

6/17/2020

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MITCHELL A THORSON , ZZ

Volume

N/A

*This has to be a first
Route & Return 77*

ADM
J.S. *98* *12B*

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED

FEB 15 1980

Department of Water Resources
Southern District Office

IN THE MATTER OF PERMIT NO. 47-7455

IN THE NAME OF MITCHELL A. THORSON

ORDER

WHEREAS, on January 23, 1978, Mitchell A. Thorson filed with the Department of Water Resources an application to appropriate 3.00 cubic feet per second of water from an unnamed stream tributary to Deep Creek. The application proposed to divert water within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 21, Twp. 9S, Rge. 14E B.M., Twin Falls County to be used for fish propagation purposes in the same location and to return it to the stream; and,

WHEREAS, on February 15, 1978, a protest was received against issuance of the permit; and on November 21, 1978, a conference was held concerning this protest; and,

WHEREAS, the application was approved on June 12, 1979 with one of the conditions of approval that the permit shall not be assigned or sold without first securing the written approval of the Department of Water Resources; and,

WHEREAS, on October 2, 1979, the Department received a request from the permit holder for permission to assign this permit to Burton Harmon, stating that the place of use has been sold to Mr. Harmon; that the permit holder no longer has anything to do with the development of the project; and that no work has been done on developing this water permit to date; and,

WHEREAS, it thus appears that this permit is or has been utilized for speculation purposes;

NOW, THEREFORE, IT IS ORDERED that permission to assign Permit No. 47-7455 to Burton Harmon be and is hereby DENIED.

Dated this 8 day of February, 1980.


C. STEPHEN ALLRED

Director

47-7455

Idaho Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho
83301

RECEIVED

OCT 2 1979

Department of Water Resources
Southern District Office

Dear Sirs;

I, Mitchell A. Thorson, do hereby request permission to assign Water Permit 47-7455 to Burton Harmon. The place of use has been sold to Mr. Harmon, and I no longer have anything to do with the development of the project. No work has been done on developing this water permit to date.

Sincerely,

Mitchell A. Thorson
Mitchell A. Thorson

47-7455

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED

JUN 22 1979

Department of Water Resources
Southern District Office

MEMORANDUM DECISION

AND ORDER

IN THE MATTER OF PROTEST AGAINST APPROVAL)
OF PERMIT NO. 47-7455 IN THE NAME OF)
MITCHELL A. THORSON)

On January 23, 1978, Mitchell A. Thorson filed with the Department of Water Resources an application to appropriate 3.00 cubic feet per second of water from an unnamed stream tributary to Deep Creek. The application proposed to divert water within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 21, Twp. 9S, Rge. 14E B.M., Twin Falls County to be used for fish propagation purposes in the same location and to return it to the stream.

Notice of the application was advertised in the Twin Falls Times News on February 16 and 23, 1978. On February 15, 1978, a protest against the application was received from Roy Couch and Doris Couch. The protest was filed on the basis that the water supply was insufficient for the purposes and that the quantity of water available to existing rights would be reduced.

On November 21, 1978, a conference in the matter was held in Twin Falls, Idaho. The applicant and the protestants were present. Neither of the parties were represented by counsel.

At the conference, the issues raised in protest were discussed. The protestants stated that they had a prior right, established by diversion and beneficial use, to the waters of the stream. The applicant said he was not aware of the protestants use of the water at the time he filed, but he thought he still could raise a crop of fish during the winter months when the water was not diverted for irrigation.

The protestants also raised the issues of local public interest and possible speculation on the part of the applicant. They were concerned that the raising of fish would reduce the quality of the water downstream from the pond and make it unsuitable for stock watering during the winter months.

The applicant admitted that the property was for sale but stated that he was the present owner and had submitted a copy of his warranty deed with his application.

The applicant and the protestants agreed to allow the Department of Water Resources to reach a decision in the matter based upon the information obtained

at the conference and upon other information contained in the records of the Department.

The Director of the Department of Water Resources has taken the issues under consideration and based upon his understanding of the law, makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1) The protestants claim a prior water right established by diversion and beneficial use. This water is diverted upstream from the applicant's proposed point of diversion.

2) Streamflows at the applicant's point of diversion are usually less than the amount he seeks to appropriate.

3) Applicant is the owner of the proposed place of use and has given adequate showing of sufficient financial resources to complete the project.

4) No showing has been made that the proposed use of water will have an undesirable effect upon the affairs of the local public.

CONCLUSIONS OF LAW

1) There is not always sufficient unappropriated water available from the source to satisfy the amount requested by the applicant but there is sufficient unappropriated water available to allow for a portion of the development proposed by the applicant.

2) The applicant is entitled to a permit from the Department of Water Resources for the diversion of the unappropriated water that is available after recognizing the water rights of the protestants established by diversion and beneficial use.

ORDER


IT IS, THEREFORE, HEREBY ORDERED That Application for Permit No. 47-7455 be APPROVED, subject to the following conditions:

1) A measuring device of a type approved by this Department shall be permanently installed and maintained as a part of the diverting or discharge works.

2) The permit shall not be assigned or sold without first securing the written approval of the Department of Water Resources.

3) Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 1984.

Dated this 12 day of June, 1979.


C. STEPHEN ALLRED
Director

Identification No. _____

Application No. 47-7455

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

RECEIVED

JUL 20 1977

Department of Water Resources
Southern District Office

1. Name of applicant Mitchell A. Thorson Phone: 543-6640
post office address Box 29, Buhl, ID: 83316
2. Source of water supply unnamed stream which is a tributary of Deep Creek
3. a. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 21 Township 9S
Range 14E., B.M. Twin Falls County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into unnamed stream at a point in NW $\frac{1}{4}$
of NE $\frac{1}{4}$ of Section 21 Township 9S Range 14E., B.M. _____
4. Water will be used for the following purposes:
Amount 3.0cfs for fish prop. purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 3.0 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works: headgate,
a. Description of ditches, flumes, pumps, headgates, etc. ditch, 1 fish pond, ditch back into
stream

- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 1,000.00
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 NE $\frac{1}{4}$ of Section 21 Township 9S
Range 14E., B.M. _____
(2) Amount of power to be generated: _____ hp 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

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

Total number of acres to be irrigated_____

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

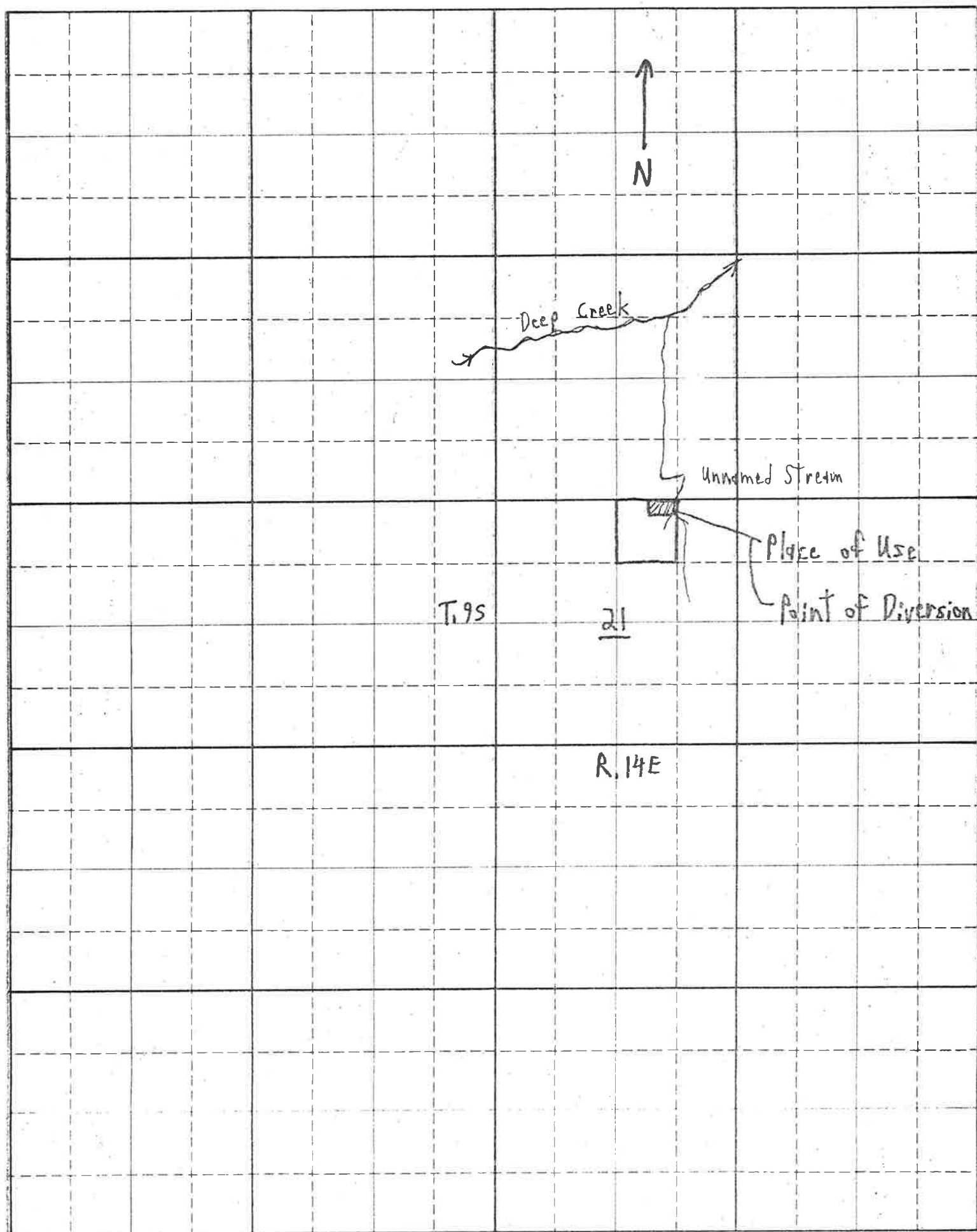
9. a. Who owns the property at the point of diversion Applicant

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

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.

Mitchell A. Shorsen
(Applicant)

Priority date: January 23, 1978

Received by JS Date 1-23-78 Time 12:15 pm
Preliminary check by JS Fee \$ 45.00
Received by JS Date 1-23-78 # 7494
Publication prepared by DJ Date 2/9/78
Published in Times News
Publication dates 2/16 + 2/23/78
Publication approved DJ Date 3/1/78
Priority reduced to _____ Reason _____

Protests filed by: Rex & Doris Couch
Copies of protests forwarded by JS
Hearing held by SLH Date 11-21-78
Recommended for approval denial by JS S.S.

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. 47-7455, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- SUBJECT TO ALL PRIOR WATER RIGHTS.
- Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 19 84.
- Other: _____

PURSUANT TO MEMORANDUM DECISION AND ORDER OF THIS DATE

2. Denial of said application is for the following reasons: _____

Witness my hand this 12 day of June, 19 79.


Director