

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/29/2020

Water Permit 45-7646

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LYNN N MITCHELL 992 E 300 N DECLO, ID 83323 (208) 654-2434
Current Owner	DELL N MITCHELL 999 E 300 N DECLO, ID 83323 (208) 312-2460

Status: Lapsed

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

Water District Number: TBD

Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A



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 11, 1992

RECEIVED

MAY 13 1992

Department of Water Resources
Southern Region Office

Lynn and/or Dell Mitchell
Route 1 Box 38A
Declo, ID 83323

Re: Permit No. 45-07646

Dear Permit Holder:

Enclosed is a copy of the denied request for extension of time which you submitted to the department in connection with the above referenced permit. Section 42-204, Idaho Code, provides that the department can only grant one extension of time based on due diligence. Please note that the department has previously granted an extension of time in connection with this permit. We have also allowed two extensions of time which included all of the litigation period.

I suggest that you file the enclosed proof of beneficial use form for that portion of the development completed. If there has been no beneficial use of the water, I suggest you file a new application within one year of the time you actually intend to develop the water right. Since Idaho is now under a mandatory permit procedure to develop a water right, the new application will provide an additional period of time for development, although the priority date will be later in time.

If you have any questions or if we can be of any further assistance, please feel free to contact us or any of our regional offices.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON

Chief, Water Allocation Bureau

Enc: Proof of Beneficial Use form/instruction
Extension of Time

C: IDWR - Regional Office

45-7646

RECEIVED

DEC 09 1991

Department of Water Resources
Southern Region OfficeSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESFor Office Use Only
\$15 FEE Received by J. F. Stanton
Date 12-9-91
Receipt # 5013971

REQUEST FOR EXTENSION OF TIME

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. 45-07646Name(s) of Permit Holder: Lynn & or Dell MitchellPost Office Address: RT. 1 Box 38A, Declo, ID 83323Telephone No. 654-2451Date Proof is Due: 11-1-1991Describe 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".)All possible work has been done. System is in use.Costing \$ 35,000.

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

Pending litigation has still not been settled. We hope to have the court settlement within a year. If we win the case, improvement of the system is planned. So we ask for two more years to get the system into good, efficient operation.Permit holder(s) request an extension to 11-1, 19 93.
(1 yr. minimum)Lynn Mitchell
(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 DENIED pursuant to Section 42-204, Idaho Code, which states that only one extension of time can be granted based on due diligence.

Signed this 11TH day of May, 19 92.R. Keith Hysman
Director

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESFor Office Use Only
\$15 FEE Received by J.F. Stanton
Date 12-9-91
Receipt # 5013971

DEC 09 1991

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

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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".)

All possible work has been done. System is in use.Costing \$ 35,000.

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

Pending litigation has still not been settled. We hope to have the court settlement within a year. If we win the case, improvement of the system is planned. So we ask for two more years to get the system into good, efficient operation.

Permit holder(s) request an extension to 11-1, 19 93.
(1 yr. minimum)

Lynn Mitchell
(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

Signed this _____ day of _____, 19____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

REQUEST FOR EXTENSION OF TIME

OCT 26 1990

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

Department of Water Resources
Southern Region Office

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. 45-07646

Name(s) of Permit Holder: Lynn & Dell Mitchell

Post Office Address: Route 1 Box 38 A

Declo Ida - 83323 Telephone No. 654 2451

Date Proof Is Due: 11-1-90

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

was complete and water being applied at time
of application. Ownership litigation since
June (Supreme Court) ordered applicant to remove
equipment. Request time to resolve Costing \$
ownership and irrigation plans.

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

Due to Court Ruling And Pending Litigation,

Permit holder(s) request an extension to 11-1-91, 1991.
(1 yr. minimum)

Dell Mitchell
(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

Signed this _____ day of _____, 19____.

45-7646

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 45-07646

Proposed Priority: June 2, 1989

Maximum Diversion Rate:

1.08 CFS

This is to certify, that **LYNN MITCHELL
DELL MITCHELL
RT. 1 BOX 38B
DECLO, ID 83323**

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

RECEIVED

OCT 11 1989

Department of Water Resources
Southern Region Office

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	1.08 CFS

LOCATION OF POINT(S) OF DIVERSION: **SENENE Sec. 8, Township 10S, Range 25E
CASSIA County**

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10S	25E	8	NENE 40 SENE 35	NWNE 38	SWNE 35	148

Total number of acres irrigated: 148

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **November 1, 1990**.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

5th day of October, 1989.

for R. Keith Higginson
R. Keith Higginson, Director

45-7696

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name: LYNN MITCHELL 208-654-2451
Address: RT. 1 BOX 38B
DECLO, ID 83323
AND/OR
Name: DELL MITCHELL 208-654-2451
Address: RT. 1 BOX 38B
DECLO, ID 83323

2. Source: GROUNDWATER Trib. to:

3. Location of point of diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	25E	8	SE	NE	NE		CASSIA

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AFA
IRRIGATION	03/15	11/15		1.080	

5. Total quantity appropriated is:
1.080 CFS (and/or) AFA

6. Proposed diverting works:

- Description of ditches, flumes, pumps, headgates, etc.
EXISTING WELL & PUMP TO SPRINKLER SYSTEM
- Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
- Proposed well diameter is 14 inches; proposed depth of well is 220
feet.
- Is groundwater with a temperature greater than 90F being sought? NO

7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 5 years.

45-7646

8. Description of proposed uses:
EXISTING WELL & PUMP.

9. Description of place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10S	25E	8	NE	NE	IRR	40.0
			NW	NE	IRR	38.0
			SW	NE	IRR	35.0
			SE	NE	IRR	35.0
Total Section Acres						148.0
Total Acres						148.0

10. Describe any other water rights used for the same purposes.
LIC. 45-2499 (SEE REMARKS)

11. 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.

12. Remarks:

THESE LANDS ALSO HAVE RECORDED A PORTION OF LIC. 45-2638 HOWEVER
IT IS UNCLER AT THIS TIME IF THIS WATER HAS BEEN REMOVED.
THIS APPLICATION IS MADE TO COVER THE ADDITIONAL WATER ABOVE
LIC. 45-2499 WHICH IS NEED TO PROPERLY RUN THE IRRIGATION SYSTEM.
***** NO NEW LANDS WILL BE DEVELOPED UNDER THIS APPLICATION****
***** ONLY INCREASE IN WATER DIVERSION RATE IS REQUESTED*****
THIS APPLIC. IS BEING MADE TO COVER THE CASE WHEREBY ADJUD.
CLAIM A45-02638A IS REJECTED.

13. Map of proposed point of diversion and place of use attached? []

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.


Applicant


Ident. No. 45-07646
Page 3

Received by AD~ Date 6/2/89 Time 12:15 Preliminary check by DR~
Fee \$ 65⁰⁰ Receipted by AD~ # 5007475 Date 6/2/89
Publication prepared by M. Baldwin Date 6/19/89 Published in So. ID. Press
Publication approved M. Baldwin Date 7/27/89

