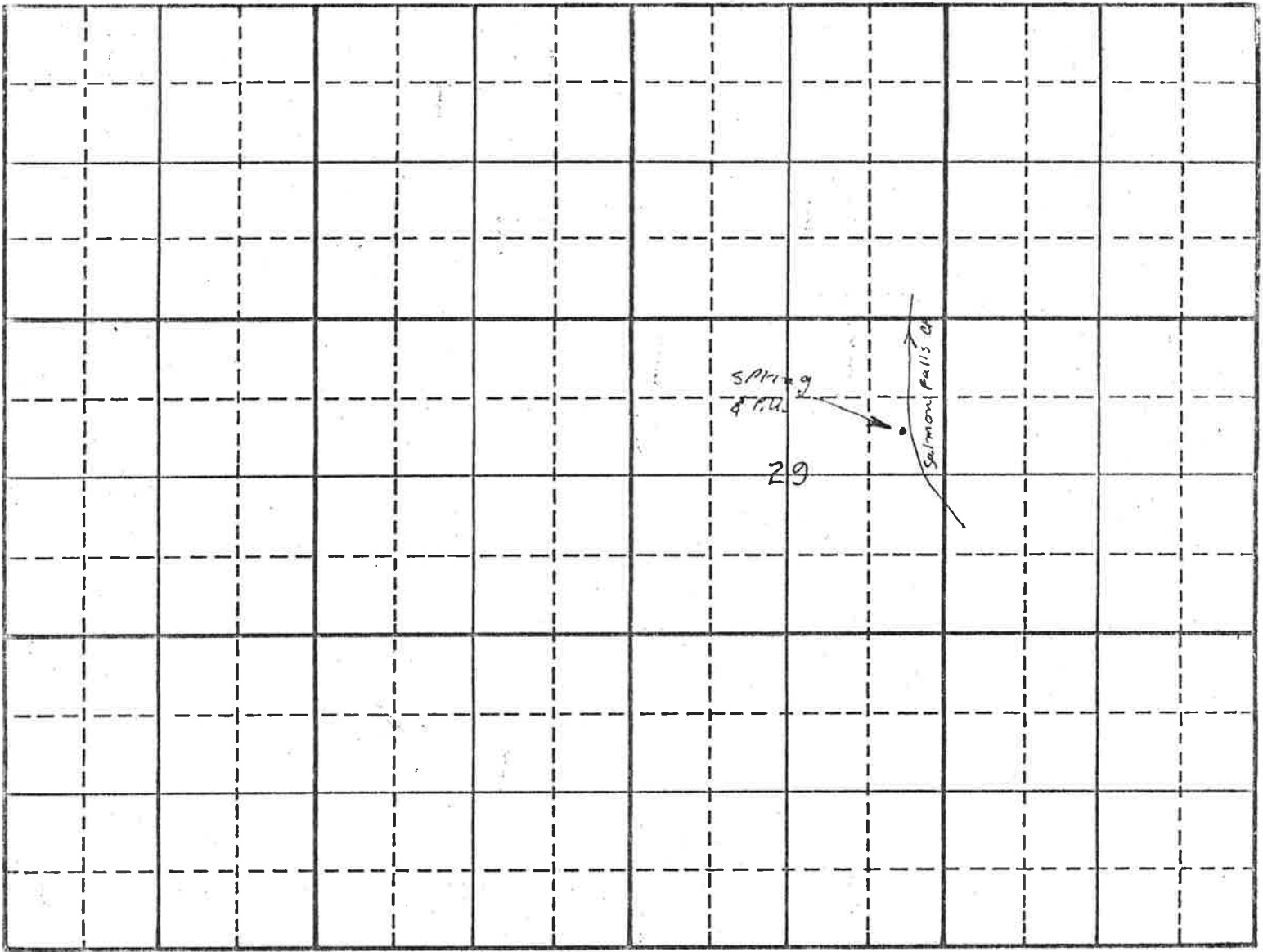
TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10S	13E	29				X													

Total number of acres to be irrigated =

4. a. Who owns the property at the point of diversion? BLM
b. Who owns the land to be irrigated or the place of use? BLM
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing: private allotment

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches



Scale: 2 inches equal 1 mile.

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

Signed at Train Falls, this 9 day of Aug., 1978.
David Kuyper
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by LH Fee = \$20.00
Publication prepared by marye Date 8/25/78
Publication dates Aug 31, Sept 7, 1978
Receipted by marye Date 8/9/78 # 10527
Published in Luckie Record

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, Chief, Operations Bureau, of the Department of Water Resources hereby
APPROVE application for amendment submitted in connection with Permit No. 47-7184.

Witness my hand this 6th day of October, 19 78
L. Glen Saxton
Chief, Operations Bureau

RECEIVED

AUG 9 1973

Department of Water Administration
Southern District Office

August 8, 1973

Re: Permit Nos. 47-7184 & 47-7185

Mr. David Kinyon
Route #1
Castleford, ID 83321

Dear Mr. Kinyon:

Enclosed please find a copy of your approved Application for Permit Nos. 47-7184 and 47-7185. Also enclosed is a copy of the Memorandum Decision and Order; we direct your attention to the conditions of approval.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:cd

Enc: Copy of permit (2)
Copy of Memorandum Decision
and Order

cc: Magic Water Company
Robert W. & June Ring

Enc: Copy of Memorandum Decision
and Order

bc: Southern District Office

Identification No. _____

Application No. 47-7184

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant David Kinyon
post office address Castleford, ID 83321 Route 1
2. Source of water supply Unnamed Springs which is a tributary of Salmon Falls Creek
3. a. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 29 Township 10S
Range 13E B.M. Twin Falls County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount .04 for Stockwater purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. .04 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. High lift pump - 480' to trunk line
to storage tank in Sec. 1, T. 11S, R. 12E. Place of use Sec. 25, T. 11S, R. 12E.
30,000 gallons

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity 30,000 gal. XXXXX acre feet, materials used in storage dam: metal tanks
Period of year during which storage will occur Jan. 1 to Dec. 31 inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 5000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:

SW	NE	12
SW	SE	13

(1) Give the place of use of water: NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 25 Township 11S
Range 12E B.M. _____

(2) Amount of power to be generated: _____ hp under _____ feet of head.

(3) List number of each kind of livestock to be watered 600 beef cattle

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

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

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	

Total number of acres to be irrigated _____

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

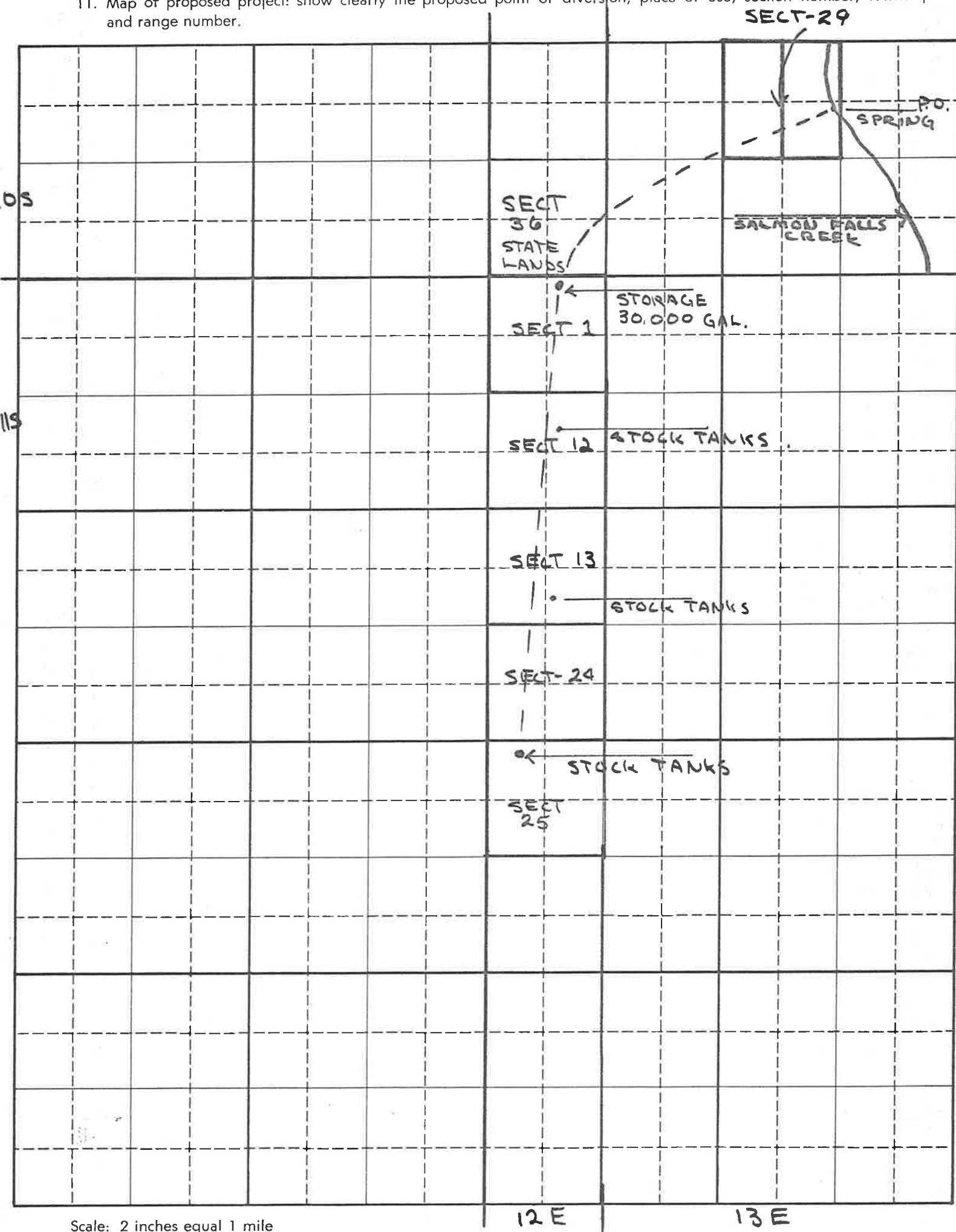
9. a. Who owns the property at the point of diversion Bureau of Land Management

b. Who owns the land to be irrigated or place of use Bureau of Land Management

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Arrangement made with BLM for easement. Kinyon Allotment

10. Remarks Sec. 36 School section arrangements in process for easement (State Lands)

11. 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.

David King
(Applicant)

Received by M.L.S. Date 3-12-73 Time 4.00
Preliminary check by RA Fee \$ 10.00
Receipted by ala Date 3-12-73 # 9590
RA Publication prepared by alw Date 3-15-73
Published in Buhl Herald, Buhl, ID
Publication dates 3-22 & 3-29-73
Publication approved alw Date 4-6-73
Priority reduced to _____ Reason _____

Protests filed by: Magic Water Co., Robert W. & June Ring

Copies of protests forwarded by alw
Hearing held by _____ Date _____
Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

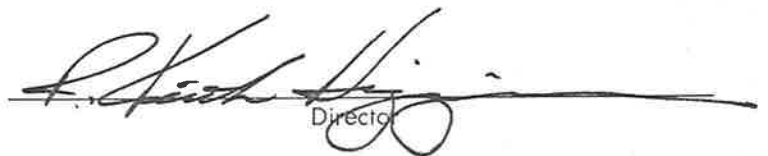
This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 47-7184, and said application is hereby APPROVED.

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 August 1, 19 78.
- c. Other: Pursuant to Memorandum Decision and Order of this date.

2. Denial of said application is for the following reasons: _____

Witness my hand this 8 day of August 19 73.


Director