

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/24/2020

Water Permit 47-7997

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TRIANGLE X DAIRY , ZZ

Status: Cancelled

Source

Tributary

Beneficial Use

From

To

Diversion Rate

Volume

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

RECEIVED

OF THE

DEC 10 1990

STATE OF IDAHO

Department of Water Resources
Southern Region Office

IN THE MATTER OF APPLICATION)
)
FOR PERMIT NO. 47-7997 IN THE)
)
NAME OF TRIANGLE X DAIRY)
)

AMENDED ORDER VOIDING
APPLICATION FOR PERMIT

This matter having come before the Idaho Department of Water Resources (Department) as a requirement of Section 42-203C, Idaho Code, the Department finds, concludes and orders as follows:

FINDINGS OF FACT

1. Application for Permit No. 47-7997 (application) proposed the diversion of 0.30 cfs from a ground water source for the irrigation of 5 acres of land.

2. The Department mailed notice to the applicant(s) on July 6, 1990, informing them that Application No. 47-7997 was subject to the review requirements of Section 42-203C, Idaho Code. The notice further informed the applicant(s) that he must submit to the Department within thirty (30) days information concerning development prior to October 1, 1984, and/or whether there is a continued interest in pursuing completion of the proposed development.

3. On August 14, 1990, the Department mailed a second notice requesting the applicant to provide the additional information within fifteen (15) days or withdraw the application. The notice further informed the applicant that failure to submit the information within the specified time was cause for the

47-7997

Department to void the application. A response to this notice was not received.

CONCLUSIONS OF LAW

1. Section 42-204, Idaho Code, specifies that failure on the part of the applicant to supply requested information within thirty (30) days is cause for the Director to void an application.

2. The application should be voided as provided in Section 42-204, Idaho Code.

ORDER

IT IS HEREBY ORDERED that Application for Permit No. 47-7997 be VOIDED as provided in Section 42-204, Idaho Code.

Dated this 6th day of December, 1990.

A handwritten signature in cursive script, reading "L. Glen Saxton".

L. GLEN SAXTON, Chief
Water Allocation Bureau

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED

OCT 9 1990

Department of Water Resources
Southern Region Office

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 45-7997 IN THE)
NAME OF TRIANGLE X DAIRY)

ORDER VOIDING APPLICATION
FOR PERMIT

This matter having come before the Idaho Department of Water Resources (Department) as a requirement of Section 42-203C, Idaho Code, the Department finds, concludes and orders as follows:

FINDINGS OF FACT

1. Application for Permit No. 45-7997 (application) proposed the diversion of 0.30 cfs from groundwater for the irrigation of 5 acres of land.

2. The Department mailed notice to the applicant(s) on July 6, 1990, informing them that Application No. 45-7997 was subject to the review requirements of Section 42-203C, Idaho Code. The notice further informed the applicant(s) that they must submit to the Department within thirty (30) days information concerning development prior to October 1, 1984, and/or whether there is a continued interest in pursuing completion of the proposed development.

3. On August 14, 1990, the Department mailed a second notice requesting the applicant to provide the additional information within fifteen (15) days or withdraw the application. The notice further informed the applicant that failure to submit the information within the specified time was cause for the

45-7997
47-7997

Department to void the application. A response to this notice was not received.

CONCLUSIONS OF LAW

1. Section 42-204, Idaho Code, specifies that failure on the part of the applicant to supply requested information within thirty (30) days is cause for the Director to void an application.

2. The application should be voided as provided in Section 42-204, Idaho Code.

ORDER

IT IS HEREBY ORDERED that Application for Permit No. 45-7997 be VOIDED as provided in Section 42-204, Idaho Code.

Dated this 20th day of September, 1990.


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

August 14, 1990

CECIL D. ANDRUS

GOVERNOR

RECEIVED
R. KEITH HIGGINSON
DIRECTOR

Triangle X Dairy
P.O. Box 186
Twin Falls, ID 83303

AUG 17 1990

Re: Application for Permit No. 47-7997

Department of Water Resources
Southern Region Office

Dear Applicant(s):

NOTICE OF PENDING ORDER VOIDING APPLICATION

On April 9, 1985, you filed with the Department of Water Resources (Department) Application for Permit No. 47-7997 which proposed the diversion of .15 cubic feet per second from groundwater for the irrigation of 5 acres.

The Department mailed a letter and questionnaire to you on July 6, 1990. The letter provided notice that the Department was reviewing the application in connection with development which was not complete prior to October 1, 1984.

This letter also requested that you return the Department's questionnaire concerning your present possessory interest in the place of use, any prior development under the application and/or your plans for pursuing completion of the proposed project. The letter notified you that failure to complete and return the questionnaire within thirty (30) days of the date of the letter was cause for the Department to void the application.

The purpose of this letter is to provide a second and final opportunity for you to submit the requested information. If you fail to respond to this inquiry within fifteen (15) days of the date of this letter, the Department will issue an order voiding the application pursuant to Water Appropriation Rule 4,5,1.

If no development has been completed as authorized by the application, and you are no longer interested in pursuing the development, please complete and return the enclosed withdrawal form. Please note, if you are using water without an approved permit, the Department may issue an order requiring you to cease diverting the water.

Please feel free to contact me if you have any questions concerning this matter.

Sincerely,

TIM LUKE
Sr. Water Resource Agent

Enclosure
cc: Region

47-7997



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

RECEIVED

JUL 11 1990

Department of Water Resources
Southern Region Office

July 6, 1990

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

RE: APPLICATION FOR PERMIT NO. 47-7997

Dear APPLICANT:

Due to the Swan Falls litigation, Department approval of the enclosed application may have been delayed. The Department is presently reviewing your application and may authorize the proposed development.

The purpose of this letter is to determine: (1) if you are still interested in developing the project, and (2) the extent of development if any, that has already occurred under the application. Enclosed are two forms requesting information which will help the Department expedite the processing of the application.

1. If you have abandoned or have no interest in continuing with your plans for development of the project, please complete the enclosed withdrawal form and return it to the Department. If you request a withdrawal of the application and the application was not previously advertised, the department will refund your original filing fee.

2. If you wish to continue with your proposed development plans, or have completed all or a portion of the proposed development before October 1, 1984, then you must complete and return the enclosed questionnaire. You may use the questionnaire and enclosed application to make any comments &/or amendments concerning the application. Your completion of the questionnaire will expedite processing and help the department determine if the water diverted under the application is public water or trust water. Approved trust water applications may be subject to additional conditions.

Failure to return either of the above forms within thirty (30) days of the date of this letter is cause for the Department to void the application.

Please be further advised that if any undeveloped portion of your proposed project is greater than 200 acres, the Department will issue a notice requesting additional information as required by Water Appropriation Rule 4,5. (in particular, Rules 4,5,3. thru 4,5,3,5, apply to your project if it is more than 200 acres).

47-7997

Page 2

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 327-7864. The enclosed forms and all other relative information must be returned within thirty (30) days to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720
Attn: Tim Luke

Please note that a copy of your application is enclosed. The application number is also shown on the enclosed questionnaire.

Sincerely,



TIM LUKE
Sr. Water Resource Agent

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Triangle X Dairy Phone 733-2323

Post office address P. O. Box 186, Twin Falls, ID 83303

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is Lot 1 (NE) $\frac{1}{4}$ of (NE) $\frac{1}{4}$ of Section 5 Township 11S

Range 16E B.M. Twin Falls County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.15cfs for Irrigation purposes from Mar 15 to Nov 15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.13cfs for Livestock purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.02cfs for Commercial 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)

5. Total quantity to be appropriated:

a. 0.30 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Existing well, larger pump & motor to
be installed. Lines to dairy. Irrigation system for pasture.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

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 — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: Lot 1 $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section 5 Township 11S

Range 16E B.M.

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

(3) List number of each kind of livestock to be watered 150 dairy cows

(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: _____

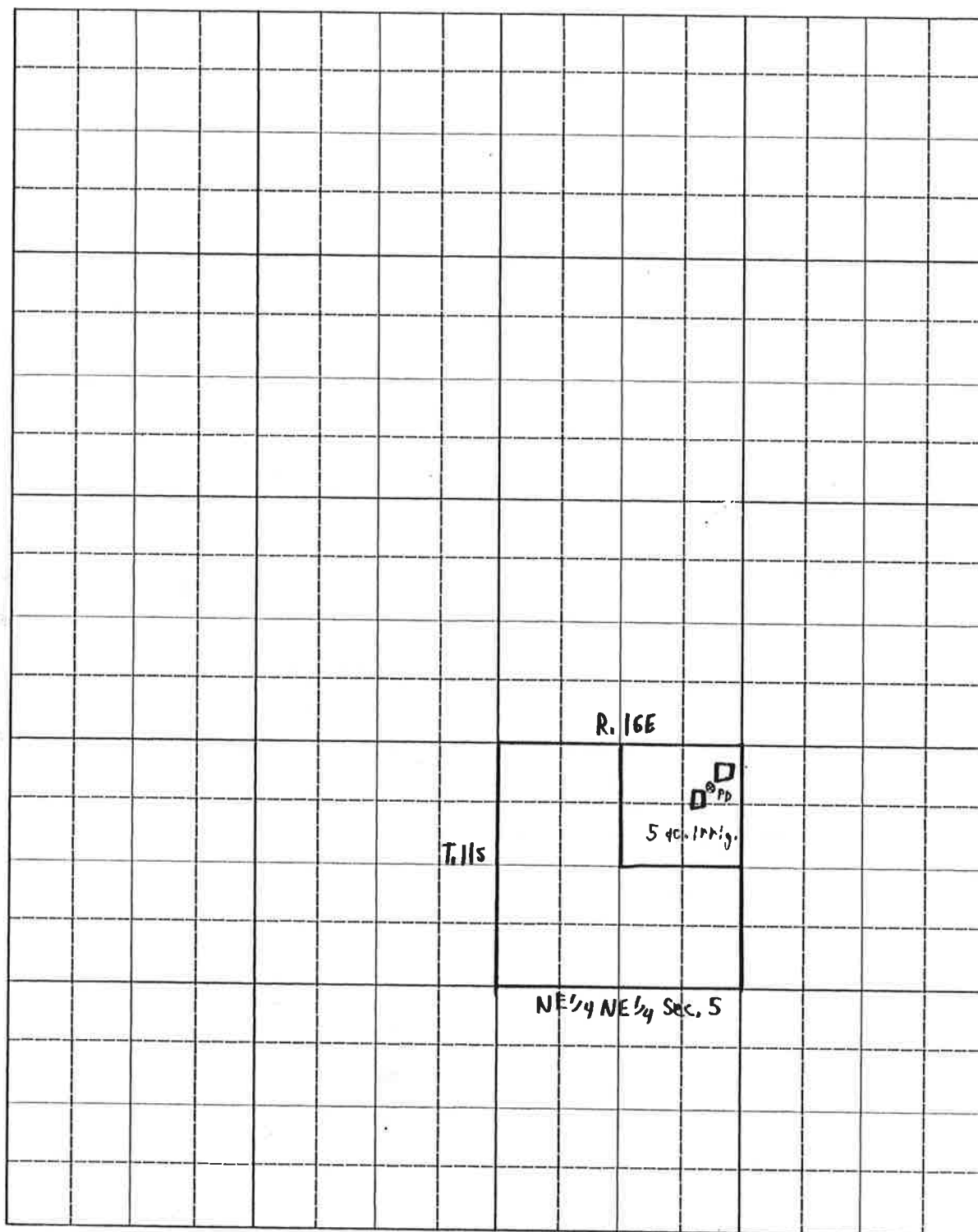
Commercial use in dairy building.

47-7997

[illegible]

10. Remarks Dairy was built in 1973. 75 cows are now milked, although the system can
handle 150. We are now developing 5 acres of pasture, and hope to use
the well as a secondary source of water for irrigation.

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.

Jay Probst - Partner
(Applicant)

Received by JP Date 4-9-85 Time 4:06 pm
Preliminary check by [Signature] Fee \$ 45.00
Received by JP Date 4-9-85 # 85322
Publication prepared by _____ Date _____
Published in _____
Publication dates _____
Publication approved _____ Date _____
Protests filed by: _____

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

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. Other:

Water Right Number - 47-07997

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
TRIANGLE X DAIRY

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
00/00/0000 17 SOUTHERN C - CANCELLED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
No Remarks found.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - +
No Comments Found

+ - - Audit Fields - 09/22/87 05/28/88 11/27/92

Water right number - 47-07997

Prefix Translation: WATER RIGHT

+ - - - - Water Rights Dates and Flags Area - - - - +

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 11/27/1992	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date- 00/00/0000	Verified Date - 00/00/0000	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District -
Licensed Date - 00/00/0000	Appl Received - 00/00/0000	Transfer/Amended -
Decree Date - 00/00/0000	Name Connector -	POU Ownership Flag-
Presumption Flag -		

STATE

[illegible]

(Menu)

SD-4113-2

Idaho Department of Water Resources
Water Right Inquiry Selection

Date: 03/15/95
Time: 16:20:12

Water Right Number: 47-07997 - CANCELLED

- ☐ Names
- ☐ Total Div. Rate & Volume, Non-Irrigation Uses, & Other Rights
- ☐ Sources & Tributaries
- ☐ Point of Diversion
- ☐ Water Uses
- ☐ Places of Use
- ☐ Remarks
- ☐ Approval Conditions
- ☐ Civil Case No., Stage, Status, Report Filing Date, etc.
- ☐ Audit Information

(Enter=Continue) (GOLD6=Select All) (GOLD7=Ad Hoc Reports) (GOLD8=Cancel)

END OF DATA Office	Reg	Location	FIRST PAGE Type Description	Date
FILE	C	DESTROYD	File Destroyed	01/07/93
MICRO	C	BASKET	Film & Destroy Review	11/27/92
BRENDA	C	DRAWER2	Film & Destroy Review	11/09/92
VAULT	C	SHELVES	Initial Entry	04/29/91

(Enter=Cont) (GOLD4=Prev Scr) (GOLD5=Next Scr) (GOLD6=End of Data) (GOLD8=Exit)