

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

7/21/2020

Water Application 47-7769

| <u>Owner Type</u> | <u>Name and Address</u>      |
|-------------------|------------------------------|
| Current Owner     | BROWN BROTHERS FARMS<br>, ZZ |

Status: Denied

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
|---------------|------------------|

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
|-----------------------|-------------|-----------|-----------------------|---------------|

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

STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

May 15, 1987

RECEIVED

JUN 17 1987

Brown Brothers Farms  
Route #1, Box 10, Bell Rapids  
Hagerman, ID 83332

Department of Water Resources  
Southern Region Office

Re: Application for Permit No. 47-7769

Dear Applicant:

Enclosed is a copy of your rejected Application for Permit No. 47-7769. Also enclosed is a copy of the order rejecting the application.

Please be advised that if you do not agree with the decision of the Department, you may within fifteen (15) days of receipt of the Order rejecting your application, request a hearing before the Director. Failure to timely petition the Director within fifteen days of the receipt of the Order may prevent you from further contesting the rejection of your application.

Sincerely,

GARY SPACKMAN, Supervisor  
Water Allocation Section

GS:jf

Enclosures

47-7769

CERTIFICATE OF MAILING

I hereby certify that on the 15<sup>th</sup> day of June, 1987, I mailed a true and correct copy, postage prepaid, of the Order Rejecting Application to: Brown Brothers Farms, Route #1, Box 10, Bell Rapids, Hagerman, ID 83332.

Jane L. Fox

JANE L. FOX, Receptionist

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF )  
APPLICATION FOR PERMIT )  
NO. 47-7769 )  
In the Name of )  
BROWN BROTHERS FARMS )  
..... )

ORDER REJECTING  
APPLICATION

BROWN BROTHERS FARMS having filed Application No. 47-7769 with the Department of Water Resources, the Department having given Notice to the Applicant of the pending rejection of the Application due to non-receipt of requested information, and having received no response from the Applicant, the Department finds, concludes and Orders as follows:

Findings of Fact

- 1) The application was filed on November 12, 1981. The applicant proposed to divert six (6) cubic feet per second of water from Lateral 13 tributary to the Snake River within the NE1/4SE1/4, Section 6, Township 9 South, Range 14 East, Boise Meridian, Twin Falls County and use it for fish propagation and hydropower generation within Lot 2, Section 5, Township 9 South, Range 14 East.
- 2) On January 21, 1982, the Department requested that the applicant submit information relative to the requirements of Title 42, Chapter 2 of the IDAHO CODE to be included with the application. No response to this request has been received.
- 3) The applicant has not provided evidence to show that separate federal approvals such as those within the jurisdiction of the Federal Energy Regulatory Commission have been applied for.

4) On November 6, 1986, the Department issued Notice to the applicant that the Application would be rejected by the Department as being filed for speculation unless a response was received within thirty (30) days. To date, the applicant has not responded to the notice.

Conclusions of Law

1) Based on the provisions of IDAHO CODE, Section 42-204 which states in part:

If the Application is returned to the applicant or the Department shall request additional information and the applicant fails to return the corrected Application or to supply the needed information within thirty (30) days, the Department may void the record of said Application and notify the applicant of such action.

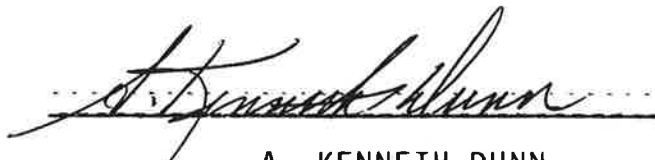
2) Section 42-203A of the IDAHO CODE provides that where it appears to the satisfaction of the Department that an Application is made for the purpose of speculation or delay, the Director may reject the Application and refuse issuance of a permit.

3) The Application should be rejected and voided based on the applicant's failure to supply requested information or respond to inquiries about the Application.

ORDER

IT IS HEREBY ORDERED that Application for Permit No. 47-7769 is rejected and voided.

DATED this 2nd day of June, 1987.



A. KENNETH DUNN  
DIRECTOR

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Brown Brothers Farms Phone 837-6269  
Post office address Route #1 Box 10 Bell Rapids, Hagerman, ID 83332
2. Source of water supply Lateral #13 which is a tributary of Salmon Falls Creek  
Snake R.
3. Location of point of diversion is NE  $\frac{1}{4}$  of SE  $\frac{1}{4}$  of Section 6 Township 9S  
Range 14E B.M. Twin Falls County, additional points of diversion if any: \_\_\_\_\_  
Re-diverted in Lot 3 for power & in Lot 2 Sec. 5 for fish prop.
4. Water will be used for the following purposes:
- |                                                                                                                                                |  |
|------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Amount <u>6.0 cfs</u> for <u>Fish Prop.</u> purposes from <u>Jan 1</u> to <u>Dec 31</u> (both dates inclusive)<br>(cfs or acre-feet per annum) |  |
| Amount <u>6.0 cfs</u> for <u>Power</u> purposes from <u>Jan 1</u> to <u>Dec 31</u> (both dates inclusive)<br>(cfs or acre-feet per annum)      |  |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)<br>(cfs or acre-feet per annum)                                     |  |
| Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)<br>(cfs or acre-feet per annum)                                     |  |
5. Total quantity to be appropriated:
- a. 6.00 cubic feet per second and/or b. \_\_\_\_\_ acre-feet per annum.
6. Proposed diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc. Headgate & pipeline to generator;  
discharge into seep stream
- 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 \_\_\_\_\_ 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: SW  $\frac{1}{4}$  of Lot 2 NW  $\frac{1}{4}$  of Section 5 Township 9S  
Range 14E B.M.
- (2) Amount of power to be generated: 100 horsepower under 210 feet of head.  
67 140
- (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: commercial fish propagation

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. \_\_\_\_\_

Application for Permit on seep stream

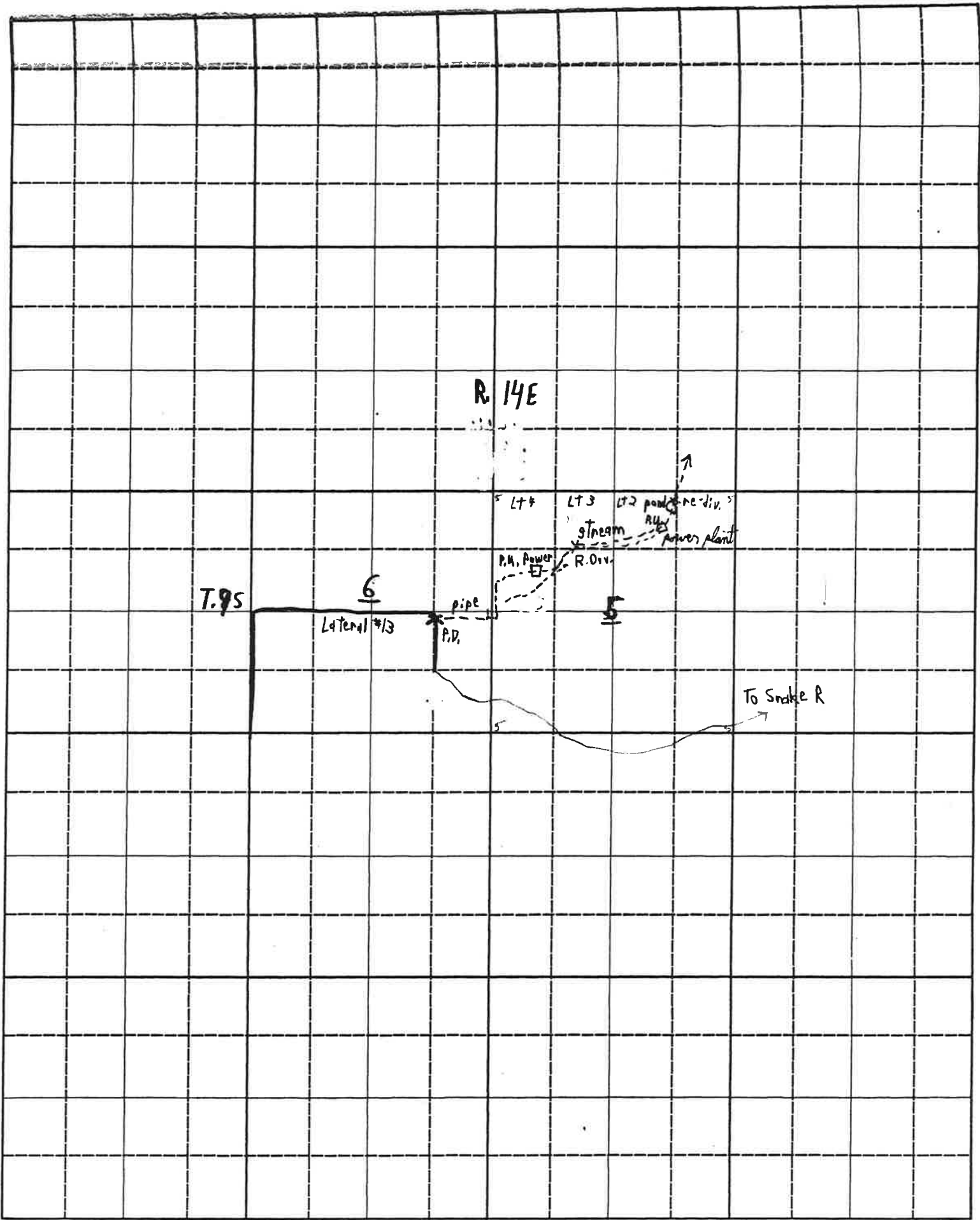
9. a. Who owns the property at the point of diversion Applicant

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 Applicant has 79" (127 shares) Twin Falls Canal Co. water that is diverted  
at this headgate for irrigation; amount filed on includes this canal water.

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.

*Bruce S. Brown, partner*  
(Applicant)



Received by JP Date 11-12-81 Time 11:35 am  
Preliminary check by Ray Selby Fee \$ 145.00  
Receipted by JP Date 11-12-81 # 20648  
Publication prepared by marie Date 11/20/81  
Published in times news  
Publication dates 12/3 + 12/10/81  
Publication approved marie Date 12/21/81  
Protests filed by: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Copies of protests forwarded by \_\_\_\_\_  
Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Recommended for approval denial by \_\_\_\_\_

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**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. 47-7769 , and said application is hereby REJECTED .

1. Approval of said application is subject to the following limitations and conditions:

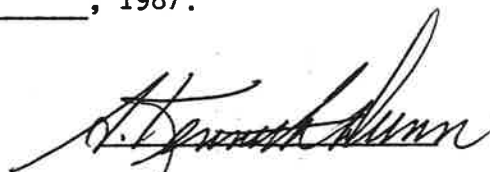
a. SUBJECT TO ALL PRIOR WATER RIGHTS.

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 2nd day of June , 1987.

  
DIRECTOR