

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

6/19/2020

Water Permit 47-7571

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RAE THOMAS , ZZ

Status: Lapsed

<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

Water District Number: TBD  
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

*Southern*

State of Idaho  
Department of Water Resources  
ASSIGNMENT OF PERMIT

APR 22 1981

*OK*

I, John M. Thomas, hereby assign to Rae Thomas  
of Box 446, Caldwell, Idaho 83605  
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 47-7571  
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit  
No. \_\_\_\_\_ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within  
each 40 acre subdivision, the point of diversion and the amount of water in cubic  
feet per second for direct diversion, or acre feet for storage)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Made this 11th day of April, 19 81.

RECEIVED  
MAY 12 1981  
Department of Water Resources  
Southern District Office

John M. Thomas  
Permit Holder John M. Thomas

Rae Thomas  
Spouse of Permit Holder Rae Thomas

State of Idaho )  
County of Canyon ) ss.

On this 14 day of April, 19 81, personally  
appeared before me the signer(s) of the above instrument, who duly acknowledged to me  
that he (she) (they) executed the same.

seal

Carl L. Camber  
Notary Public residing at  
Caldwell

My commission expires:  
Cont.

47-7571

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

MEMORANDUM DECISION

AND ORDER

IN THE MATTER OF PROTEST AGAINST APPROVAL  
OF APPLICATION FOR PERMIT NO. 47-7571 IN  
THE NAME OF JOHN M. THOMAS

On September 4, 1979, John M. Thomas filed with the Department of Water Resources an application for permit to appropriate the waters of Salmon Falls Creek. The application proposed to divert 8 cubic feet per second of water by pump to storage during the period between September 1 and June 1 and to store 780 acre feet in an off-system reservoir year-round and divert 780 acre feet per year to irrigation use from storage between March 15 to November 15. The water is to be diverted within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 20, Twp. 10S, Rge. 13E, Twin Falls County.

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.

On October 29, 1979, the application was amended by the applicant. The amount of water to be diverted was increased to 20 cubic feet per second and the amount to be stored for irrigation was increased to 1500 acre feet.

Notice of the amended application was published in the Twin Falls Times News on November 15 and November 22, 1979.

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 represented by W. F. Ringert, attorney at law, and the protestant was represented by Kenneth P. Elkin, President of Magic Water Company, 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 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

47-7571

the creek.

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

Based upon his understanding of the law and upon the information obtained at the conference on this matter and upon the records of the Department, the Director of the Department of Water Resources 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-2590 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 Water 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. 47-7571 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) The priority of this permit shall be October 29, 1979.

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

Dated this 21 day of April, 1980.

*For*   
C. STEPHEN ALLRED

Director

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
AMENDED APPLICATION FOR PERMIT

RECEIVED

OCT 29 1979

Department of Water Resources  
Southern District Office  
459-2683

To appropriate the public waters of the State of Idaho

1. Name of applicant John M. Thomas Phone 459-2683

Post office address P. O. Box 446, Caldwell, Idaho 83605

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 20 cfs for diversion to storage purposes from Sep 1 to Jun 1 (both dates inclusive)  
(cfs or acre-feet per annum)

Amount 1500 AF for storage for irrigation purposes from Jan 1 to Dec 31 (both dates inclusive)  
(cfs or acre-feet per annum) Allow: NOV 15

Amount 780 AF for from storage purposes from Mar 15 to Nov 30 (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. 20 cubic feet per second and/or b. 1500 acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Existing pumps, pipelines, and ditch  
plus additional pipeline and pump

b. Height of storage dam 15 feet, active reservoir capacity 780 acre-feet; total reservoir capacity 1500 acre-feet, materials used in storage dam: earth and plastic

Period of year when water will be diverted to storage Sep 1 to Jun 1 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	20	40	30	40	40		30	40	40									260

Total number of acres to be irrigated 260

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

I own stock in Canyon View Irrig. Co., but am not certain that the stock has been transferred to this land.

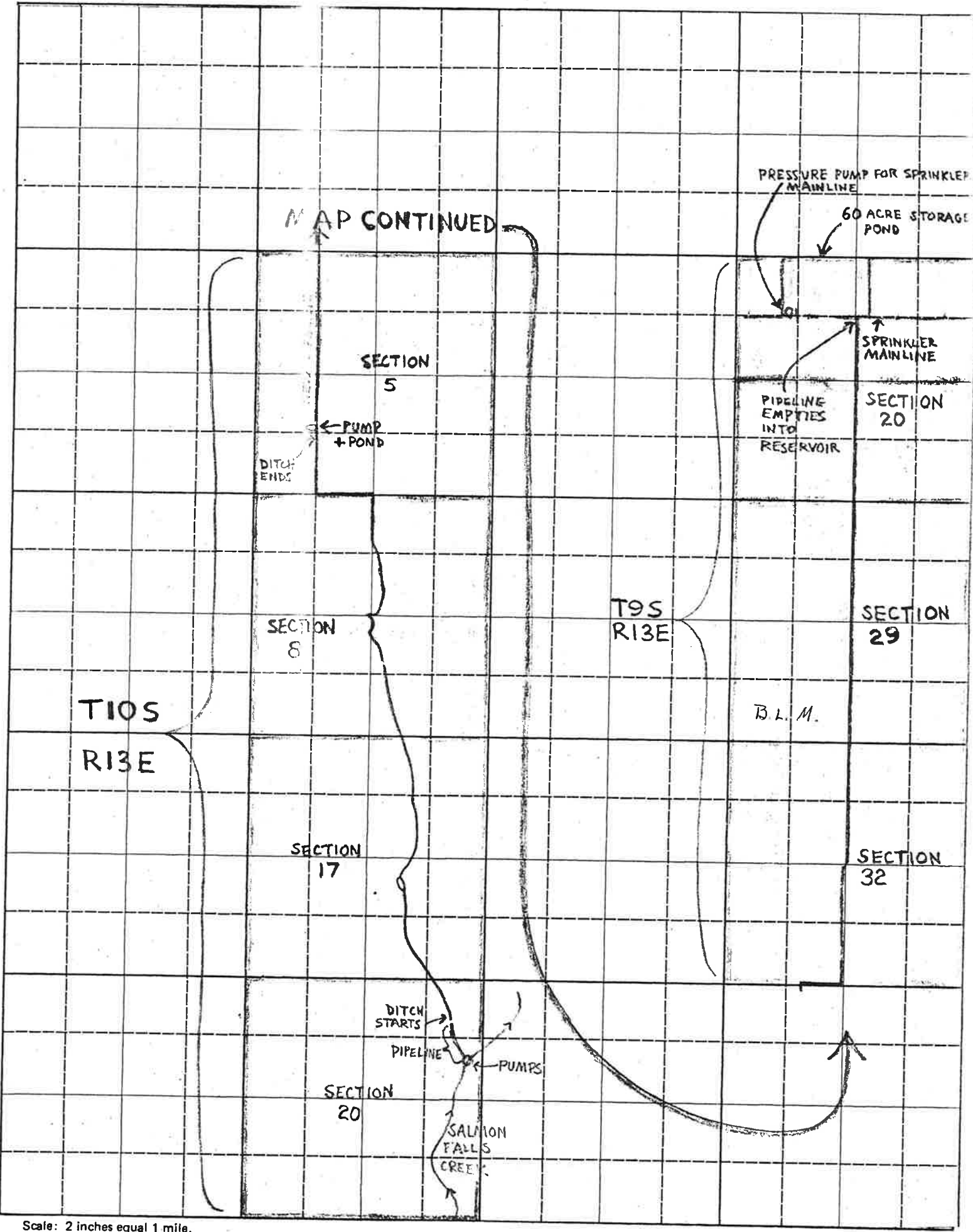
9. a. Who owns the property at the point of diversion Ken & Wayne Marshall

b. Who owns the land to be irrigated or place of use U. S. Government (B. L. M.)

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing allowed D. L. E. I-2590

10. Remarks

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



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.

*John M Thomas*  
(Applicant)



Priority date: October 29, 1979.

Received by marya Date 10/29/79 Time 8:00 am

Preliminary check by J. Stanton Fee \$ 120.<sup>00</sup> # 13325

Receipted by marya Date 10/30/79

Publication prepared by marya Date 10/30/79

Published in times news

Publication dates 11/15 + 11/22/79

Publication approved M.H. Date 12-3-79

Protests filed by: Magic Water Co 9-24-79

Copies of protests forwarded by LH

Hearing held by BOE 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. 47-7571, 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