## IDAHO DEPARTMENT OF WATER RESOURCES Proof Report

7/23/2020

### Water Permit 47-7863

Owner Type	Name and Address
Current Owner	TONY P KUNTZ
	RT 3
	BUHL, ID 83316
	(208) 543-4988

Status: Cancelled

<u>Source</u>

Tributary

Beneficial Use	From	<u>To</u>	Diversion Rate	<u>Volume</u>
Source and Point(s) of Diversion				
Place Of Use				
Conditions of Approval:				
<u>Comments:</u>				
Dates and Other Information Water District Number: TBD Mitigation Plan: False				
<u>Combined Use Limits</u> N/A				
<u>SubCase:</u> N/A				

Water Supply Bank: N/A





## 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

January 18, 1990

RE: Application for Permit No. 47-7863



JAN 23 1990

Department of Water Resources Southern Region Office

Tony P. Kuntz Rt. 3 Buhl, ID 83316

Dear Mr. Kuntz:

Enclosed is an order which voids the above referenced application for permit for failure to pay a re-advertisement fee.

Please be advised that if you do not agree with the decision of the Department you may, within fifteen (15) days of the receipt of the order voiding your application for permit, 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 for permit.

If this voided application represents an existing development, further use of the well and water delivery system is prohibited by law. If you divert water illegally, you may be served with a cease and desist order and be subject to a civil penalty of up to \$100 per day.

Sincerely,

GARY SPÄCKMAN, Manager Water Right Permits Section

GS:sc

Enclosure

# BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

#### STATE OF IDAHO

JAN 2 3 1990

EGEIVED

Department of Water Resources Southern Region Office

IN THE MATTER OF APPLICATION FOR PERMIT NO. 47-7863 IN THE NAME OF TONY P. KUNTZ

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 order as follows:

#### FINDINGS OF FACT

Application for permit no. 47-7863 (application) 1. authorized the diversion of 0.15 cfs of groundwater for domestic use, stockwatering and the irrigation of 5.0 acres of land.

The Department mailed notice to the applicant on October 2. 23, 1989, informing him that Application No. 47-7863 was subject to the review requirements of Section 42-203C, Idaho Code. The notice further informed the applicant that he must submit to the Department within thirty (30) days either the readvertisement fee required by Section 42-221F, Idaho Code and Water Appropriation Rule 4,2,2,1., or evidence that the development proposed by the application was completed prior to October 1, 1984.

3. The permit holder failed to submit the required readvertisement fee or evidence of development completed prior to October 1, 1984.

CONCLUSIONS OF LAW

1. Water Appropriation Rule 4,2,2,4. specifies that failure to pay the required readvertisement fee within 30 days after the permit holder is notified to do so is cause for the Director of the Department to void the application.

2. The application should be voided as provided in Water Appropriation Rule 4,2,3,4.

#### ORDER

IT IS HEREBY ORDERED that Application for Permit No. 47-7863 be VOIDED as provided in Water Appropriation Rule 4,2,2,4.

Dated this  $15\frac{74}{2}$  day of January, 1990.

Director

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Form 202 3/78	-	STATE OF IDAHO	Ident. No. <u>47-7863</u>
		ENT OF WATER RESOURCES	$\mathbb{R} \mathbb{E} \mathbb{G} \mathbb{E} \mathbb{I} \mathbb{V} \mathbb{E} \mathbb{D}$
		ATION FOR PERMIT	JAN 2 3 1990
	To appropriate t	he public waters of the State of Ida	
1. Nam	e of applicant <u>Tony P. Kuntz</u>	Phone	Southern Region Office
	office address <u></u>	-	
		Streams which is a tributary of	Deep Creek
		4 of ¼ of Section	
		1s County, additional points	
Amou (cfs or Amou (cfs or Amou (cfs or 5. Total a 6. Propo	unt 0.02cfs for acre-feet per annum)       Domestic         unt 0.02cfs for acre-feet per annum)       Livestock         acre-feet per annum)       unt for acre-feet per annum)         unt for acre-feet per annum)       cubic feet per annum)         quantity to be appropriated:       0.19         osed diverting works:       cubic feet per pump	purposes from <u>Mar 15</u> to <u>Nov 15</u> purposes from <u>Jan 1</u> to <u>Dec 31</u> purposes from <u>Jan 1</u> to <u>Dec 31</u> purposes from <u>to</u> second and/or b. <u>Second and/or b. <u>Check dams &amp; ponds</u></u>	pumps for irrigation.
		feet, active reservoir capacity	
Pe c. Pro	riod of year when water will be dive oposed well diameter is	erted to storage to (Month/Day) inches; proposed depth of well is	(Month/Day) feet.
use is 8. Descrij	5 years <i>(minimum 1 yea</i>	e works and application of the water to t ar – maximum 5 years).	the proposed beneficial
		SE ¼ of ¼ of Section21	Township98
(2)	Range <u><math>14E</math></u> B.M.		
		horsepower under	
(3)		ock to be watered <u>18 beef cattle</u>	
(4)		, or n	umber of families to be
	supplied with domestic water		
(5)	If water is to be used for other pur	poses describe:	

47.7863

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

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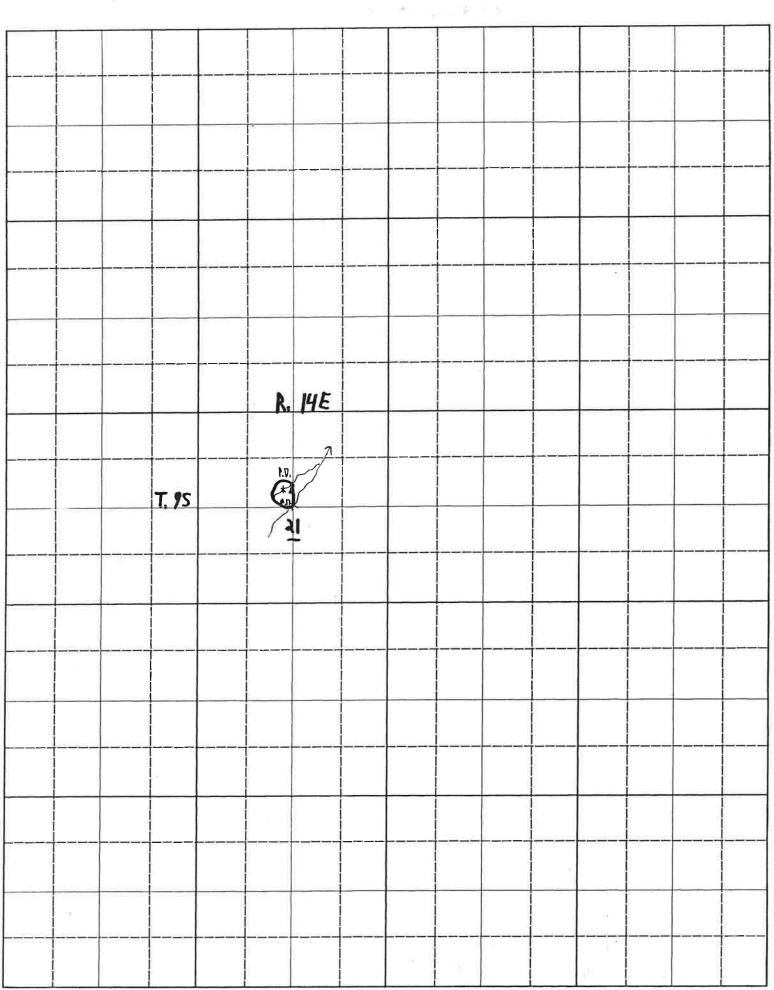
11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

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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.

ton Applicant)

	Received by $2$ Date $2-22-83$ Time $10.25 \text{ am}$ Preliminary check by $45$ Fee \$ $30^{99}$ Receipted by $2$ Date $2-22-83$ $426024$
	Publication prepared by Date
	Publication dates
	Publication approved Date Protests filed by:
ia.	
	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

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:

Witness my hand this 15 Id day of JANNARY, 1920.

TH HIGGINSON Director





## 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

December 5, 1989

Tony P. Kuntz Rt. 3 Buhl, ID 83316

REGEIVE

DEC 8 1989

Re: Application for Permit No. 47-7863

Department of Weter Resources Southern Region Office

Dear Applicant(s):

#### NOTICE OF PENDING ORDER VOIDING APPLICATION

On February 22, 1983, you filed with the Department of Water Resources (Department) Application for Permit No. 47-7863 which proposed the diversion of 0.19 cubic feet per second from unnamed streams tributary to Deep Creek for the irrigation of 5 acres.

The Department mailed a letter and questionnaire to you on October 23, 1989 in connection with the application. 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 proposed 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 under this right, 47-7863, 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,

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TIM LUKE Sr. Water Resource Agent

Enclosure cc: Region

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		e public waters of t		o
1. Name of ap	plicant <u>Tony P. Kuntz</u>		Phone	543-4988
Post office a	address <u>Route #3, Buhl</u> ,	ID 83316		
2. Source of w	vater supply Unnamed S	Streams which	h is a tributary of	Deep Creek
3. Location of	f point of diversion is <u>SE</u>	_%_of%_ofS	ection21	Township 95
Range <u>14</u>	<u>⊧E</u> B.M. <u>Twin Fal</u>	1s County	, additional points o	of diversion if any:
4. Water will I	be used for the following pur	ooses:		
Amount 0	15cfs for	_purposes from	<u>15</u> to <u>Nov 15</u>	(both dates inclusive)
Amount 0	.02cfs for Domestic	purposes fromJan	1 to Dec 31	(DOUT Gates meldsive)
(cfs or acre-fer Amount 0	.02cfs for Livestock	purposes from	1 to 31	
	for et per annum)	purposes from	to	(both dates inclusive)
5. Total quar	ntity to be appropriated:			
				acre-feet per annum
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b.	If water is for	irrigation, indicate	acreage in each	subdivision in	the tabulation below:
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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.

ton Applicant)

Received by Date 2-22-83 Time /0/25 4M Preliminary check by ADA Fee \$ 3099	E.
Receipted by Date ユーユュー 怒 #26024	
Publication prepared by Date Published in'	
Publication dates 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.

5 X 12 X

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: