

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/17/2020

Water Permit 47-7437

Owner Type **Name and Address**
Current Owner BRENDA ELLIS
 13427 W SILVERBROOK DR
 BOISE, ID 83713
 (208) 376-0526

Current Owner KENNETH ELLIS
 , ZZ

Status: Lapsed

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

395-1011



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

11-Jul-1994 09:23

Mr. Carl Nellis
Idaho Dept. of Fish & Game
PO Box 428
Jerome, ID 83338-0428

RE: Diversion Structure on Rock Creek

Dear Mr. Nellis:

Pursuant to your July 5th letter to Loren Holmes I have researched the water right records for the diversion structure on Rock Creek located in the NWNW S07, T11S, R18E. Our records indicate that the structure was probably developed pursuant to permits 47-07430, 47-07437 & 47-07438 in the name of Robert Meyers. These permits were later assigned to Kenneth & Brenda Ellis, Rt 5 Box 5053, Buhl, ID 83316. After assignment the permits then lapsed since proof of beneficial use was never submitted.

Please also note that a search of the SRBA notices of claims finds no claim has been filed for use of this structure.

At present there does not appear to be a valid water right for diversion from this structure.

In your letter you requested information on what mechanisms are in place for removal of the structure. I know of no mechanism for removal of the structure other than the requirement that if it is to be removed that a stream channel alteration permit must first be obtained.

If you have further questions please feel free to contact our office.

Sincerely,

Allen D. Merritt, P.E.
Water Rights Supervisor

47-7439



IDAHO FISH & GAME

REGION 4

868 East Main Street / Box 428
Jerome, Idaho 83338-0428

July 5, 1994

RECEIVED

JUL 08 1994

Idaho Dept. of Fish & Game
Southeastern Region Office

Mr. Loren Holmes
Idaho Dept. of Water Resources
222 Shoshone St. E.
Twin Falls, Idaho 833301

RE: Abandon Diversion - Rock Creek

Dear Loren,

We are attempting to determine whether the diversion located just downstream of the 3400 N. Road (just east of the 3300 E. Road) NW 1/4 of the NW 1/4, Twsp. 11 S., Range 18 E. Sec. 7 on Rock Creek, has been abandoned. The structure has not been maintained for a number of years and in it's present condition is a fish passage barrier.

If this diversion is for a currently valid water right please provide the name of the person responsible for maintenance of the structure. If this diversion is truly abandoned we would like to request information on what mechanisms are in place for removal of the structure.

If we can provide further information or clarification of comments please contact Dave Parrish, Environmental Staff Biologist at this office (208) 324-4359.

Sincerely,

for Carl H. Nellis
Magic Valley Regional Supervisor

cc: NRPB
IDFG-Partridge

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
Chartered

ATTORNEYS AT LAW

P.O. Box 1906
TWIN FALLS, ID. 83303-1906
TELEPHONE (208) 734-0700

THOMAS G. NELSON
JOHN A. ROSHOLT
J. EVAN ROBERTSON
STEVE K. TOLMAN
JAMES C. TUCKER

TIMOTHY M. WALTON

SUN VALLEY-KETCHUM OFFICE
P.O. BOX 2399
SUN VALLEY, IDAHO 83353
TELEPHONE (208) 726-4491

October 20, 1983

Mr. Jim Fellows
Department of the Army Corps
of Engineers
Building 602
City-County Airport
Walla Walla, WA 99362

RECEIVED

OCT 31 1983

Mr. Lorin Holmes
Department of Water Resources
1041 Blue Lakes Blvd., North
Twin Falls, ID 83301

Department of Water Resources
Southern District Office

RE: Diversion Structure - Rock Creek

47-7430

47-7437

47-7438

File
2

Gentlemen:

The Twin Falls canal Company Board has asked that I write to you concerning that certain diversion structure in Rock Creek located just downstream from the property of Pat Parrot, formerly known as the Meyers Trout Farm. While I have not checked the current ownership records, my understanding was that it had been purchased by Valley Trout or one of their subsidiaries.

The Canal Company advises me that the structure is presently not being cared for and substantial weeds and other trash have accumulated at the diversion. In the event of unusually high run-off, or an emergency release from the canal, a possibility exists that the debris would act as a barrier and create a reservoir perhaps backing water onto the property of Parrot, and above, and when it eventually gave way, causing severe damage downstream.

The structure is not the responsibility of the Twin Falls Canal Company. Historically, we understand it was placed pursuant to a water permit issued by the state, but that no 404 permit had been issued by the Corps. We think a dangerous situation exists and would encourage either the breach or removal of the structure since it is not diverting water for any beneficial purpose at this time.

Mr. Jim Fellows
Mr. Lorin Holmes
October 20, 1983
Page 2

The purpose of this letter is to put everyone on notice as to this dangerous condition.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "John A. Rosholt". The signature is stylized with a large, sweeping initial 'J' and a long, horizontal stroke at the end.

JOHN A. ROSHOLT

cc: Mr. Warren Travis
Ms. Ann Cover
Mr. Marvin Hempleman
Ms. Judy Felton
Mr. Bill Hollifield

Southern
NOV 15 1980

RECEIVED
DEC 5 1980
Department of Water Resources
Southern District Office

State of Idaho

Department of Water Resources

NOV 5 1980

ASSIGNMENT OF PERMIT

Department of Water Resources

I, ROBERT J. MEYERS, hereby assign to KENNETH S. GRENDA ELLIS
of RT. 3, BOX 50, BURL, IDAHO 83416
Address

CHECK ONE



All my right, title, and interest in and to Permit No. 47-7437
to appropriate the public waters of the State of Idaho.



The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 31st day of OCTOBER, 19 80.

Robert J. Meyers
Permit Holder

Kathy B. Meyers
Spouse of Permit Holder

State of Idaho)
County of TWIN FALLS) ss.

On this 3rd day of November, 19 80, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Marjorie A. Bernier
Notary Public residing at

Burl, Idaho 83316

My commission expires:
9/07/83

47-7437

RECEIVED
JAN 31 1978
Department of Water Resources
Southern District Office

Identification No. _____
Application No. 47-7437

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

APPROVED

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

1. Name of applicant Robert J. Meyers Phone: 733-4952
post office address 454 Buckingham Drive, Twin Falls, ID 83301
2. Source of water supply Rock Creek which is a tributary of SNAKE RIVER
3. a. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 7 Township 11S
Range 18E., B.M. Twin Falls County; additional points of diversion if any: _____
- b. If water is not consumed, it will be discharged into Rock Creek at a point in NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 7 Township 11S Range 18E B.M.
4. Water will be used for the following purposes:
Amount 30.cfs 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. 30.0cfs cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. headgate, ditches & ponds

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 \$ 20,000.00.
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 NW $\frac{1}{4}$ of Section 7 Township 11S
Range 18E 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

47-7437

6. 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. _____

see Application #47-7430, 47-7438

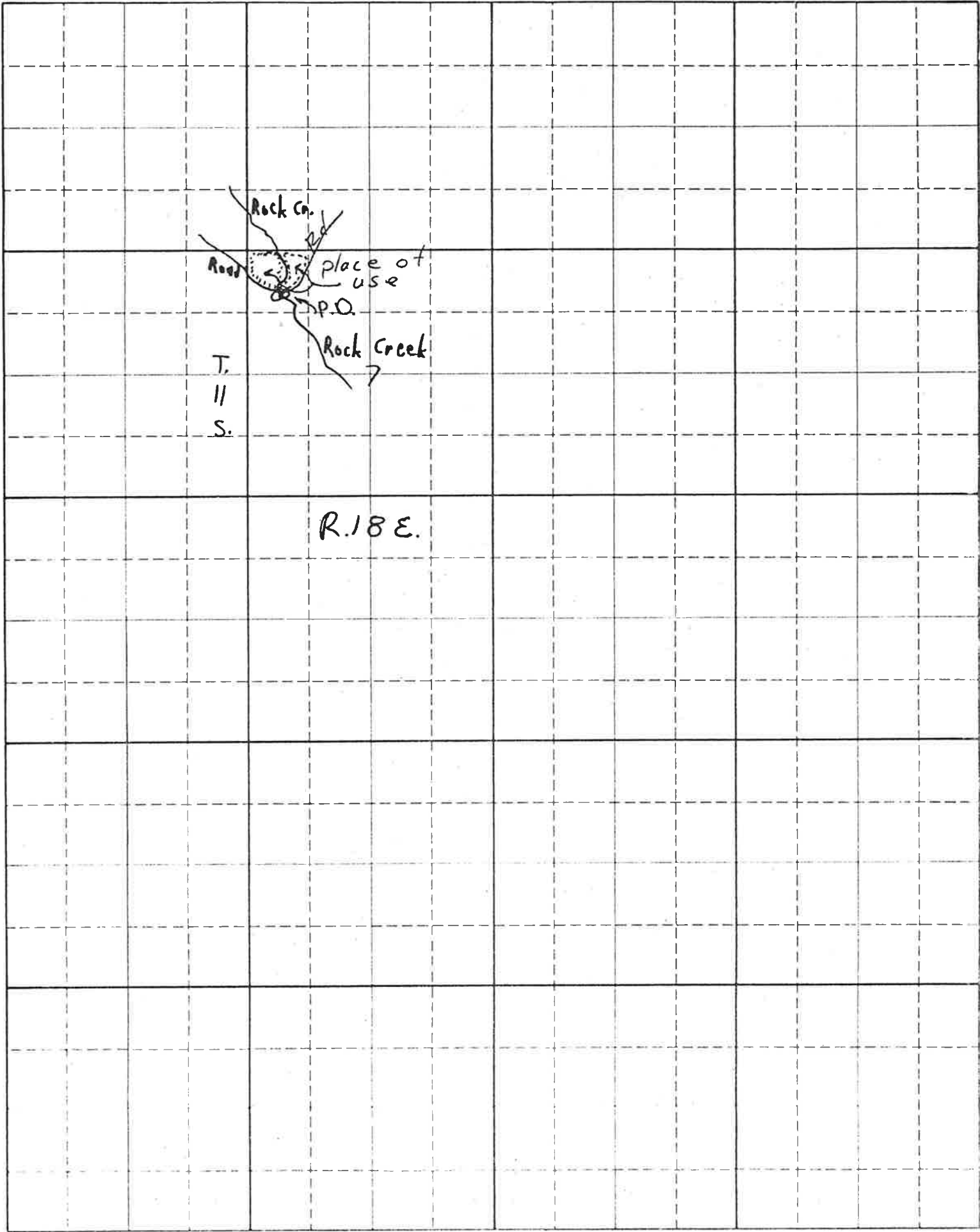
9. a. Who owns the property at the point of diversion Applicant

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.

Robert J. Meyers
(Applicant)

Proposed Priority 9/28/77

Received by JS Date 9/28/77 Time 3:00 P.M.
Preliminary check by JS Fee \$ 265.00 # 8785
Received by JS Date 9/28/77
Publication prepared by JS Date 10/5/77
Published in Idaho News
Publication dates 10/13/77 - 10/30/77
Publication approved by JS Date 10/26/77
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for (approval) denial by JS WJH

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. 47-7437, 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 January 1, 19 83.
 - c. Other: Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.

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

Witness my hand this 29 day of January 19 78.


DEPUTY Director

WARRANTY DEED

For Value Received

JOHN L. MORAN, a single man

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto
ROBERT J. MEYERS AND KATHY L. MEYERS, husband and wifewhose address is: *454 Buckingham Dr. Twin Falls, Ida.*Hereinafter called the grantee, the following described premises, in Twin Falls County, Idaho,
to-wit:Township 11 South, Range 18 E., B.M., Twin Falls County, Idaho
Section 7: A parcel of land in Lot 1, described as follows:
COMMENCING at the Northwest corner of said Section 7, the TRUE
POINT OF BEGINNING;THENCE South 89°03' East, along the North line of said
Section 7, a distance of 252.84 feet, to the center
of Rock Creek;THENCE running along the center of Rock Creek the following
courses and distances;

South 72°37' East, 158.91 feet;

South 16°06' East, 229.33 feet;

South 27°53' East, 170.39 feet;

South 10°04' East, 104.32 feet;

South 63°15' West, 70.00 feet, to a point on the
center line of said Rock Creek and a County road;THENCE along the center line of said county road the following
courses and distances;

North 26°45' West, 244.40 feet;

North 52°44' West, 384.29 feet;

North 39°37' West, 137.45 feet to the TRUE POINT
OF BEGINNING.TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee
and to the Grantee's heirs and assigns forever. And the said Grantor does hereby
covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises;
that they are free from all incumbrances except as described above and that Grantor will warrant
and defend the same from all lawful claims whatsoever.

Dated: August 11, 1977

John L. Moran
JOHN L. MORANSTATE OF IDAHO, COUNTY OF *Twin Falls*
On this *11th* day of *August*, 1977,
before me, a notary public in and for said State, per-
sonally appeared JOHN L. MORANKnown to me to be the person whose name *John L. Moran*
subscribed to the within instrument, and acknowledged to
me that they executed the same.*John L. Moran*
Notary Public

Idaho

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at
the request of *John L. Moran*at *30* minutes past *7* o'clock *p* m.,
this *AUG 22* 1977 day of
19, in my office, and duly recorded in Book *237*
of Deeds at page *349*

GARY WHITWELL

Ex-Officio Recorder

By *Morris Ellis*

Deputy.

Fees \$ *100*Mail to: *John L. Moran*

THIS DEED OF TRUST, Made this 28th day of September, 1977,
BETWEEN

ROBERT J. MEYERS AND KATHI L. MEYERS, husband and wife herein called GRANTOR,
whose address is 454 Buckingham Drive, Twin Falls, Idaho 83301
TITLEFACT, INC., an Idaho Corporation, herein called TRUSTEE, and

DON WILLIAMS AND GENEVA S. WILLIAMS, husband and wife herein called BENEFICIARY

WITNESSETH: That Grantor does hereby irrevocably GRANT, BARGAIN, SELL AND CONVEY TO
TRUSTEE IN TRUST, WITH POWER OF SALE, that property in the county of Twin Falls
State of Idaho, described as follows and containing not more than twenty acres:

Township 11 South, Range 18 East, Boise Meridian, Twin Falls County,
Idaho

Section 7: A parcel of land in Lot 1, described as follows:

COMMENCING at the Northwest corner of said Section 7;

THENCE South 89°03' East, along the north line of said Section
7, 252.84 feet to the center of Rock Creek, THE TRUE
POINT OF BEGINNING;

THENCE continuing South 89° 03' East, 537.72 feet, to a point
on the centerline of a county road;

THENCE along the centerline of said county road, the following
courses and distances;

South 4°38' West, 273.10 feet;

South 19°42' West, 212.57 feet;

South 41°25' West, 134.68 feet;

South 78°28' West, 94.42 feet;

North 36°57' West, 61.20 feet, to a point on the center-
line of Rock Creek;

THENCE running along the center of Rock Creek the following
(see attached sheet)

TOGETHER WITH the rents, issues and profits thereof, SUBJECT, HOWEVER, to the right, power and authority herein-
after given to and conferred upon Beneficiary to collect and apply such rents, issues and profits, for the purpose of securing
payment of the indebtedness evidenced by a promissory note, of even date herewith, executed by Grantor in the sum of

Nine thousand one hundred ninety and no/100----- Dollars, (\$ 9,190.00).
final payment due October 1, 1987 and to secure payment of all such further sums as may hereafter be

loaned or advanced by the Beneficiary herein to the Grantor herein, or any or either of them, while record owner of present
interest, for any purpose, and of any notes, drafts or other instruments representing such further loans, advances or ex-
penditures together with interest on all such sums at the rate therein provided. Provided, however, that the making of
such further loans, advances or expenditures shall be optional with the Beneficiary, and provided, further, that it is the
express intention of the parties to this Deed of Trust that it shall stand as continuing security until paid for all such ad-
vances together with interest thereon.

To protect the security of this Deed of Trust, Grantor agrees:

By the execution of this Deed of Trust and the note secured thereby, there are hereby incorporated and made an inte-
gral part hereof, for all purposes as though set forth herein at length, the provisions 1 to 6, inclusive of Part A and provisions
1 to 6, inclusive of Part B of the Master form Deed of Trust, a copy of which has been furnished to Grantor, said Deed of
Trust recorded by Titlefact, Inc., in the miscellaneous records in the office of the County Recorder of the following County on
the respective date and in the book and page or instrument No. hereinafter designated:

County	Recording Date	Instrument No.	Book	Page
Twin Falls	March 19, 1970		28	317
Owyhee	March 26, 1970	125264		

Request is hereby made that a copy of any Notice of Default and a copy of any such Notice of Sale hereunder be
mailed to the Grantor at his address hereinbefore set forth.

Robert J. Meyers
ROBERT J. MEYERS

Kathi L. Meyers
KATHI L. MEYERS

STATE OF IDAHO, COUNTY OF Twin Falls

On this 29th day of Sept, 1977,
before me, a Notary Public in and for said State, per-
sonally appeared

ROBERT J. MEYERS AND KATHI L. MEYERS

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged
to me that they executed the same

Bellie D. H. Johnson
Notary Public,

Residing at Twin Falls Idaho.

STATE OF IDAHO, COUNTY OF

I HEREBY CERTIFY That this instrument was filed for record
at the request of

at minutes past o'clock M.,
this day of 19

in my office, and duly recorded in Book
of Mortgages at page

Ex-Officio Recorder.

Deputy.

Fees: \$

Mail to: Globe Realty, P.O. Box 545, Twin Falls

page 2
Deed of Trust
Meyers/Williams

courses and distances;

North 63°15' East, 70.00 feet;
North 10°04' West, 104.32 feet;
North 27°53' West, 170.39 feet;
North 16°06' West, 229.33 feet;
North 72°37' West, 158.91 feet, to the TRUE POINT OF
BEGINNING.