

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/21/2020

Water Application 47-7727

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	W & W TROUT FARMS , 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

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

W & W Trout Farms
c/o Terry G. White
Route #3, Box 201
Buhl, ID 83316

Department of Water Resources
Boise, Idaho 83720

Re: Application for Permit No. 47-7727

Dear Mr. White:

Enclosed is a copy of your rejected Application for Permit No. 47-7727. 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

47-7727

CERTIFICATE OF MAILING

I hereby certify that on the 15th day of June, 1987, I mailed a true and correct copy, postage prepaid, of the Order Rejecting Application to: W & W Trout Farms, c/o Terry G. White, Route #3, Box 201, Buhl, ID 83316.

Jane L. Fox

JANE L. FOX, Receptionist

STATE OF IDAHO

IN THE MATTER OF)
)
APPLICATION FOR PERMIT)
)
NO. 47-7727)
)
In the Name of)
)
W & W TROUT FARMS)
)

ORDER REJECTING
APPLICATION

W & W TROUT FARMS having filed Application No. 47-7727 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 April 7, 1981. The applicant proposed to divert 25 cubic feet per second of water from Mud Creek tributary to the Snake River for hydropower generation within NE1/4NE1/4, Section 28, Township 9 South, Range 14 East, Boise Meridian, Twin Falls County.
- 2) On April 24, 1981; June 5, 1981 and March 24, 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 these requests 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 7, 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. 47-7727 is rejected and voided.

DATED this 2nd day of June, 1987.

A handwritten signature in dark ink, appearing to read "A. Kenneth Dunn", is written over a horizontal line.

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 W & W Trout Farms Phone 543-5478
Post office address c/o Terry G. White, Route #3 Box 201, Buhl, Id 83316

2. Source of water supply Mud Creek which is a tributary of Snake R.

3. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 28 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 25 cfs for Power purposes from Jan 1 to Dec 31 (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. 25 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 to 9
ponds; ~~generator~~ penstock & generator at end of last pond

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: NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 28 Township 9S
Range 14E B.M.

(2) Amount of power to be generated: 51 horsepower under 18 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: Power for commercial sale

47-7727

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.

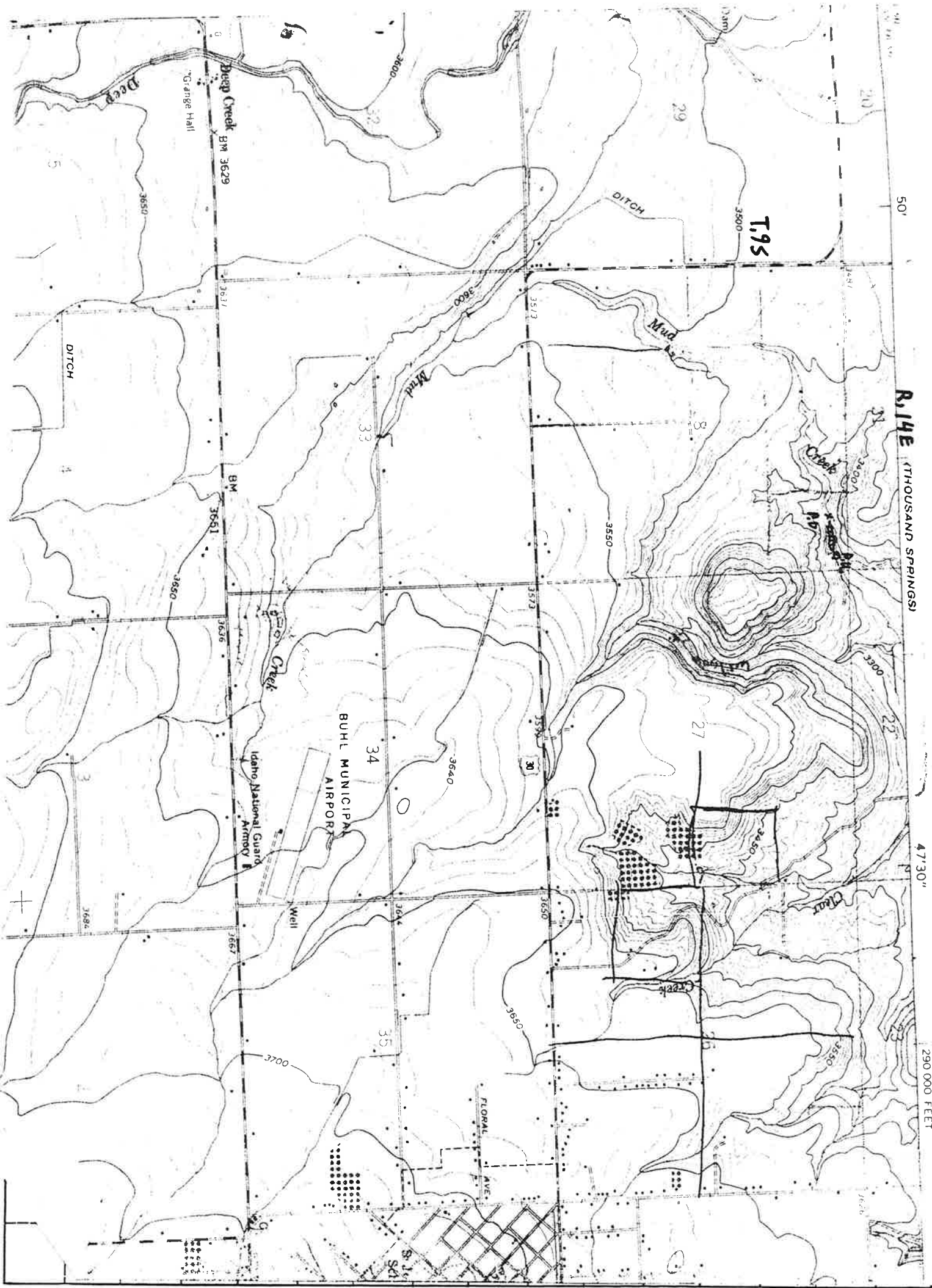
9. a. Who owns the property at the point of diversion Applicant

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 This water is already diverted for fish propagation under existing rights.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be from a notebook or a standard sheet of stationery. There is no handwriting or other markings on the page.



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.

James L. White
(Applicant)

Received by JS Date 4-7-81 Time 2:07 pm
Preliminary check by Gary Judley Fee \$ 475⁰⁰
Receipted by JS Date 4-7-81 # 16953
Publication prepared by Lh Date 4/21/81
Published in times news
Publication dates 5/7 + 5/14/81
Publication approved marya Date 4/29/81
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. 47-7727 , 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