

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

7/22/2020

Water Permit 47-7808

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GUERRY INC PO BOX 687 CASTLEFORD, ID 83321 (208) 537-6787

Status: Lapsed

Source

Tributary

<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

NOV 29 1989

IN THE MATTER OF PERMIT  
NO. 47-7808 IN THE NAME OF  
GUERRY INC.

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)  
)  
)  
)

Department of Water Resources  
Southern Region Office  
CONTINUATION ORDER

This matter having come before the Idaho Department of Water Resources (IDWR) as a requirement of Section 42-203D, Idaho Code, the Department Finds, Concludes and Orders as follows:

FINDINGS OF FACT

1. Section 42-203D, Idaho Code, directs IDWR to review all permits issued prior to July 1, 1985, located within the Swan Falls Trust Water Area, to determine if water was beneficially used prior to said date.

2. If water was not beneficially used until after July 1, 1985, Section 42-203D further directs IDWR to review the permit under the provisions of Section 42-203C, Idaho Code.

3. Section 42-203C requires IDWR to determine whether diversion of water under a permit issued prior to July 1, 1985, causes a significant reduction of trust water available for power production and, if there is a significant reduction, to determine whether the reduction is in the public interest.

4. Permit No. 47-7808 (permit) was issued to Guerry Inc. (permit holder) authorizing the diversion of 1.8 cfs of wastewater for irrigation of 133.0 acres.

5. IDWR records show that 121.0 acres authorized to be irrigated under Permit No. 47-7808, are irrigated with other water rights perfected prior to July 1, 1985.

47-7808

6. Water diverted and used on or after July 1, 1985 for the irrigation of land under the terms of this permit is trust water.

7. The development and use of wastewater authorized under this permit does not cause a significant reduction of trust water.

#### CONCLUSIONS OF LAW

1. The water authorized for diversion under Permit No. 47-7808 is trust water.

2. The use of water under the permit satisfies the provisions of Sections 42-203C and 42-203D, Idaho Code.

3. An order continuing the permit should be issued.

#### ORDER

IT IS HEREBY ORDERED that Permit No. 47-7808 is valid and may CONTINUE as provided in Section 42-203D, Idaho Code, subject to the following additional conditions and limitation

1. Proof of construction of works and application of water to beneficial use shall be submitted to IDWR on or before June 1, 1992.

2. The use of trust water authorized by this right is subject to review 20 years after the date of this order to determine availability of trust water and to reevaluate the public interest.

3. The construction of diversion works must be commenced within one (1) year of the date of this order and shall proceed diligently and uninterruptedly to completion unless temporarily interrupted by circumstances over which the permit holder has no control.

4. Diversion and use of trust water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.

5. The Director retains jurisdiction of this right to change, add or remove any requirement as determined to be appropriate.

6. All conditions of approval contained on Permit No. 47-7808 are incorporated into and made a part of this order.

Dated this 22<sup>nd</sup> day of November, 1989.

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

L. GLEN SAXTON, Chief  
Water Allocation Bureau

RECEIVED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

MAY 18 1987

Department of Water Resources  
Southern Region Office

To provide additional time in which to submit proof  
of beneficial use for a water right permit

RECEIVED

MAY 20 1987

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 47-7808

Name(s) of Permit Holder: Guerry, Inc.

Post Office Address: Rt. 2, Buhl, Idaho, 83316

Telephone No. 537-6629

Date Proof Is Due: June 1, 1987

Describe what work has been completed toward the development of this water right:

(This must be filled out! If no work has been completed, show "none".)

16' X 60' X 4' pond has been constructed

Costing \$ 300<sup>00</sup>

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Due to Swan Falls Litigation pump & pipeline has not been invested in.

Permit holder(s) request an extension to June 1, 1992.  
(1 yr. minimum)

Guerry, Inc.  
Lawrence Guerry, Jr., Pres.  
(Signature)

FEE: \$15.00

\*IF OTHER THAN PERMIT HOLDER,  
POWER OF ATTORNEY MUST BE SUPPLIED.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to June 1, 1992.

Signed this 22<sup>nd</sup> day of Nov., 19 89.

A. Shaw Saxton  
Chief, Water Allocation Bureau

RECEIVED

MAY 29 1987

Department of Water Resources  
Southern Region Office

May 26, 1987

Guerry, Inc.  
Rt. 2  
Buhl, ID 83316

Gentlemen:

Re: Permit No. 47-7808

The department has reviewed the request for extension of time submitted in connection with the above referenced permit. The department will hold the request without action until the permit is reprocessed in compliance with the provisions of Sec. 42-203D, Idaho Code. Upon completion of reprocessing, an appropriate development period will be granted if the permit is to be continued.

Please feel free to contact this office if you have any questions.

Sincerely,

L. GLEN SAXTON  
Chief, Operations Bureau

LGS:rf

cc: Region

47-7808

RECEIVED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

\$15 FEE Received by \_\_\_\_\_  
Date \_\_\_\_\_  
Receipt # \_\_\_\_\_

MAY 18 1987

REQUEST FOR EXTENSION OF TIME

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(1 yr. minimum)

Maurice Guerry, Jr., Pres.  
(Signature)

FEE: \$15.00

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POWER OF ATTORNEY MUST BE SUPPLIED.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

47-7808

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

JUL 13 1982

1. Name of applicant Guerry, Inc. Phone 537-6629

Post office address Rt. 2 Buhl, Idaho Department of Water Resources  
883716 Southern District Office

2. Source of water supply waste water which is a tributary of Sinks

3. Location of point of diversion is NW  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of Section 21 Township 10S

Range 13E B.M. Twin Falls County, additional points of diversion if any: \_\_\_\_\_

4. Water will be used for the following purposes:

Amount 1.8 for irrig purposes from Mar 15 to Nov. 15 (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:

a. 1.8 cubic feet per second and/or b. \_\_\_\_\_ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. collection pond & pump  
with pipeline to ditches

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: \_\_\_\_\_  $\frac{1}{4}$  of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_ Township \_\_\_\_\_  
Range \_\_\_\_\_ 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 \_\_\_\_\_

(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: \_\_\_\_\_

47-7808



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

[illegible]

Total number of acres to be irrigated 133

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

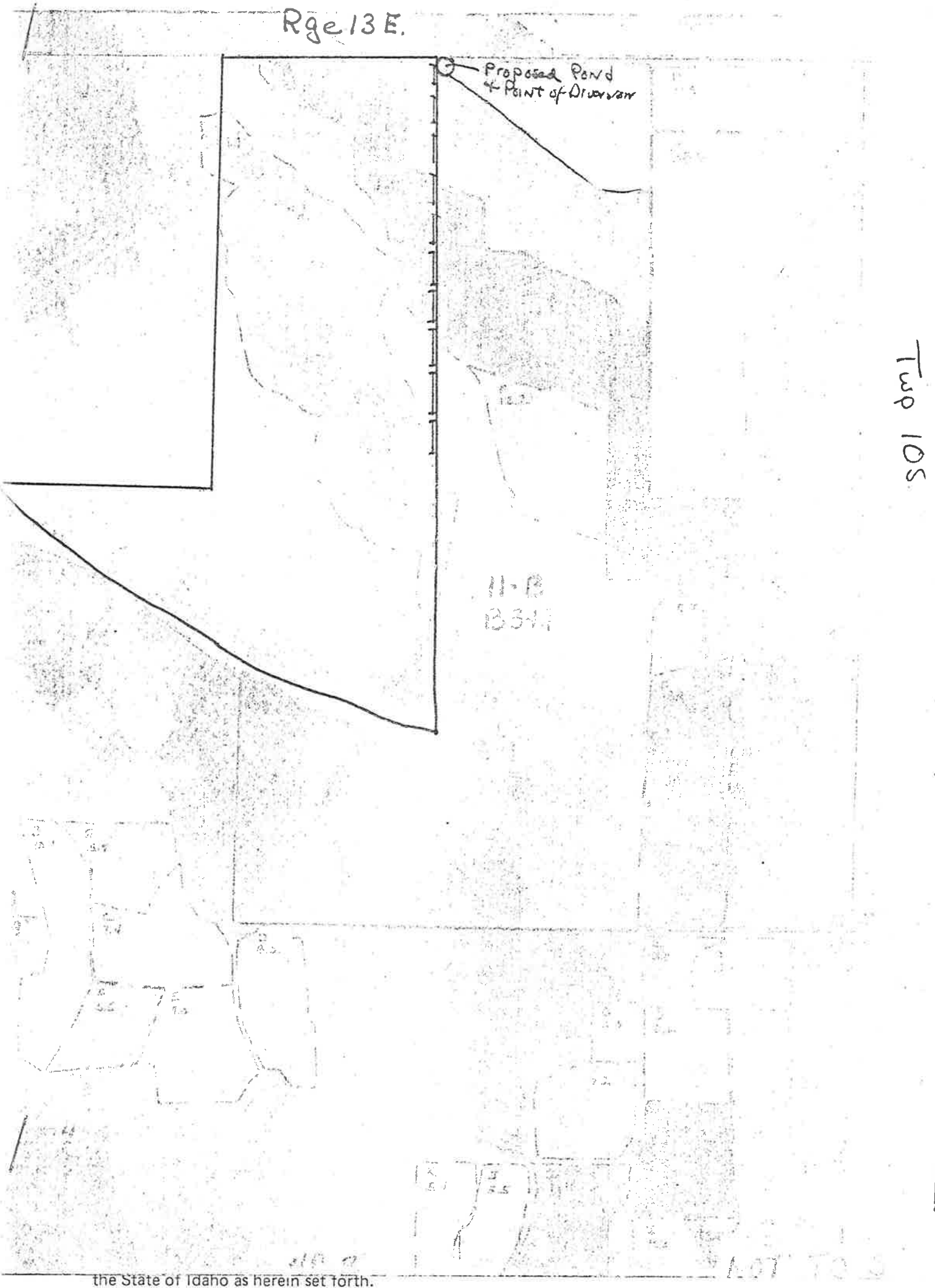
9. a. Who owns the property at the point of diversion applicant

b. Who owns the land to be irrigated or place of use applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks \_\_\_\_\_

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



Twp 10 S

the State of Idaho as herein set forth.

*George E. Lewis, Jr.*  
(Applicant)

3/25/1982

Received by TGB Date 3-25-82 Time 3:30  
Preliminary check by A. J. Jolly Fee \$ 65.00 Permit # 22106  
Receipted by TGB Date 3-25-82  
Publication prepared by muga Date 3/26/82  
Published in Times News  
Publication dates 3/1 + 4/8/82  
Publication approved muga Date 3/30/82  
Protests filed by: None  
  
Copies of protests forwarded by \_\_\_\_\_  
Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Recommended for approval denial by ADM

**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. 47-7808, 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 June 1, 19 87.
- 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:

Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

Water shall not be diverted under this permit until a written agreement with the irrigation district or canal company serving the area containing the point of diversion is filed with the Department of Water Resources providing for the coordination of the permit use with the irrigation district or canal company operation.

A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.

Witness my hand this 22<sup>nd</sup> day of June, 1982.

J. Glen Saxton  
Chief, Operations Bureau