

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

6/19/2020

Water Permit 47-7559

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JERRY BLACK 1323 E 4400 N BUHL, ID 83316 (208) 543-5166

Status: Cancelled

Source

Tributary

<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

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. 47-7559 IN THE NAME OF  
JERRY BLACK

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. 47-7559 (permit) authorized the diversion of 0.40 cfs of water from a groundwater source for the irrigation of 20 acres of land.

2. The Department mailed notice to the permit holder(s) on April 6, 1989 informing them that Permit no. 47-7559 was subject to the review requirements of Section 42-203D, Idaho Code. The notice further informed the permit holder(s) that he 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.

47-7559

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

ORDER

IT IS HEREBY ORDERED that Permit No. 47-7559 be CANCELLED as provided in Water Appropriation Rule 4,2,3,4.

Dated this 30<sup>th</sup> 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 Jerry Black, Route 3, 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 23, 1989

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

RECEIVED

MAY 25 1989

Jerry Black  
Route 3  
Buhl, ID 83316

Re: Permit No. 47-7559

Dear Mr. Black:

Department of Water Resources  
Southern Region Office

### NOTICE OF PENDING ORDER CANCELLING PERMIT

On September 28, 1979, the Department of Water Resources (Department) issued Permit No. 47-7559 which authorized the diversion of 0.40 of water from a groundwater source for the irrigation of 20 acres.

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

47-7559

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

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

Department of Water Resources

SEP 6 1984

Department of Water Resources  
Southern District Office

Jerry Black  
(Name)

of Route #3, 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. 47-7559.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before September 1, 19 84.

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

Brush & olive trees have been cleared from two acres, and some leveling has been done.

Costing \$500. worth of work  
was done by myself

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: Due to uncertainty resulting from the Swan Falls litigation, a greater monetary investment has not been made in the project.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations under said permit to September 1, 19 89.

Jerry Black  
(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 statement of beneficial use is extended to September 1, 1989. IT IS FURTHER ORDERED that the permit be conditioned as follows: The Department reserves jurisdiction of this permit for the purpose of adding any applicable conditions to the protect the public interest.

Signed this 30<sup>th</sup> day of August, 19 84.

A. Glen Sayton  
Chief, Operations Bureau

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

47-7559  
8/15<sup>th</sup> received by sq 8-15-84 #34999

RECEIVED

OCT 2 1979

Ident. No. 47-7559

STATE OF IDAHO  
Department of Water Resources  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

RECEIVED  
APPROVED  
OCT 27 1979  
Department of Water Resources  
Southern District Office

Department of Water Resources  
Southern District Office

To appropriate the public waters of the State of Idaho

1. Name of applicant Jerry Black Phone 543-5166  
Post office address Route 3 Buhl, Id 83316  
2. Source of water supply unnamed stream (J Coulee) which is a tributary of Mud Creek  
3. Location of point of diversion is NW  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 23 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 0.40 for irrigation purposes from Mar 15 to Nov 15 (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. 0.40 cubic feet per second and/or b. \_\_\_\_\_ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Pump & Pipeline

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: \_\_\_\_\_

47-7559

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	14E	23					10	10											20

Total number of acres to be irrigated 20

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

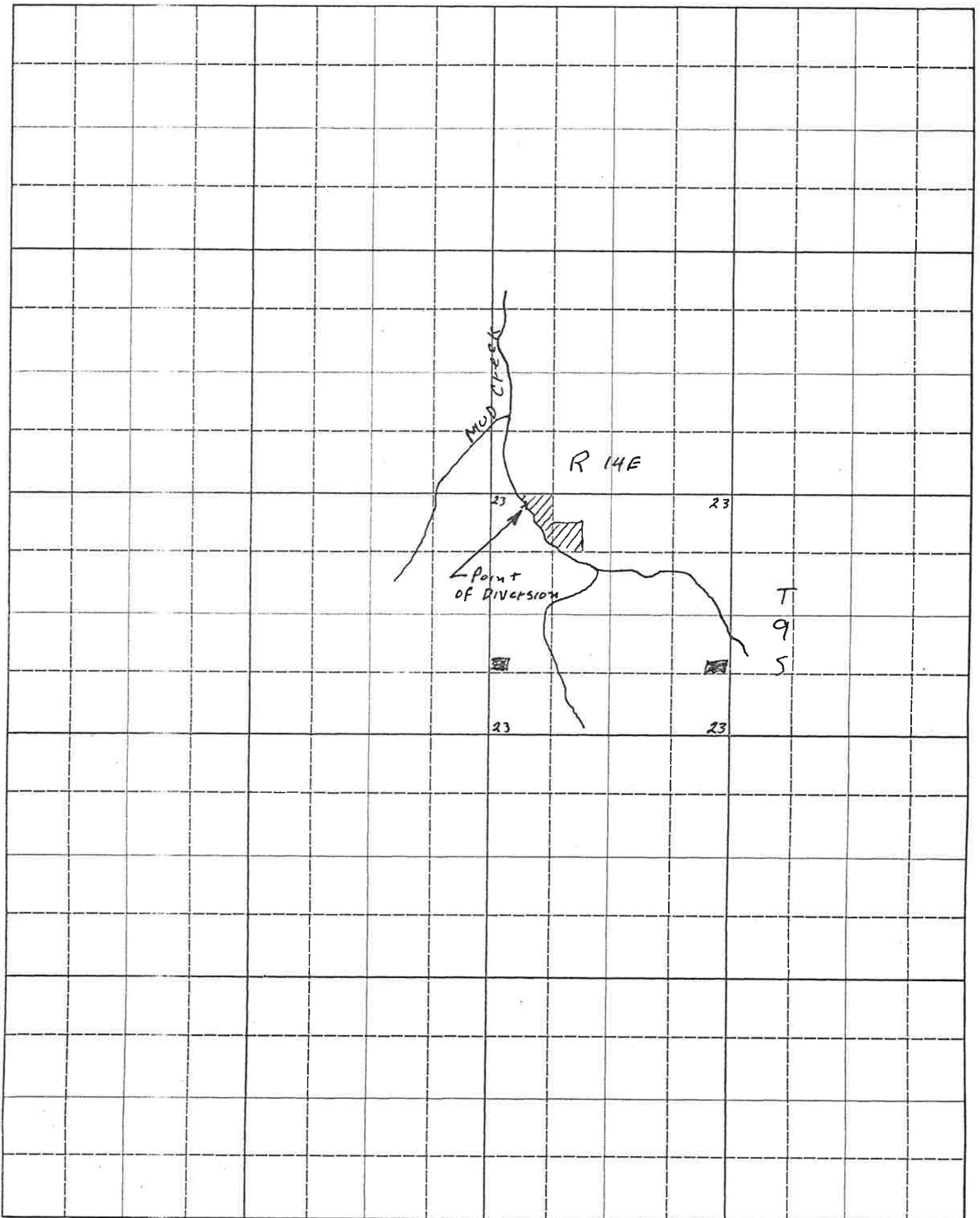
b. Who owns the land to be irrigated or place of use //

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.

Ray Cook  
(Applicant)

Proposed Priority

47-7559

Received by LH Date 7-27-79 Time 3:15 PM

Preliminary check by JH Fee \$ 35.00

Receipted by maria Date 7-29-79 # 13275

Publication prepared by maria Date 8/15/79

Published in times news

Publication dates 8/30 + 9/6/79

Publication approved maria Date 9/11/79

Protests filed by: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Copies of protests forwarded by \_\_\_\_\_

Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

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. 47-7559, 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 September 1, 19 84.
  - 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 28<sup>th</sup> day of September, 19 79.

L. Glen Saxton  
Chief, Operations Bureau