

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/17/2020

Water Application 47-7303

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DAVID W REYNOLDS , ZZ

Status: Denied

<u>Source</u>	<u>Tributary</u>
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<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

Application Denied Date: 10/18/1989
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

Southern

RECEIVED

MAY 2 1989

Department of Water Resources
Southern Region Office

BEFORE THE DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

IN THE MATTER OF APPLICATION)	
FOR PERMIT NO. 47-7303 IN THE)	ORDER REJECTING
NAME OF DAVID W. REYNOLDS)	APPLICATION
_____)	

This matter having come before the Idaho Department of Water Resources (Department) as a result of notice to the Department by the Bureau of Land Management (BLM) that there is not a valid Desert Land Entry (DLE) Application of record under the water right applicant's name, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On July 28, 1975, David W. Reynolds filed with the Department of Water Resources Application to Appropriate Water No. 47-7303 proposing diversion of 6.4 cubic feet per second from Salmon Falls Creek to irrigate land within Section 21, T9S, R13E, B.M., Twin Falls County in connection with a Desert Land Entry Application.
2. The Department delayed approval of the application until the applicant obtained authorization by BLM to commence development and establish private ownership of the land listed as the place of use under the provisions of the Desert Land Act.
3. A review of BLM records by the Department shows that there is not a valid DLE filing of record for the land under the applicants name.

47-7303

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4. On August 29, 1988, the Department corresponded with the applicant stating the Application to Appropriate Water would be rejected for lack of possessory interest in the land unless the applicant provided information within thirty (30) days showing why the application should not be rejected.

5. The applicant failed to respond to the Department's request to show possessory interest in lands identified under Application to Appropriate Water No. 47-7303.

CONCLUSIONS OF LAW

1. Section 42-203A(5), Idaho Code, states:

In all applications whether protested or not protested, where the proposed use is such . . . [that] where it appears to the satisfaction of the department that such application . . . is made for delay or speculative purposes, . . . the director of the department of water resources may reject such application and refuse issuance of a permit therefor . . .

2. An applicant who applies to appropriate water of the State of Idaho without owning or possessing the place upon which the water is to be used is speculating that ownership may be obtained.

3. Review of BLM records shows that the applicant has no possessory interest or ownership in the land, nor does the applicant have a pending application which might establish possession or ownership in the future.

4. Application to Appropriate Water No. 47-7303 belonging to David W. Reynolds has become a speculative application in that the BLM has no record of the applicant's DLE application, and the

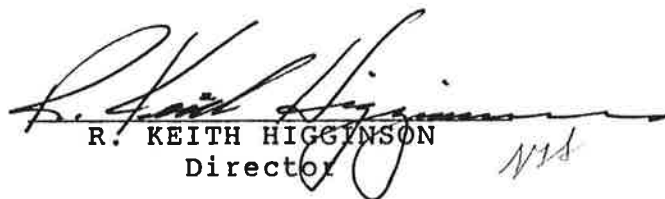
applicant is not pursuing any valid legal process to gain possession or ownership of the property proposed to be irrigated.

5. Because of the speculative nature of the application, the issuance of a permit should be refused, and the application rejected.

ORDER

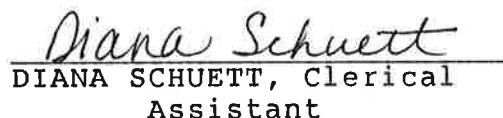
IT IS HEREBY ORDERED that the issuance of a permit for Application to Appropriate Water No. 47-7303 is REFUSED and FURTHER that Application for Permit No. 47-7303 is REJECTED pursuant to Section 42-203A, Idaho Code.

Dated this 24TH day of April, 1989.


R. KEITH HIGGINSON
Director

CERTIFICATE OF MAILING

I hereby certify that on the 28th day of April, 1989, I mailed a true and correct copy of the Order Rejecting Application, by U.S. Mail, postage prepaid to: David W. Reynolds, Route 3, Box 288, Buhl, Idaho 83316.


DIANA SCHUETT, Clerical
Assistant

Identification No. _____

Application No. 47-7303

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

JUL 28 1975

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

Department of Water Resources
Southern District Office

1. Name of applicant David W. Reynolds Phone: 543-5337
post office address Route #3, Box 288, Buhl, Idaho 83316
2. Source of water supply Salmon Falls Creek which is a tributary of _____
3. a. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 26 Township 9S
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 6.4 cfs for Irrigation purpose from March 15 to November 15 (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. 6.4 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Pumps and sprinklers

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 \$ 150,000.00.
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: _____ 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: _____

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

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
9S	13E	21							40	40	40			40	40	40	40	40	320

Total number of acres to be irrigated 320

c. Describe any other water rights used for the same purposes as described above.
None

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

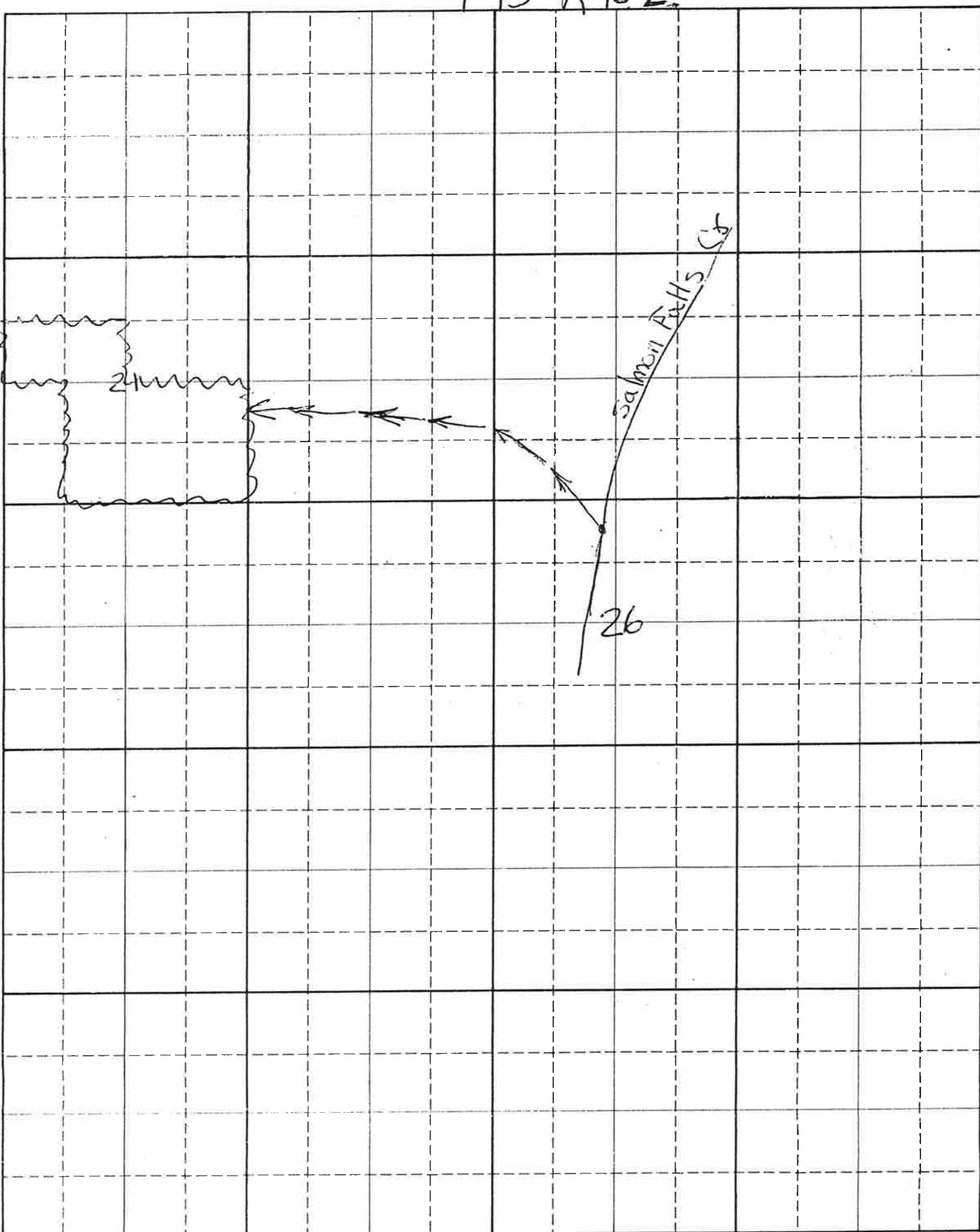
b. Who owns the land to be irrigated or place of use USA

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Bureau of Land Management. DLE Filing.

10. Remarks

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

T 9 S R 13 E



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.

David W Reynolds
(Applicant)

#1661

ADM 7-29-75

Received by BA Date 7-28-75 Time 4:15 PM
Preliminary check by ADM Fee \$ 25.00
Receipted by MS Date 7-28-75
Publication prepared by CC Date 7-29-75
Published in Times News
Publication dates 8-7 & 8-14-75
Publication approved CC Date 8-15-75
Priority reduced to _____ Reason _____

Protests filed by: _____

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

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. 47-7303, and said application is hereby REJECTED.

- 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 28th day of April 1989.


Director

RECEIVED

SEP 2 1988

Department of Water Resources
Southern Region Office

August 29, 1988

David W. Reynolds
Route #3, Box 288
Buhl, ID 83316

RE: APPLICATION FOR PERMIT NO. 47-7303 (DAVID W. REYNOLDS)

NOTICE OF INTENT TO REJECT APPLICATION

Dear Mr. Reynolds:

On July 28, 1975, you filed the above referenced application for permit with the department in connection with a proposed Desert Land Entry (DLE) of 320 acres in parts of Section 21, T9S, R13E, BM. The application proposed the diversion of 6.4 cfs of water from Salmon Falls Creek to be diverted within the NENW Section 26, T9S, R13E, BM. The application was subsequently protested by other water users in the vicinity.

Recent review of department files and records of the U.S. Bureau of Land Management (BLM) does not show that there is a valid DLE filing of record in your name for the land. The BLM records do show, however, that there is a valid DLE filing for the land in the name of James V. Giuffre' and a related water right filing for the land (47-7610) also in the name of James F. Giuffre'.

The purpose of this letter is to advise you that the department plans to reject application 47-7303 pursuant to the provisions of Section 42-203A, Idaho Code, based on lack of possessory interest in the proposed place of use, unless you show adequate cause before the director within thirty (30) days of the date of this letter why the application should not be rejected.

Please feel free to contact the department if you have questions.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

cc: S. Region

47-7303

Identification No. _____

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DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

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c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
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b. Estimated construction cost is \$ 150,000.00.
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47-7303

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

[illegible]

Total number of acres to be irrigated 320

c. Describe any other water rights used for the same purposes as described above. None

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

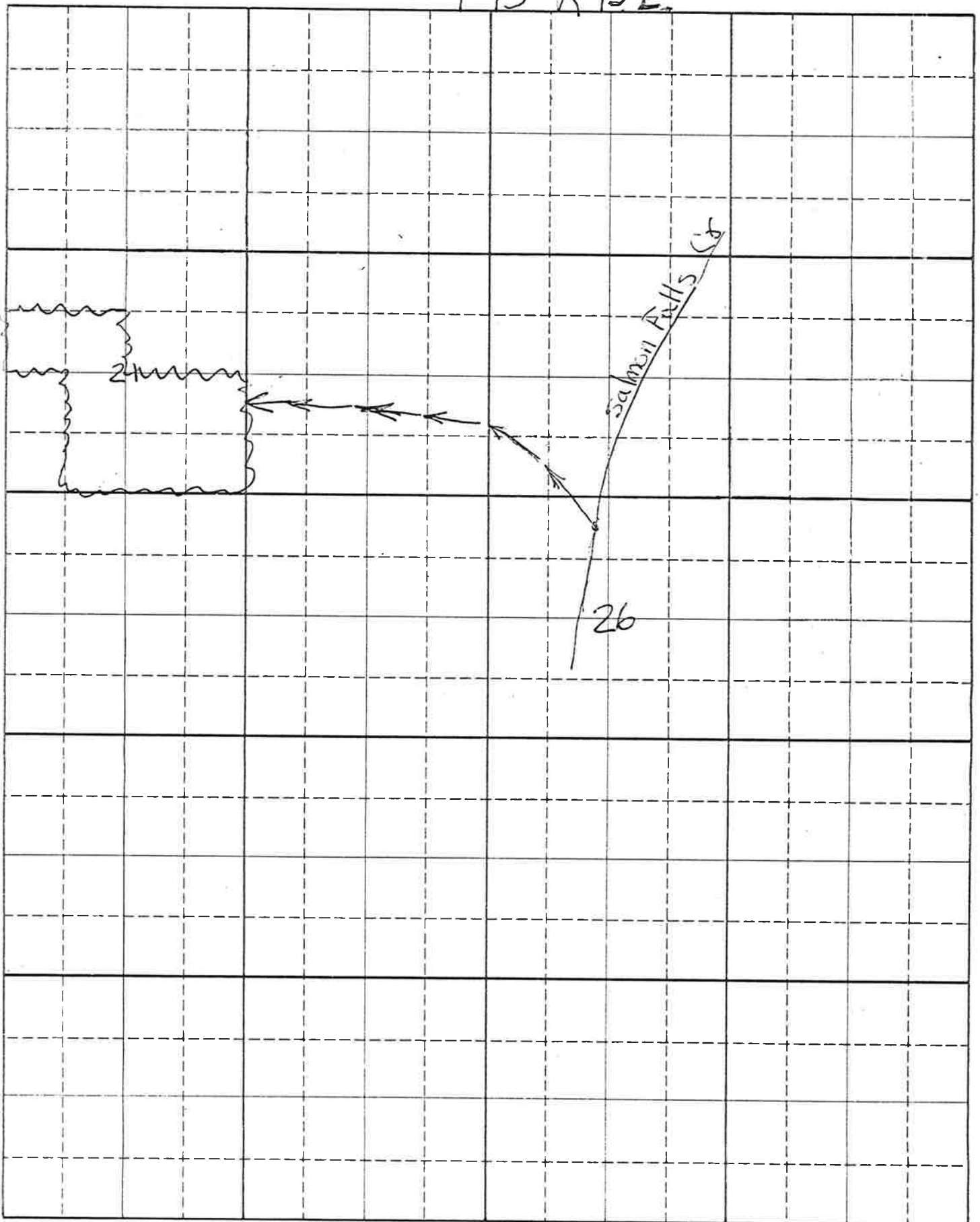
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Bureau of Land Management. DLE Filing.

10. Remarks _____

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

T 9 S R 13 E



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.

David W Reynolds
(Applicant)

#1661

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Preliminary check by ADM Fee \$ 85.00
Receipted by AKS Date 7-28-75
Publication prepared by CC Date 7-29-75
Published in Times News
Publication dates 8-7 & 8-14-75
Publication approved CC Date 8/15/75
Priority reduced to _____ Reason _____

Protests filed by: _____

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

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 - c. Other: _____

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

Witness my hand this _____ day of _____ 19____.

Director