

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

12/2/2019

Water Application 37-8120

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GEORGE F ARKOOSH 2159 E 1700 S GOODING, ID 83330 (208) 934-8560

Status: Denied

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

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 37-8120

Protested
original file
sent to SO
11/17/90 per
request of Rita

To appropriate the public waters of the State of Idaho

1. Name of applicant Geo. ARKOOSH Phone 934-5014
Post office address Rt 1 Coalinga, IDAHO
2. Source of water supply Little Wood River which is a tributary of Snake River
3. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 33 Township 5 S
Range 17 E B.M. a Lincoln County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 300 cfs for Power purposes from JAN 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
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Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
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Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 300 cfs cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. HEADGATE, TURBINE
& pipeline (PENSTOCK) w/CANAL.

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 _____ 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:

(1) Give the place of use of water: NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 33 Township 5 S

Range 17 E B.M.

(2) Amount of power to be generated: 750 ^{KW} ~~horsepower~~ under 40 feet of head.

(3) List number of each kind of livestock to be watered _____

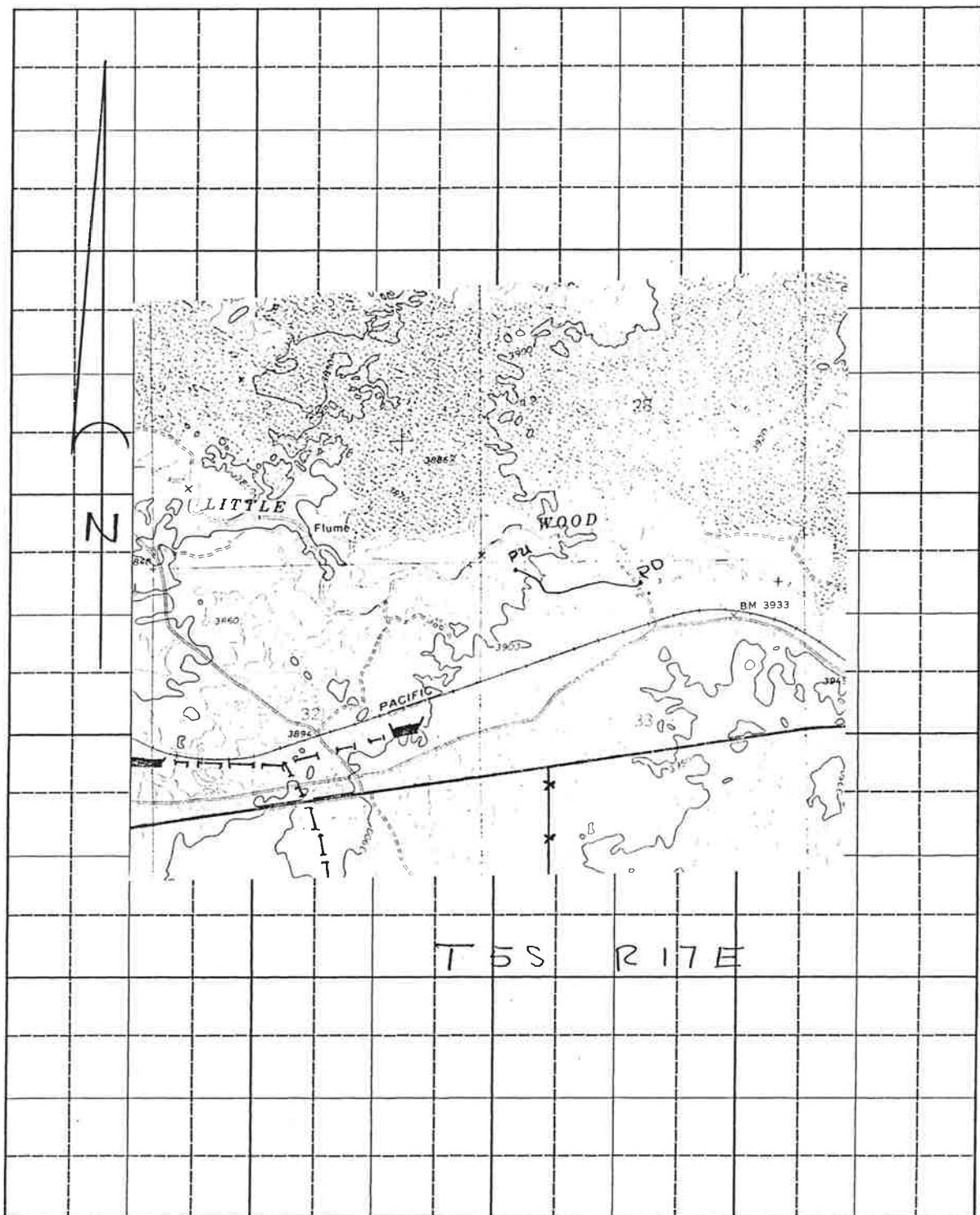
(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: Power

DENIED

37-8120

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.

Henry Beckwith
(Applicant)

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

[illegible]

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 Applicant -

b. Who owns the land to be irrigated or place of use 11

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 _____

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page or a sheet of stationery. There is no handwriting or other markings on the page.

Received by A. J. J. J. J. Date 5/27/1983 Time 1:23 P.M.
Preliminary check by JP Fee \$ 2225⁰⁰ # 30214
Receipted by marye Date 5/27/83
Publication prepared by marye Date 9/23/83
Published in Lincoln Co. Journal
Publication dates 9/29 + 10/6 1983 + 10/13/83 renew
Publication approved _____ Date _____
Protests filed by: Co-generation - (John Roschell)

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:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 37-8120

Protested
original file
sent to S.O.
11/7/90 per
request of Rita

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(1) Give the place of use of water: NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 33 Township 5 S
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37-8120

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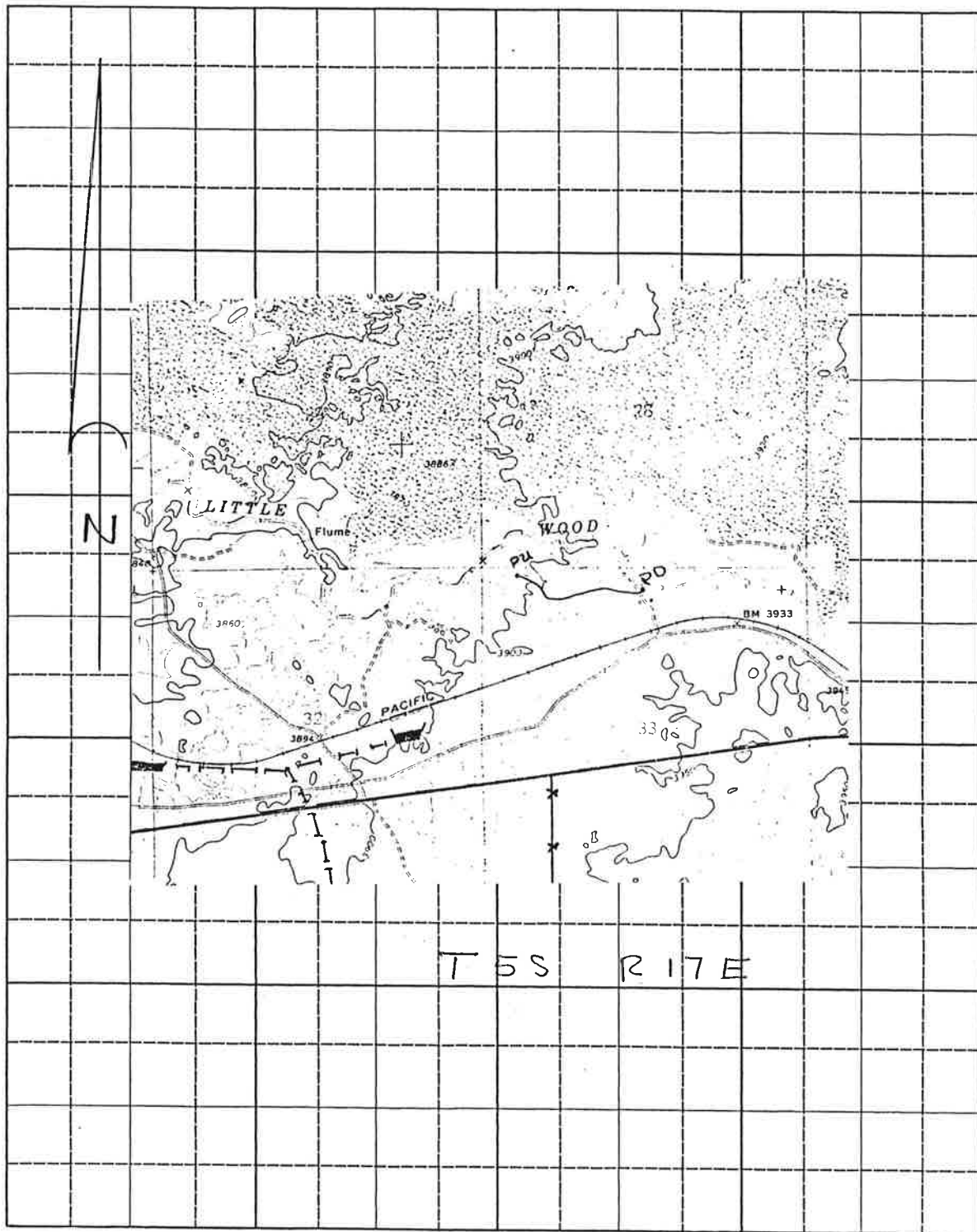
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c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

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.

Henry C. Beckwith
(Applicant)

Received by A. F. Indebing Date 5/27/1983 Time 1:23 P.M.
Preliminary check by JP Fee \$ 2225.00 # 530214
Receipted by merge Date 5/31/83
Publication prepared by merge Date 9/23/83
Published in Lincelan Co. Journal
Publication dates 9/24 + 10/16 1983 + 10/13/83 renew
Publication approved _____ Date _____
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- d. Other:

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

RECEIVED

JAN 25 1990

Department of Water Resources
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,

37-8120

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 22ND day of JANUARY, 1990.


NORMAN C. YOUNG
Administrator

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

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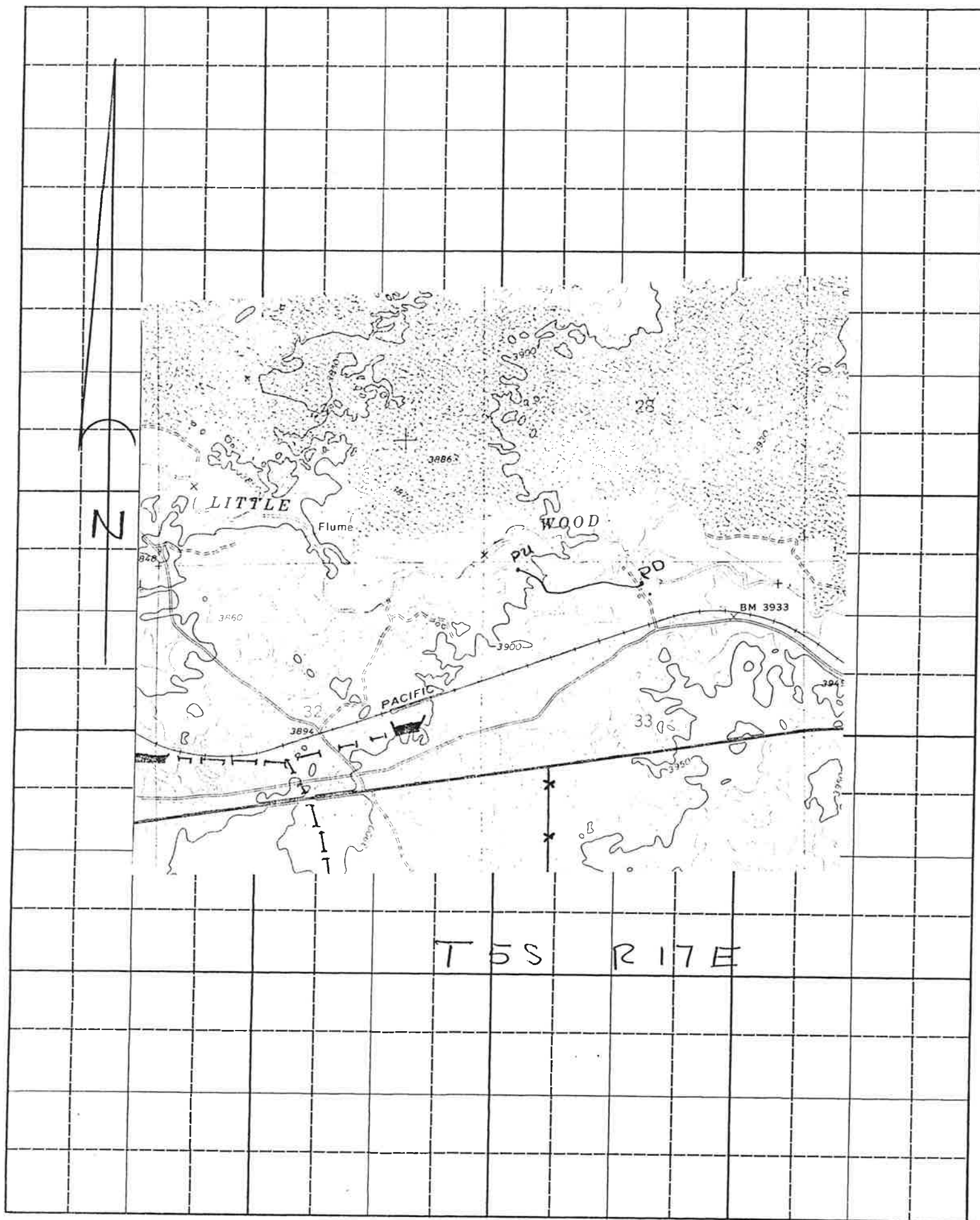
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Copies of protests forwarded by _____
Hearing held by _____ Date _____
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ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 37-8120, and said application is hereby REJECTED.

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- 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: PURSUANT TO ORDER.

Dated this 22ND day of January, 1990.

Norman C. Young
NORMAN C. YOUNG
Administrator