

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/22/2020

Water Application 47-7646

Owner Type **Name and Address**

Current Owner ANNIE JOHNSON
 , ZZ

Current Owner KENNETH JOHNSON
 , ZZ

Status: Denied

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

Application Denied Date: 4/26/1984

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

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

RECEIVED

OF THE

APR 30 1984

STATE OF IDAHO

Department of Water Resources
Southern District Office

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 47-7646 IN THE NAME OF)
KENNETH AND/OR ANNIE JOHNSON)

MEMORANDUM DECISION

AND ORDER

On May 20, 1980, Kenneth and/or Annie Johnson of Buhl, Idaho applied to the Department of Water Resources for a permit to appropriate 0.20 cubic feet per second of water from a waste water source tributary to Deep Creek.

The applicants propose to divert the water within the NE1/4NW1/4, Sec. 21, Twp. 9S, Rge. 14E, B.M. Twin Falls County. The water was proposed to be used for irrigation of ten acres within the NW1/4NE1/4 and NE1/4NW1/4, Sec. 21, Twp. 9S, Rge. 14E, further described as Lots 1 and 9 of Melon Valley Estates.

The Twin Falls Canal Company filed a protest against the application on June 5, 1980, but withdrew its protest on July 14, 1980. The withdrawal was based on a finding by the company that the applicants' point of diversion was downstream from the last point of delivery by the company.

Between June 10 and October 23, 1980, the Department conducted a field study of the small stream drainage within which this application was filed. The study was made in connection with prior applications which were protested by other parties.

During the course of the study, it was determined that insufficient water was available for appropriation by other prior applicants and that the diversion proposed by this application would be from a private ditch serving Twin Falls Canal Company stockholders. The ditch could discharge water to the stream drainage below the last stockholder, but was not observed to do so during the period of the study.

Based upon the available information, the Director of the Department of Water Resources makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1) The water source described in the application is actually water flowing in a private ditch delivering water to Twin Falls Canal Company share holders.

2) Some share holders in the ditch divert water downstream from the

47-7646

applicants' proposed point of diversion.

CONCLUSIONS OF LAW

1) The water in the ditch upstream from the last stockholder's diversion is private water subject to use and control only by the stockholders of the Twin Falls Canal Company.

2) This application must be denied because the water sought to be appropriated is not public water and, therefore, is not available for appropriation.

ORDER

IT IS, THEREFORE, HEREBY ORDERED That Application for Permit No. 47-7646 be and is DENIED.

Dated this 26th day of April, 1984.


A. KENNETH DUNN, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

DENIED

Ident. No. 47-7646

RECEIVED
MAY 29 1980

Department of Water Resources
Southern District Office

To appropriate the public waters of the State of Idaho

1. Name of applicant Kenneth Johnson &/or Annie Johnson Phone 543-6859

Post office address Route 4, Buhl, Idaho 83316

2. Source of water supply waste water which is a tributary of Deep Creek

3. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 21 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 0.20 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. 0.20 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. pipeline & 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: _____

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	21		5			5												10
Total number of acres to be irrigated																			10

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

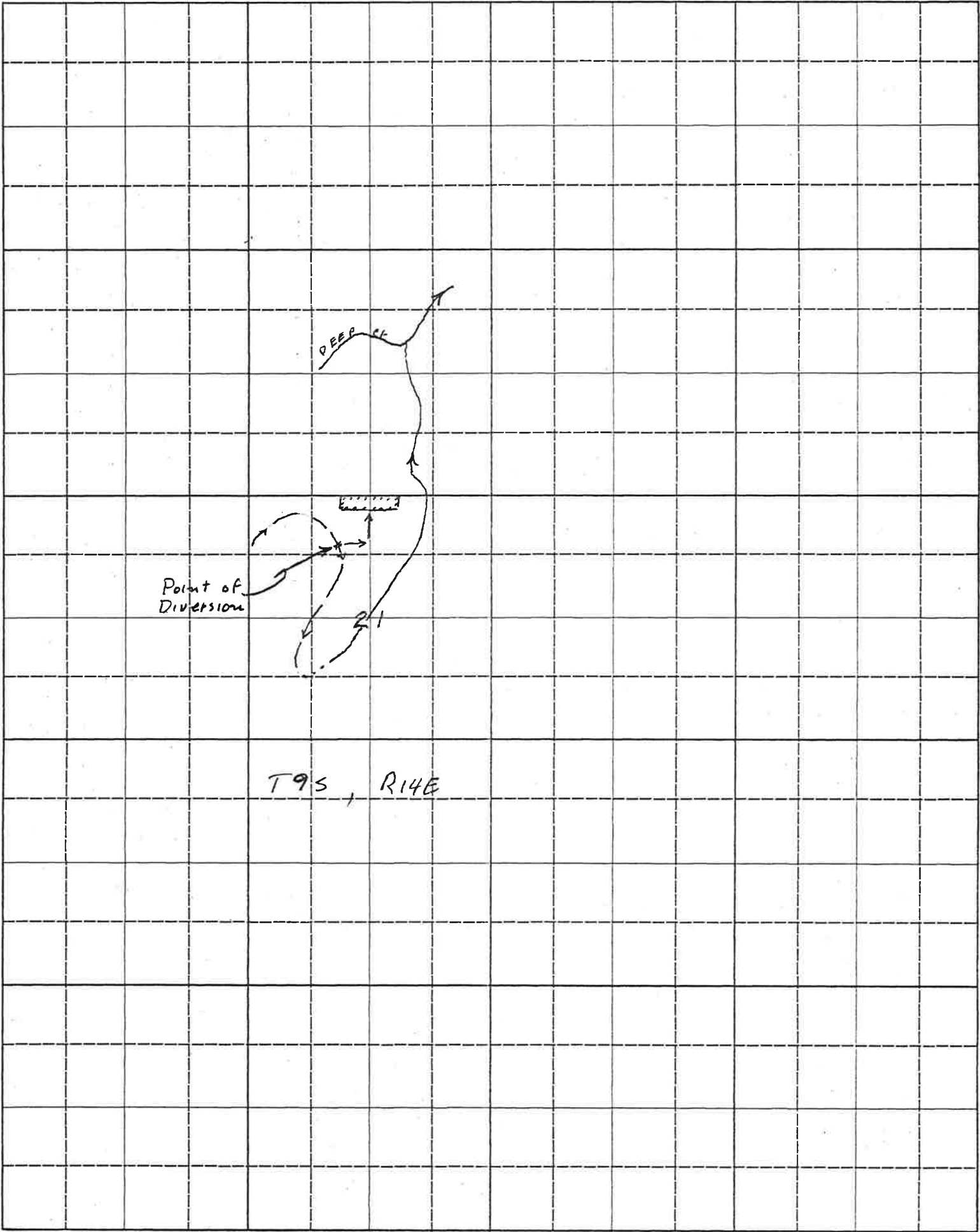
9. a. Who owns the property at the point of diversion not known

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 P/U = Lots 1 & 9, Melon Valley Estates

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.

Annie Johnson
(Applicant)

Received by lh Date 5/20/80 Time 2:00 pm

Preliminary check by gr Fee \$ 20.⁰⁰

Receipted by marya Date 5/20/80 # 16446

Publication prepared by lh Date 5-21-80

Published in Twin Falls News

Publication dates 5/29 + 6/5/8

Publication approved _____ Date _____

Protests filed by: Twin Falls Canal Co. - withdrawn 7/14/80

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. 47-7646, and said application is hereby DENIED.

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: PURSUANT TO MEMORANDUM DECISION AND ORDER.

Witness my hand this 26th day of April, 19 84.


Director