

6/29/2020

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRUCE N MITCHELL ZZ

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

7609 February 28, 1987

To: Water District 45-F

Subject: Memorandum for the record concerning earthen dams erected on tributaries to Howell Creek.

It has come to the attention of the undersigned that an earthen dam is planned that will impound waters of a spring located in the old "Quinn Field", Range 25, Township 12 South, Section 15; the waters of which are tributaries to Howell Creek above the diversion point for Chatburn water rights granted by decree in 1876. This proposed dam is in addition to another earthen dam being constructed on Summit Creek, also Section 15, whose waters flow into Howell Creek above the Chatburn diversion.

It is the position of the undersigned that withdrawals of water from tributaries to Howell Creek above the Chatburn diversion point may constitute an infringement on existing water rights above that point. Specifically, if the Howell Creek flow is reduced to less than the Chatburn right, then diversions of water to established upstream users will be reduced or stopped entirely to meet the water flow specifications of the Chatburn right. Therefore, any dams constructed for impoundment of Howell Creek tributary water must have either (1) a water flow measuring device ahead of the dam and behind the dam, accurately calibrated to measure the volume of tributary flow; or (2) a well maintained bypass ditch that will move upper tributary water around the dam and back to the original natural channel.

It is further the position of the undersigned that no change will be made in the course of existing natural flows of tributary waters to Howell Creek above the Chatburn diversion which would in any way reduce the volume of water that would naturally flow into Howell Creek.

Finally, it is the desire of the undersigned that when any dams are put into operation that affect tributary flow into Howell Creek

above the Chatburn diversion, the Water Master of Water District 45-F shall be responsive to a demand by the Chatburn right that the dam bypass(es) be opened. When opened, the volume of tributary flow out of the bypass shall match the volume flow of the tributary above the dam.

Signed

Leo Bell -
Hazel Brackenshaw
Kelen Goodman
Joni Krypton
Vard Chatburn
Jim Chatburn

S T A T E C F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

- - - - -

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
SEPTEMBER 03, 1987

MITCHELL, BRUCE M.
RT. 1, BOX 148-A
OAKLEY, ID 83346

RECEIVED

SEP 8 1987

P E R M I T A P P R O V A L N O T I C E

Department of Water Resources
Southern Region Office

RE: PERMIT NO. 45-7609

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

PLEASE BE ADVISED THAT YOUR PLANS FOR FISH PROPAGATION MAY BE SUBJECT TO REGULATIONS OF THE IDAHO DEPARTMENT OF FISH AND GAME. WE SUGGEST THAT YOU CHECK WITH THEM BEFORE STARTING CONSTRUCTION.

BE SURE TO NOTE THE SPECIAL CONDITION REQUIRING YOU TO INSTALL A MEASURING DEVICE AND LOCKABLE CONTROLLING WORKS THAT WILL ENABLE THE WATERMASTER TO CONTROL YOUR RATE OF DIVERSION.

PLEASE NOTE THE REQUIREMENT THAT AS A PERMIT HOLDER YOU MUST COMMENCE THE EXCAVATION OR CONSTRUCTION OF DIVERTING WORKS WITHIN ONE YEAR OF THE DATE THE PERMIT WAS ISSUED, AND YOU MUST PROCEED DILIGENTLY UNTIL THE PROJECT IS COMPLETED. THE ENCLOSED BLUE CARD MUST BE COMPLETED AND RETURNED TO THIS OFFICE AS SOON AS YOU COMMENCE CONSTRUCTION, NO LATER THAN ONE YEAR FROM THE DATE THE PERMIT WAS APPROVED.

WE HAVE ENCLOSED A FORM ENTITLED "INSTRUCTIONS FOR PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

GARY SPACKMAN
SUPERVISOR, WATER ALLOCATION SECTION

GS: SC
ENCLOSURES

45-7609

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 45-7609

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Bruce N. Mitchell Phone 862-9201
Post office address Rt. 1 Box 148-A Oakley, ID 83346
2. Source of water supply Warm Spring which is a tributary of Mill Creek
3. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____
Sec. 9 Township 14 S Range 23 E B.M. Cassia County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount .90 for fish propagation purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .90 for heating purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .90 for cooling purposes from 01/01 to 12/31 (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) .90 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. One headgate to release water into warm springs channel from non-consumptive use pond.
 - b. Height of storage dam 12 feet; active reservoir capacity .50 acre-feet; total reservoir capacity .50 acre-feet; period of year when water will be diverted to storage:
01/01 to 12/31 inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? No
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
3 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. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. Non-consumptive trout propagation and heating of 16x40 greenhouse also non-consumptive. Trout pond size 12' x 100' x 40'

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.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
14S	23E	9					C F,H												

F=fish propagation
H=heating
C=cooling

Total number of acres to be irrigated _____

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

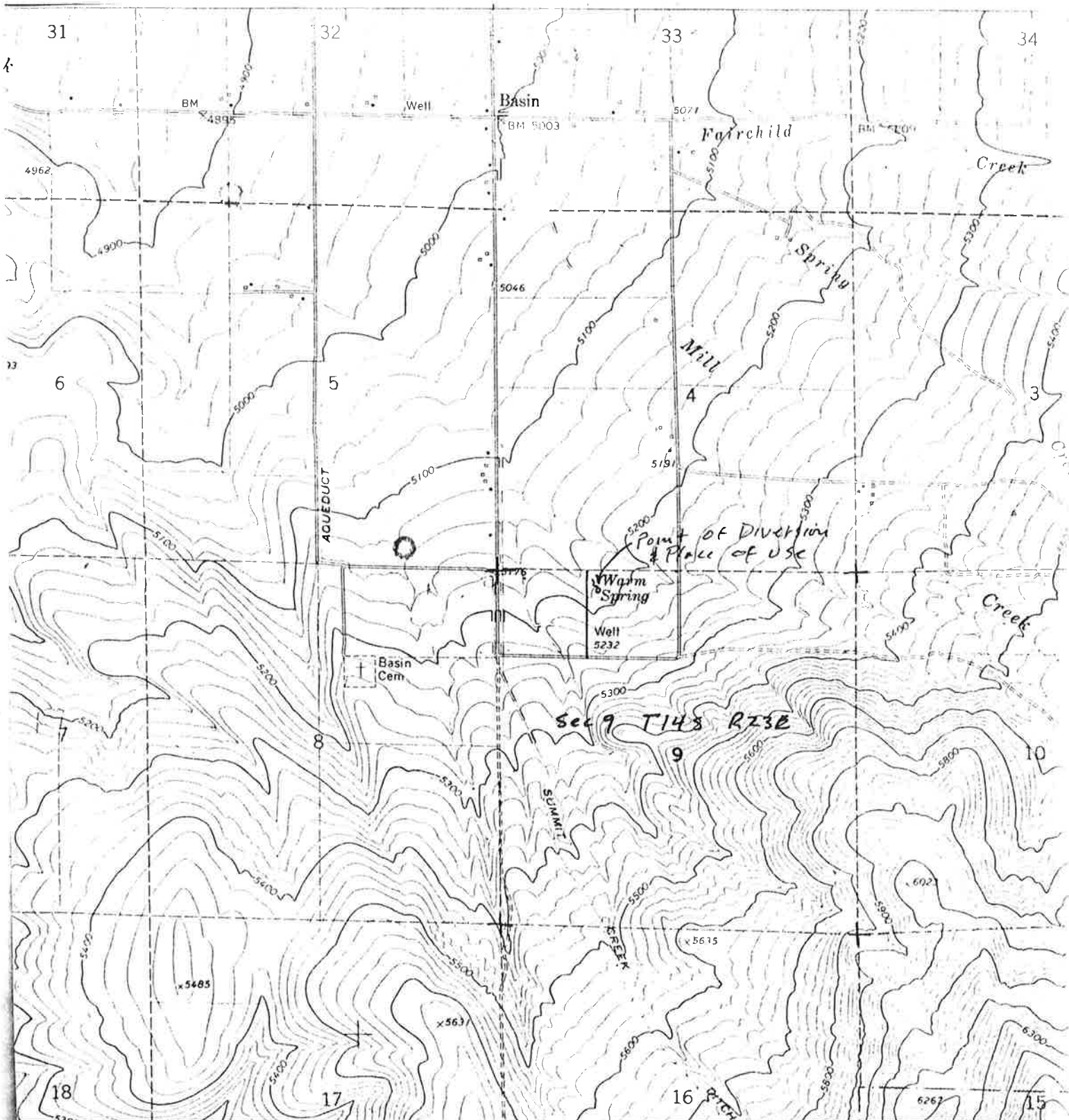
11. a. Who owns the property at the point of diversion? Bruce Mitchell

- b. Who owns the land to be irrigated or place of use? Bruce Mitchell

- 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: _____

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.

Bruce Mitchell
(Applicant)

Received by M. Baldwin Date 3/5/87 Time 11:00 am Preliminary check by H.J.
 Fee \$ 45⁰⁰ Received by M. Baldwin # 40704 Date 3/5/87
 Publication prepared by M. Baldwin Date 3/12/87 Published in South Id. Press ^{3/19 & 3/26/87}
 Publication approved M. Baldwin Date 4/8/87

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. 45-7609, 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 September 1, 19 90.

- 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: 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.

Assignment or sale of this permit is subject to a determination by the Department that the permit holder has proceeded to develop the permit with due diligence and without speculation.

Use of water under this permit shall be non-consumptive.

A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.

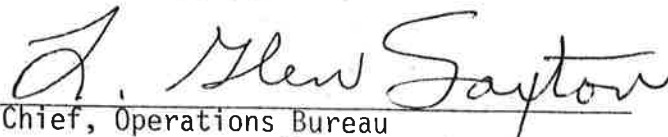
Water used under this permit if discharged into a natural channel shall meet Idaho Water Quality Standards.

The permit holder shall be required to provide the Department, upon request, information showing volume changes per hour necessary to maintain an adequate environment for the fish propagation facility. Volume changes per hour shall be based upon actual fish production.

Use of water under this right is subject to policies set forth in the State of Idaho Water Plan, including Policy No. 5G.

Should the use of the water on this permit reduce the quality of water available to prior water rights and make it unusable to satisfy the prior appropriations, the diversion under this permit must cease.

Witness my hand this 31st day of August, 1987.


 Chief, Operations Bureau