

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/7/2020

Water Permit 47-8098

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DENNIS KULHANEK , 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

Southern

RECEIVED

AUG - 2 1989

Department of Water Resources
Southern Region Office

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 47-8098 IN THE NAME)
OF DENNIS KULHANEK)
_____)

ORDER VOIDING
APPLICATIONS

This matter having come before the Idaho Department of Water Resources (Department) pursuant to a Notice of Pending Order Voiding Application, the Department Finds, Concludes, and Orders as follows:

FINDINGS OF FACT

1. On May 12, 1988, Dennis Kulhanek (applicant) filed an application with the Department of Water Resources, to appropriate 20.0 cubic feet per second of water from Deadman Gulch Creek, tributary to Rock Creek, to be used for fish propagation.

2. On February 8, 1989, the Department sent the applicant a letter which requested information regarding design construction of operation techniques, status of NPDES permit, diversion flow rate and annual volume, and public interest. The Department received no response to this letter.

3. On March 30, 1989, the Department sent a notice to the applicant requesting that the applicant withdraw the application or provide an explanation that would prevent the Department from

47-8098

voiding the application. The applicant did not respond to the notice.

CONCLUSIONS OF LAW

1. Pursuant to the provisions of Section 42-204, Idaho Code, and Rule 4,5,1. of the Water Appropriation Rules and Regulations, the Director of the Department of Water Resources is authorized to void applications for which requested information is not received within thirty (30) days.

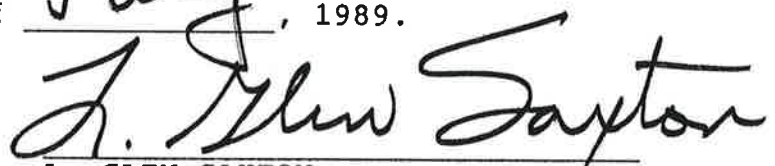
2. The applicant has failed or refused on both occasions listed previously in the Findings of Fact to submit requested information to the Department of Water Resources.

3. The Department should void the application.

Order

IT IS HEREBY ORDERED that Application for Permit No. 47-8098 is VOIDED.

Dated this 27th day of July, 1989.


L. GLEN SAXTON
Chief, Water Allocation Bureau

CERTIFICATE OF MAILING

I hereby certify that on the 31st day of July, 1989, I mailed a true and correct copy, postage prepaid, of the Order Voiding Applications to the applicants listed above.

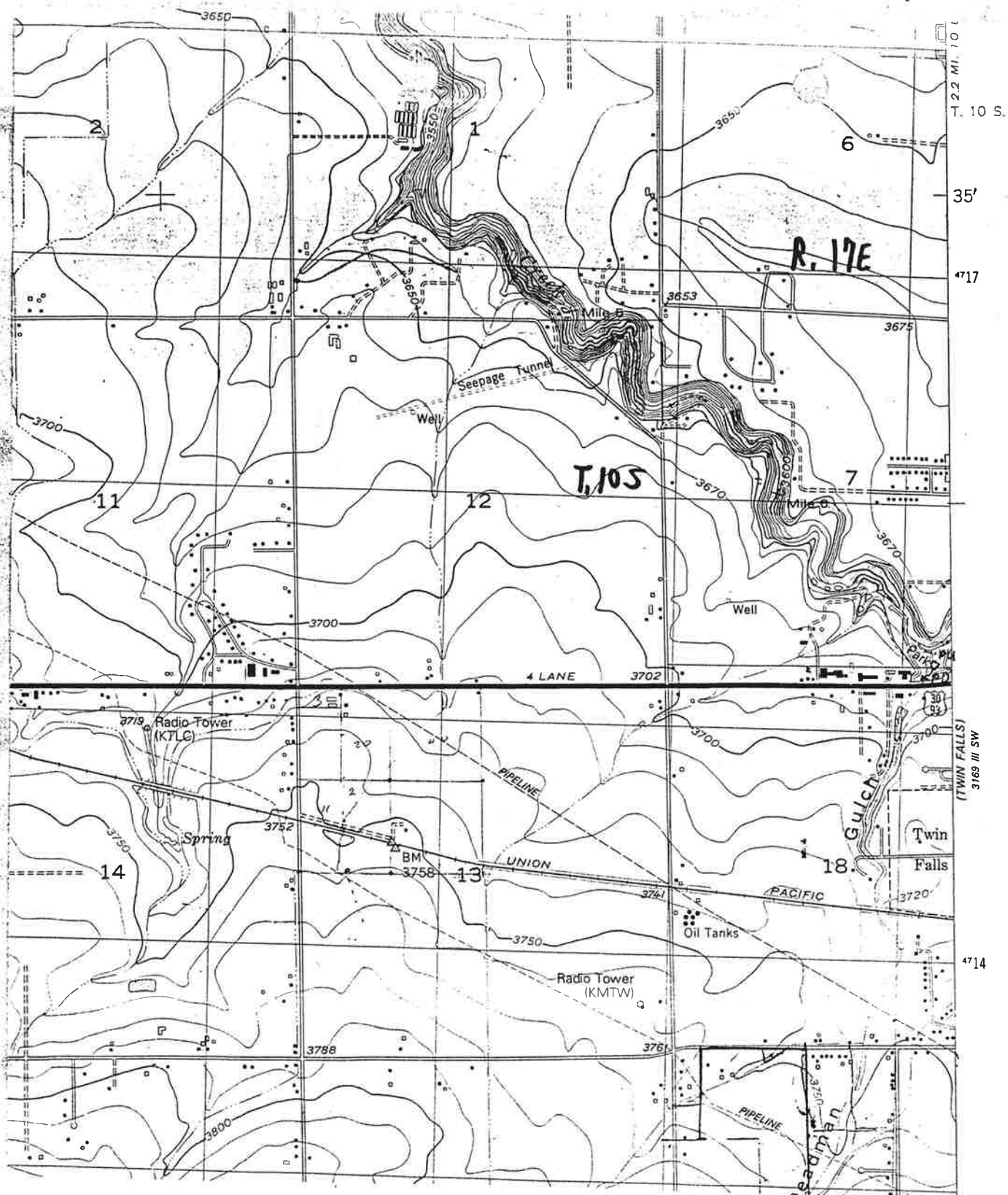

JENNIFER SEIFERT, Clerical
Assistant

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 47-08098

To appropriate the public waters of the State of Idaho

1. Name of applicant Dennis KulhaneK Phone 734-6989
Post office address Rt 6 Box 9245 Twin Falls Idaho 83301
2. Source of water supply Deadman Gulch Cr. which is a tributary of Rock Creek
3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of _____ $\frac{1}{4}$, Govt. Lot _____
Sec. 7 Township 10 South Range 17 East B.M. Twin Falls County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount ^{30.8}~~30~~ for Fish Prop. 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)
5. Total quantity to be appropriated is (a) 20.0 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Concrete diversion in
Stream Metal Pipe to Concrete Fish Ponds
 - b. Height of storage dam 6' feet; active reservoir capacity NA acre-feet; total
reservoir capacity NA acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is NA 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
5 years (minimum 1 year).



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

SE 1/4 SE 1/4

Township 10S Range 17E BM

Section 7 Twin Falls County Idaho

Scale: 2 inches equal 1 mile

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.

tion for permit to appropriate the public

James H. H. H.
(Applicant)

Received by JA Date 5-12-88 Time 10:18 AM Preliminary check by VB
 Fee \$ 425.00 Receipted by JA # 5006/87 Date 5-12-88
 Publication prepared by M. Baldwin Date 8/4/88 Published in Times News, Post Register
Id. Statesman
 Publication approved M. Baldwin Date 9/1/88, 10/5/88

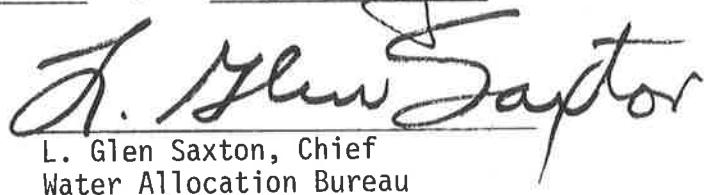
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 47-8098, and said application is hereby DENIED.

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: Pursuant to Order Voiding Applications

Witness my hand this 27th day of July, 1989.


 L. Glen Saxton, Chief
 Water Allocation Bureau



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

July 28, 1989

RE: Application for Permit No. 47-8098

Dennis Kulhanek
Rt. 6, Box 9245
Twin Falls, ID 83301

Dear Mr. Kulhanek:

Enclosed is a copy of your voided Application for Permit No. 47-8098. Also enclosed is a copy of the order voiding the application.

Please be advised that if you do not agree with the decision of the Department you may, within fifteen (15) days of receipt of the Order voiding your application, request a hearing before the Director. Failure to timely petition the Director within fifteen days of receipt of the Order may prevent you from further contesting the voiding of your application.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

(208) 327-7900

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 30, 1989

Dennis Kulhanek
Rt. 6, Box 9245
Twin Falls, Idaho 83301

RECEIVED

APR 3 1989

RE: Application to appropriate water no. 47-8098

Department of Water Resources
Southern Region Office

Dear Mr. Kulhanek:

NOTICE OF PENDING ORDER VOIDING APPLICATION

On May 12, 1988, you filed with the Department of Water Resources an application to appropriate water number 47-8098, proposing to divert water for fish propagation purposes, within the SESE, S7, T10S, R17E, B.M., Twin Falls County.

On February 8, 1989, the Department requested that you submit additional information regarding the proposed fish propagation project on Deadman Gulch Creek. As of this date, the Department has not received the requested information. Pursuant to Section 42-204, Idaho Code, the Department may void the record of applications for which requested information is not submitted.

The purpose of this letter is to request that you withdraw your application or explain why the Department should not void your application. Enclosed is a withdrawal form that should be signed and returned to me, unless you have some explanation that would prevent the Department from voiding your application.

If you fail to respond to this inquiry within thirty (30) days of the date of this letter, the Department will act to void your application. The application will be voided on the grounds that requested information was not submitted.

Sincerely,

Gary Spackman

Gary Spackman, Manager
Water Right Permits Section

GS:ds

Enclosure

47-8098

CERTIFICATE OF MAILING

I hereby certify that on the 31st day of March, 1989,
I mailed a true and correct copy, postage prepaid, of

Diana Schuett
DIANA SCHUETT, Clerical
Assistant

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Dennis KulhaneK Phone 734-6989
Post office address Pt 6 Box 9245 Twin Falls Idaho
2. Source of water supply Deadman Gulch Cr. which is a tributary of Rock Creek
3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of _____ $\frac{1}{4}$, Govt. Lot _____
Sec. 7 Township 10 South Range 17 East B.M. Twin Falls County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 20 ~~30~~ for Fish Prop. 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)
5. Total quantity to be appropriated is (a) _____ and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc. Concrete diversion in
Stream Metal Pipe to Concrete Fish Ponds
- b. Height of storage dam 6' feet; active reservoir capacity NA acre-feet; total
reservoir capacity NA acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
- c. Proposed well diameter is NA 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
5 years (minimum 1 year).

47-08098

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. Fish Prop
Raising Fish to market size for Profit.

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	
10S	17	7																H	

H is Fish Propagation

Total number of acres to be irrigated N/A

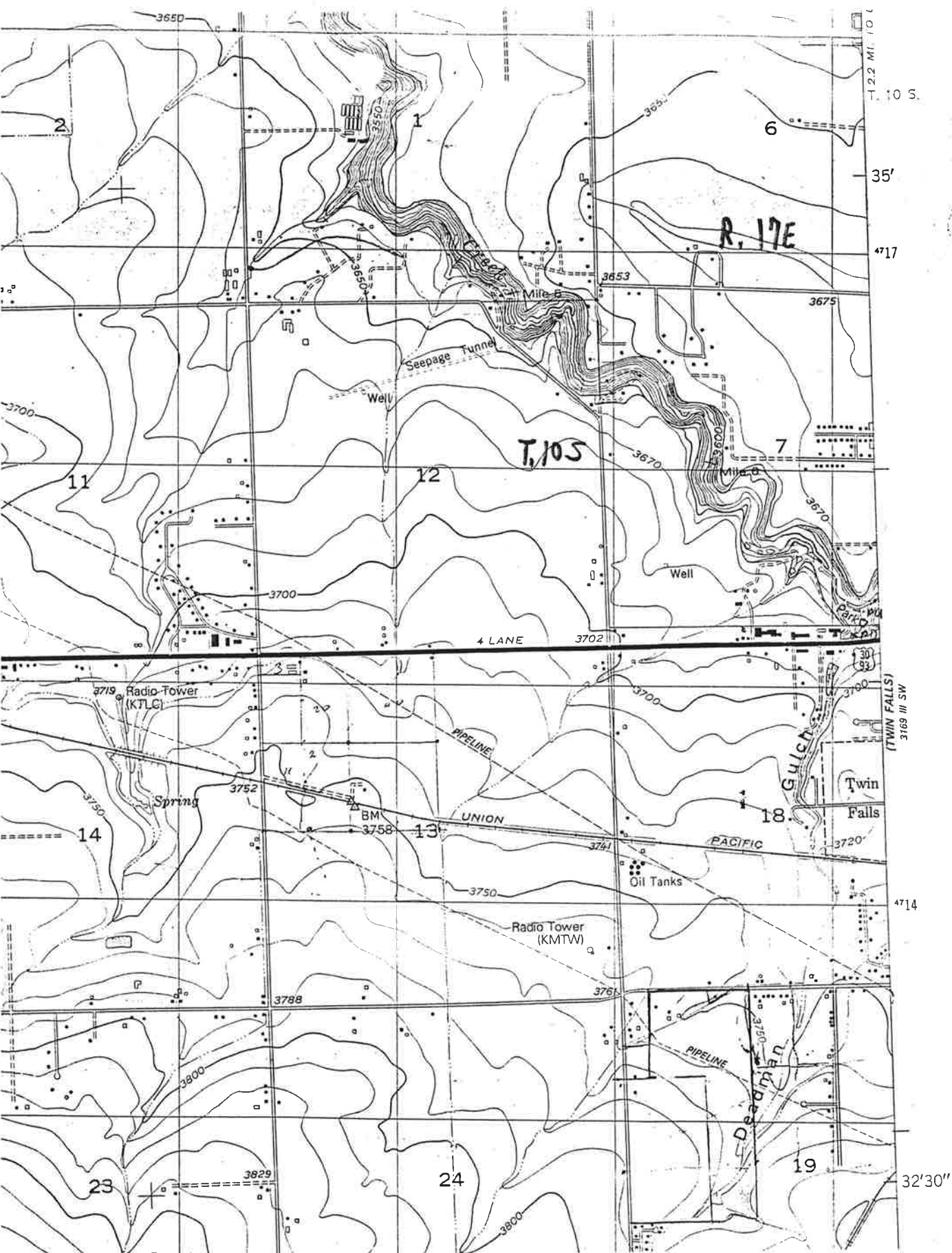
10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? Triple C Concrete
I have option to purchase
- 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. Triple C Concrete owns the

property, I have an option to purchase Pending Water Filing

12. Remarks: Approval



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

SE 1/4 SE 1/4
Township 10S Range 17E BM
Section 7 Twin Falls County Idaho

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.

Application for permit to appropriate the public waters of

Dennis H. Havel
(Applicant)

Received by JA Date 5-12-88 Time 10:18 am Preliminary check by TB
Fee \$ 425.00 Receipted by JA # 5006/87 Date 5-12-88
Publication prepared by M. Baldwin Date 8/4/88 Published in Times News, Post Register
Lewiston AM Tribune,
FD. Statesman
Publication approved M. Baldwin Date 9/1/88, 10/5/88

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:



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 8, 1989

RECEIVED

FEB 10 1989

Department of Water Resources
Southern Region Office

Dennis Kulhanek
Rt. 6, Box 9245
Twin Falls, ID 83301

RE: Application to appropriate water no. 47-08098

Dear Mr. Kulhanek:

The State Office of the Department of Water Resources received the above numbered application, which proposes diversion of 20 cfs for fish propagation from Deadman Gulch Creek, tributary to Rock Creek. Several entities have expressed concern that the fish rearing facility will degrade the environment and aesthetics of the area.

I first refer to a letter from Gary R. Burkett, Division of Environmental Quality, which states that you must obtain an NPDES permit for discharge from the facility. Rule 5,1,2. of the Water Appropriation Rules and Regulations requires that the applicant must be in the process of obtaining other permits needed to construct and operate the project. Please inform the department regarding the status of the NPDES permit.

The department also received unfavorable letters from Snake River Soil and Water Conservation District; Twin Falls County Parks and Recreation Advisory Committee; Division of Environmental Quality, Idaho Department of Health & Welfare; and Idaho Department of Parks & Recreation. You should exert some effort to alleviate these concerns prior to the issuance of a decision by the department. The department must consider the public interest in determining whether an application should be approved.

Rule 4,5,3,1,3. requires that information be submitted concerning design construction of operation techniques which will eliminate or reduce the impact on other water rights.

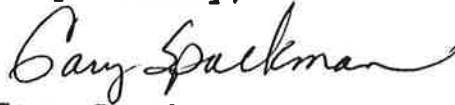
Rule 4,5,3,2. requires that you not only determine the required diversion flow rate and annual volume, but also study the stream to determine whether water is available for the proposal.

The information requested above should be submitted to the department within thirty (30) days of the date of this letter.

47-08098

The department rules and regulations provide that an application may be rejected for failure to submit requested information within thirty days.

Respectfully,

A handwritten signature in cursive script that reads "Gary Spackman". The signature is written in dark ink and is positioned above the printed name and title.

Gary Spackman, Manager
Water Right Permits Section