

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/29/2020

Water Permit 45-7610

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	VANCO INC PO BOX 789 BURLEY, ID 83318 (208) 678-3027

Status: Relinquished

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

20200629

NOV 30 1994

J E G E I V

RELINQUISHMENT

NOV 30 1994

Department of Water Resources
Southern Region Office

TO WHOM IT MAY CONCERN:

I hereby relinquish to the State of Idaho, all my
right, title and interest in and to Permit to Appropriate the
Public Waters of the State of Idaho, No. 45-07610.

Signed at Twin Falls, ID this 30th day
of November, 19 94.

VANCO INC ACJ

Permit Holder

ATTEST:

J E Stanton

4/30/94

Relinquished

45-07610-



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

November 14, 1994

NOV 16 1994

Department of Water Resources
Southern Region Office

VANCO, INC.
P.O. Box 789
Burley, ID 83318

RE: PROTESTED APPLICATION FOR PERMIT NO. 45-07610

Gentlemen:

The department of Water Resources (IDWR) is currently reviewing protested applications for permit which are pending before the department. Our files show that on May 21, 1987, you filed the above referenced application proposing the diversion of 4.0 cubic feet per second (cfs) of water from Willow Creek to be used year-round for hydropower purposes. The application was subsequently protested.

Since substantial time has passed subsequent to the filing of the application and the protests, it appears that one of two potential actions needs to occur in connection with the application as follows:

1. If you are no longer actively pursuing the development proposed in the application, please complete and return the enclosed relinquishment form. IDWR will then remove the application from IDWR records.
2. If you are actively pursuing the proposed development, you need to specifically advise IDWR in writing of your continued interest within thirty (30) days of the date of this letter. In addition, you must provide information to IDWR within sixty (60) days of the date of this letter to demonstrate that you have been actively pursuing the proposed project. Typical information can include efforts to resolve the protests against the application, or pursuit of other needed approvals for the proposed project such as approval or a disclaimer from the Federal Energy Regulatory Commission or from the Idaho Public Utilities Commission.

If you do not timely respond to this letter or do not make a sufficient showing that you have been pursuing the proposed project, the department will reject the application pursuant to provisions of Section 42-203A(5), Idaho Code, as being filed for speculative purposes. If you do timely respond and provide the

45-07610

required information, the department will schedule a hearing, if appropriate. Feel free to contact this office if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Glen Saxton". The signature is fluid and cursive, with the first name "L." being small and the last name "Saxton" being larger and more prominent.

L. GLEN SAXTON, Chief
Water Allocation Bureau

Encl: 1

c: IDWR - S. Region

Oakley Stake, LDS Church
c/o Robert N. Sagers, President
1710 Overland Avenue
Burley, ID 83318 -Protestant

Alfred E. Barrus, Esquire
BARRUS, BYWATER & SMYSER
P.O. Box 487
Burley, ID 83318 -Attorney for LDS Church

James & LaVora Poulton
Rt. 2, Box 2456
Burley, ID 83318 -Protestant

Robert G. & Ruth Moncur
1901 Normal Avenue
Burley, ID 83318 -Protestant

Dean & Marilyn Koyle
Rt. 2, Box 2464
Burley, ID 83318 -Protestant

John R. Coleman, Esquire
COLEMAN, McINTYRE & RITCHIE
P.O. Box 525
Twin Falls, ID 83301 -Attorney for Poulton, Moncur & Koyle

Cory L. King, Manager
Double C Farms
Route 1, Box 44A
Oakley, ID 83346 -Protestant

Idaho Fish & Game
Carl H. Nellis, Supervisor
Region 4
Box 428
Jerome, ID 83338 -Protestant

VanCo, Inc.
c/o Bill Anderson, President
P.O. Box 789
Burley, ID 83318 -Applicant



State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

July 21, 1987

Vanco, Inc.
c/o Bill Anderson, President
P.O. Box 789
Burley, ID 83318

Re: Application for Permit No. 45-7610

Dear Mr. Anderson:

Enclosed are copies of protests filed against the issuance of a permit pursuant to your above referenced application. The Department suggests you contact the protestants directly in an effort to determine the nature of the protests and to attempt to resolve the protests. Also enclosed is a copy of corrected application.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAHO CODE):

- 1) Will the proposed use reduce the quantity of water under existing rights?
- 2) Is the proposed water supply insufficient for the purposes intended?
- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the project?
- 5) Will the proposed use conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:MB

Encl:



State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

July 21, 1987

Idaho Fish & Game
Carl H. Nellis, Supervisor
Region 4
Box 428
Jerome, ID 83338

Re: Application for Permit No. 45-7610

Dear Protestant:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAHO CODE):

- 1) Will the proposed use reduce the quantity of water under existing rights?
- 2) Is the proposed water supply insufficient for the purposes intended?
- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the project?
- 5) Will the proposed use conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:MB



State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

July 21, 1987

John R. Coleman, Esquire
COLEMAN, McINTYRE & RITCHIE
P.O. Box 525
Twin Falls, ID 83301

Re: Application for Permit No. 45-7610

Dear Mr. Coleman:

Your protest against the approval of the above referenced application submitted in behalf of James & LaVora Poulton, Robert G. & Ruth Moncur, and Dean & Marilyn Koyle has been received and a copy has been sent to the applicant.

The Department suggests that you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAHO CODE):

- 1) Will the proposed use reduce the quantity of water under existing rights?
- 2) Is the proposed water supply insufficient for the purposes intended?
- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the project?
- 5) Will the proposed use conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

cc: James & LaVora Poulton
Robert G. & Ruth Moncur
Dean & Marilyn Koyle



State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

July 21, 1987

Cory L. King, Manager
Double C Farms
Route 1, Box 44A
Oakley, ID 83346

Re: Application for Permit No. 45-7610

Dear Mr. King:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAHO CODE):

- 1) Will the proposed use reduce the quantity of water under existing rights?
- 2) Is the proposed water supply insufficient for the purposes intended?
- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the project?
- 5) Will the proposed use conflict with the local public interest?

If this office can be of further assistance, please contact us.

Very truly yours,

LOREN O. HOLMES
Southern Region Supervisor

LOH:MB



State of Idaho
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

July 21, 1987

2148 4th Ave. E.
Twin Falls, Idaho 83301
(208) 734-3578

Alfred E. Barrus, Esquire
BARRUS, BYWATER & SMYER
P.O. Box 487
Burley, ID 83318

Re: Application for Permit No. 45-7610

Dear Mr. Barrus:

Your protest against the approval of the above referenced application submitted in behalf of Oakley Stake, LDS Church has been received and a copy has been sent to the applicant.

The Department suggests that you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, IDAHO CODE):

- 1) Will the proposed use reduce the quantity of water under existing rights?
- 2) Is the proposed water supply insufficient for the purposes intended?
- 3) Is the application made in good faith or for delay or speculative purposes?
- 4) Has the applicant sufficient financial resources with which to complete the project?
- 5) Will the proposed use conflict with the local public interest?

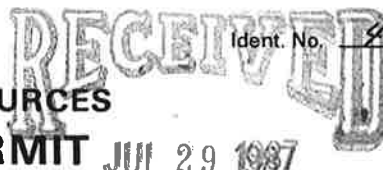
If this office can be of further assistance, please contact us.

Very truly yours,

Loren O. Holmes
LOREN O. HOLMES
Southern Region Supervisor

cc: Oakley Stake, LDS Church

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT



Ident. No. 45-7610

To appropriate the public waters of the State of Idaho

Department of Water Resources

1. Name of applicant VANCO, INC. Phone 678-3027
Post office address P.O. Box 789, Burley, Idaho 83318

2. Source of water supply Willow Creek which is a tributary of _____

3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of _____ $\frac{1}{4}$, Govt. Lot _____
Sec. 26 Township 12S Range 23E B.M. CASSIA County; additional

points of diversion if any: NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, all in T.12 S., R.

4. Water will be used for the following purposes: 23 E.B.M. SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 25 t. 12S R. 23E*

* added per telecon w/John Rosholt 6-19-87

Amount 4 c/f/s for hydropower 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 is (a) 4 c/f/s and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Diversion into 12" diameter penstock 3000 feet in length under 180 PSI to turbine to develop 135 H/P.

b. Height of storage dam 10' feet; active reservoir capacity 1 acre-feet; total reservoir capacity 1 acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.

c. Proposed well diameter is N/A inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 90°F being sought? N/A

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).

8. Description of proposed uses (if irrigation only, go to item 9):

- a. Hydropower; show total feet of head and proposed capacity in KW. 400' maximum head 135 HP = 100.7 K/W
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality. _____
- d. Domestic; show number of households. _____
- e. Other; describe fully. _____

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

* Removed per telecon w/John Rosholt 6-19-87 98

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12S	23 EBM	26													P	P	* P	P	

** P = POWER

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. NONE

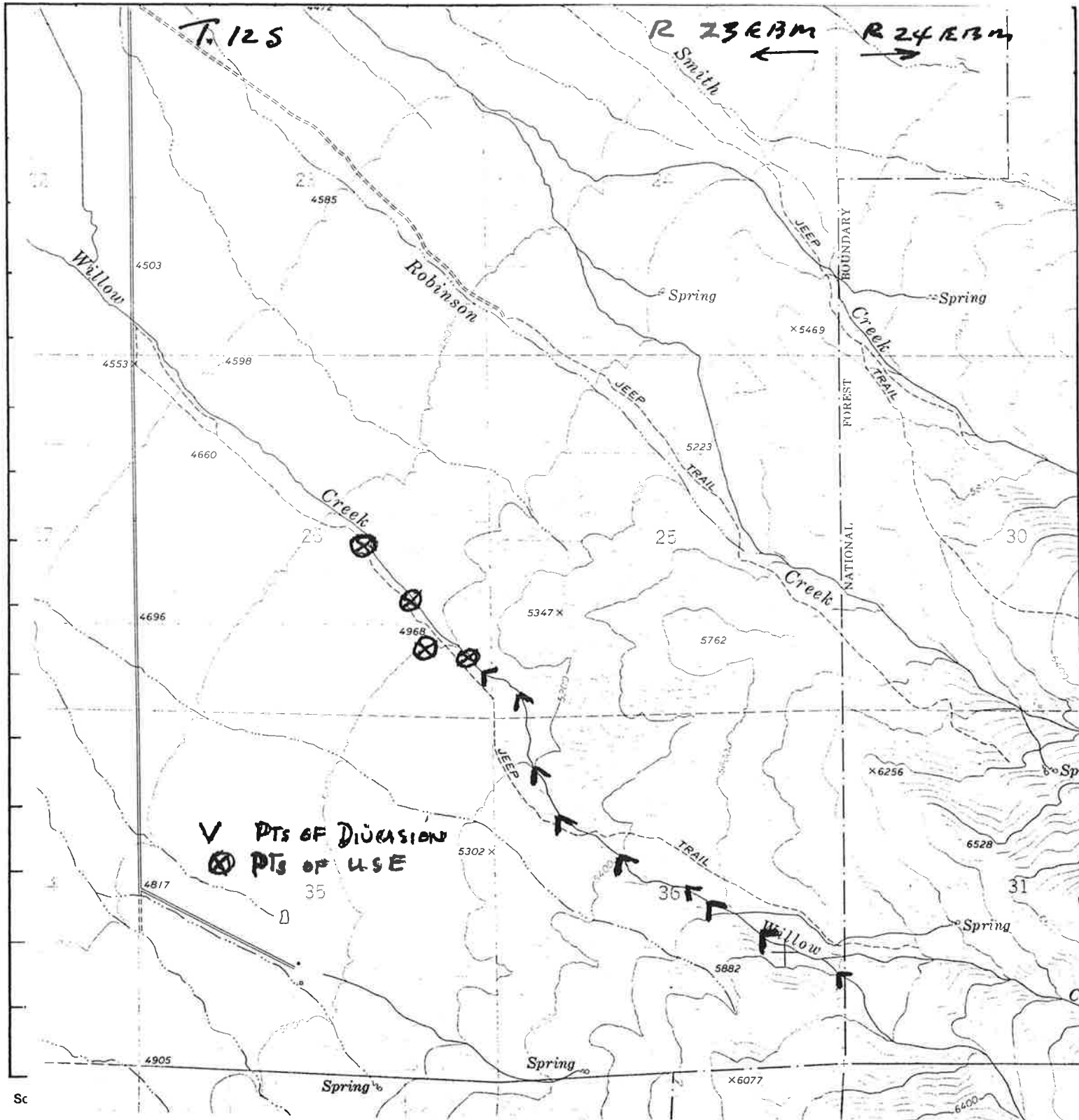
11. a. Who owns the property at the point of diversion? APPLICANT or Federal Government (Sec. 36)

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. SOME ALTERNATE DIVERSION POINTS NOT OWNED BY APPLICANT AND WOULD REQUIRE PERMISSION OR SPECIAL USE PERMIT.

12. Remarks: POWER MAY BE COGENERATED BUT POWER COULD BE USED BY APPLICANT FOR POWERING OWN PUMPS.

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

[Signature]

VANCO, INC. (Applicant)

BILL ANDERSON, PRESIDENT

Received by M. Baldwin Date 5/21/87 Time 2:50 pm Preliminary check by JS
ck 4859
Fee \$ 105⁰⁰ Receipted by M. Baldwin # 45035 Date 6/19/87
Publication prepared by M. Baldwin Date 6/22/87 Published in South Id. Press
Publication approved M. Baldwin Date 7/21/87

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. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

RECEIVED

JUL 29 1987

Department of Water Resources

RECEIVED

JUL 10 1987


Department of Water Resources
Southern Region Office

NOTICE OF PROTEST

COMES NOW the Oakley Stake of the Church of Jesus Christ of Latter-Day Saints, by and through its attorney Alfred E. Barrus of Barrus, Bywater & Smyser, and hereby protest application No. 45-7610 filed on behalf of Vanco, Inc., in care of Bill Anderson, President. The reasons for the protest are as follows:

1. It fails to comply with applicable statutes and regulations.
2. The relief requested in the petition is contrary to public interest.
3. The proposed diversion, if approved, would be in derogation of the rights of the Oakley Stake to the use and enjoyment as property and the attendant benefits thereof.

The exact name, business address and telephone number of the protestant is: Oakley Stake of the Church of Jesus Christ of Latter-Day Saints, c/o President Robert N. Sagers, 1710 Overland Avenue, Burley, Idaho 83318 (208) 678-8313.


Alfred E. Barrus
BARRUS, BYWATER & SMYSER
Attorneys at Law
PO Box 487
Burley, Idaho 83318
Attorney for the Oakley Stake of
the Church of Jesus Christ of
Latter-Day Saints

RECEIVED

JUL 29 1987

RECEIVED

JUL 17 1987

Department of Water Resources

Department of Water Resources
Southern Region Office

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

* * * * *

In the Matter of the Application) Application No. 45-7610
of VanCo, Inc.)
P. O. Box 789, Burley, ID 83318) PROTEST

* * * * *

COME NOW, James Poulton and LaVora Poulton, husband and wife, whose mailing address is Route 2, Box 2456, Burley, Idaho 83318, Robert G. Moncur and Ruth Moncur, husband and wife, whose mailing address is 1901 Normal Avenue, Burley, Idaho 83318, and Dean Koyle and Marilyn Koyle, husband and wife, whose mailing address is Route 2, Box 2464, Burley, Idaho 83318, and protest the application of VanCo, Inc., for a permit to appropriate water from Willow Creek as set forth in Application No. 45-7610 on the grounds and for the following reasons:

1. The granting of said permit will reduce the quantity of water available to the holders of existing water rights held by the protestants and other landowners who have water rights for the consumptive use of all of the flow of Willow Creek during the irrigation season.

2. That the water supply itself is insufficient for the purposes for which it is sought to be appropriated by VanCo, Inc.

3. That the application is not made in good faith and is made for speculative purposes.

4. That the applicant does not have sufficient fi-

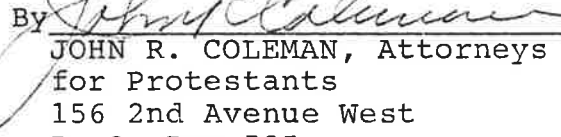
1 nancial resources to complete the proposed project.

2 5. That the proposed project will conflict with the
3 local public interest, and the proposed use under said applica-
4 tion is in direct conflict with the public use now being made and
5 available for the public.

6 WHEREFORE, the protestants respectfully request that
7 the Department of Water Resources of the State of Idaho deny the
8 application sought in Application No. 45-7610.

9 DATED this 17th day of July, 1987.


10 COLEMAN, McINTYRE & RITCHIE

11 By 
12 JOHN R. COLEMAN, Attorneys
13 for Protestants
14 156 2nd Avenue West
15 P. O. Box 525
16 Twin Falls, ID 83303-0525
17 Telephone: (208) 734-1224

18 CERTIFICATE OF MAILING

19 I hereby certify that on the 17th day of July, 1987, I
20 served the foregoing PROTEST by causing to be deposited a copy
21 thereof in the post office at Twin Falls, Idaho, enclosed in an
22 envelope with postage prepaid, addressed to the following:

23 VanCo, Inc.
24 P. O. Box 789
25 Burley, ID 83318
26


JOHN R. COLEMAN

RECEIVED

JUL 29 1987

July 17, 1987

Department of Water Resources

Ken Dun, Director
Water Resource Board
2148 4th Ave. East
Twin Falls, ID 83301

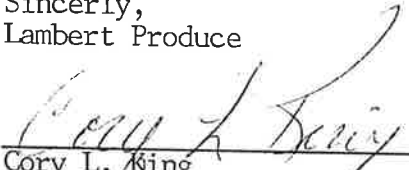
RE; Water Permit for electric turban #45-7610

It is our understanding that the above water permit was filed May 21, 1987 by Vanco Inc. for 4.0 cfs of water to turn a turban to pump water from a well.

This letter is to state our protest to this action. We feel that the above action would endanger our own water rights in that we would lose control of our water rights to an entity which has no rights to our water. There is also a possibility of a loss of water through the transporting of water from the creek through the turban and back. This would also result in killing the fish which are in willow creek.

We request that a denial of the requested water use permit be made by the Water Resource Board.

Sincerely,
Lambert Produce


Cory L. King
Manager, Double C Farms
Route 1, Box 44A
Oakley, ID 83346

RECEIVED

JUL 17 1987

Department of Water Resources
Southern Region Office



868 East Main, Box 428
Jerome, Idaho 83338

July 9, 1987

RECEIVED

JUL 10 1987

Department of Water Resources
Southern Region Office

RECEIVED

JUL 29 1987

Mr. Loren O. Holmes
Idaho Department of Water Resources
Southern Region
2148 Fourth Ave. East
Twin Falls, ID 83301

RE: Application For Permit No. 45-7610, Vanco, Inc.
Bill Anderson. Willow Creek

Department of Water Resources

Dear Mr. Holmes:

The Department of Fish and Game protests the granting of the above referenced application for permit for hydropower purposes on Willow Creek. The Department feels the application is definitely not in the public interest.

Willow Creek currently supports excellent populations of wild rainbow trout in the section involved in the application. On July 18, 1986 Department of Fish and Game fisheries personnel electrofished approximately 194 feet of stream in the area and obtained a total of 40 wild rainbow. The trout ranged in size from 3.4 to 9.9 inches. Riparian habitat of the stream section was noted as excellent by Department personnel.

A major dewatering of the stream in the proposed diverted section would have a devastating effect on existing rainbow trout populations.

Sincerely,

Carl H. Nellis
Supervisor, Region 4

CHN:RJB:lm