

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

7/2/2020

Water Application 72-7365

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TIMOTHY A INGRAM HC 61 BOX 3020 CHALLIS, ID 83226 (208) 879-4721

Status: Denied

Source

Tributary

<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

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

15 7/11/86  
ADN  
**RECEIVED**

JUN 16 1986

Department of Water Resources  
Southern District Office

IN THE MATTER OF APPLICATION )  
FOR PERMIT NO. 72-7365 IN )  
THE NAME OF TIM A. INGRAM )

ORDER

WHEREAS, on December 5, 1983 Tim A. Ingram applied to the Department of Water Resources for a permit to appropriate 5.74 cubic feet per second of water from Warm Springs Creek to be diverted within the SW1/4NW1/4, Section 10, Township 12 North, Range 20 East, B.M., Custer County, to be used for irrigation purposes in connection with a Desert Land Entry; and,

WHEREAS, on December 19, 1985, the Bureau of Land Management classified the land unsuitable for entry; and,

WHEREAS, on March 14, 1986, the applicant was sent notice that the Application for Permit would be denied for lack of possessory interest in the land unless the applicant could provide information showing possessory interest in the land; and,

WHEREAS, the Department received no response to its inquiry; and,

WHEREAS, pursuant to the provisions of Section 42-203, Idaho Code, the Director of the Department of Water Resources is empowered to deny Applications for Permit which have been filed for speculative purposes; and,

72-7365

WHEREAS, on April 24, 1986 the Department sent by Certified Mail to the applicant an Order to Show Cause why the Application for Permit should not be Denied; and,

WHEREAS, lack of possessory interest in the proposed place of use is speculative in nature; and,

WHEREAS, the applicant has not shown why the application should not be denied;

IT IS, THEREFORE, ORDERED that Application for Permit No. 72-7365 is hereby Denied.

Dated this 11<sup>th</sup> day of June, 1986.

  
R. KENNETH DUNN  
Director

①

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR PERMIT**

**DENIED**

DEC 3 1983

To appropriate the public waters of the State of Idaho

Department of Water Resources  
Sawada District Office

1. Name of applicant Tim A Ingram Phone 879-4721  
Post office address HCG1 Box 3020, Challis, ID 83226  
2. Source of water supply Warm Springs Creek which is a tributary of Salmon R.  
3. Location of point of diversion is SW  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 10 Township 12N  
Range 20E B.M. Custer County, additional points of diversion if any: \_\_\_\_\_

4. Water will be used for the following purposes:

Allow to 11/1\*

Amount \*5.874 for irrigation purposes from Apr. 1 to Oct 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. 5.8 \*5.74 cubic feet per second and/or b. \_\_\_\_\_ acre-feet per annum.

6. Proposed diverting works: \* per conversation w/Will Ingram 12-6-83

a. Description of ditches, flumes, pumps, headgates, etc. ditch, pipe & pump  
sprinklers

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: \_\_\_\_\_  $\frac{1}{4}$  of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_ Township \_\_\_\_\_  
Range \_\_\_\_\_ 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: \_\_\_\_\_

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	
12N	20E	3									40	40	40	40 <sup>31</sup>					160 151
12N	20E	10					40	20	3	40 <sup>31</sup>									100
12N	20E	4													25			5	30
																			7

Total number of acres to be irrigated: 290 281

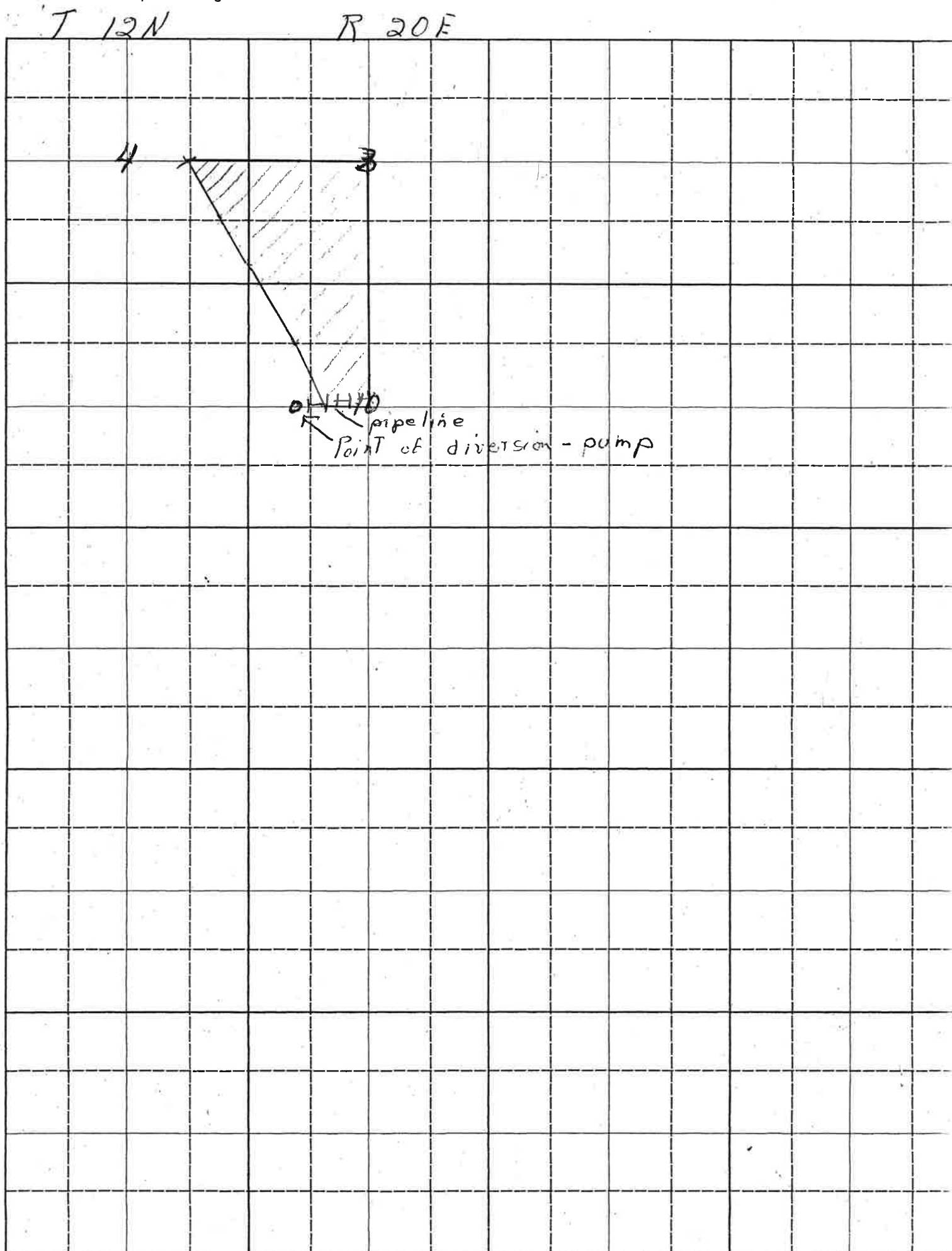
c. Describe any other water rights used for the same purposes as described above. \_\_\_\_\_

9. a. Who owns the property at the point of diversion Ingram Warm Spgs Rch Partnership  
b. Who owns the land to be irrigated or place of use Desert Land Entry BLM,  
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing D, L, E. I-20534 (Pat T.L. w/ Don

Simpson, BLM, Salmon) JST

10. Remarks \_\_\_\_\_

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. <

Tim A. Ingram  
(Applicant)

Received by marga Date 12/5/83 Time 11:30a  
Preliminary check by Jim Stanton Fee \$ 145.00 # 32755 + 32960  
Receipted by marga Date 12-16-83 12-22-83  
Publication prepared by marga Date 2/9/84  
Published in Custer Publishing  
Publication dates 2/16 + 4/23/84  
Publication approved marga Date 2/17/84  
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. 72-7365, and said application is hereby DENIED.

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 11<sup>th</sup> day of June, 1986.

  
A. KENNETH DUNN  
Director

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES  
OF THE

STATE OF IDAHO

RECEIVED

IN THE MATTER OF APPLICATION )  
FOR PERMIT NO. 72-7365 IN )  
THE NAME OF TIM A. INGRAM )

APR 28 1986

Department of Water Resources  
Southern District

ORDER TO SHOW CAUSE

WHEREAS, on December 5, 1983 Tim A. Ingram applied to the Department of Water Resources for a permit to appropriate 5.74 cubic feet per second of water from Warm Springs Creek to be diverted within the SW1/4NW1/4, Section 10, Township 12 North, Range 20 East, B.M., Custer County, to be used for irrigation purposes in connection with a Desert Land Entry; and,

WHEREAS, on December 19, 1985, the Bureau of Land Management classified the land unsuitable for entry; and,

WHEREAS, on March 14, 1986, the applicant was sent notice that the Application for Permit would be denied for lack of possessory interest in the land unless the applicant could provide information showing possessory interest in the land; and,

WHEREAS, the Department received no response to its inquiry; and,

WHEREAS, pursuant to the provisions of Section 42-203, Idaho Code, the Director of the Department of Water Resources is empowered to deny Applications for Permit which have been filed for speculative purposes; and,

WHEREAS, lack of possessory interest in the proposed place of use is speculative in nature;

72-7365



IT IS, THEREFORE ORDERED, that the applicant show cause before the Director of the Department of Water Resources within thirty days from the date of the mailing of this order why Application for Permit No. 72-7365 should not be Denied.

Dated this 22<sup>nd</sup> day of April, 1986.

*L. Glen Saxton*

L. GLEN SAXTON  
Chief, Operations Bureau

①

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**APPLICATION FOR PERMIT**

To appropriate the public waters of the State of Idaho Department of Water Resources  
Bureau of Water Control

1. Name of applicant Tim A Ingram Phone 879-4721  
Post office address HCGI Box 3020, Challis, ID  
2. Source of water supply Warm Springs Creek which is a tributary of Salmon R.  
3. Location of point of diversion is SW  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 10 Township 12N  
Range 20E B.M. Custer County, additional points of diversion if any: \_\_\_\_\_

4. Water will be used for the following purposes:

Amount 5.8 for irrigation purposes from Apr. 1 to Oct 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. 5.8 5.74 cubic feet per second and/or b. \_\_\_\_\_ acre-feet per annum.

6. Proposed diverting works: \* for construction of Tim A Ingram 12-6-78

a. Description of ditches, flumes, pumps, headgates, etc. ditch, pipe & pump  
sprinklers

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: \_\_\_\_\_  $\frac{1}{4}$  of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_ Township \_\_\_\_\_  
Range \_\_\_\_\_ 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: \_\_\_\_\_

72-7365

[illegible]

Total number of acres to be irrigated 290 289

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 Ingram Warm Spgs Rich Partnership

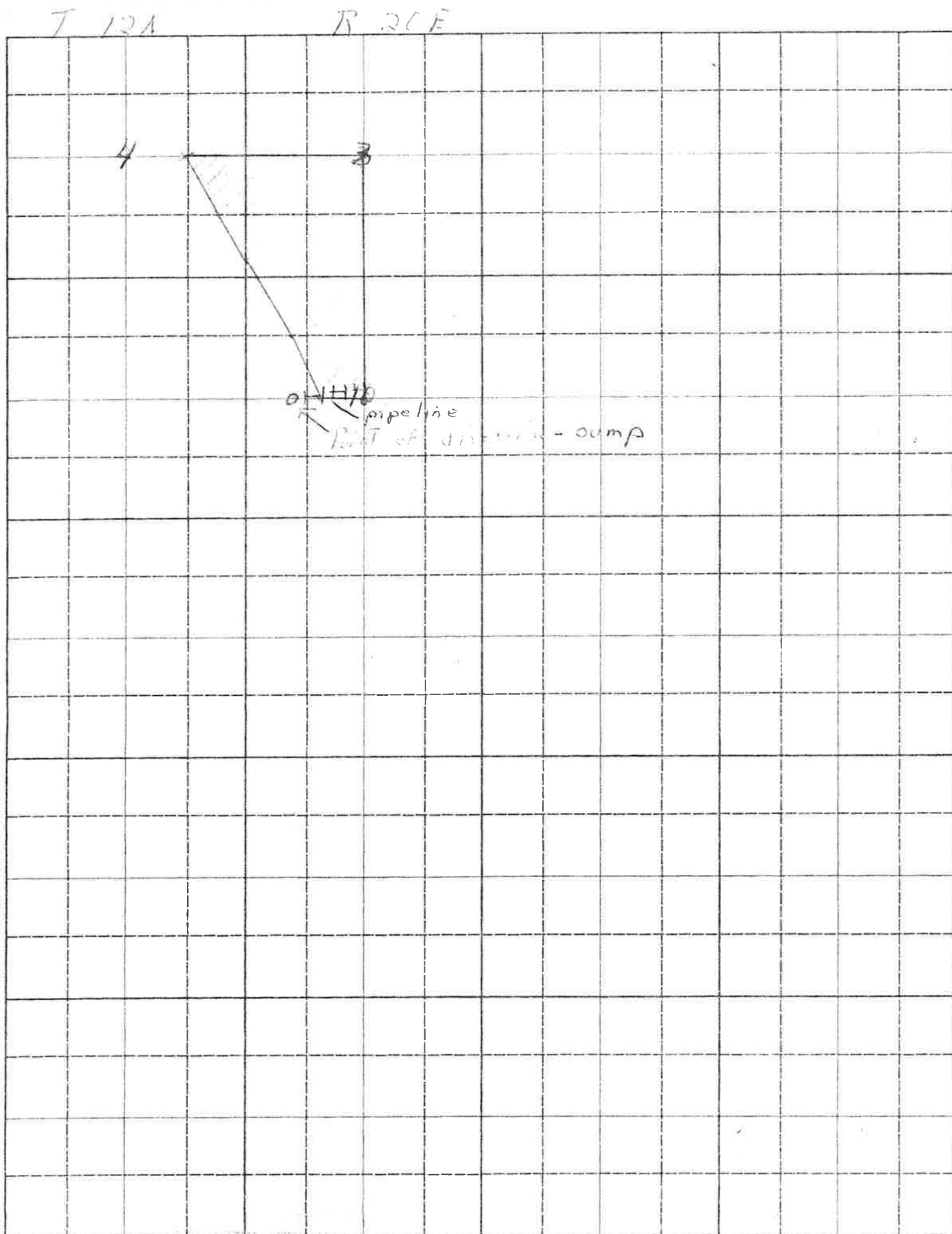
b. Who owns the land to be irrigated or place of use Desert Land Entry BLM

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing D.L.E. I-20534 (Pat T.C. 4/2021)

Simpson, BLM, Salmon) 1/18

10. Remarks

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.

Tim A. Ingram  
(Applicant)

Received by marga Date 12/5/83 Time 11:30a  
Preliminary check by Jim Stanton Fee \$ 145.00 # 32755 + 32960  
Receipted by marga Date 12-16-83 12-22-83  
Publication prepared by marga Date 2/9/84  
Published in Custer Publishing  
Publication dates 2/16 & 2/23/84  
Publication approved marga Date 2/17/84  
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:



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Salmon District  
P.O. Box 430  
Salmon, Idaho 83467

IN REPLY  
REFER TO: I-20534

RECEIVED

AUG 22 1985

Department of Water Resources  
Eastern District Office

CERTIFIED MAIL: Return Receipt Requested

RECEIVED

August 20, 1985

AUG 28 1985

Department of Water Resources  
Southern District Office

Timothy A. Ingram  
HC/61, Box 3020  
Challis, ID 83226

Dear Mr. Ingram:

Attached is a copy of the proposed classification decision that we have prepared pursuant to the regulations in Title 43 of the Code of Federal Regulations, Part 2450.3(a). This proposed decision is designated as "Attachment A". Copies of this proposed decision are being sent to the parties listed as "Attachment B".

The proposed decision relates to the proper classification or disposition of the described public land administered by the Bureau of Land Management. The official field report sets out the fact upon which the proposed decision is based. A copy of this report is available for review in the Salmon District Office. You may present any information which you believe will assist the Bureau of Land Management to make a sound decision as to the proper classification or designation of these lands. In accordance with 43 CFR 2450.4(a), you have a period of 30 days from the date of receipt of this letter in which you may protest or comment on this decision. No particular form of protest or comment is required. If you would like to come in and discuss this matter, please let me know. If you believe that a trip to the land with one of our field personnel would be helpful, we shall try to arrange one.

Sincerely,  
For the State Director

*Kenneth G. Walker*  
Kenneth G. Walker  
District Manager

Attachments  
A-Proposed Classification Decision  
B-Mailing List

"ATTACHMENT A"

(Proposed)  
Classification Decision

The following described public land has been examined and found not suitable for Desert Land Entry.

It is hereby proposed to classify the following lands as unsuitable for entry under the provisions of the Desert Land Act of March 3, 1877, as amended:

T.12N., R.20E., B.M., Idaho 72-7365  
Sec. 3: SW1/4  
Sec. 4: Lots 1, 2, SE1/4NE1/4, NE1/4SE1/4  
containing 318.83 acres

This classification is based on the following reasons:

1. The lands are not physically suitable as adaptable to agricultural development (43 CFR 2410.1(a)). The majority of the tracts contain SCS capability Class VI and VII soils which are generally unsuited to cultivation. The remainder of the parcel contains Class IV soils which also have severe limitations that make them generally unsuited to cultivation.
2. The Idaho policy concerning land disposals under the Desert Land Act requires that each 40 acre tract of public land must consist of at least 40% SCS capability Class I, II, or III soils before it is considered as suitable.
3. This does not meet the above requirements and must be classified as unsuitable for entry to be consistent with Federal policy affecting the disposal of public land (43 CFR 2410.0(a)).

The following petition for classification is hereby denied.

Name of Petitioner: Timothy A. Ingram

Type of Petition: Desert Land Act of March 3, 1877, as amended.

8-21-85  
Date

Kenneth S. Walker  
For the State Director

"ATTACHMENT B"

Copies of this decision have been sent to the following interested parties:

CERTIFIED MAIL: Return Receipt Requested

(3 copies)

Steve Woodall  
Idaho State Clearinghouse  
Division of Financial Management  
Room 230  
Statehouse Mail  
Boise, ID 83702

State of Idaho  
Fish & Game Department  
600 Walnut Street  
P. O. Box 25  
Boise, ID 83702

Norm Young  
Idaho Dept. of Water Resources  
450 W. State Street  
Boise, ID 83702

Ivan Taylor, Chairman  
Custer County Commissioners  
Custer County Courthouse  
Challis, ID 83226

REGULAR MAIL

Idaho Dept. of Fish & Game  
Attn: Tom Parker  
Box 1336  
Salmon, ID 83467

Idaho Dept. of Water Resources  
Eastern Region  
150 Shoup, Suite 15  
Idaho Falls, ID 83401

State Director (943)  
(2 copies)





# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Salmon District  
P.O. Box 430  
Salmon, Idaho 83467

IN REPLY  
REFER TO:

I-20534 (046)

RECEIVED

OCT 18 1985

Department of Water Resources  
Eastern District Office

October 17, 1985

CERTIFIED MAIL: Return Receipt Requested

Timothy A. Ingram  
HC/61, Box 3020  
Challis, ID 83226

Dear Mr. Ingram:

Pursuant to 43 CFR 2450.4(b), attached is a copy of an amended initial decision on the petition for classification filed for the lands described therein. This decision supersedes and vacates the decision dated October 8, 1985.

No protests were received within the time allowed.

For a period of 30 days after receipt of this decision by the parties listed in Attachment "B", in accordance with 43 CFR 2450.5(a), this initial decision shall be subject to the exercise of the supervisory authority by the Secretary of the Interior for the purposes of administrative review. If the Secretary exercises his supervisory authority, you will be so notified. If he does not exercise his authority, this decision will become the final order of the Secretary.

All comments, objections or protests to this decision should be sent to the Secretary of the Interior, LLM, 320, Washington, D.C., 20240. They must be sent within 30 days of receipt of this decision. However, they should be sent as early as possible to insure enough time for their full review.

Sincerely,

*Kenneth G. Walker*

Kenneth G. Walker  
District Manager

#### Attachments

- A-Initial Classification Decision
- B-Mailing List

RECEIVED

OCT 23 1985

Department of Water Resources  
Southern District Office

"Attachment A"  
(Amended Initial)  
Classification Decision

The following described public land has been examined and found not suitable for Desert Land Entry.

The following lands are hereby classified as not suitable for entry under the provisions of the Desert Land Act of March 3, 1877, as amended.

T.12N., R.20E., B.M., Idaho

Section 3: SW1/4 - ~~42-7367~~

72-7365

Section 4: Lots 1, 2, SE1/4NE1/4, NE1/4SE1/4

Containing 318.83 Acres

This classification decision is based on the following reasons:

1. The lands are not physically suitable as adaptable to agricultural development (43 CFR 2410.1(a)). The majority of the tracts contain SCS capability Class VI and VII soils which are generally unsuited to cultivation. The remainder of the parcel contains Class IV soils which also have severe limitations that make them generally unsuited to cultivation.
2. The Idaho policy concerning land disposals under the Desert Land Act requires that each 40 acre tract of public land must consist of at least 40% SCS capability Class I, II, or III soils before it is considered as suitable.
3. This does not meet the above requirements and must be classified as unsuitable for entry to be consistent with Federal policy affecting the disposal of public land (43 CFR 2410.0(a)).

The following petition for classification is hereby denied.

Name of Petitioner: Timothy A. Ingram

Type of Petition: Desert Land Act of March 3, 1877, as amended.

10-17-85

Date

Kenneth L. Walker  
For the State Director

"Attachment A"

Copies of this decision have been sent to the following interested parties:

CERTIFIED MAIL: Return Receipt Requested

(3 Copies)

Steve Woodall  
Idaho State Clearinghouse  
Division of Financial Management  
Room 230, Statehouse Mail  
Boise, ID 83702

State of Idaho  
Fish and Game Department  
600 Walnut Street  
P.O. Box 25  
Boise, ID 83702

Norm Young  
Idaho Dept. of Water Resources  
450 W. State Street  
Boise, ID 83702

Ivan Taylor, Chairman  
Custer County Commissioners  
Custer County Courthouse  
Challis, ID 83226

REGULAR MAIL

Idaho Dept. of Fish and Game  
Attn: Tom Parker  
Box 1336  
Salmon, ID 83467

Idaho Dept. of Water Resources  
Eastern Region  
150 Shoup, Suite 15  
Idaho Falls, ID 83401

State Director (943) (2 Copies)