

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

6/26/2020

Water Permit 45-7376

Owner Type      Name  
Current Owner      HELEN PAPPAS

Status: **Lapsed**

Source

Tributary

Beneficial Use

From

To

Diversion Rate

Volume

Source and Point(s) of Diversion

Place Of Use

Conditions of Approval:

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

## STATE OF IDAHO

For Office Use Only

\$15 FEE Received by 12.Date 3-8-91 3/10/91Receipt # COL 880

## DEPARTMENT OF WATER RESOURCES

## REQUEST FOR EXTENSION OF TIME

DEPARTMENT OF WATER RESOURCES  
REQUEST FOR EXTENSION OF TIME  
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. 45-07376

APR 25 1991

Name(s) of Permit Holder: Helen PappasDepartment of Water Resources  
Southern Region OfficePost Office Address: Rt. 1 Declo, IdahoTelephone No. 654-2547 618-7183

Date Proof Is Due: \_\_\_\_\_

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

has been drilled and constructed and estimates for installation  
of pumping equipment have been obtained. All irrigation equip-  
ment needed to irrigate the described land has been acquired.

Costing \$ Approx. \$12,000.00

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

See Attachment.

Permit holder(s) request an extension to Dec. 1, 19 91.  
(1 yr. minimum)

(Signature)\*

\*IF OTHER THAN PERMIT HOLDER,  
POWER OF ATTORNEY MUST BE SUPPLIED.

FEE: \$15.00

## ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be DENIED. The Department does not have the authority to grant this extension of time under the provisions of Sec. 42-204, Idaho Code.

Signed this 22<sup>ND</sup> day of April, 19 91.

Director

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

For Office Use Only  
\$15 FEE Received by C. Wong  
Date 12/7/89  
Receipt # CO13358

RECEIVED

REQUEST FOR EXTENSION OF TIME

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

DEC 7 1989

DEC 1 1989

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. 45-7376

JAN 5 1990

Name(s) of Permit Holder: Helen Pappas

Post Office Address: RFD #1, Delta, Idaho

Telephone No. 678-7783 or 654-2547

Date Proof Is Due: \_\_\_\_\_

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

constructed & is proved

Costing \$ 4000

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

Because of litigation over Snake River adjudication & Susan Falls matter.

Permit holder(s) request an extension to Nov 30, 1990  
(1 yr. minimum)

[Signature]  
(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 APPROVED and the time within which to submit proof of beneficial use is extended to November 1, 1990.

IT IS FURTHER ORDERED that the permit be REINSTATED and the priority advanced to April 29, 1979, pursuant to Sec. 42-218a, Idaho Code.

Signed this 29<sup>th</sup> day of December 1989.

J. Glen Saxton  
Chief, Water Allocation Bureau

45-7376

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF PERMIT )  
NO. 45-7376 IN THE NAME ) CONTINUATION ORDER  
OF HELEN PAPPAS )  
\_\_\_\_\_ )

This matter having come before the Idaho Department of Water Resources (IDWR) as a requirement of Section 42-203D, Idaho Code, the Department Finds, Concludes and Orders as follows:

FINDINGS OF FACT

1. Section 42-203D, Idaho Code, directs IDWR to review all permits issued prior to July 1, 1985, located within the Swan Falls Trust Water Area, to determine if water was beneficially used prior to said date.

2. If water was not beneficially used until after July 1, 1985, Section 42-203D further directs IDWR to review the permit under the provisions of Section 42-203C, Idaho Code.

3. Section 42-203C requires IDWR to determine whether diversion of water under a permit issued prior to July 1, 1985, causes a significant reduction of trust water available for power production and, if there is a significant reduction, to determine whether the reduction is in the public interest.

4. Permit No. 45-7376 (permit) was issued to Helen Pappas (permit holder) authorizing the diversion of 1.3 cfs of groundwater for irrigation of 65 acres of land.

5. Information submitted by the permit holder shows that the irrigation of the 65 acres authorized under this permit did not occur prior to July 1, 1985.

45-7376

6. The development and use of groundwater authorized under this permit does not cause a significant reduction of trust water.

#### CONCLUSIONS OF LAW

1. The water authorized for diversion under Permit No. 45-7376 is trust water.

2. The use of water under the permit satisfies the provisions of Sections 42-203C and 42-203D, Idaho Code.

3. An order continuing the permit shall be issued.

#### ORDER

IT IS HEREBY ORDERED that Permit No. 45-7376 is valid and may CONTINUE as provided in Section 42-203D, Idaho Code, subject to the following additional conditions and limitations:

1. Proof of construction of works and application of water to beneficial use shall be submitted to IDWR on or before December 1, 1989.

2. The use of trust water authorized by this right is subject to review 20 years after the date of this order to determine availability of trust water and to reevaluate the public interest.


3. Diversion and use of trust water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.

4. The Director retains jurisdiction of this right to change, add or remove any requirement as determined to be appropriate.

/

5. All conditions of approval contained on the permit are incorporated into and made part of this order.

Dated this 14<sup>th</sup> day of July, 1989.

  
L. GLEN SAXTON, Chief  
Water Allocation Bureau



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

May 23, 1989

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

RECEIVED

MAY 25 1989

Department of Water Resources  
Southern Region Office

Helen Pappas  
Route 1  
Declo, ID 83323

Re: Permit No. 45-7376

Dear Ms. Pappas:

NOTICE OF PENDING ORDER CANCELLING PERMIT

On December 14, 1979, the Department of Water Resources (Department) issued Permit No. 45-7376 which authorized the diversion of 1.3 of water from a groundwater source for the irrigation of 64.75 acres.

The Department mailed a letter and questionnaire to you on April 6, 1989 in connection with the permit. The letter provided notice that the Department was reviewing the permit in connection with development which was not complete prior to July 1, 1985.

This letter also requested that you return the Department's questionnaire concerning any prior development under the permit and/or your plans for pursuing completion of the proposed project. The correspondence further requested that you submit with the questionnaire either a re-advertisement fee in the amount of twenty dollars (\$20) and/or evidence showing that development under the permit was complete prior to July 1, 1985. Finally, the letter notified you that failure to submit the required fee or information within thirty (30) days of the date of the letter was cause for the Department to cancel the permit.

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 cancelling the permit pursuant to Water Appropriation Rule 4,2,3,4.

If no development has been completed as authorized by the permit, and you are no longer interested in pursuing the development, please complete and return the enclosed relinquishment form.

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

Sincerely,

TIM LUKE

Sr. Water Resource Agent

Enclosure  
cc: Region

45-7376

Form 204  
3-81  
**RECEIVED**  
NOV 7 1984  
Department of Water Resources  
Southern District Office

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

For Office Use Only  
Fee Received 15.00 + 9  
Date 10-29-84  
Receipt # 35179

**REQUEST FOR EXTENSION OF TIME**

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

**RECEIVED**  
OCT 29 1984

Department of Water Resources

Helen Pappas of RT.I Declo, Idaho  
(Name) (Address) 83323

State of Idaho <sup>she</sup> ~~he~~ , deposes and says:

That <sup>she</sup> ~~he~~ is the holder, or the duly authorized agent of the holder\*, of Permit to Appropriate the Public Water of the State of Idaho No. 45-7376

That under the terms and conditions of said permit, work thereunder was required to be completed on or before December 1, 1984 19\_\_

That <sup>she</sup> ~~he~~ has heretofore performed the following work described under said permit: \_\_\_\_\_  
(This must be filled out! If no work has been completed put none.)  
Drilled an irrigation well; cased + constructed  
the same

Costing \$ 3,000<sup>00</sup>

That <sup>she</sup> ~~he~~ is unable to complete the remainder of the work within the required time for the following reasons, to-wit:  
The water right is in litigation with Idaho Power  
company. Affiant is Reluctant To spend any  
more on the Project until right is Determined

Wherefore, <sup>she</sup> ~~he~~ asks that the Department of Water Resources extend the time for the completion of obligations under said permit to December 1, 1989.  
( 1 yr. minimum, 5 yrs. maximum)

NOTE  
AS OF JULY 1, 1980,  
THERE IS A \$15.00  
CHARGE FOR REQUESTS  
FOR EXTENSION OF  
TIME

Helen Pappas  
(Signature)\*  
\*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within which to submit the statement of beneficial use is extended to December 1, 1989.

Signed this 2<sup>nd</sup> day of November, 1984

A. Glen Saxton  
Chief, Operations Bureau

45-7376



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED  
DEC 19 1979

Department of Water Resources  
Southern District Office

APPROVED

Name of applicant Helen Pappas Phone 654-4681

Post office address Route #1 - Declo, Idaho 83323

2. Source of water supply groundwater which is a tributary of \_\_\_\_\_

3. Location of point of diversion is \_\_\_\_\_  $\frac{1}{4}$  of Gov't Lot 2  $\frac{1}{4}$  of Section 22 Township 10S

Range 24E B.M. Cassia County, additional points of diversion if any: \_\_\_\_\_

Sec. 22, T. 10S, R. 24E

4. Water will be used for the following purposes:

Amount 1.3 for irrigation purposes from Mar. 15 to Nov. 15 (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:

a. 1.3 cubic feet per second and/or b. \_\_\_\_\_ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well, pump and sprinkler system

b. 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 16 inches; proposed depth of well is 150 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:

(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: \_\_\_\_\_

45-7376

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	
10S	24E	22								Lt 2 39.75	20					5			64.75

Total number of acres to be irrigated 64.75

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

App. #45-7096 - 1.3 cfs from Unnamed Stream includes 14 acres in Sec. 21

9. a. Who owns the property at the point of diversion Helen Pappas

b. Who owns the land to be irrigated or place of use Helen Pappas

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 One well to be developed at one of the two points of diversion listed.

Due to a discrepancy in the survey which Mr. Annest is in litigation with the  
Bureau of Reclamation at this time.

A hand-drawn map of a river system, likely a tributary of the Mississippi River, showing various land parcels and their areas. The map includes the following labels and measurements:

- Top Left:** A small area labeled "15" and "22".
- Top Center:** A large area labeled "39.75 AC" with a note "68. acd an named creek Patters".
- Top Right:** A large area labeled "B 378 Wilsonhake Lake" with a note "Possible Point of Diversion".
- Center:** A small area labeled "5 AC" with a note "Clayville".
- Bottom Left:** A large area labeled "20 AC" with a note "unimproved".
- Bottom Center:** A large area labeled "C 141" with a note "24.9".
- Bottom Right:** A large area labeled "C 140" with a note "14.3".
- Other Labels:** "C 99", "C 376", "C 131", "C 140", "C 141", "C 142", "C 143", "C 144", "C 145", "C 146", "C 147", "C 148", "C 149", "C 150", "C 151", "C 152", "C 153", "C 154", "C 155", "C 156", "C 157", "C 158", "C 159", "C 160", "C 161", "C 162", "C 163", "C 164", "C 165", "C 166", "C 167", "C 168", "C 169", "C 170", "C 171", "C 172", "C 173", "C 174", "C 175", "C 176", "C 177", "C 178", "C 179", "C 180", "C 181", "C 182", "C 183", "C 184", "C 185", "C 186", "C 187", "C 188", "C 189", "C 190", "C 191", "C 192", "C 193", "C 194", "C 195", "C 196", "C 197", "C 198", "C 199", "C 200".
- Measurements:** Various numerical values are scattered throughout the map, including "9.2", "8.5", "12.0", "5.4", "3.0", "5.3", "4.7", "5.5", "9.3", "2.1", "12.9", "9.4", "14.9", "16.5", "13.9", "15.9", "18.8", "15.2", "10.1", "15.0", "11.7", "1.5", "7.6", "12.5", "9.8", "4.1", "6.9", "10.2", "9.3", "10.4", "11.7", "10.1", "10.4", "9.3", "10.3", "8.0", "10.6", "10.7", "10.8", "10.9", "11.0", "11.1", "11.2", "11.3", "11.4", "11.5", "11.6", "11.7", "11.8", "11.9", "12.0", "12.1", "12.2", "12.3", "12.4", "12.5", "12.6", "12.7", "12.8", "12.9", "13.0", "13.1", "13.2", "13.3", "13.4", "13.5", "13.6", "13.7", "13.8", "13.9", "14.0", "14.1", "14.2", "14.3", "14.4", "14.5", "14.6", "14.7", "14.8", "14.9", "15.0", "15.1", "15.2", "15.3", "15.4", "15.5", "15.6", "15.7", "15.8", "15.9", "16.0", "16.1", "16.2", "16.3", "16.4", "16.5", "16.6", "16.7", "16.8", "16.9", "17.0", "17.1", "17.2", "17.3", "17.4", "17.5", "17.6", "17.7", "17.8", "17.9", "18.0", "18.1", "18.2", "18.3", "18.4", "18.5", "18.6", "18.7", "18.8", "18.9", "19.0", "19.1", "19.2", "19.3", "19.4", "19.5", "19.6", "19.7", "19.8", "19.9", "20.0".

Helen Payson Bay  
(Applicant)  
James Bay Her  
Attorney

Produced Pursuant to Court Order 4/23/79

Received by T.G.B. Date 4-23-79 Time 3:00 PM

Preliminary check by [signature] Fee \$ 45<sup>00</sup>/<sub>100</sub>

Receipted by T.G.B. Date 4-23-79 # 12766

Publication prepared by marisa Date 5/3/79

Published in South Idaho Press

Publication dates 5/15 + 5/22/79

Publication approved marisa Date 5/29/79

Protests filed by: \_\_\_\_\_

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

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

Recommended for approval denial by [signature]

#### 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. 45-7376, 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 December 1, 19 84.
- 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: (1) An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

Witness my hand this 14<sup>th</sup> day of December, 19 79.

L. Glen Gayton