

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

6/29/2020

Water Permit 45-7592

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	US DEPT OF AGRICULTURE , ID

Status: Cancelled

<u>Source</u>	<u>Tributary</u>
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<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

Water District Number: TBD  
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

RECEIVED

JUL 09 1992

Department of Water Resources  
Southern Region Office

IN THE MATTER OF PERMIT )  
NO. 45-07592 IN THE NAME OF ) ORDER VOIDING PERMIT  
THE UNITED STATES OF AMERICA )  
\_\_\_\_\_ )

This matter having come before the Department of Water Resources as a result of an investigation by the Department to determine the extent of beneficial use of water, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On April 1, 1986, the United States of America, Forest Service applied to the Department of Water Resources for a permit to appropriate 0.06 cubic feet per second of water from Trout Creek Pass Spring within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 25, Twp. 15S, Rng. 19E, B.M., Cassia County, to be used for livestock and wildlife purposes.

2. On July 23, 1986, the Department approved the Application for Permit.

3. On January 23, 1987, the Department received Proof of Beneficial Use for the permit.

4. On May 11, 1989, the Department conducted a field examination and the examiner's report indicated that water had

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not been diverted and put to a beneficial use using the source of water identified on the permit.

5. The provisions of Section 42-219, Idaho Code, authorize the Director of the Department of Water Resources to void permits for which the applicant has not fully complied with the law and the conditions of the permit.

6. On April 21, 1992, the Department sent a Notice of Pending Order Voiding Permit, to the permit holder, requesting relinquishment of the permit because of failure to place the water to beneficial use as conditioned on the permit.

7. The permit holder has not shown cause why the permit should not be voided and has not responded to the request for relinquishment of the permit.

#### CONCLUSIONS OF LAW

1. Section 42-219, Idaho Code, states:

In the event that the Department shall find that the applicant has not fully complied with the law and the conditions of the permit, it may issue a license for that portion of use which is in accordance with the permit, or may refuse issuance of a license and void the permit.

2. Permit No. 45-07592 required that the permit holder complete construction of works and application of water from the source identified to the proposed beneficial use within the authorized permit period.

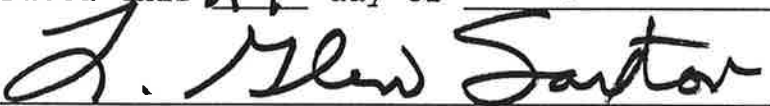
3. The examination of the Department of Water Resources revealed that the permit holder has not complied with the conditions of the permit by not completing construction of works and application of water from the identified source to the

proposed beneficial use as required by the permit and Section 42-219, Idaho Code.

4. The permit should be voided pursuant to Section 42-219, Idaho Code.

ORDER

IT IS HEREBY ORDERED that Permit No. 45-07592 is VOIDED and issuance of a license is REFUSED under Section 42-219, Idaho Code.

Dated this 29<sup>th</sup> day of June, 1992.  
  
L. GLEN SAXTON  
Chief, Water Allocation Bureau



*filed*  
*efm* Date Sent to S.O.  
DEC 17 1991

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
SOUTHERN REGION

John V. Evans  
Governor

A. Kenneth Dunn  
Director

1041 Blue Lakes Blvd. North  
Twin Falls, Idaho 83301  
(208) 734-3578

July 29, 1986

Mr. Jay Gorringer  
Watermaster  
Oakley, ID 83346

Re: Application for Permit Nos. 45-7593, 45-7594, 45-7592

Dear Mr. Corringe:

Enclosed are copies of Approved Applications for Permit for a Water Right within your District for your information and files.

If you have any questions about the application, please contact this office or the applicant.

Very truly yours,

LOREN O. HOLMES  
Southern Region Supervisor

LOH:MB

Encl:

45-7592

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant United States of America-Forest Service Phone 801-625-5360Post office address 324 - 25<sup>th</sup> Street, Ogden, Utah 844012. Source of water supply <sup>Spring</sup> (Trout Creek Pass Spring) which is a tributary of Trout Creek3. Location of point of diversion is <sup>SW 1/4</sup> NE  $\frac{1}{4}$  of SE  $\frac{1}{4}$  of Section 25 Township 15SRange 19E B.M. Boi Cassia County, additional points of diversion if any: \_\_\_\_\_

PWI 014-002'

4. Water will be used for the following purposes:

Amount .06 for livestock purposes from May 15 to Oct. 31 (both dates inclusive)  
(cfs or acre-feet per annum)Amount .02 for wildlife 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)

5. Total quantity to be appropriated:

a. .06 cubic feet per second and/or b. \_\_\_\_\_ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Headbox on spring with 1 $\frac{1}{4}$ " plastic pipe  
to 600 gallon troughb. 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 1 year (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 SE  $\frac{1}{4}$  of Section 25 Township 15SRange 19E B.M. Boi

(2) Amount of power to be generated: \_\_\_\_\_ horsepower under \_\_\_\_\_ feet of head.

(3) List number of each kind of livestock to be watered 300 cattle(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: wildlife

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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	

Total number of acres to be irrigated \_\_\_\_\_

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

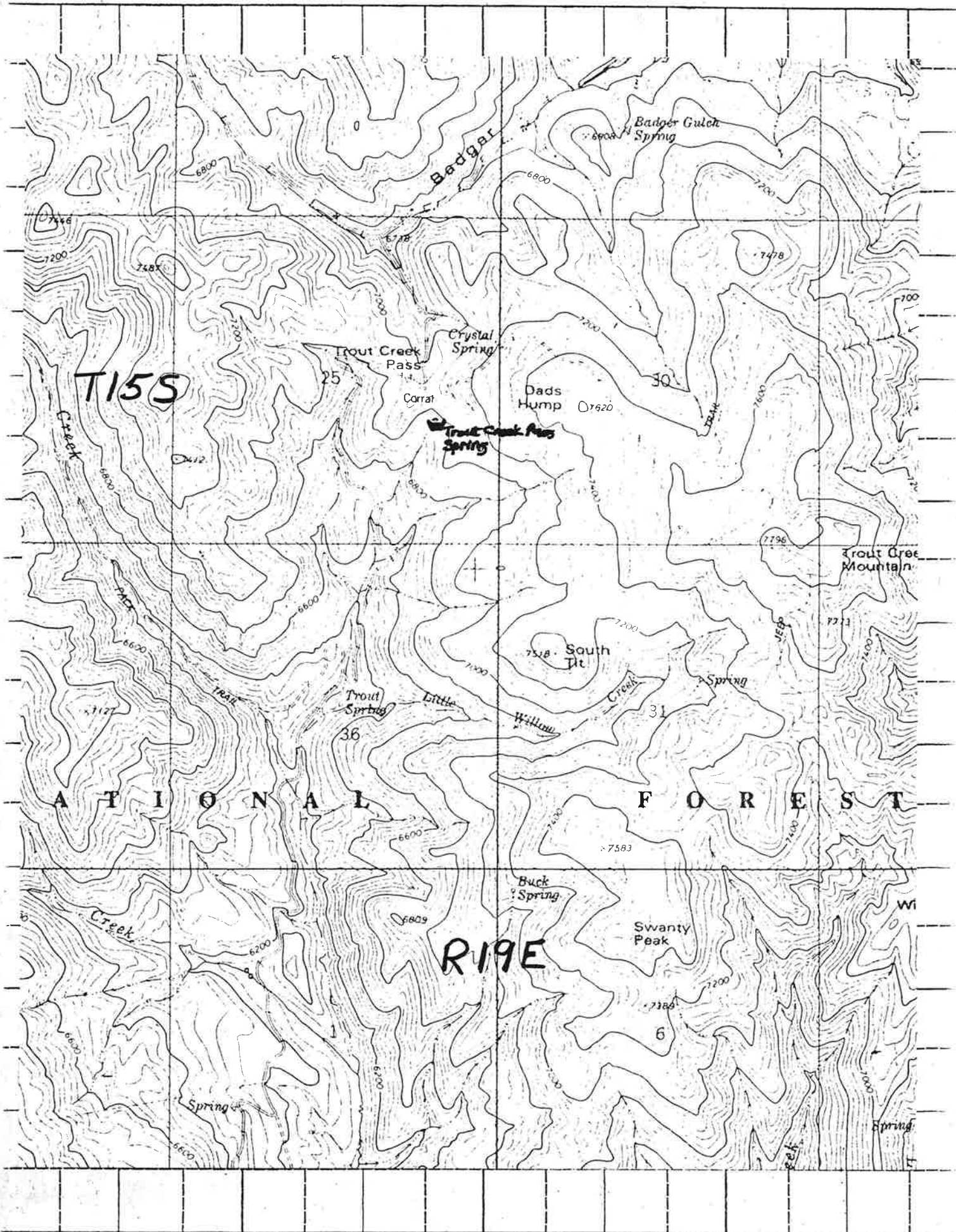
9. a. Who owns the property at the point of diversion United States of America - Forest Service

b. Who owns the land to be irrigated or place of use United States of America - Forest Service

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 \_\_\_\_\_

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. United States of America - Forest Service

*Randall R. Hall*

(for) J. S. TIXIER, (Applicant) Regional Forester



Proposed Priority 4/1/86

Received by JP Date 4-1-86 Time 9:55 am

Preliminary check by T. Blau Fee \$ 30, Voucher 02,057,222

R# 40102  
Received by MB/MN Date 5/5/86

Publication prepared by maepa Date 4/13/86

Published in South Idaho Press

Publication dates 5/1 - 5/8/86

Publication approved maepa Date 4/23/86

Protests filed by: None

Copies of protests forwarded by \_\_\_\_\_

Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Recommended for approval denial by ADM kw

#### 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. 45-7592, 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 August 1, 19 87.
- 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: Use of water under this permit is subject to control by the watermaster of State Water District No. 45C, Goose Creek.

Witness my hand this 23<sup>rd</sup> day of July, 1986.

J. Blau Saxon  
Chief, Operations Bureau