

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

7/21/2020

Water Application 47-7751

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MESA BUTTE RANCH , ZZ

Status: Closed

<u>Source</u>	<u>Tributary</u>
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<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

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



RECEIVED  
OCT 4 1990

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

RECEIVED

Department of Water Resources

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

FEB - 1 1991

Department of Water Resources

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. 47-07751

Name(s) of Permit Holder: Mesa Butte Ranch, CARLTON J. MUNK

Post Office Address: Rt 3 Box 290 RUL, ID. 83316

Telephone No. 543-5646

Date Proof is Due: 1 Oct 1990

Describe what work has been completed toward the development of this water right: NONE  
(This must be filled out! If no work has been completed, show "none".)

Costing \$

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

SUNNYSIDE WATER RIGHTS LITIGATION - SUSPENSION OF  
EXTENSION REQUEST & PREVIOUS REQUEST UNTIL 1999

Permit holder(s) request an extension to 1 Oct, 1995.  
(1 yr. minimum)

Carlton J. Munk  
(Signature)\*

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

FEE: \$15.00

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be DENIED for failure of the permit holder to proceed with diligence toward the development of the project.

Signed this 15th day of January, 19 91.

[Signature]  
Director

47-7751

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

RECEIVED

SEP 25 1989

Department of Water Resources  
Southern Region Office

IN THE MATTER OF PERMIT  
NO. 47-7751, IN THE NAME  
OF MESA BUTTE RANCH

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. 47-7751 (permit) was issued to Mesa Butte Ranch (permit holder) authorizing the diversion of 0.20 cfs of groundwater for irrigation of 10 acres.

5. Information submitted by the permit holder shows that the irrigation of the 10 acres authorized under this permit did not occur prior to July 1, 1985.

47-7751

6. The development and use of groundwater 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. 47-7751 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 shall be issued.

#### ORDER

IT IS HEREBY ORDERED that Permit No. 47-7751 is valid and may CONTINUE as provided in Section 42-203D, Idaho Code, subject to the following additional conditions and limitations:

1. Proof of construction of works and application of water to beneficial use shall be submitted to IDWR on or before October 1, 1990.

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. 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.

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

5. All conditions of approval contained on the permit are incorporated into and made part of this order.

Dated this 18<sup>th</sup> day of September, 1989.

  
L. GLEN SAXTON, Chief  
Water Allocation Bureau

RECEIVED

MAR 09 1987

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

For Office Use Only

\$15 FEE Received by

Date 3-9-87

Receipt # 41541

RECEIVED

SEP 25 1989

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

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. 47-7751

Name(s) of Permit Holder: Mesa Butte Ranch c/o ALBERT MUNK

Post Office Address: RT #3 Box 290 Buhl ID 83316

Telephone No. (208) 543 5646

Date Proof Is Due: 1 April 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".)

Costing \$ \_\_\_\_\_

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

litigation - SWAN FALLS, IDAHO POWER

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

Albert Munk  
(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 October 1, 1990.

Signed this 18<sup>th</sup> day of Sept, 19 89.

H. Glen Saxton  
Chief, Water Allocation Bureau



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS  
Governor

A. KENNETH DUNN  
Director

Mailing address:  
Statehouse  
Boise, Idaho 83720  
(208) 334-4440

March 8, 1985



Mesa Butte Ranch  
c/o Albert Munk  
Rt. 3  
Buhl, ID 83316

Gentlemen:

Re: Permit No. 47-7751 and 47-7752

The Department has recently received inquiries from water right permit holders in the Twin Falls area relative to development or continued development of their projects seeking to use the warm groundwater resource in the area. In addition, the Department recently noticed an editorial in the Times News urging taxpayer support for a swimming pool bond issue.

The Department would like to call to the attention of undeveloped water right permit holders as well as to others in the area that there are potential resource problems that should be carefully considered in the decision to proceed with development.

In direct response to reports of declining pressures and temperatures from the warm water resource in the area, on January 11, 1984 the Department created the Twin Falls Groundwater Management Area. The area is roughly described as extending from Salmon Falls Creek on the western boundary to the Kimberly area on the east. The northern boundary is approximately the location of the Snake River and extends southerly averaging from 5 to 15 miles in depth.

A groundwater management area (GWMA) is defined as any groundwater basin or part thereof which may be approaching the conditions of a critical ground water area. Applications for permit in a GWMA may only be approved after it has been determined on an individual basis that sufficient water is available and that other right holders will not be injured. The Director of the Department of Water Resources is also authorized by statute to require water right holders in a GWMA to report withdrawals of ground water and other information for the purpose of assisting him in determining available ground water supplies and their usage.

47-7752

The Department has in fact monitored and will continue to monitor select wells for pressure and temperature with the express intent of future management and/or regulation of the resource if appropriate. Depending on the findings of the monitoring, it is possible that the Department would limit withdrawal of water from the resource, require reinjection of water diverted for various permitted uses or impose other regulatory criteria. The Department has recently ordered the owners of a well in the area to repair the well in order that flow may be adequately controlled.

With the monitoring data gathered so far by the Department, it is premature to predict what, if any, action the Department may pursue; however, it would only be prudent for undeveloped water right permit holders to carefully consider their potential investment before making a commitment.

Data gathered from the monitoring effort may be reviewed at the Department's regional office in Twin Falls or in the state office in Boise.

Sincerely,

A handwritten signature in cursive script, appearing to read "Norman C. Young".

NORMAN C. YOUNG, Administrator  
Administration Resource Division

cc: Southern Region





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 6, 1987

Mesa Butte Ranch  
c/o Albert Munk  
Rt. 3, Box 290  
Buhl, ID 83316

RECEIVED

MAY 11 1987

Department of Water Resources  
Southern Region Office

Gentlemen:

Re: Permit No. 47-7751

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

47-7751



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS  
Governor

A. KENNETH DUNN  
Director

Mailing address:  
Statehouse  
Boise, Idaho 83720  
(208) 334-4440

March 8, 1985

Mesa Butte Ranch  
c/o Albert Munk  
Rt. 3  
Buhl, ID 83316



Gentlemen:

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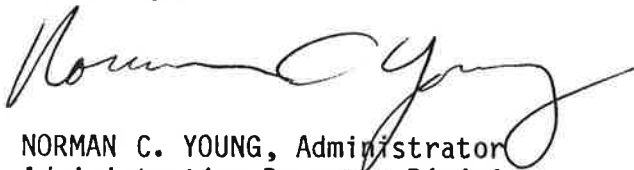
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Data gathered from the monitoring effort may be reviewed at the Department's regional office in Twin Falls or in the state office in Boise.

Sincerely,

A handwritten signature in cursive script, appearing to read "Norman C. Young".

NORMAN C. YOUNG, Administrator  
Administration Resource Division

cc: Southern Region



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
SOUTHERN REGION

John V. Evans  
Governor

A. Kenneth Dunn  
Director

1041 Blue Lakes Blvd. North  
Twin Falls, Idaho 83301  
(208) 734-3578

September 14, 1984

John M. Melanson  
130 N. Broadway  
Buhl, ID 83316

Re: Water rights for Albert Munk.

Dear Mr. Melanson:

Enclosed is a copy of water right claim No. 47-4048 which evidences a water right appurtenant to the Munk property as described in your request of Aug. 30, 1984.

The Munks also hold groundwater permit No. 47-7751 for irrigation, commercial, heating, and fish propagation on the same property.

If you have any further questions, please contact this office.

Very truly yours,

Loren O. Holmes  
Southern Region Supervisor

LOH:loh

Encl:

WEAVER & DYKAS, P.A.

Attorneys at Law

130 N. BROADWAY

BUHL, IDAHO 83316

ROBERT C. WEAVER

FRANK J. DYKAS

REGISTERED PATENT  
TRADEMARK ATTORNEY

PHONE (208) 543-8268

August 30, 1984

RECEIVED

SEP 4 1984

Department of Water Resources  
Southern District Office

Department of Water Resources  
1041 Blue Lakes Blvd. North  
Twin Falls, Idaho 83301

Re: Water rights for Albert Munk

Dear Sirs:

I represent Albert Munk and Juanita Munk who own the following described real property in Twin Falls County:

Township 9 South, Range 14 East, Boise Meridian,  
Section 27: NW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 28: That part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$  lying north  
of Mud Creek and East of the roadway.

There is a dispute between the Munks and their neighbors to the immediate east as to the use of waters of Wilson Creek. There is, apparently, a ditch from Wilson Creek which runs across Munk's property and to the property of the neighbors. The neighbors have objected to the Munks use of water from the ditch.

I would appreciate it if you could provide information regarding the water rights appurtenant to the property owned by Mr. and Mrs. Munk. Thank you very much for your help in this matter.

Sincerely yours,

*John M. Melanson*

JOHN M. MELANSON

JMM:sh

11/1/84

Parker

47-2244  
4048  
7751

RECEIVED  
MAY 18 1982  
Dept. of Water Resources  
Southern District Office

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Mesa Butte Ranch Phone 543-5646

Post office address c/o Albert Munk Rt. 3, Buhl, Idaho, 83316

2. Source of water supply Groundwater which is a tributary of \_\_\_\_\_

3. Location of point of diversion is NW  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 27 Township 9S

Range 14E B.M. Twin Falls County, additional points of diversion if any: \_\_\_\_\_

4. Water will be used for the following purposes:

Amount 0.20 for Irrigation purposes from March 15 to Nov. 15 (both dates inclusive)  
(cfs or acre-feet per annum)

Amount 1.00 for Commercial purposes from Jan. 1 to Dec. 31 (both dates inclusive)  
(cfs or acre-feet per annum)

Amount 1.00 for Heating purposes from Jan. 1 to Dec. 31 (both dates inclusive)  
(cfs or acre-feet per annum)

Amount 1.00 for Fish Prop. purposes from Jan. 1 to Dec. 31 (both dates inclusive)  
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 1.00 cubic feet per second and/or b. \_\_\_\_\_ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well deliver to Commercial Greenhouse for use as well as for heating the building; the water then would be used for propagation of catfish in ponds; a portion of the discharge from the ponds will be pumped for irrigation of approx. 10 acres.

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 8 inches; proposed depth of well is 800 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 NW  $\frac{1}{4}$  of Section 27 Township 9S

(1) Give the place of use of water: \_\_\_\_\_  
Range 14E 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: \_\_\_\_\_  
Commercial Use will be for Green houses  
Heating will be for heating of Green houses and other buildings  
Fish Prop. use will be for raising of catfish.

(See Remarks)

47-7751

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	
9S	14E	27						10											10

Total number of acres to be irrigated 10

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

Other irrigation rights from Wilson Creek.

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

Heating will be for space heating of buildings and greenhouse in excess of 5000 sq ft.

Probable temp. of water to be encountered will be 100 °F

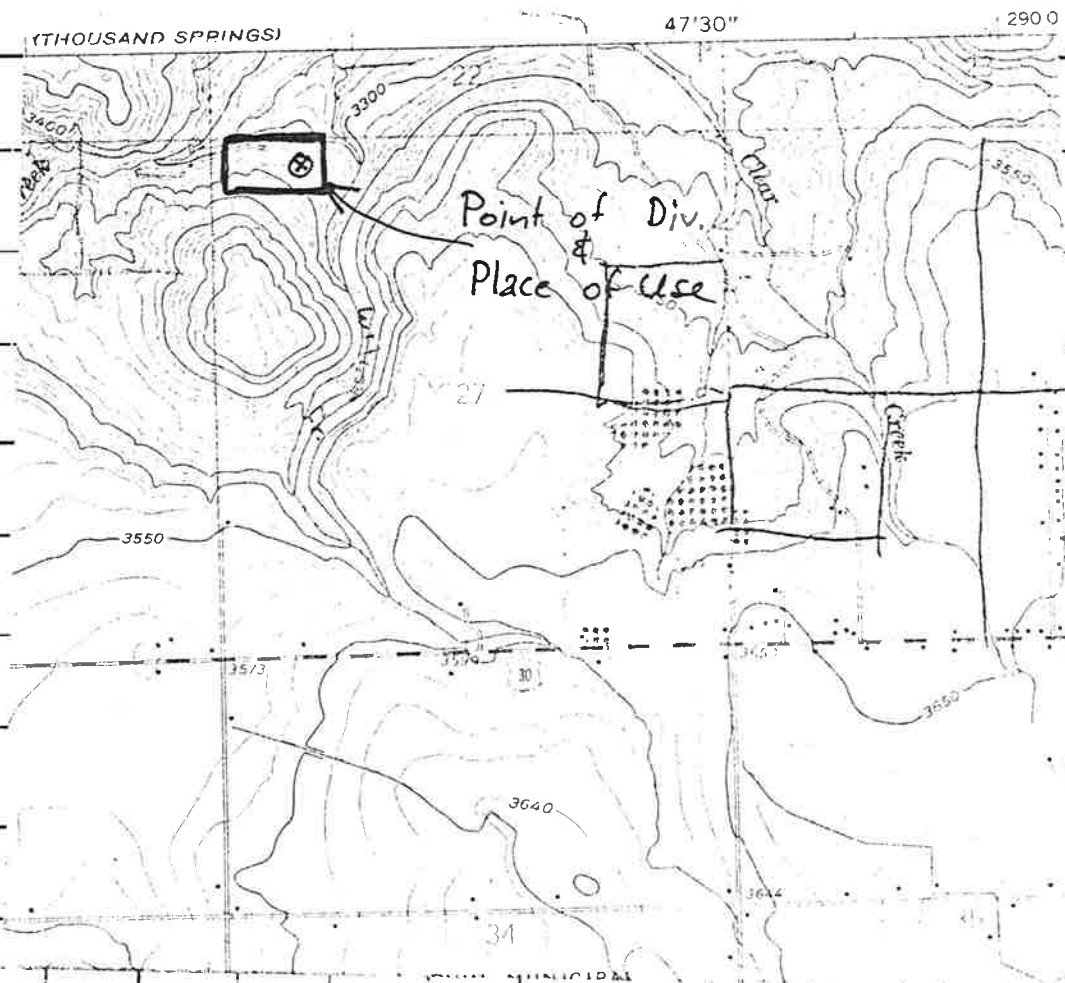
Temp. drop of system around 10 °F

Insulation of buildings will be poor.

Design Temp. Difference will be in the area of 85 °F.

Excess water not consumed will be discharged into Wilson Creek &/or Mud Creek.

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.

Edward J. Hunt, Owner  
(Applicant)



Proposed Priority 9/4/1981

Received by ADM Date 9/4/81 Time 3:20 p.m.  
Preliminary check by J Fee \$ 45<sup>00</sup>  
Receipted by ADM Date 9/4/81 # 18750  
Publication prepared by marge Date 9/9/81  
Published in terrier news  
Publication dates 9/17 + 9/23/81  
Publication approved marge Date 10/6/81  
Protests filed by: glenn w & ruth e jacks  
Withdrawn 3/30/82  
  
Copies of protests forwarded by \_\_\_\_\_  
Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Recommended for (approval) denial by ADM J

**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. 47-7751, 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 April 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: An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Water used under this permit if discharged into a natural channel shall meet Idaho Water Quality Standards.

This permit is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this permit. Failure to comply with these provisions is cause for immediate cancellation of this permit.

Use of water under this permit may be affected by an agreement between the protestant and the applicant.

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.

Witness my hand this 28<sup>th</sup> day of April, 1982.

L. Glenn Saxton  
Chief, Operations Bureau