

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

7/21/2020

Water Application 47-7797

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MAGIC WATER COMPANT C/O KENNETH ELKIN 700 EAST 4795 NORTH BUHL, ID 83316 (208) 543-6388

Status: Closed

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

Number of Protests: 0  
Water District Number: TBD  
Application Type: New Appropriation  
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A



# State of Idaho

## DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

March 24, 1993

MAR 26 1993

Department of Water Resources  
Southern Region Office

John J. Straubhar  
P.O. Box 820  
Twin Falls, ID 83303-0820

RE: APPLICATIONS FOR PERMIT NOS. 47-07785 AND 47-07797

Dear Mr. Straubhar:

The department will treat your letter dated March 18, 1993 in connection with the above referenced applications as a relinquishment of application no. 47-07797 on behalf of the Magic Water Company. The department will take no further action on this application.

The department will review application 47-07785 for approval. Since the installed capacity is often different than originally proposed, the department will not arbitrarily reduce the rate of diversion of application 47-07785 to 60 cfs. The rates actually licensed for power projects are often less than permitted. After proof of beneficial use has been submitted and an exam conducted, the undeveloped part of such a permit becomes of no force nor effect.

If the ultimate replacement of the the 36 inch diameter pipe as discussed in your letter is not accomplished during the life of permit no. 47-07785, and results in capacity in excess of that actually in place when proof of beneficial use is submitted for the permit, additional water capacity would have to be accomplished through an additional appropriation of water.

Please feel free to contact the department if you have questions.

Sincerely,

L. GLEN SAXTON, Chief  
Water Allocation Bureau

c: Magic Water Company  
IDWR - S. Region

47-7797

RECEIVED

JAN 19 1993

Department of Water Resources  
Southern Region Office

Magic Water Company, Inc.  
c/o John J. Straubhar, P.E.  
Consulting Engineer/Authorized Agent  
P. O. Box 820  
Twin Falls, Idaho 83303-0820

January 14, 1993

Mr. Loren Holmes  
District Manager  
Idaho Department of Water Resources  
220 Shoshone Street East  
Twin Falls, ID 83301

Re: Magic Water Company Hydroelectric Project  
Issuance of FERC Number (FERC No. 7923-004)

Dear Sir/Madam:

Pursuant to the Code of Federal Regulations (CFR), Title 18, Section 4.32(a)(3)(i), and on behalf of the Magic Water Company, this is to advise you that an Application for License for the proposed Magic Water Company Hydroelectric Project has been filed with the Federal Energy Regulatory Commission (FERC).

FERC has issued a FERC Project Number as of January 4, 1993; the number is P-7923-004. Please use this number in reference to all correspondence regarding this proposed project.

Also enclosed is a copy of water quality data taken at the mouth of Salmon Falls Creek by Dr. Charles Brockway as a part of a Water Quality Study of the Middle Snake.

The exact name, address and telephone number of the Applicant are:

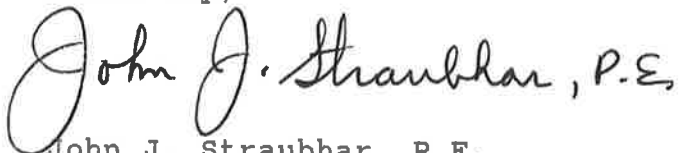
Magic Water Company, Inc.  
Route #3, Box 386  
Buhl, Idaho 83316  
Tel.: (208)543-6388 or 543-8518

47-7797

The name, address and telephone number of the Authorized Agent are:

John J. Straubhar, P.E.  
Consulting Engineer/Authorized Agent  
P. O. Box 820  
Twin Falls, Idaho 83303-0820  
Tel.: (208)736-8255

Sincerely,

A handwritten signature in cursive script that reads "John J. Straubhar, P.E.".

John J. Straubhar, P.E.  
Authorized Agent

JJS:ss

cc: FERC - Washington  
FERC - Portland  
Armand Eckert  
Magic Water Company

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Magic Water Co. Phone 543-6388  
Post office address Route #3, Buhl, ID 83316

2. Source of water supply Salmon Falls Creek which is a tributary of Snake River

3. Location of point of diversion is SE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 2 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 105.43 cfs for Power purposes from Jan 1 to Dec 31 (both dates inclusive)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)

5. Total quantity to be appropriated:

a. 105.43 cubic feet per second and/or b. \_\_\_\_\_ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Existing check dam & pipeline,  
additional pipeline, generators

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: SE  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of Section 2 Township 10S  
Range 13E B.M.

(2) Amount of power to be generated: 209 horsepower under 25 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: We hope to trade this power to Idaho  
Power Co. for power used by our irrigation pumps.

47-7797

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated \_\_\_\_\_

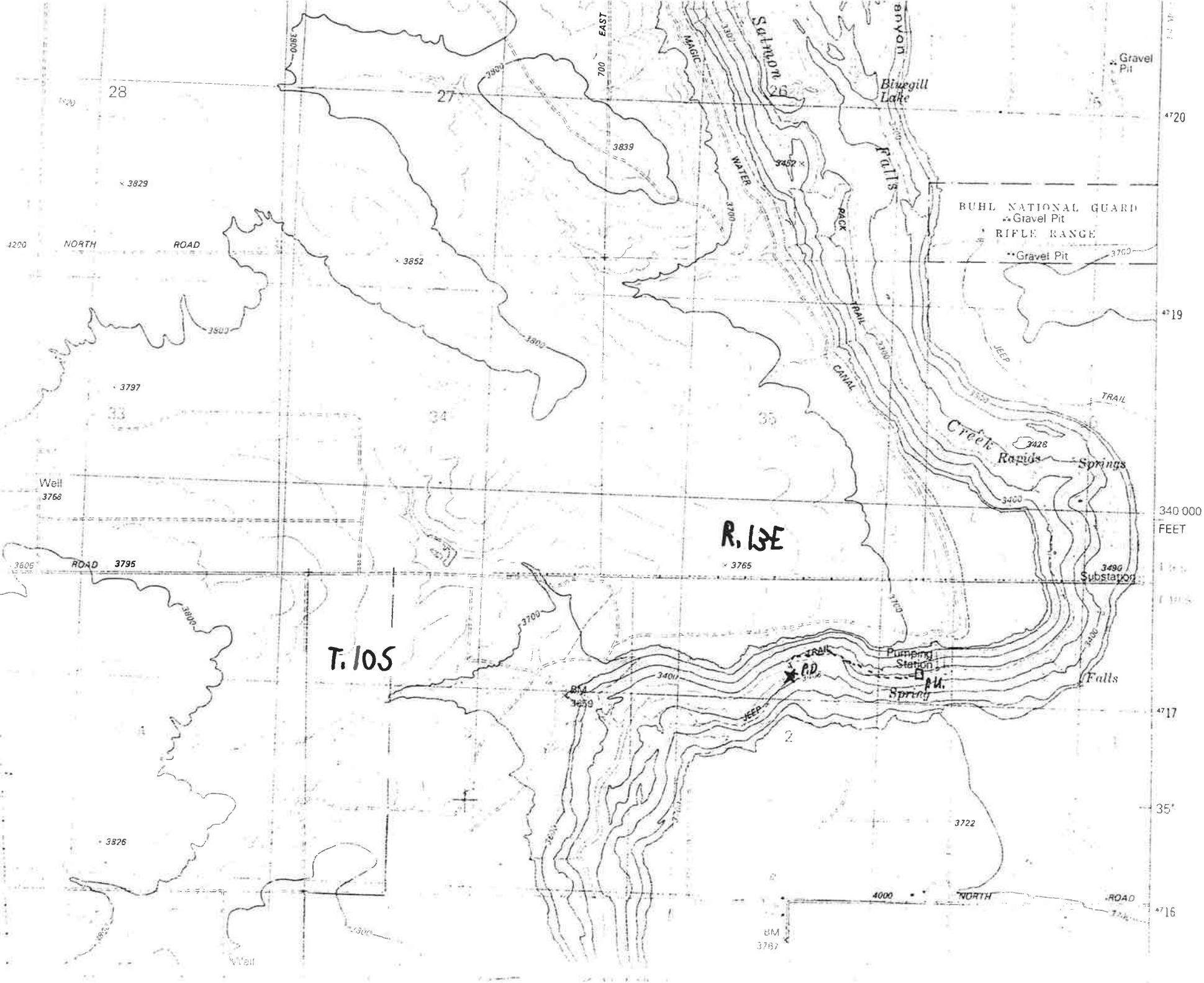
c. Describe any other water rights used for the same purposes as described above. \_\_\_\_\_

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

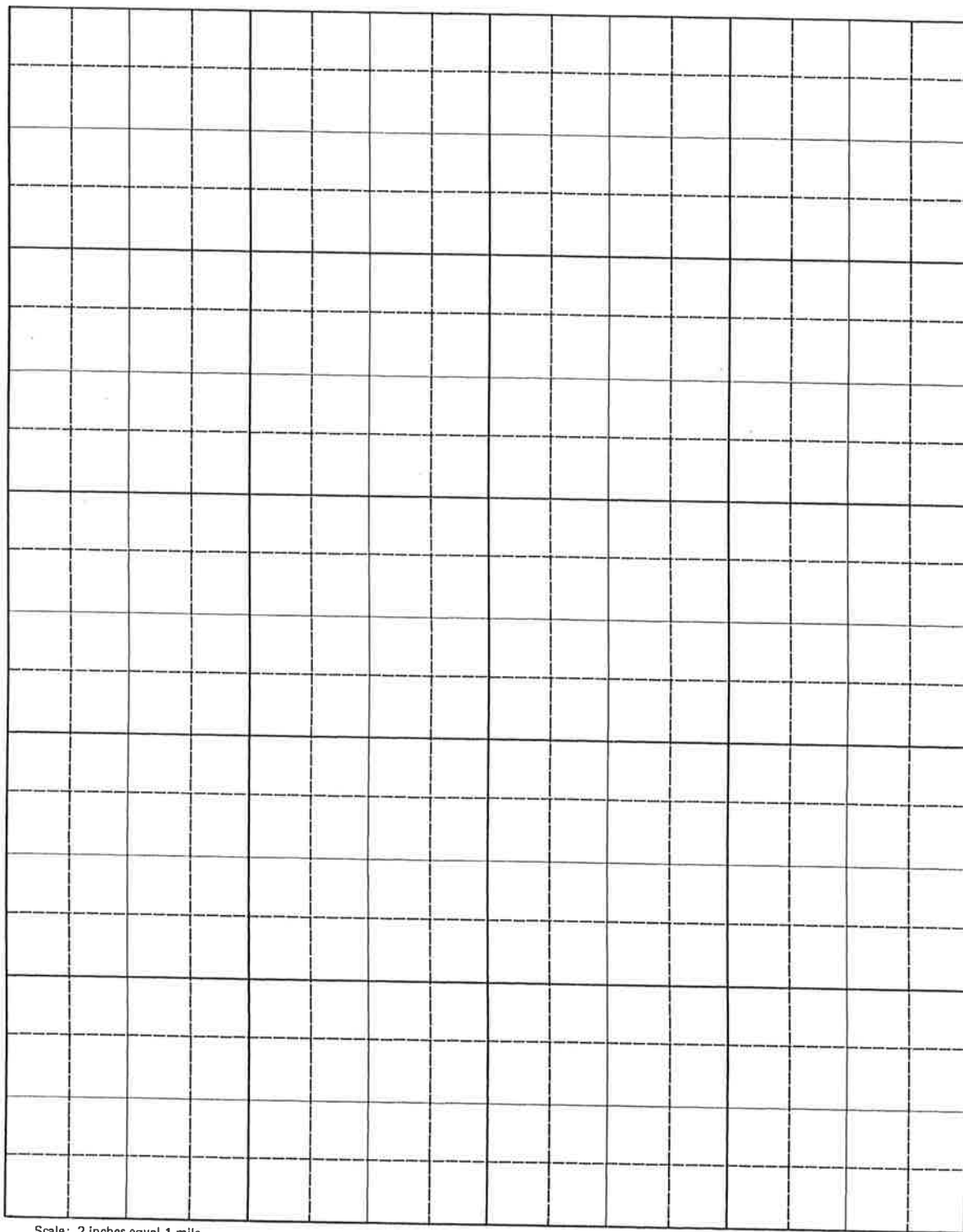
b. Who owns the land to be irrigated or place of use "

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

10. Remarks When combined with Application for Permit 47-7785, 200 cfs will be diverted.



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.

*Magic Water Co by Kenneth P. Peltier*  
(Applicant) (Pres)

Received by JP Date 2-25-82 Time 10:24 am  
Preliminary check by ADM Fee \$ 1255.  
Receipted by JP Date 2-15-82 # 22043  
Publication prepared by mayor Date 3/5/82  
Published in Idaho news  
Publication dates 3/12 + 3/25/82  
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:

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
AFFIDAVIT FOR WATER RIGHTS TO BE USED  
FOR POWER PURPOSES

A. Establishment of Residency: (Complete either 1, or 2).

1. Individual Applicant or Individual Members of a Partnership:

I, \_\_\_\_\_ of \_\_\_\_\_,  
(name) (city)  
county of \_\_\_\_\_, State of Idaho, being duly sworn, do  
hereby certify that I am a bona fide resident of the State of Idaho.

2. Corporation:

I, Magic Water Co. of Buhl,  
(name) (city)  
County of Twin Falls, State of Idaho, being duly sworn, depose  
and say: That I am the designated registered agent of the Magic Water Co.  
\_\_\_\_\_ : that as such I am in charge of the registered  
(name of corporation)  
office of the said corporation as required by Section 30-1-12, Idaho Code, at .  
Buhl Idaho, wherein are kept the corporate records required  
(city)  
by Section 30-1-52, Idaho Code: and that Magic Water Co.  
(name of corporation)  
is a corporation qualified to do business in the State of Idaho under the laws of  
the State of Idaho.

B. Ownership of Facilities: (To be completed for hydropower projects only)

The hydropower facility to be developed pursuant to the attached Application for Permit:

- (check one)
- ☐ Will not utilize existing man-made irrigation facilities such as a dam or a canal.
- ☐ Will utilize existing man-made irrigation facilities such as a dam or a canal, and permission of the owner is documented in an affidavit attached hereto.
- ☒ Will utilize existing man-made irrigation facilities such as a dam or a canal and the owner of the facilities is the signee of this affidavit.

State of Idaho  
County of Twin Falls } ss.

Magic Water Co. by Kenneth Pelkin  
Applicant (Pres)

On this 25th day of February, 19 82, personally  
appeared before me the signer(s) of the above instrument, who duly acknowledged  
to me that he (she) (they) executed the same.

seal

Loren O. Halmer  
Notary Public residing at

Twin Falls, ID

My commission expires:

Life

INTER-DEPARTMENT MEMO

TO: Gene Saxton

SUBJECT: 47-7785, 47-7797

FROM: Loren Holmes

DATE: 1/13/93

We recently received an application for FERC  
licensing of this project.

This probably puts the applications in line  
for further review & possible final action.

( ) For your information

( ) Response required

  
signature