

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/17/2020

Water Permit 47-7387

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STANLEY M LEHMANN 2997 S 1600 E WENDELL, ID 83355 (208) 536-2543
Current Owner	JOE KINYON 3203 N 900 E CASTLEFORD, ID 83321 (208) 731-6535

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

WARNING

c Filed in connection w/Desert Entry-----APPLICATION HAS NOT BEEN **AP**PROVED

Identification No. _____

Application No. 47-7387

**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
OCT 11 1960
Department of Water Resources
Southern District Office

1. Name of applicant Joe Kinyon &/or Stanley Lehmann Phone: 537-6545 or 536-2543
post office address Rt. 1, Wendell, Id. 83355
2. Source of water supply Unnamed spring 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 21 Township 8S
Range 13E. B.M. Twin Falls County; additional points of diversion if any: _____
- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 1.0cfs for irriga. purpose from March 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 1.0 for fish prop. purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .03 for livestock purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 1.0cfs cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. _____
portable pump, sprinkler system and fish 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 \$ 25,000.00
8. Description of proposed uses: Stockwater and fish ponds
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 21 Township 8S
Range 13E. 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 _____
100 head range cattle
(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.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8S	13E	21					40	40											80
8S	13E	21	40	40															80

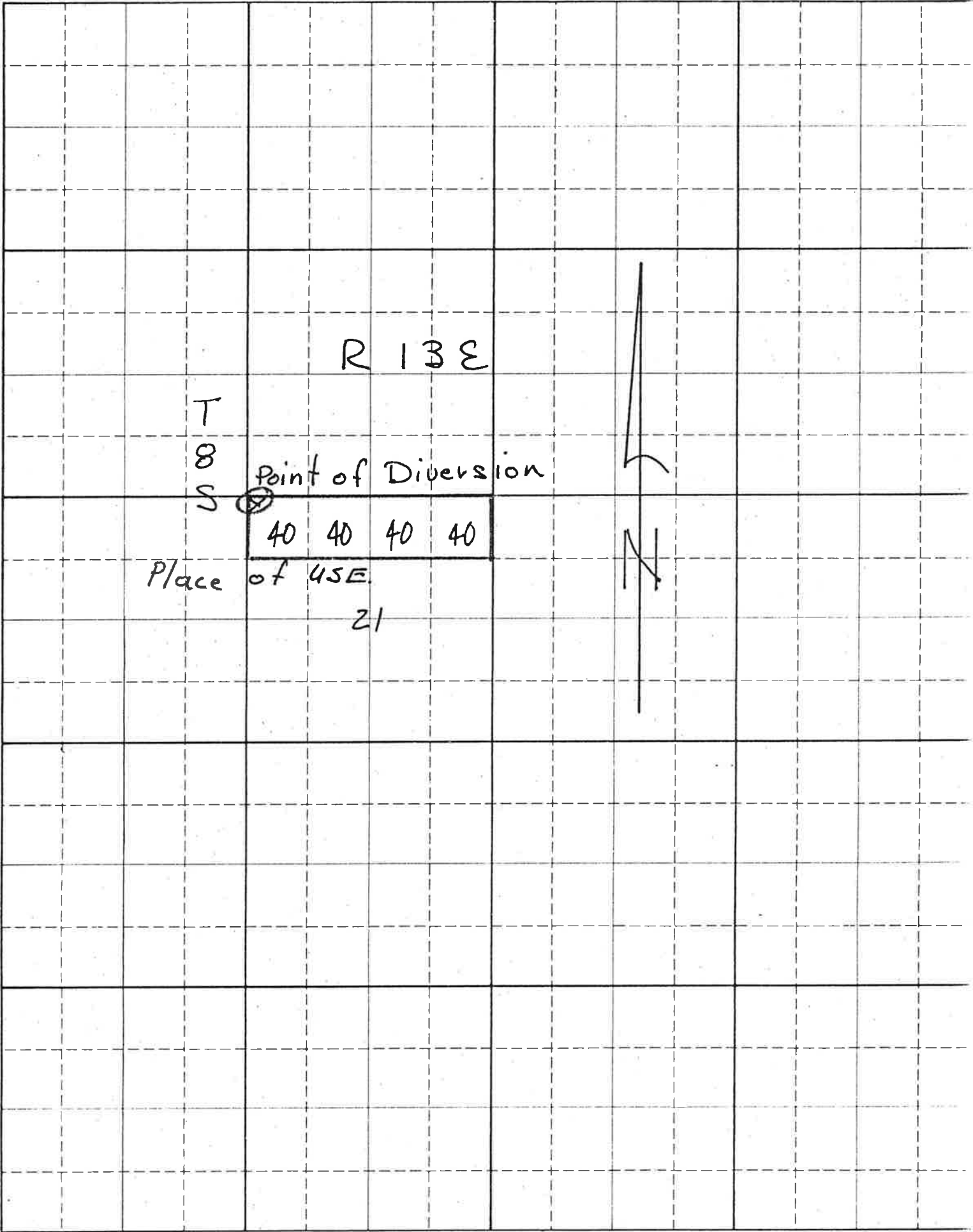
Total number of acres to be irrigated 160

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 BLM - I-13197
 b. Who owns the land to be irrigated or place of use BLM - I-13197
 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 Springs arise in the channel of Yahoo Creek, providing the only permanent source of water for the creek. The springs cannot be separated from the creek. Said springs did not exist until 2-3 years ago, and are believed to result from irrigation in nearby areas.

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.

Joe R. Kimpton
(Applicant)

Received by JS, Date 4-26-77 Time 1:30 PM.
Preliminary check by JS Fee \$ 2500 # 3457
Receipted by JS Date 4-26-77
Publication prepared by JB Date 5/10/77
Published in Times News
Publication dates 5/19 + 5/26/77
Publication approved Am Date 6/3/77
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by: _____
Hearing held by _____ Date _____
Recommended for approval denial by mls

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. _____, and said application is hereby _____.

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. Other: _____

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

Witness my hand this _____ day of _____, 19 ____.

Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

April 26, 1990

CECIL D. ANDRUS

Joseph D. Kinyon &/or Stanley Lehmann
Rt. 1
Wendell, ID 83355

RECEIVED

GOVERNOR

R. KENNETH HIGGINSON
DIRECTOR

APR 30 1990

Re: Application to Appropriate Water No. 47-7387
Dear Applicant:

Department of Water Resources
Southern Region Office

NOTICE OF PENDING ORDER REJECTING APPLICATION

On April 26, 1977, you filed with the Department of Water Resources an application to appropriate water number 47-7387, to irrigate land located within Section 21, T8S, R13E, B.M., Twin Falls County. You stated on the application that you were seeking ownership of the lands by means of a Desert Land Entry (DLE) Application.

We have recently been notified that your DLE Application was rejected by the Bureau of Land Management. You no longer have possessory interest in the land nor do you have a pending application which might establish possession or ownership in the future.

The purpose of this letter is to request that you withdraw your application or explain why the Department should not reject your application. Enclosed is a withdrawal form that should be signed and returned to me, unless you have some explanation that would prevent the Department from rejecting your application.

If you fail to respond to this inquiry within thirty (30) days of the date of this letter, the Department will act to reject your application. The application will be rejected on the grounds that it is speculative in that you do not have a possessory interest in the proposed place of use.

Sincerely,

TIM LUKE
Sr. Water Resource Agent

TL:js
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of April, 1990, I mailed the original copy of this letter, by U.S. Mail, postage prepaid, to the applicant noted above.

JENNIFER SEIFERT
Clerical Assistant

47-7387

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

RECEIVED
OCT 24 1990
Department of Water Resources
Southern Region Office

IN THE MATTER OF APPLICATION FOR)
)
PERMIT NO. 47-7387 IN THE NAME OF)
)
STANLEY LEHMAN &/OR JOE KINYON)
)

ORDER VOIDING APPLICATION
FOR PERMIT

This matter having come before the Idaho Department of Water Resources (Department) as a requirement of Section 42-203A and 42-203C, Idaho Code, the Department finds, concludes and orders as follows:

FINDINGS OF FACT

1. Application for Permit No. 47-7837 (application) proposed the diversion of 1.0 cfs from an unnamed spring tributary to the Snake River for the irrigation of 160 acres of land, and for fish propagation and livestock purposes. The irrigation component of the application was filed in connection with a Desert Land Entry (DLE) Application.

2. The Department received notice from the Bureau of Land Management (BLM) that the DLE Application was rejected.

3. The Department mailed notice to the applicant(s) on April 26, 1990, informing them that Application No. 47-7387 would be denied for lack of possessory interest in the land unless the applicant provided information within thirty (30) days why the application should not be denied.

4. On May 15, 1990, the applicants sent notice to the Department stating that they would not withdraw the application

since the application was still valid for the non-irrigation uses.

5. On May 21, 1990, the Department sent notice to the applicants acknowledging that the application was still valid for the non-irrigation uses, but that the applicants must amend the application by deleting the irrigation component. The notice requested specific information concerning the point of diversion and place of use for the non-irrigation uses, including information about access and/or rights-of-way with the BLM or other parties. The applicants were given thirty (30) days to submit the amendment and additional information.

6. On July 11, 1990, the Department mailed a second notice requesting the applications to provide the amendment and additional information within fifteen (15) days or withdraw the application. The notice further informed the applicant that failure to submit the information within the specified time was cause for the Department to void the application. A response to this notice was not received.

CONCLUSIONS OF LAW

1. Section 42-204, Idaho Code, specifies that failure on the part of the applicant to supply requested information within thirty (30) days is cause for the Director to void an application.

2. The application should be voided as provided in Section 42-204, Idaho Code.

ORDER

IT IS HEREBY ORDERED that Application for Permit No.
47-7387 be VOIDED as provided in Section 42-204, Idaho Code.

Dated this 18th day of October, 1990.

A handwritten signature in cursive script, reading "L. Glen Saxton". The signature is written in dark ink and is positioned above the printed name and title.

L. GLEN SAXTON, Chief
Water Allocation Bureau