IDAHO DEPARTMENT OF WATER RESOURCES Proof Report

12/2/2019

Water Application 37-8120

Owner Type

Name and Address

Current Owner

GEORGE F ARKOOSH 2159 E 1700 S GOODING, ID 83330 (208) 934-8560

Status: Denied

Source

Tributary

Beneficial Use

To

From

Diversion Rate

Volume

Source and Point(s) of Diversion

Place Of Use

Conditions of Approval:

Comments:

Dates and Other Information

Application Denied Date: 8/10/1990 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

Ident. No. 37-8120

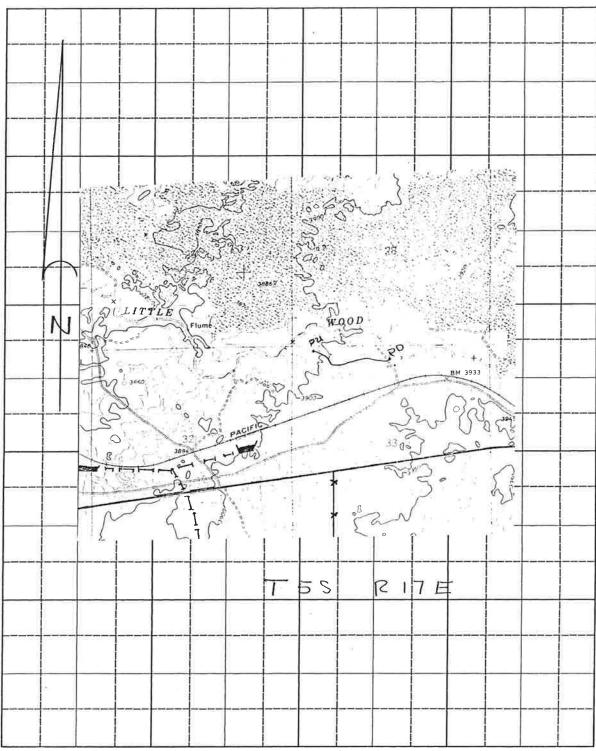
original Fil 20 sentoso: 1/17/90 per reguest grita

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

	ne of applicant <u>Geo. ARKOOSH</u>	
Pos	office address Rel Coocling, DAHO	Malal
2. Sou	rce of water supply Little Wood River which is a trib	outary of Supke Rive
3. Loc	ation of point of diversion is <u>NE</u> % of <u>NW</u> % of Section	33 Township 5 S
	ge 17 E B.M. O Lincoln County, addition	
	P. S.	
4. Wat	er will be used for the following purposes:	
Ame (cfs o	ount 300 Cfor Power purposes from Jau 1 to _	りゃく 3」 (both dates inclusive)
	ount for purposes from to racre-feet per ennum)	
Amo	ount for purposes from to	(both dates inclusive)
Amo	ount for purposes from to	(both dates inclusive)
	al quantity to be appropriated:	
a	300 C.f.S cubic feet per second and/or b.	acre-feet per annum.
6. Prop	osed diverting works:	
a.	Description of ditches, flumes, pumps, headgates, etc	BTE, TURBINE
	¿ pipe Line (PENSTOCK) W/C	LANAL.
	, ,	γ
b. I	Height of storage damfeet, active reservoir capacity	acre-feet; total reservoir
C	capacity acre-feet, materials used in storage dam:	
F	Period of year when water will be diverted to storage (Month/Day)	to inclusive.
c. F	roposed 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 i	s years (minimum 1 year — maximum 5 years).	
8. Desc	ription of proposed uses:	
a. If	water is not for irrigation:) Give the place of use of water: NW % of NW % of Section	33 Township 5S
	Range 17 🖺 B.M.	
(2	2) Amount of power to be generated: 750 horsepower u	inder 40 feet of head,
(3	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	i) If water is to be used for other purposes describe:	230

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.

* Steory Cackansh (Applicant)

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP	RANGE	SEC.		NE¼				N	W¼			S	N%			S	E14		TOTALS
VVP			NE%	NW4	SW1/4	SE%	NE%	NW%	SW%	SE¼	NE%	NW%	SW¼	SE%	NE%	NW1/4	SW1/4	SE¼	TOTALS
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	c. De	escribe	anv	other	wate	r riah	ts use	d for	the s	ame	purpo	oses a	s desc	ribed	abov	e.			
			,													_			
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9	. a. Wh	o owr	is the	prop	erty a	it the	point	t of d	iversi	on	HI	OD.	110	R)	UT	- ,	_		

9.	a.	Who owns the property at the point of diversion Applicant -
		Who owns the land to be irrigated or place of use
		If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing
10.	R	emarks
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Received by A Funduling Date 5/27/1983 ime 1:23 P.M.
Preliminary check by Fee \$ 2225 00 # 30214
Receipted by mercy Date 5/37/83
Publication prepared by marcas Date 9/2 3/83
Published in Lincoln Co Boccinal
Publication dates 429 + 19/6 + 18/83 review
Publication approved Date
Protests filed by: Co-generation - (John roshell)
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
f 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 be-
fore, 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.

1000年の一日

Form 202 3/78 Ident. No. 37-8120 sent to S.O.

1/17/90 per request of Rita

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES APPLICATION FOR PERMIT

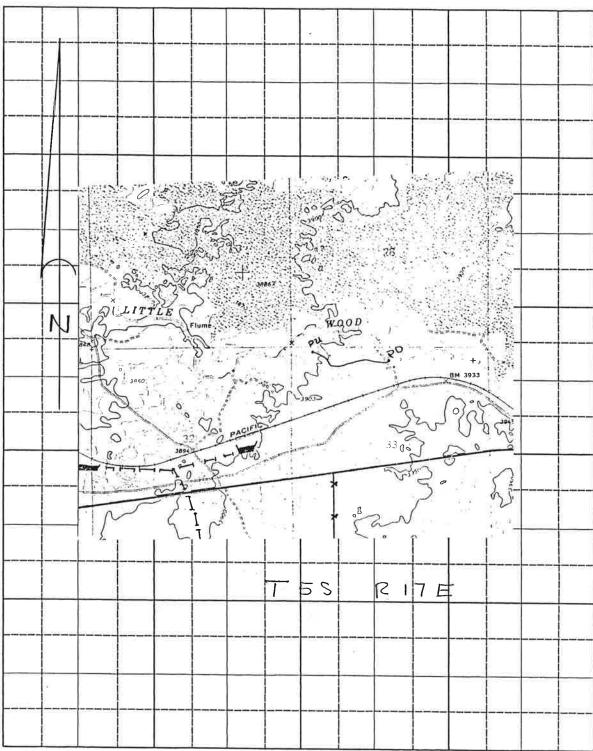
To appropriate the public waters of the State of Idaho

		()				
1. [Vame	of applicantGeo. ARKO	H20	Phone _	934-5	5014
F	Post o	office address Rtel Coodin	e, loato		Malal	<u> </u>
		e of water supply Little Wood Ri				Rive
3.	Locat	ion of point of diversion is \\\ \\ \\ \\ \ \ \ \ \ \ \ \ \ \ \ \	NW % of Section	33	Township	5 S
	Range	e 17 EB.M. Co Lincoln	County, addi	tional points	of diversion if a	any:
4.\	Nater	will be used for the following purposes:				
		unt 300 C(for Power purpos				
,	Amou	unt for purpos	es from	to	(both dates	inclusive)
,	Ámou (cfs or e	unt for purpos	es from	to	(both dates	inclusive)
	Amou	unt for purpos	es from	to	(both dates	inclusive)
		quantity to be appropriated:				
	a	300 C.f.S cubic feet per second	and/or b.		acre-feet p	er annum,
6.	Propo	osed diverting works:				
	a. D	escription of ditches, flumes, pumps, headg	ates, etc	BATE	, TURE	SINE
	1 ·	¿ pipo Line (DENS	7.6%		- P	
	ь. н	eight of storage dam feet, a	ctive reservoir capacit	v	_acre-feet; tota	l reservoir
	Ca	apacity acre-feet, materials used	d in storage dam:			
	Pe	eriod of year when water will be diverted to	storage	to	\	inclusive.
	c. Pr	roposed well diameter isinches;	(Month/Day proposed depth of w)	(Month/Day) feet.	
		required for the completion of the work			the proposed	beneficial
,	use is	s	aximum 5 years).			
8. (Descr	iption of proposed uses:				
	a. If	water is not for irrigation:) Give the place of use of water: NW %	of <u>NW</u> ¼ of Sec	tion <u>33</u>	Township	53
		Range 17 F B.M.	ا	2		
	(2	Amount of power to be generated: 75	50 KW	ver under	40 fee	et of head.
	(3	List number of each kind of livestock to l	be watered	-		
	(4	Name of municipality to be served		, or	number of fam	nilies to be
		supplied with domestic water	·			
	(5	i) If water is to be used for other purposes o	describe: Po	swer.		

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TANE	RANGE	SEC.		N	NE%				IW%		_		W¼		1		1614	-	
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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.

* Heory Cockorsh (Applicant)

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Receipted by margin Date \$ 727/83
Publication prepared by Page 123/83
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d. Other:

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BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

REGELVED

STATE OF IDAHO

JAN 25 1990

Department of Water heseurces Southern Region Office

IN THE MATTER OF APPLICATION FOR PERMIT NO. 37-8120 IN THE NAME OF GEORGE ARKOOSH

ORDER

This matter having come before the Idaho Department of Water Resources (IDWR), as a result of an order issued by the Federal Energy Regulatory (FERC) denying application for license no. 8612, IDWR finds, concludes and orders as follows:

FINDINGS OF FACT

- 1. On May 27, 1983, George Arkoosh, (applicant) submitted Application for Permit No. 37-8120 to IDWR proposing the diversion of 300 cubic feet per second of water to be diverted from the Little Wood River for power generation purposes in Lincoln County, Idaho.
- 2. On May 25, 1989, the FERC issued an order denying application for license no. 8612 in connection with the proposed project (project).
- 3. On November 17, 1989, IDWR sent to the applicant a Notice of Pending Order to Reject the Application and requested information required by Water Appropriation Rule 4,5,3,3,2. to determine the status of the project.
- 4. The applicant did not respond to the Notice of Pending Order to Reject the Application.
- 5. Section 42-203A(5), Idaho Code, provides that where a proposed use is such:
 - a) that it will reduce the quantity of water under existing water rights, or
 - b) that the water supply is insufficient for the purpose for which it is sought to be appropriated, or
 - c) where it appears to the satisfaction of the department that such application is not made in good faith, is made for delay or speculative purposes, or
 - d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or
 - e) that it will conflict with the local public interest,

7-8120

where the local public interest is defined as the affairs of the people in the area affected by the proposed use,

the Director of IDWR may reject the application.

7. Water Appropriation Rule 5,1,3. describes evaluation criteria for determining whether an application is made in good faith and provides among other criteria that an application will be found to have been made in good faith if:

The applicant shall have legal access to the property necessary to construct and operate the proposed project, has the authority to exercise eminent domain authority to obtain such access, or in the instance of a project diverting water from or conveying water across land in state or federal ownership, has filed all applications for a right-of-way. (Rule 5,1,3,1.),

and

The applicant is in the process of obtaining other permits needed to construct and operate the project (Rule 5,1,3,2.).

8. Water Appropriation Rule 4,4,2,1. provides that the applicant bear the initial burden of coming forward with evidence for the evaluation of criteria a through d of Section 42-203A(5), Idaho Code.

CONCLUSIONS OF LAW

- 1. Applicant does not have and is not in the process of obtaining other permits needed to construct and operate the project as required in Water Appropriation Rule 5,1,3,2. including any needed FERC approval.
- 2. Applicant has not met the burden of providing evidence as required by Water Appropriation Rule 4,4,2,1.
- 3. The application should be rejected on the basis that it is now speculative in nature.

ORDER

IT IS, THEREFORE hereby ORDERED that Application for Permit No. 37-8120 is REJECTED pursuant to the provisions of Section 42-203A, Idaho Code.

Dated this 22^{ND} day of 54NNARY, 1990.

NORMAN C. YOUNG

Administrator

Form 202 3/78

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES APPLICATION FOR PERMIT

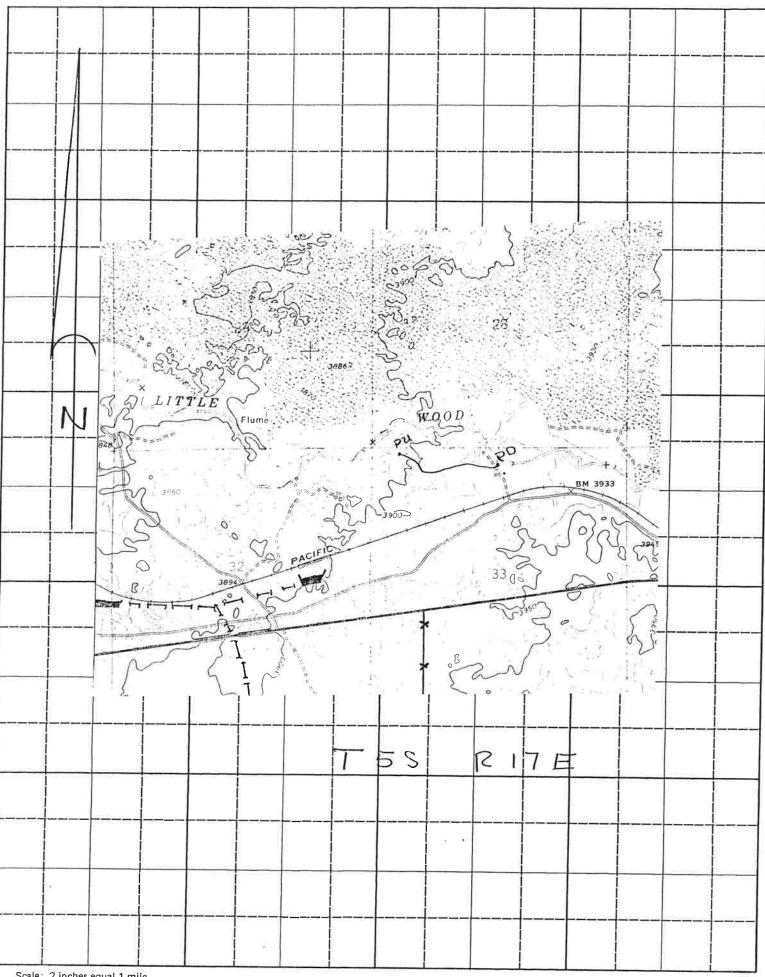
To appropriate the public waters of the State of Idaho

1. Nar	ne o	fapplicant Geo. ARKOOSH	Phone	934-5	5014
		Fice address Rtel Cooching, DAHO		a. Malal	
		of water supply Little Wood River which is a trib		SURKE	River
		on of point of diversion is NE 4 of NW 4 of Section			5 S
		17 EB.M. County, addition			any:
4. Wa	ter w	vill be used for the following purposes:			
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Am	or acr	t for purposes from to purposes from to		(both dates	inclusive)
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6. Pro	pose	ed diverting works:			
а.	Des	pipe Line (PENSTOCK) w/C			
b.	Hei	ght of storage dam feet, active reservoir capacity		acre-feet; tota	l reservoir
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c.	Pro	posed well diameter is inches; proposed depth of well is	s	feet.	
7. Tin	ne re	equired for the completion of the works and application of the	water to	o the proposed	beneficial
use	is	5 years (minimum 1 year – maximum 5 years).			
_	14	tion of proposed uses: ater is not for irrigation: Give the place of use of water: <u>N</u> W ¼ of <u>N</u> W ¼ of Section	_33	Township	53
		Range 17 F B.M.			
	(2)	Amount of power to be generated: 750 KW	under _	40 fee	et of head.
	(3)	List number of each kind of livestock to be watered			
	(4)	Name of municipality to be served			
		supplied with domestic water			
	(5)	If water is to be used for other purposes describe:	SER	•	

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

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 b. Who owns the land to be irrigated or place of use // c. If the property is owned by a person other than the applicant, describe the arrangement enabling applicant to make this filing 10. Remarks	WP I	RANGE	SEC.		N	E¼	/4			W¼			SW¼				E¼		TOTAL	
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* Seon Cechoosh (Applicant)

	Received by Afenderly Date 5/27/1983 ime 1:23 P.M.
	Preliminary check by Fee \$ 2225 = # 5027
	Receipted by march Date 727/63
	Publication prepared by marga Date /23/83
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	d. Other: PURSUANT TO ORDER.
	Dated this 12 day of January, 1990.
	NORMAN C. YOUNG Administrator