

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

11/26/2019

Water Permit 37-7860

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BEND OF THE RIVER RANCH C/O WARREN S TENNEY PO BOX 818 HAILEY, ID 83333

Status: Relinquished

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

Water District Number: TBD
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

11/26/2019

Water Application 37-7860

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BEND OF THE RIVER RANCH C/O WARREN S TENNEY PO BOX 818 HAILEY, ID 83333

Status: Closed

<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

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

RECEIVED
SEP 01 1987

Department of Water Resources

RELINQUISHMENT

RECEIVED

SEP 8 1987

Department of Water Resources
Southern Region Office

TO WHOM IT MAY CONCERN:

I hereby relinquish to the State of Idaho,
all my right, title and interest in and to (Application for Permit)
(Permit) to Appropriate the Public Waters of the State of Idaho,
No. 37-7860.

Signed at New York, N. Y.
this 26th day of August, 1987.

Warren S. Teeune
Applicant/Permit Holder
owner-per permit.
kw

ATTEST:

Cheryl F. Cooper

37-7860

kw
9/3/87



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

August 14, 1987

Warren S. Tenney
Migdal, Tenney, Glass, & Pollack
Attorneys at Law
598 Madison Avenue
New York, NY 10022

RECEIVED

AUG 18 1987

Department of Water Resources
Southern Region Office

Re: Permit to Appropriate Water No. 37-7860

Dear Mr. Tenney:

In reading your letter dated July 29, 1987, we apparently agree that development of water under the above permit did not take place. In your last paragraph, however, you state that you "cannot find grounds to approve the voiding of the permit." The last paragraph seems inconsistent with the conclusion drawn that the source of water was not developed.

Please be advised that the Department will take administrative action to void or cancel the permit unless you differ with the factual findings of the Department. You could simplify our process if you would execute the enclosed relinquishment, and return it to me.

Sincerely,

GARY SPACKMAN, Supervisor
Water Allocation Section

Enclosure

CC: Southern Region

GS:jf

37-7860



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

RECEIVED

JUL 24 1987

Department of Water Resources
Southern Region Office
July 22, 1987

Warren Tenney
Attorney at Law
598 Madison Avenue
New York, NY 10022

Re: Permit to Appropriate Water No. 37-7860

Dear Mr. Tenney:

In response to your telephone call on July 20, 1987, I reviewed the file for Permit No. 37-7860. Although the permit states that source of water supply is groundwater, the description of the delivery system states that the water was flowing from a mine tunnel, and was to be used for irrigation purposes.

On June 3, 1984, a field examiner met with Mr. Sisiam, the ranch manager. The examiner found that the entrance to the mine tunnels from which the water previously sprang had been filled and no water was flowing from the entrances. The field examiner agreed to wait for a year before making a final recommendation. On April 8, 1986, the field examiner contacted Mr. Sisiam, and Mr. Sisiam stated that the tunnels were still sealed. Based on Mr. Sisiam's representation, the field examiner recommended that we void or cancel the permit.

Under Idaho water law, an examination must be conducted prior to licensing of a permit. If the examiner finds that the water has not been developed as allowed in the permit, the Department will act to cancel or void the permit.

All of the evidence in the file supports the conclusion that development did not occur under Permit No. 37-7860, and that we

37-7860

should void the permit. If you differ with my conclusions,
please contact me within thirty (30) days of the date of this
letter.

Respectfully,

A handwritten signature in cursive script, reading "Gary Spackman".

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:jf

CC: Southern Region



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

July 9, 1987

Bend of the River Ranch
c/o Nelse Sisiam
Box 521
Hailey, ID 83332

RECEIVED

JUL 16 1987

RE: Permit to Appropriate Water No. 37-7860 *LA* *FILE*

Department of Water Resources
Southern Region Office

Dear Permit Holders:

NOTICE OF PENDING ORDER VOIDING PERMIT

On December 24, 1980 the Department of Water Resources approved an application to appropriate water, numbered 37-7860, from a groundwater source, for irrigation of 15 acres located in the SE1/4NE1/4, Section 27, Twp 2N, Rge 18E, B.M.

Based on a field inspection conducted by a representative of our Department it has come to our attention that you have not developed the system you intended under this permit.

The purpose of this letter is to request that you relinquish your permit or explain why the Department should not void the permit. Enclosed is a relinquishment form that should be signed and returned to this office, unless you have some explanation that would prevent the Department from voiding your permit.

If you fail to respond to this notice within thirty (30) days of the date of this letter, the Department will act to void your permit. The permit will be voided on the grounds that you failed to divert and beneficially use the water that you were permitted to develop.

If you have any questions in regard to this matter, please feel free to contact our office.

Respectfully,

Gary Spackman

GARY SPACKMAN
Supervisor, Water Allocation Section

I hereby certify that on this _____ day of _____, 1987, I sent the original copy of this letter, postage prepaid, to the person and address listed above.

37-7860

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
DEC 29 1980
Department of Water Resources
Southern District Office

APPROVED

To appropriate the public waters of the State of Idaho
Department of Water Resources
Southern District Office

1. Name of applicant Bend of the River Ranch Phone 788-4078
c/o Nels ~~Sis~~ MAN, Manager
Post office address P.O. Box 521 Hailey, ID 83332

2. Source of water supply Groundwater which is a tributary of -Broadford-Slough- *

3. Location of point of diversion is SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 27 Township 2N

Range 18E B.M. Blaine County, additional points of diversion if any: _____

* See memo of field inspection

4. Water will be used for the following purposes:

Amount 0.30 for Irrigation purposes from April 1 to Nov. 1 (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. 0.30 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Mine Tunnel & Ditch

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: _____ $\frac{1}{4}$ 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: _____

37-7860

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	
2N	18E	27				15													15

Total number of acres to be irrigated 15

c. Describe any other water rights used for the same purposes as described above. 200"

Decreed Big Wood River water.

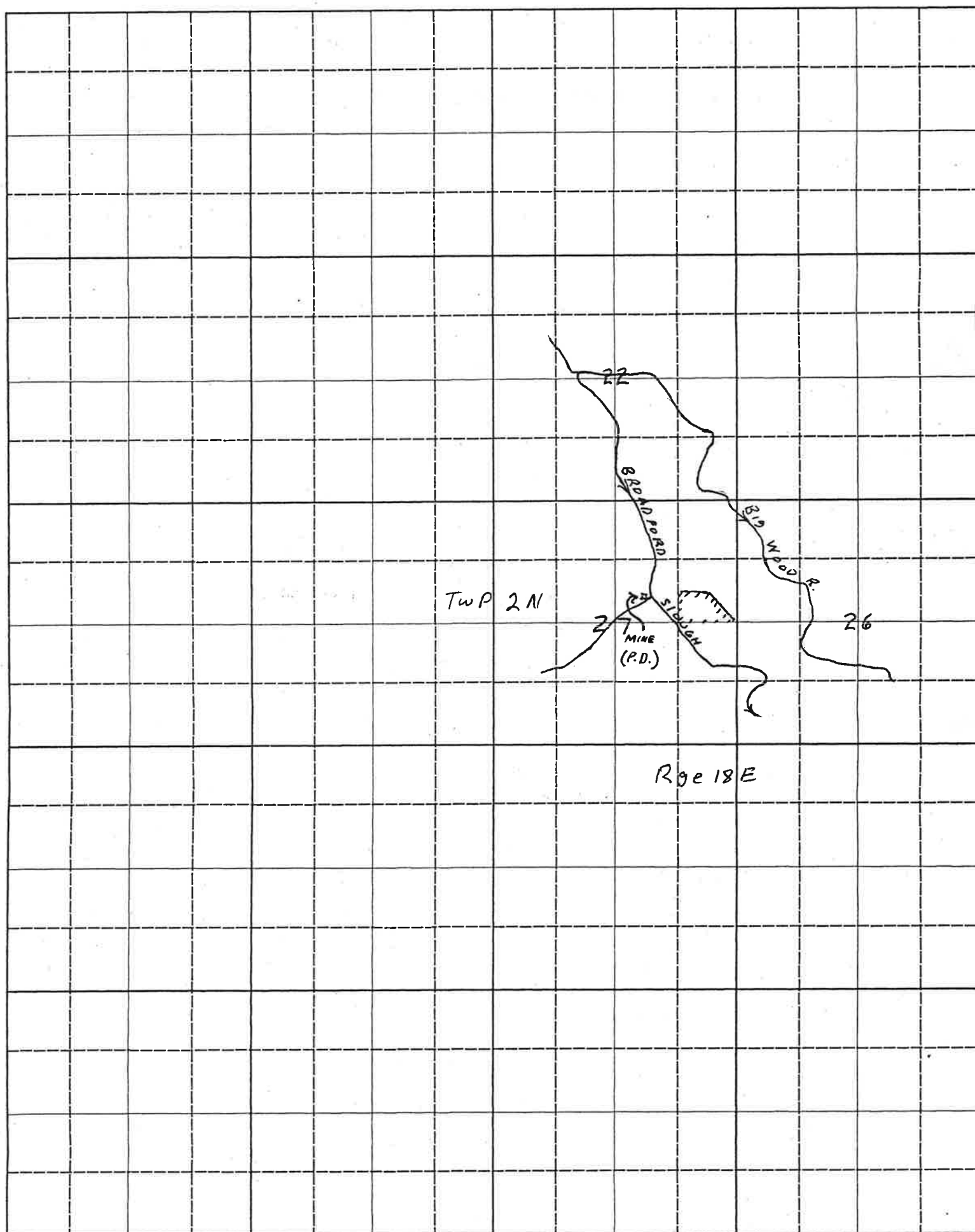
9. a. Who owns the property at the point of diversion applicant

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

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 Water flowa from an existing mine tunnel.

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.

Warren S. Terry Owner
Hulse A. Sisiarski
(Applicant) Mgr

Proposed Priority 10/14/80

Received by marya Date 10/14/80 Time 3:00 pm

Preliminary check by J Fee \$ 45.00 # 16629

Receipted by marya Date 10/15/80

Publication prepared by marya Date 10/31/80

Published in usad river journal

Publication dates 11/13 + 11/20/80

Publication approved marya Date 11/6/80

Protests filed by: None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by LA RH

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. 37-7860, 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 85.
- 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: This permit authorizes only the diversion of groundwater resulting from the de-watering of a mine and does not authorize diversion from any surface source.

Witness my hand this 24th day of December, 19 80.

J. Glen Saylor
Chief, Operations Bureau