

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/19/2020

Water Permit 47-7572

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LENARD D EASTERDAY RT 2 BOX 85 BUHL, ID 83316

Status: Cancelled

Source

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
-----------------------	-------------	-----------	-----------------------	---------------

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

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED

JUL - 6 1989

Department of Water Resources
Southern Region Office

IN THE MATTER OF PERMIT)
)
NO. 47-7572 IN THE NAME OF)
)
LENARD EASTERDAY)
)
_____)

ORDER CANCELLING
PERMIT

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

FINDINGS OF FACT

1. Permit No. 47-7572 (permit) authorized the storage of 700 acre-feet from Salmon Falls Creek, tributary to the Snake River, for the irrigation of 286 acres of land. This permit also authorized the diversion of 20 cfs for irrigation storage.

2. The Department mailed notice to the permit holder(s) on April 6, 1989 informing them that Permit no. 47-7572 was subject to the review requirements of Section 42-203D, Idaho Code. The notice further informed the permit holder(s) that they must submit to the Department within 30 days either the readvertisement fee required by Section 42-221F, Idaho Code and Water Appropriation Rule 4,2,3,3., or evidence that the development proposed by the permit was completed prior to July 1, 1985.

3. The permit holder(s) failed to submit the required readvertisement fee or evidence of development completed prior to July 1, 1985.

CONCLUSIONS OF LAW

1. Water Appropriation Rule 4,2,3,4. specifies that failure to pay the required readvertisement fee within 30 days after the permit holder is notified to do so is cause for the Director of the Department to cancel the permit.

47-7572

2. The permit should be cancelled as provided in Water Appropriation Rule 4,2,3,4.

ORDER

IT IS HEREBY ORDERED that Permit No. 47-7572 be CANCELLED as provided in Water Appropriation Rule 4,2,3,4.

Dated this 30th day of June, 1989.


R. KEITH HIGGINSON
Director

CERTIFICATE OF MAILING

I hereby certify that on this the 30th day of June, 1989,
a true and correct copy of the Order Cancelling Permit ~~was~~ mailed postage
prepaid to Lenard Easterday, Route 2, Buhl, ID 83316.

Heidi M. Mikel
HEIDI M. MIKEL, Clerical Assistant



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

May 31 1989
RECEIVED

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Lenard Easterday
Route 2
Buhl, ID 83316

MAY 31 1989

Department of Water Resources
Southern Region Office

Re: Permit No. 47-7572

Dear Mr. Easterday:

NOTICE OF PENDING ORDER CANCELLING PERMIT

On April 21, 1980, the Department of Water Resources (Department) issued Permit No. 47-7572 which authorized the storage of 700 acre-feet from Salmon Creek Falls tributary to Snake River for the irrigation of 286 acres. This permit also authorized the diversion to storage of 20 cfs.

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

47-7572

RECEIVED
SEP 6 1985

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

4385 61500
#36363 CEW

Department of Water Resources
Southern District Office

REQUEST FOR EXTENSION OF TIME

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

Lenard Easterday
(Name)

of Route #2, Buhl
(Address)

State of Idaho, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public
Waters of the State of Idaho No. 47-7572.

That under the terms and conditions of said permit, work thereunder was required to be completed on or
before April 1, 1985.

That he has heretofore performed the following work described under said permit:

Pump has been installed in Salmon Falls Creek, and a small reservoir has been

developed to hold 75 acre-feet of water. Land has been irrigated from this system

for three years.

Costing \$ 86,000.

That he is unable to complete the remainder of the work within the required time for the following
reasons, to-wit: We were able to develop a groundwater source of sufficient volume to
make additional storage unnecessary at this time. We would still like to be able
to develop more storage if needed, however.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of
obligations under said permit to March 26 / April 1, 1990.

* Lenard D. Easterday
(Signature)*

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 proof of beneficial use is extended to April 1, 1990.

IT IS FURTHER ORDERED that the permit be REINSTATED and the priority advanced to
September 6, 1979, pursuant to Section 42-218a, Idaho Code.

Signed this 28th day of August, 1985.

A. Shupert
Chief, Operations Bureau

MAR 20 1985

* IF OTHER THAN HOLDER, Power of Attorney must be supplied.

Department of Water Resources

47-7572

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED

APR 25 1980

Department of Water Resources
Southern District Office

IN THE MATTER OF PROTESTS AGAINST APPROVAL
OF APPLICATION FOR PERMIT NO. 47-7572 IN
THE NAME OF LENARD EASTERDAY

MEMORANDUM DECISION

AND ORDER

On September 4, 1979, Lenard Easterday filed with the Department of Water Resources an application for permit to appropriate the waters of Salmon Falls Creek. The application proposes to divert 20 cubic feet per second of water by pump to storage during the period between September 1 and June 1 and to store 700 acre feet of water in an off-stream reservoir year-round and to divert 700 acre feet per year to irrigation between March 15 and November 15.

The water is to be diverted within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, Twp. 10S, Rge. 13E and used upon the S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 34; S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 35, Twp. 9S, Rge. 13E B.M.

Notice of the application was published in the Twin Falls Times News on September 27 and October 4, 1979. On September 24, 1979 a protest against the application was received from Magic Water Company, Inc. Issues raised in the protest are as follows:

- 1) Is the water supply sufficient for the purpose intended?
- 2) Is the application made in good faith and not for delay or speculation?
- 3) Does the applicant have sufficient financial resources to complete the proposed project?

On November 27, 1979, a conference in the matter was held in Twin Falls, Idaho. The applicant was present and represented by W. F. Ringert, attorney at law, and the protestant was represented by Kenneth P. Elkin, President of Magic Water Co., Inc. and William L. Nungester, attorney at law.

The applicant maintained that flows of Salmon Falls Creek are sufficient to allow diversion during the season proposed and requested that the Department take official notice of published stream flow records.

The protestant expressed concern over whether the proposed diversion would affect existing rights by reducing bank storage and the flows of springs tributary to the creek.

The parties agreed to allow the Department of issue a decision without a formal hearing.

The Director of the Department of Water Resources, based upon his understand-

47-7572

ing of the law, and upon the information obtained at the conference on this matter and upon the records of the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1) Published stream flow records for Salmon Falls Creek near its confluence with the Snake River show for the years 1970 through 1977 that 11,621 acre feet per month was the average discharge during the months of September through May.

2) This applicant has also filed Desert Land Entry No. I-2011 with the Bureau of Land Management on the land which is sought to be irrigated.

3) The pumping plant which is proposed to be used to divert water to storage under this application is in place and is used to divert water under other rights during the irrigation season. The pumping plant has a capacity of approximately 27 cubic feet per second.

4) Protestant, Magic Valley Company, Inc. has license No. 47-2269 for 94.56 cubic feet per second of water from Salmon Falls Creek with a priority of February 11, 1953. This water is diverted during the irrigation season.

5) Diversions from Salmon Falls Creek in the reach concerned are under the control of the watermaster of State Water District No. 47-C.

CONCLUSIONS OF LAW

1) Unappropriated water is available in Salmon Falls Creek during the period of time the applicant proposes to divert water.

2) The amount of water diverted to storage is a small proportion of total flow during the winter and, therefore, will not decrease the bank storage along the stream.

3) Applicant is entitled to a permit to appropriate the quantity of water requested subject to all prior rights.

ORDER

IT IS, THEREFORE, HEREBY ORDERED That Application for Permit No. 47-7572 is APPROVED subject to the following conditions:

1) Diversion of water under this permit shall be subject to the control of the watermaster of State Water District No. 47-C.

2) A measuring device capable of recording the total volume of water diverted shall be installed and maintained as part of the diverting works.

3) The storage of water is contingent upon certification by the Department of Water Resources of the applicant's dam under the dam safety provisions of the Idaho Code.

4) The issuance of this permit in no way grants any right-of-way or easement across the land of another.

5) Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1985.

Dated this 21 day of April, 1980.


C. STEPHEN ALLRED
For Director

513

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

Department of Water Resources
Southern District Office

To appropriate the public waters of the State of Idaho

1. Name of applicant Lenard Easterday Phone 543-5841

Post office address Route 2, Buhl, Idaho 83316

2. Source of water supply Salmon Falls Creek which is a tributary of Snake River

3. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 20 Township 10S

Range 13E B.M. Twin Falls County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount <u>20 cfs</u> for (cfs or acre-feet per annum)	Diversion to <u>Storage</u> purposes from <u>Sept 1</u> to <u>June 1</u> (both dates inclusive)
Amount <u>700 af</u> for (cfs or acre-feet per annum)	<u>Storage for</u> <u>Irrigation</u> purposes from <u>Jan. 1</u> to <u>Dec. 31</u> (both dates inclusive)
Amount <u>700 af</u> for (cfs or acre-feet per annum)	<u>Irrigation from</u> <u>Storage</u> purposes from <u>Mar. 15</u> to <u>Nov. 15</u> (both dates inclusive)
Amount _____ for (cfs or acre-feet per annum)	_____ purposes from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated:

a. 20 cubic feet per second and/or b. 700 acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Existing river pumps, pipeline, and canal,
new buried 24" pipeline

b. Height of storage dam 25 feet, active reservoir capacity 700 acre-feet; total reservoir capacity 700 acre-feet, materials used in storage dam: earth and plastic

Period of year when water will be diverted to storage Jan. 1 to Dec. 31 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: _____

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	
9S	13E	34															33	13	46
9S	13E	35							40	40	40	40	40	40					240

Total number of acres to be irrigated 286

c. Describe any other water rights used for the same purposes as described above. I own stock in Canyon View Irrigation Company, but I am not certain that water rights under that stock have been transferred to this land

9. a. Who owns the property at the point of diversion Ken Marshall & Wayne Marshall

b. Who owns the land to be irrigated or place of use U. S. Government

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing The subject 320 acres is an allowed Desert Entry filing No. I-2013 in the name of Lenard Easterday.

10. Remarks 700 acre feet of stored water will be used for irrigation purposes each year, or so much as is required for irrigation. Rate of diversion from storage will depend upon irrigation requirements, but the total diversion from storage will not exceed 700 acre feet. Rate of diversion to storage will be a maximum of 20 cfs.

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

This image shows a full page of blank graph paper. The grid consists of small squares formed by thin black lines. There are 20 columns and 20 rows of squares, creating a total of 400 square units. The grid is uniform and covers the entire area of the page.

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.

Leonard W. Costerday
(Applicant)

Received by LH Date 9-4-79 Time 1:00 pm
Preliminary check by LH Fee \$ 225.⁰⁰ # 13319
Receipted by maria Date 9/5/79
Publication prepared by maria Date 9/13/79
Published in times news
Publication dates 9/27 + 10/4/79
Publication approved maria Date 9/21/79
Protests filed by: regio water co. 9-24-79

Copies of protests forwarded by LH
Hearing held by BDP Date 11-27-79
Recommended for approval denial by LH

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. 47-7572, 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 April 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: PURSUANT TO MEMORANDUM DECISION AND ORDER

Witness my hand this 21 day of April, 19 80.


Deputy Director