

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/21/2020

Water Application 47-7776

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GORDON B GREAVES , ZZ

Status: Denied

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

Application Denied Date: 3/22/1993
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

OCT 15 1992

MEMORANDUM

DATE: 15-Oct-1992

FROM: Loren Holmes *LH*

TO: Glen Saxton

SUBJECT: 47-7776

This file surfaced as a result of Tim Luke's discovery of the trustwater questionnaire in his basket.

A field inspection in 1982 revealed the wastewater already in use for irrigation.

The applicant is subject to the rule 4,5,3 information requirements for the power portion of the application.

The applicant has not been notified of the additional info requirements now in place, but had not previously responded to inquiries about ownership of the works.

At one point we drafted a notice of pending cancellation, but held the application due to the Swan Falls case.

If no FERC approval has been sought, I would recommend that the application be voided as speculative.

47-7776

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Gordon B. Greaves Phone 734-5175

Post office address Rt. 4, Twin Falls, Idaho, 83301

2. Source of water supply Wastewater & Seepage which is a tributary of Snake River
Div. for Power

3. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 32 Township 9S

Range 17E B.M. Twin Falls County, additional points of diversion if any: _____

Div. for Irrig. SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 32, T9S, R17E, B.M.

4. Water will be used for the following purposes:

Amount 2.00 for Power purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 2.00 for Irrigation purposes from May 1 to Nov. 1 (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. 2.00 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Check dam delivering to penstock
which delivers to powerplant.

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: NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 32 Township 9S

(1) Give the place of use of water: _____
Range 17E B.M.

(2) Amount of power to be generated: 60 horsepower under 400 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: _____
Generation of electricity

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

[illegible]

Total number of acres to be irrigated

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

None for power. 100 shares of TFCC for irrigation.

9. a. Who owns the property at the point of diversion Applicant - Power ; Twin Falls Gun Club - Irri.

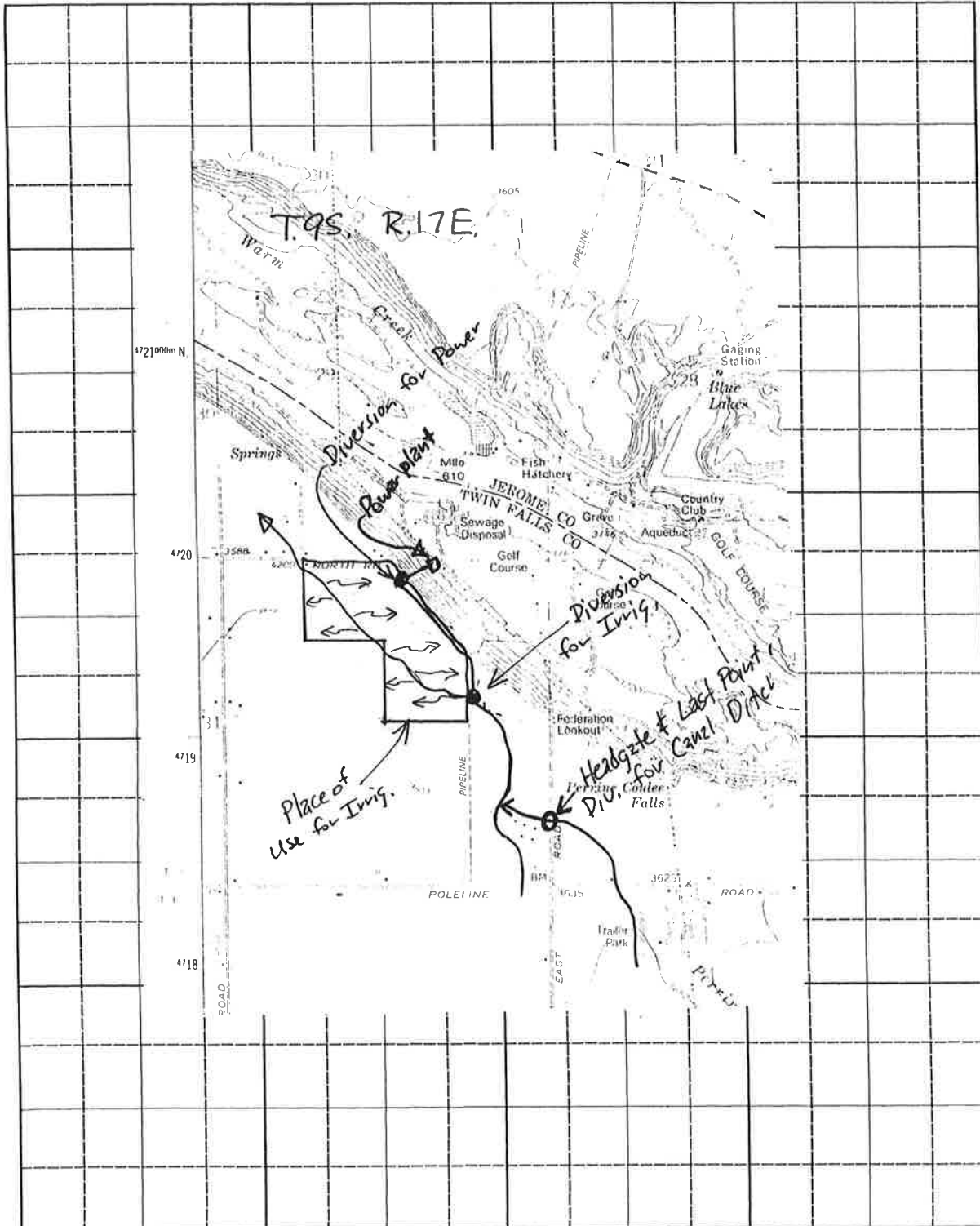
b. Who owns the land to be irrigated or place of use Applic. - Irrig.; Mrs. Perrine

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Pending easements and agreements with Mrs. Perrine

Note that point of diversion on Twin Falls Gun Club exists and applicants use of same will not change. Applicant presently has right to the continued use of this ditch and headgate.

10. Remarks Wastewater is presently wasted over the canyon rim and not used.

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.

Arthur B. Shaw
(Applicant)

Received by ADM Date 11/27/81 Time 4:50 p.m.
Preliminary check by (b) Fee \$ 65.00 # 20678
Receipted by ADM Date 11/27/81
Publication prepared by marya Date 12/7/81
Published in times news
Publication dates 12/17 & 12/24/81
Publication approved marya Date 12/9/81
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. _____, 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

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 21, 1992

RE: Water Right No.

Certified Mail No.

Dear Water Right Holder(s):

In response to record low streamflows and declining groundwater levels resulting from drought conditions, the Director of the Department of Water Resources has declared a moratorium on approval on certain pending and future applications to appropriate water in the Snake River Basin. The moratorium applies to both surface water and groundwater appropriations.

Department records show that you filed an application to appropriate water for irrigation which has not been approved by the Department. Unless you can demonstrate that your proposal qualifies for a narrow exemption to the moratorium, the department will hold your application, and will not process it until the moratorium is lifted.

An application for groundwater to supplement a normally sufficient surface water irrigation supply is exempt from the moratorium. If you can demonstrate that you normally receive an adequate supply of irrigation water from a surface water source, and that you will continue to fully use the surface water, when available, the Department will continue processing your application. If there are other impediments to approval such as a protest or necessary consent from other agencies, the other obstacle to approval must also be removed independent of the moratorium.

The enclosed form requests information which will determine whether your proposed use will qualify for the supplemental irrigation exemption. IF YOU FEEL YOUR PROPOSED USE QUALIFIES AS AN EXEMPT USE, YOU MUST COMPLETE THE FORM AND RETURN IT TO THIS OFFICE. If the form is not completed and returned, your application will be held without action. If you return the form but the use does not qualify, the Department will notify you that the application will be held without further processing.

97-7776

Certain domestic and non-consumptive uses are also exempt from the moratorium. If your application proposes one of these uses in addition to irrigation, the department will resolve the exemption issue by reviewing the file.

The Department has scheduled public meetings on May 29, 1992 where the details of the moratorium can be discussed. Below is a list of time and locations.

Boise, Idaho May 29, 1992 10:00 am
Boise City Hall
150 North Capital Boulevard
Les Bois Room - 3rd floor

Idaho Falls, Idaho May 29, 1992 10:00 am
Bonneville County Courthouse
605 North Capital
Centennial Court Room

Twin Falls, Idaho May 29, 1992 10:00 am
College of Southern Idaho
315 Falls Avenue
Shields Building - Room 115

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS:cz

MEMORANDUM

TO: LOREN HOLMES

FROM: TIM LUKE

RE: SWAN FALLS PROCESSING
PERMIT NO. 47-7776

DATE: 6-30-89

=====

The applicant has returned our trust water information questionnaire (attached) and provided evidence that the lands under the application were irrigated prior to October 1, 1984. Our 1974 orthophoto confirms this statement. These lands apparently have appurtenant Twin Falls Canal shares.

The applicant did not provide sufficient evidence that the wastewater source identified under the application was developed prior to October of 1984. However, after discussing this matter with you, we determined that the wastewater source has probably always been delivered and comingled with the canal shares since the lands are near the end of the canal ditch. Any wastewater is ofcourse supplemental. The acres under this application would not be counted as trust water acres even if the source had not been developed before October of 1984. Furthermore, you mentioned that you had recalled the applicant adding the irrigation component so that the filing would be subject to the Swan Falls moratorium. This in turn would delay approval of the application and allow the applicant more time to plan his proposed hydropower project.

Based on the above information, I recommend that the department consider this application exempt from the review requirements of Section 42-203C, Idaho Code. The application may be removed from the Swan Falls pocess list and approved to permit pending any necessary compliance with departmental rules concerning the hydropower component.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

RECEIVED

JUN 26 1989

Department of Water Resources
Southern Region Office

APPLICATION NO. 47-7776

IF YOU ARE NOT INTERESTED IN HAVING YOUR PERMIT PROCESSED,
PLEASE COMPLETE AND RETURN THE ENCLOSED RELINQUISHMENT FORM.

INSTRUCTIONS: Please answer the following questions as
thoroughly as possible and submit the \$20.00 readvertisement
fee if applicable.

1. Did irrigation occur on the lands identified under your
application prior to October 1, 1984? Yes ☒ No ☐

If yes, you are requested to submit clear evidence that shows the
number and location of acres irrigated.

Aerial photographs taken prior to October 1, 1984, located in area
ASCS offices, are best forms of evidence. Photos submitted to the
the Department must be accompanied by a signed statement from an
ASCS representative which verifies the photo date and that the
lands were irrigated prior to October 1, 1984. If ASCS does not have
photos for the land and/or time in question, you must have the ASCS
provide the Department with a statement that photos are not avail-
able and then proceed to submit other forms of suitable evidence.

2. Please state the number of acres you have irrigated under this
application since October 1, 1984. 100 Acres

3. If you have not irrigated lands under this application, please
state the number of acres you plan to complete. _____

NOTE: You must submit the \$20.00 readvertisement fee if any or
all of the lands were not irrigated before October 1, 1984.

4. If the application is a supplemental filing please identify other
water rights which are used on the same land.

N/A

Use the reverse side of this form if you wish to add any comments.

I hereby assert that the responses provided above are true to the
best of my knowledge. I understand that any willful misrepresentations
may result in voiding of the application.

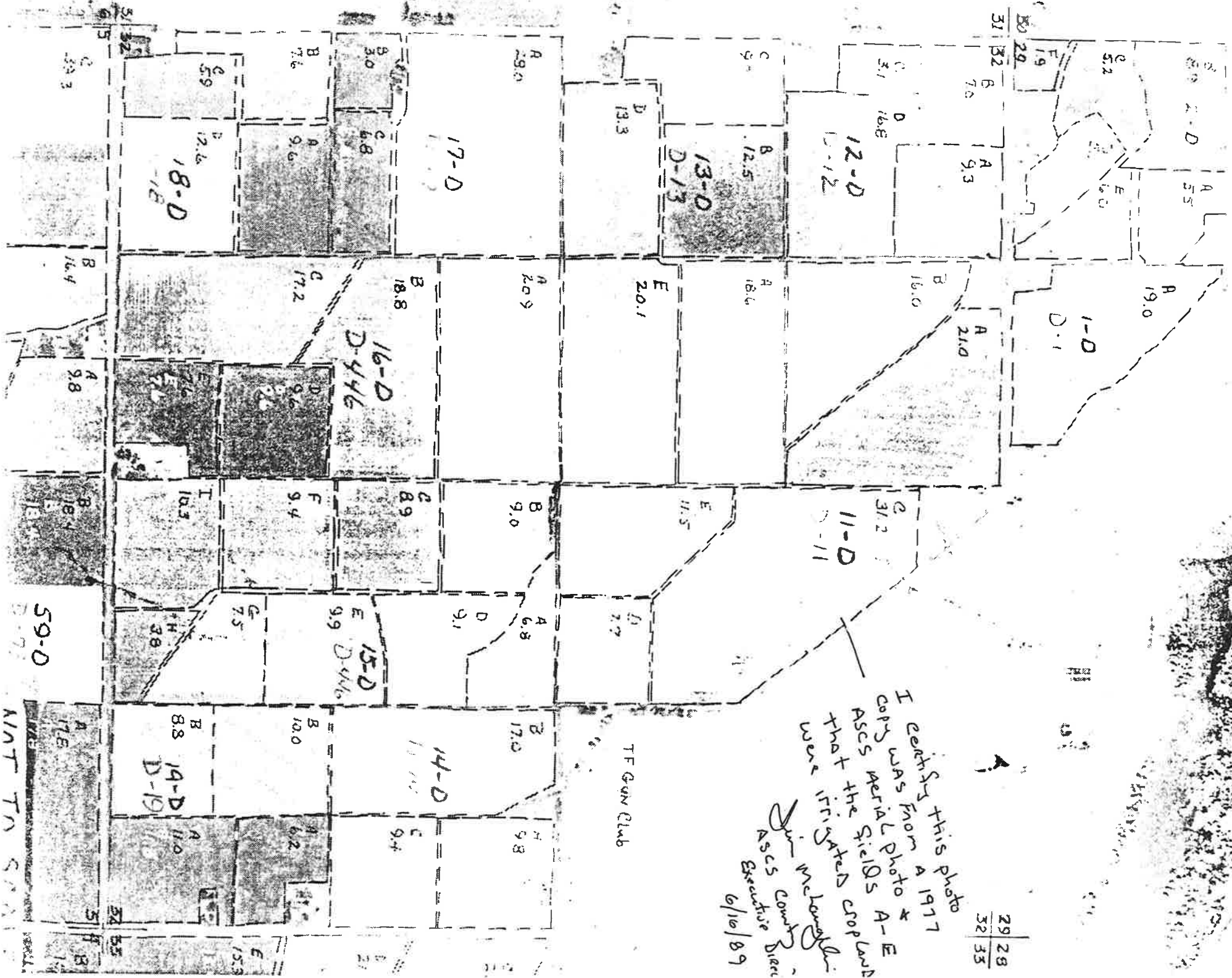
Applicant

John B. Haines

Date 6-24-89

29	23
32	33

I certify this photo
copy was from a 1977
ASCS Aerial Photo &
that the fields COP land
were irrigated
Jim McLoughlin
ASCS County Dir.
Executive Dir.
6/16/89





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

May 24, 1989

RE: APPLICATION FOR PERMIT NO. 47-7776

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.

If you have abandoned or have no interest in continuing with your plans for development of the project, please complete the enclosed relinquishment form and return it to the Department.

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.

If the entire project was not completed prior to October 1, 1984, and you still wish to proceed with your plans of development, then you must submit a \$20.00 re-advertisement fee to the Department as required by Water Appropriation Rule 4,2,2. and Section 42-221F, Idaho Code.

Failure to return the questionnaire and pay any required re-advertisement fee within thirty (30) days of the date of this letter is cause for the Department to void the application.

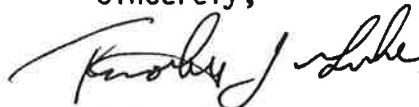
Page 2

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
Water Allocation/Trust Water

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Luke', written over a horizontal line.

TIM LUKE
Sr. Water Resource Agent

Enclosures