

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

6/22/2020

Water Permit 47-7619

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|-------------------------|
| Current Owner     | FRED MONTGOMERY<br>, ZZ |

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

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

NOV 19 1987

## REQUEST FOR EXTENSION OF TIME

Department of Water Resources provide additional time in which to submit proof  
of beneficial use for a water right permit

RECEIVED

NOV 17 1987

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 47-7619

JUL - 6 1989

Name(s) of Permit Holder: Fred MontgomeryDepartment of Water Resources  
Southern Region OfficePost Office Address: c/o Dan Montgomery, P. O. Box 1731, Twin Falls, ID 83301Telephone No. 733-1601Date Proof is Due: December 1, 1987

Describe what work has been completed toward the development of this water right: \_\_\_\_\_  
(This must be filled out! If no work has been completed, show "none".)

I have started to construct a road into the point of diversion.Costing \$1000.

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Permission to cross private land between my property and the point of diversion has not been  
granted at this time. The private land is owned by absentee owners, and I have not been able

to contact them to ask permission to cross their land. I found the stream to be heavily

Permit holder(s) request an extension to December 1, 1992.  
(1 yr. minimum)

polluted with wastewater; I need to  
control this before the water is usable  
for fish.

FEE: \$15.00

*[Signature]*  
\*IF OTHER THAN PERMIT HOLDER,  
POWER OF ATTORNEY MUST BE SUPPLIED.

## ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be DENIED pursuant to Order  
Cancelling Permit dated June 30, 1989.

Signed this 30th day of June, 19 89.*[Signature]*  
R. KEITH HIGGINSON, Director

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. 47-7619 IN THE NAME OF  
FRED MONTGOMERY

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. 47-7619 (permit) authorized the diversion of 0.36 cfs of water from Orchalara Tunnel tributary to Rock Creek for the irrigation of 18 acres of land.

2. The Department mailed notice to the permit holder(s) on April 6, 1989 informing them that Permit no. 47-7619 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.

47-7619

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

ORDER

IT IS HEREBY ORDERED that Permit No. 47-7619 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 30<sup>th</sup> day of June, 1989,  
a true and correct copy of the Order Cancelling Permit was mailed postage  
prepaid to Fred Montgomery, c/o Dan Montgomery, P.O. Box 1731, Twin Falls,  
ID 83301.

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  
DIRECTOR

RECEIVED

MAY 25 1989

Department of Water Resources  
Southern Region Office

Fred Montgomery  
c/o Dan Montgomery  
P.O. Box 1731  
Twin Falls, ID 83301

Re: Permit No. 47-7619

Dear Permit Holder(s):

### NOTICE OF PENDING ORDER CANCELLING PERMIT

On December 11, 1980, the Department of Water Resources (Department) issued Permit No. 47-7619 which authorized the diversion of 0.36 of water from Orchalara Tunnel tributary to Rock Creek for the irrigation of 18 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

47-7619

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

RECEIVED

SEP 6 1987

Water Resources  
Division Office

IN THE MATTER OF PERMIT NO. 47-7619 IN )

THE NAME OF FRED MONTGOMERY )  
\_\_\_\_\_ )

ORDER

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use be submitted on or before June 1, 1987; and,

WHEREAS, proper notice was not given to the permit holder sixty days prior to the date that proof of beneficial use of water was due as required by section 42-204, Idaho Code;

IT IS, THEREFORE, HEREBY ORDERED that the time within which to submit proof of beneficial use be extended to December 1, 1987.

Dated this 30<sup>th</sup> day of September, 1987.



L. GLEN SAXTON  
Chief, Operations Bureau

47-7619

RECEIVED  
Form 204  
5/78  
DEC 20 1985  
Department of Water Resources  
Southern District Office

Identification No. 47-7619

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
REQUEST FOR EXTENSION OF TIME

RECEIVED  
DEC 11 1985

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

Department of Water Resources

Dan Montgomery of P. O. Box 1731 Twin Falls, Idaho 83301  
(Name) (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. 47-7619.

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

That he has heretofore performed the following work described under said permit:  
Right-a-way for road to property and easement has been sought for completion

Costing \$ 1,000.00

That he is unable to complete the remainder of the work within the required time for the following  
reasons, to-wit: Has been held up because of the completion of the right-a-way and the  
death of the original permit holder (father). Estate has been settled

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

Dan Montgomery  
(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 proof of beneficial use is extended to June 1, 1987. IT IS FURTHER  
ORDERED that the permit be REINSTATED and the priority advanced to January 1, 1980.  
The permit is subject to the review provisions of Sec. 42-203D, Idaho Code and is subject  
to applicable conditions to protect the public interest.

Signed this 17<sup>th</sup> day of December, 1985.

A. Glen Saylor  
Chief, Operations Bureau

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

47-7619

Received 12-12-85 # 37356 \$1500



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

RECEIVED  
APPROVED

To appropriate the public waters of the State of Idaho

Department of Water Resources  
Southern Region Office

1. Name of applicant Fred Montgomery Phone 733-7336

Post office address Route #4, Twin Falls, Idaho 83301

2. Source of water supply Orchalara Tunnel which is a tributary of Rock Creek

3. Location of point of diversion is NW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Section 8 Township 10S

Range 17E B.M. Twin Falls County, additional points of diversion if any: \_\_\_\_\_

4. Water will be used for the following purposes:

Amount 6.0 cfs for fish prop. purposes from Jan 1 to Dec 31 (both dates inclusive)  
(cfs or acre-feet per annum)

Amount 0.36 cfs 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)

5. Total quantity to be appropriated:

a. 6.0 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, ditches, 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: NW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Section 8 Township 10S  
SE SE

Range 17E 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

47-7619

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 |        |
| 10S | 17E   | 7    |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     | 15  | 15     |
|     |       | 8    |     |     |     |     |     |     |     |     |     | 3   |     |     |     |     |     |     | 3      |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|     |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres to be irrigated 18

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

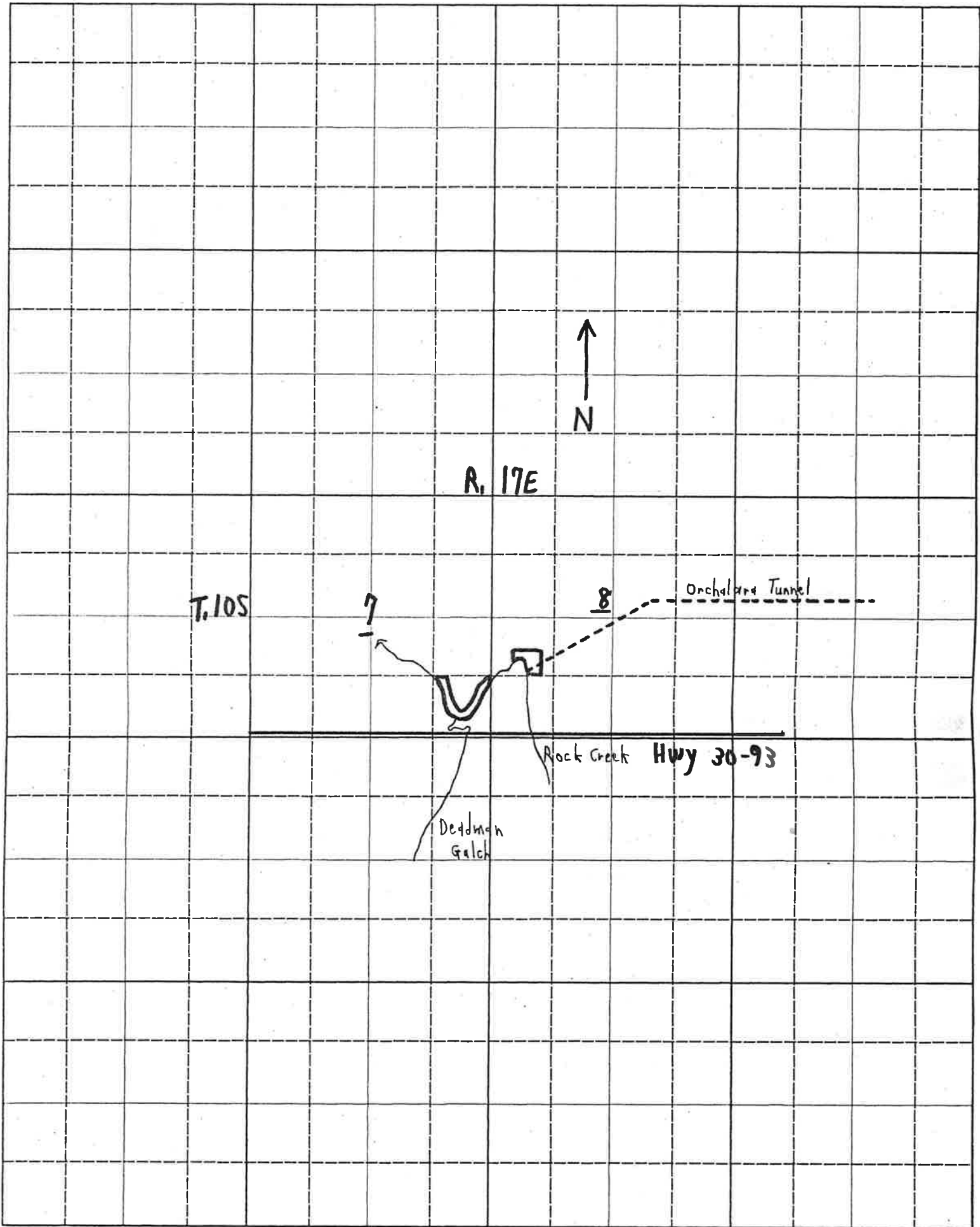
9. a. Who owns the property at the point of diversion Applicant

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.

*[Signature]*  
(Applicant)

Proposed Priority 1-7-1980

Received by JA Date 1-7-80 Time 11am

Preliminary check by TGB Fee \$ 85.00 # 17054

Received by maya Date 1/7/80

Publication prepared by ADM Date 1/9/80

Published in times news

Publication dates 1/24 + 1/31/80

Publication approved maya Date 1/15/80

Protests filed by: None

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

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

Recommended for approval denial by LH JA

#### 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. 47-7619, 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 December 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: (1) Measuring devices of a type approved by the Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge. (2) The permit shall not be assigned or sold without first securing the written approval of the Department of Water Resources. (3) Return water shall be treated to insure that the effluent meets Idaho Water Quality Standards.

Witness my hand this 11 <sup>th</sup> day of December, 1980.

A. Glen Saylor  
Chief, Operations Bureau

RECEIVED

NOV 30 1987

Department of Water Resources  
Southern Region Office

November 24, 1987

Fred Montgomery  
c/o Dan Montgomery  
P. O. Box 1731  
Twin Falls, ID 83301

Dear Mr. Montgomery:

Re: Permit No. 47-7619

The department has reviewed the request for extension of time submitted in connection with the above referenced permit. The department will hold the request without action until the permit is reprocessed in compliance with the provisions of Sec. 42-203D, Idaho Code. Upon completion of reprocessing, an appropriate development period will be granted if the permit is to be continued.

Please feel free to contact this office if you have any questions.

Sincerely,

L. GLEN SAXTON  
Chief, Operations Bureau

LGS:rf

cc: region

47-7619