

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/25/2020

Water Application 45-7568

Owner Type Name and Address
Status: Closed

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

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

August 20, 1990

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

First Security Bank of Idaho
Attn: LaMar Giles
Box 7069
Boise, ID 83730

RECEIVED

AUG 23 1990

Re: Application for Permit No. 45-7568

Department of Water Resources
Southern Region Office

Dear Applicant(s):

NOTICE OF PENDING ORDER VOIDING APPLICATION

On March 11, 1985, you filed with the Department of Water Resources (Department) Application for Permit No. 45-7568 which proposed the storage of 1800 acre feet from Willow and Land Creeks for the irrigation of 1600 acres.

The Department mailed a letter and questionnaire to you on July 6, 1990. The letter provided notice that the Department was reviewing the application in connection with development which was not complete prior to October 1, 1984.

This letter also requested that you return the Department's questionnaire concerning your present possessory interest in the place of use, any prior development under the application and/or your plans for pursuing completion of the proposed project. The letter notified you that failure to complete and return the questionnaire within thirty (30) days of the date of the letter was cause for the Department to void the application.

The purpose of this letter is to provide a second and final opportunity for you to submit the requested information. If you fail to respond to this inquiry within fifteen (15) days of the date of this letter, the Department will issue an order voiding the application pursuant to Water Appropriation Rule 4,5,1.

If no development has been completed as authorized by the application, and you are no longer interested in pursuing the development, please complete and return the enclosed withdrawal form. Please note, if you are using water without an approved permit, the Department may issue an order requiring you to cease diverting the water.

Please feel free to contact me if you have any questions concerning this matter.

Sincerely,

TIM LUKE

Sr. Water Resource Agent

Enclosure

cc: Region

Lambert Produce Co.

45-7568



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

RECEIVED

JUL 11 1990

Department of Water Resources
Southern Region Office

July 6, 1990

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

RE: APPLICATION FOR PERMIT NO. 45-7568

Dear APPLICANT:

Due to the Swan Falls litigation, Department approval of the enclosed application may have been delayed. The Department is presently reviewing your application and may authorize the proposed development.

The purpose of this letter is to determine: (1) if you are still interested in developing the project, and (2) the extent of development if any, that has already occurred under the application. Enclosed are two forms requesting information which will help the Department expedite the processing of the application.

1. If you have abandoned or have no interest in continuing with your plans for development of the project, please complete the enclosed withdrawal form and return it to the Department. If you request a withdrawal of the application and the application was not previously advertised, the department will refund your original filing fee.

2. If you wish to continue with your proposed development plans, or have completed all or a portion of the proposed development before October 1, 1984, then you must complete and return the enclosed questionnaire. You may use the questionnaire and enclosed application to make any comments &/or amendments concerning the application. Your completion of the questionnaire will expedite processing and help the department determine if the water diverted under the application is public water or trust water. Approved trust water applications may be subject to additional conditions.

Failure to return either of the above forms within thirty (30) days of the date of this letter is cause for the Department to void the application.

Please be further advised that if any undeveloped portion of your proposed project is greater than 200 acres, the Department will issue a notice requesting additional information as required by Water Appropriation Rule 4,5. (in particular, Rules 4,5,3. thru 4,5,3,5, apply to your project if it is more than 200 acres).

45-7568

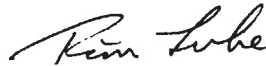
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If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 327-7864. The enclosed forms and all other relative information must be returned within thirty (30) days to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720
Attn: Tim Luke

Please note that a copy of your application is enclosed. The application number is also shown on the enclosed questionnaire.

Sincerely,

A handwritten signature in cursive script that reads "Tim Luke".

TIM LUKE
Sr. Water Resource Agent

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

APR 4 1985

To appropriate the public waters of the State of Idaho

Department of Water Resources
Southern District Office

1. Name of applicant First Security Bank of Idaho, N.A. Phone 338-2125

Post office address Attn: Mr. LaMar Giles, P.O. Box 7069, Boise, Idaho 83730

2. Source of water supply Willow Creek & Land Creek which is a tributary of (Sinks)

3. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 26 Township 12S

Range 23 E.B.M. Cassia County, additional points of diversion if any: _____

Lot 4 (NW 1/4 NW 1/4) of Sec. 5, T. 13 S., R. 23 E.B.M., Cassia County

4. Water will be used for the following purposes:

Amount 1800 for irrigation purposes from April 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 1800 for irrigation purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 16 cfs for Diversion to storage purposes from Nov. 1 to May 1 (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. 16 cfs cubic feet per second and/or b. 1800 acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. existing diverting works will be
utilized; reservoir will need to be constructed

b. Height of storage dam less than 12 feet, active reservoir capacity 1800 acre-feet; total reservoir capacity 1800 + acre-feet, materials used in storage dam: dirt and rock

Period of year when water will be diverted to storage Nov. 1 to May 1 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: (see remarks for location of reservoir)

(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: _____

45-7568

[illegible]

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 Vanco, Inc. and Dahlin Elquist

b. Who owns the land to be irrigated or place of use First Security Bank

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 Reservoir site will be located either in all Sec. 19 or S 1/2 Sec. 19 and
SW 1/4 Sec. 20.

Township and Range Number

19 20 21 22

23 24 25 26

27 28 29 30

31 32

Pipeline

Willow Creek

Point of Dissection

KEY

= Potential Reservoir Sites

= Place of Use

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.

Attorney for First Security Bank of Idaho, Inc.
N.A.

Received by Marya LS Date 3-13-85 Time 12:10 pm
3-11-85 8:11 am
Preliminary check by CCW Fee \$ 385.
3-11-85 #36309 \$150.
Receipted by marya Date 3-13-85 #35299 \$370.
Publication prepared by _____ Date _____
Published in _____
Publication dates _____
Publication approved _____ Date _____
Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by _____

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:

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

RECEIVED

OCT 9 1990

Department of Water Resources
Southern Region Office

IN THE MATTER OF APPLICATION)
)
FOR PERMIT NO. 45-7568 IN THE)
)
NAME OF FIRST SECURITY BANK)
_____)

ORDER VOIDING APPLICATION
FOR PERMIT

This matter having come before the Idaho Department of Water Resources (Department) as a requirement of Section 42-203C, Idaho Code, the Department finds, concludes and orders as follows:

FINDINGS OF FACT

1. Application for Permit No. 45-7568 (application) proposed the diversion of 16.0 cfs from Willow Creek and Land Creek for the irrigation of 1600 acres of land.

2. The Department mailed notice to the applicant(s) on July 6, 1990, informing them that Application No. 45-7568 was subject to the review requirements of Section 42-203C, Idaho Code. The notice further informed the applicant(s) that they must submit to the Department within thirty (30) days information concerning development prior to October 1, 1984, and/or whether there is a continued interest in pursuing completion of the proposed development.

3. On August 20, 1990, the Department mailed a second notice requesting the applicant to provide the additional information within fifteen (15) days or withdraw the application. The notice further informed the applicant that failure to submit the information within the specified time was cause for the

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Department to void the application. A response to this notice was not received.

CONCLUSIONS OF LAW

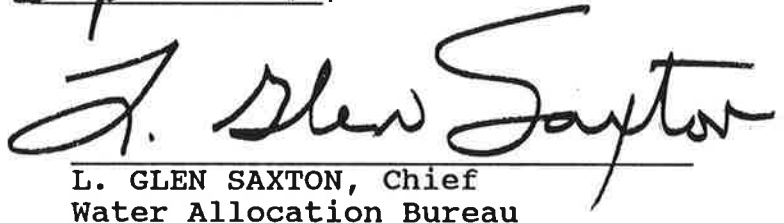
1. Section 42-204, Idaho Code, specifies that failure on the part of the applicant to supply requested information within thirty (30) days is cause for the Director to void an application.

2. The application should be voided as provided in Section 42-204, Idaho Code.

ORDER

IT IS HEREBY ORDERED that Application for Permit No. 45-7568 be VOIDED as provided in Section 42-204, Idaho Code.

Dated this 20th day of September, 1990.


L. GLEN SAXTON, Chief
Water Allocation Bureau