

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/19/2020

Water Permit 47-7560

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CECIL LYONS RT 3 BUHL, ID 83316

Status: Cancelled

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

6/19/2020



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 1, 1991

RECEIVED

JUL 03 1991

Department of Water Resources
Southern Region Office

Cecil Lyons
Route 3
Buhl, ID 83316

RE: ORDER VOIDING APPLICATION FOR PERMIT NO. 47-7560

Dear Mr. Lyons:

On May 31, 1991, the Idaho Department of Water Resources corresponded by certified mail with you in connection with the above referenced application for permit and requested certain information to show that you are still interested in and are actively pursuing the above referenced application. You have not responded and have not provided the requested information within the thirty (30) day period allowed.

Section 42-204, Idaho Code, provides that if the department requests additional information and an applicant fails to provide the information within thirty (30) days, the department may void the record of the application and so notify the applicant.

You are hereby notified that the above referenced application for permit is VOIDED pursuant to provisions of Section 42-204, Idaho Code, and is of no further force nor effect. You are further hereby notified that an applicant aggrieved by this decision may request a hearing before the department within fifteen (15) days of the date of receipt of this order pursuant to provisions of Section 42-1701A(3), Idaho Code.

Please feel free to contact the department if you have questions.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - S. Region
Twin Falls Canal Co.
William L. Fullmer

47-7560



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 31, 1991

Cecil Lyons
Route 3
Buhl, ID 83316

CERTIFIED MAIL

RE: PROTESTED APPLICATION FOR PERMIT NO. 47-7560

Dear Mr. Lyons:

The department of Water Resources (DWR) is currently reviewing protested applications for permit which are pending before the department. Our files show that the above referenced application was filed on August 14, 1979, proposing the diversion of 5 cubic feet per second (cfs) of water from Wilson Creek tributary to Mud Creek to be used year round for fish propagation purposes. The application was subsequently protested by The Twin Falls Canal Company and William L. Fullmer.

Since substantial time has passed after the filing of the application, the department requests certain information in order to resolve the matter of the pending protested application. It appears that one of two potential actions needs to occur in connection with the application as follows:

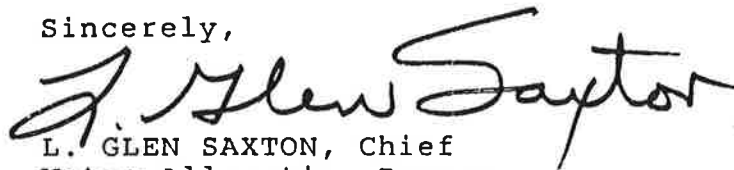
1. If you are no longer interested in pursuing the development proposed in the application, please complete and return the enclosed relinquishment form. The application will then be removed from DWR records.
2. If you are interested in pursuing the proposed development you need to specifically advise the department in writing of your continued interest within thirty (30) days of the date of this letter. In addition, you must provide the information described below to the department within sixty (60) days of the date of this letter.
 - Copies of deeds, leases, easements or other evidence to document that you have a possessory interest in the place of proposed use. (Water Appropriation Rule 4,5,3,3,1.).
 - Copies of plans and specifications for the project works. The plans must be definite enough to allow for determination of project impacts and implications. The plans must show the number of ponds proposed and give the length, width, and depth dimensions of all ponds. (Water Appropriation Rule 4,5,3,4,2.).

47-7560

- You must seek comment on the effects of the construction and operation of the proposed project from the city and/or county within which the project is to be located, and from the Idaho Department of Fish and Game. In addition, you must obtain certification from the Idaho Department of Health and Welfare, Division of Environment, that operation of your project will meet state water quality standards before IDWR will issue a permit.

If you do not timely respond to this letter, the department will reject the application as being filed for speculative purposes. If you do timely respond and provide the required information, the department will schedule a hearing if appropriate. Feel free to contact this office or our Southern Regional Office in Twin Falls if you have questions.

Sincerely,



L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - S. Region
Twin Falls Canal Company
William L. Fullmer

Encl: 1

2/12/87

47-7560

Cecil Lyons

Source: Wilson Creek tributary to Mud Creek

Amount & Use: 5.0 cfs for fish propagation

Analysis: This source is designated L Coulee by Twin Falls Canal Company.

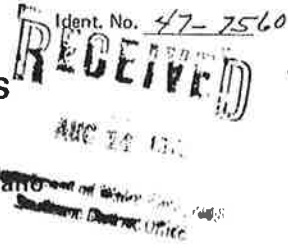
This site is below Lateral 40, which is the last Company diversion on the waterway. There are no shareholder diversions downstream.

Proposed Condition:

No special conditions are required to protect the Canal Company's rights.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho



1. Name of applicant Cecil Lyons Phone 543-4117

Post office address Route 3, Buhl, Idaho 83316

2. Source of water supply Wilson Creek which is a tributary of Mud Creek

3. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 34 Township 9S

Range 14E B.M. Twin Falls County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 5.0 cfs for fish prop. purposes from Jan 1 to Dec 31 (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. 5.0 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Check dam & 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: E $\frac{1}{2}$ $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 34 Township 9S

Range 14E 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: commercial fish propagation

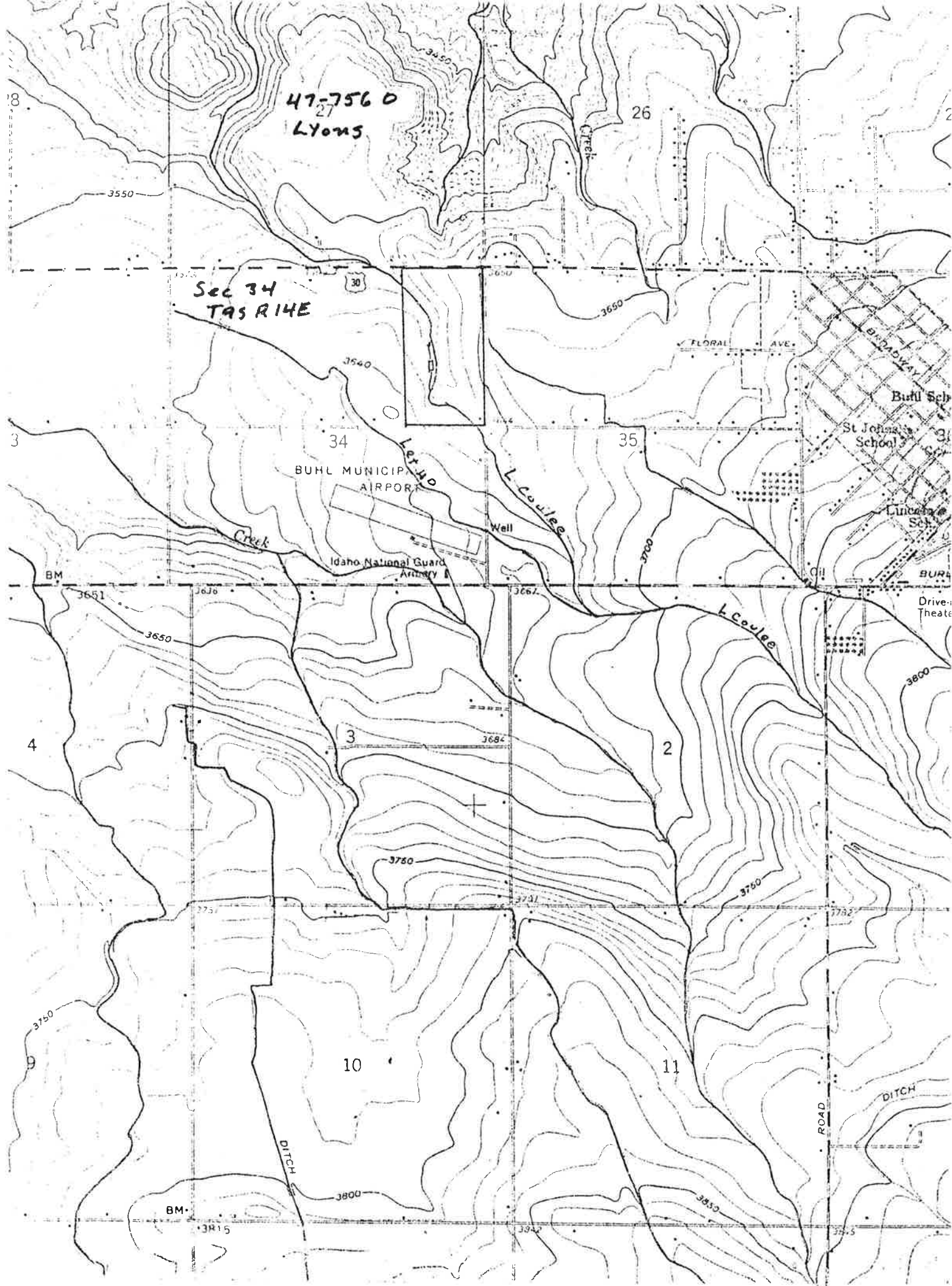
[illegible]

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

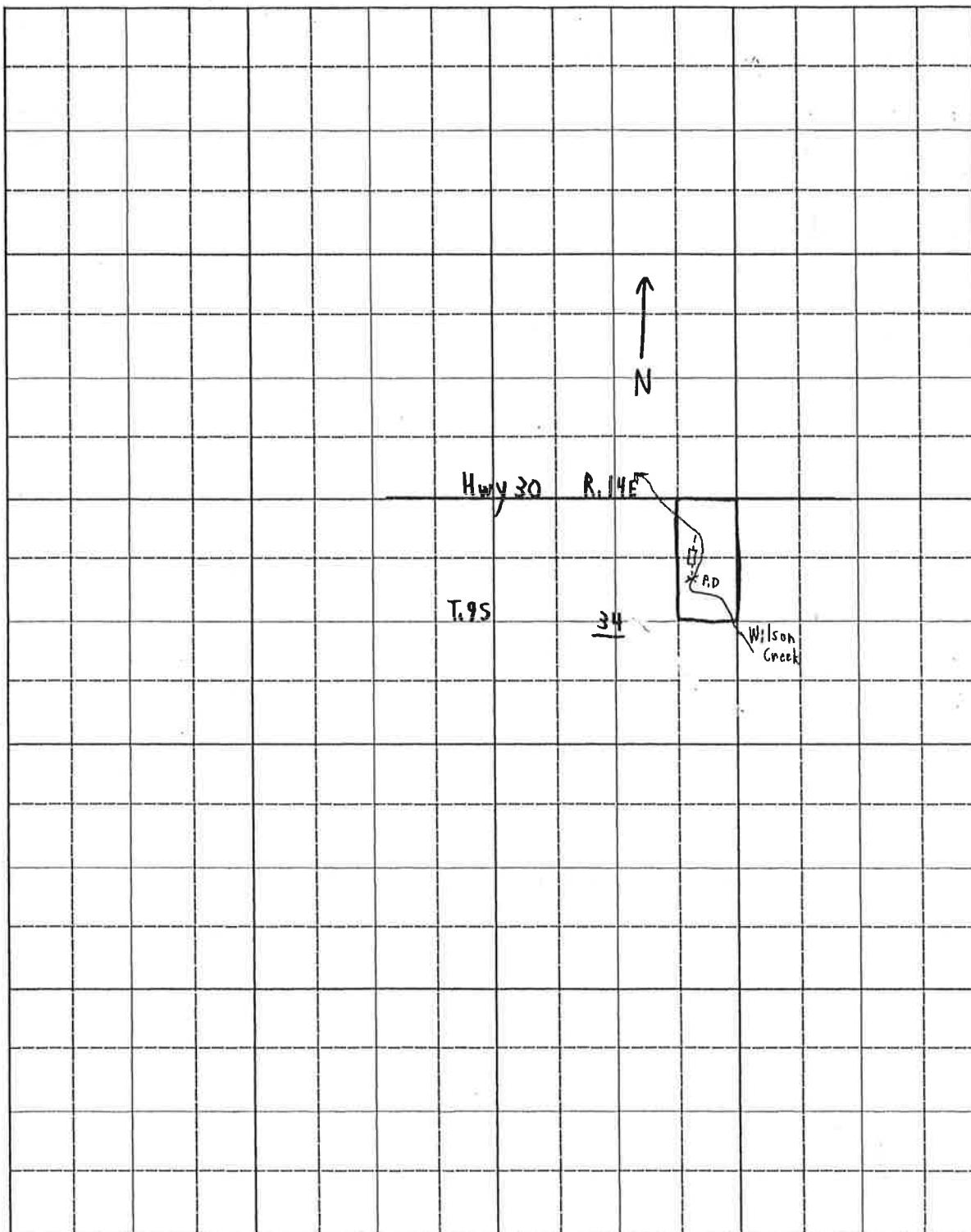
b. Who owns the land to be irrigated or place of use _____ "

c. If the property is owned by a person other than the applicant, describe the arrangement enabling 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.

Carl E. Jones
(Applicant)

Received by JA Date 8-14-79 Time 4:55 pm

Preliminary check by JA Fee \$ 75.00

Receipted by JA Date 8-14-79 # 13289

Publication prepared by Marye Date 8/16/79

Published in Times News

Publication dates 8/30 + 9/6/1979

Publication approved _____ Date _____

Protests filed by: Wm. L. Fillmore - Twin Falls Canal Co.

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: _____

Witness my hand this _____ day of _____, 19 ____.

Director