

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/16/2020

Water Application 47-7125

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CANYON VIEW IRRIGATION CO PO BOX 411 TWIN FALLS, ID 83303-0411 (208) 734-5380

Status: Denied

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

Application Denied Date: 5/5/1992

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

Identification No. 47-7125
Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

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

1. Name of applicant Canyon View Canal Company
post office address c/o Elwood D. Wing, Pres., Rt. #1, Buhl, Idaho 83316
2. Source of water supply Salmon Falls Creek and a tributary which is a tributary of Snake River
3. a. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 26 Township 9 S
Range 13 E B.M. Twin Falls County; additional points of diversion if any: SE $\frac{1}{4}$
NW $\frac{1}{4}$ Sec 1 T. 10 S R. 13 E
- b. If water is not consumed, it will be discharged into Yahoo Creek at a point in NW $\frac{1}{4}$
of NE $\frac{1}{4}$ of Section 18 Township 9 S Range 12 E B.M.
4. Water will be used for the following purposes:
Amount 50 cfs for irrigation purpose from April 1 to Oct. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 10 cfs for stock water purpose from 1-1 to 12-31 (both dates inclusive) *Order Apr 1 to JAB 10 to 6-7 please*
(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. 50 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Water will be pumped from Salmon Falls Creek at the first point of diversion up the canyon wall and into a canal. Water will be collected at the 2nd point of diversion by a small dam and regulating reservoir as water flows off the rim on the east side of Salmon Falls Creek, and siphoned across this canyon to a canal (See map)
b. Height of storage dam NA feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ (Mo. Day) to _____ (Mo. Day) inclusive.
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 \$ 300,000.
8. Description of proposed uses:
a. If water is **not** for irrigation: Same as irrigation location
(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 10,000 head of cattle and 30,000 head of sheep.
(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: _____

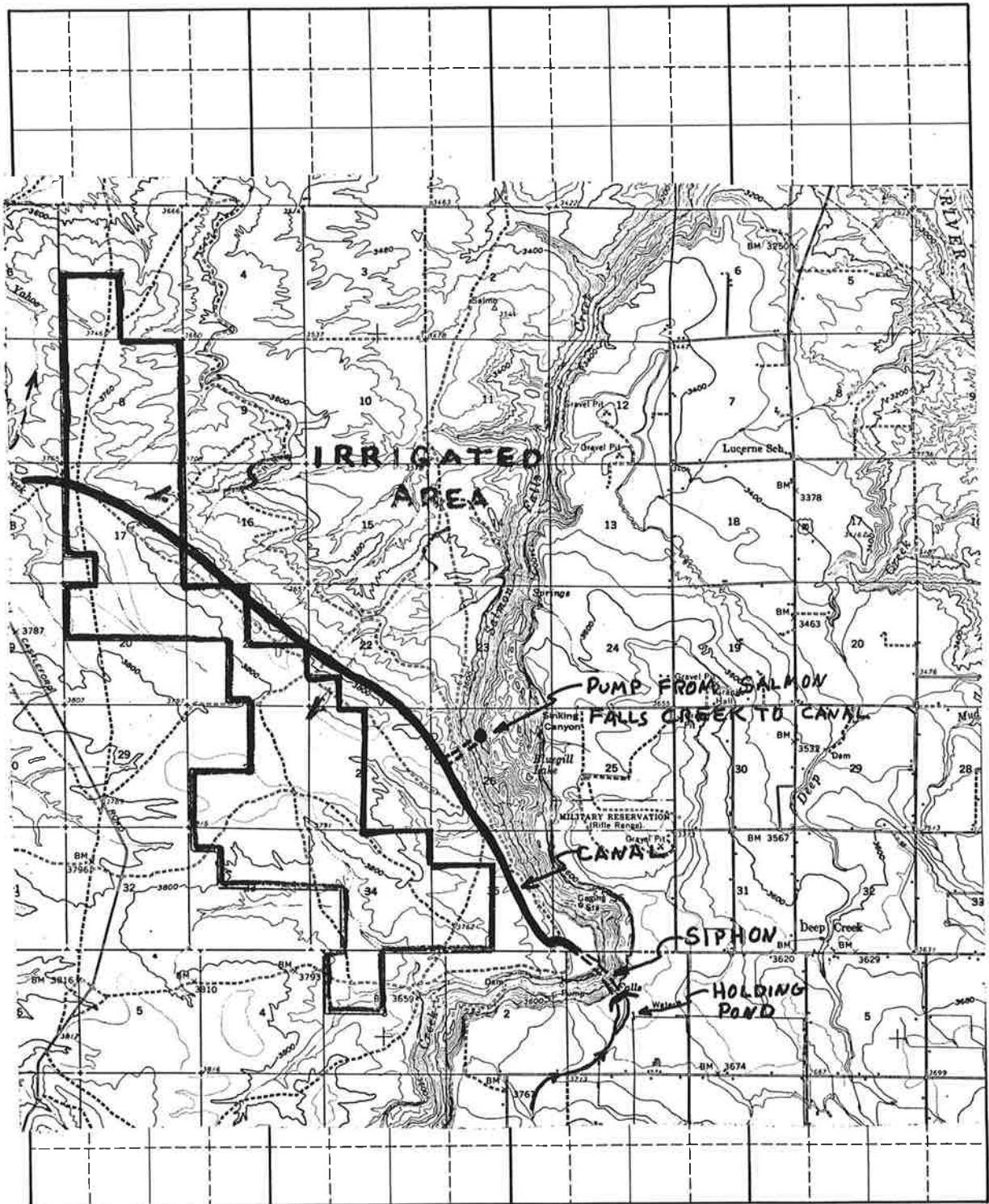
* As per JAB 10-10-71 please check
b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below

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	
9 S	12 E	5 *																	
"	"	8	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	160
"	"	17	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
"	"	20	40	40	40	40	40	40	40	40									320
"	"	21					40	40	40	40				40	40	40	40	40	400
"	"	22											40						40
"	"	27					40	40	40	40	40	40	40	40					320
"	"	28	40	40	40	40					40	40	40	40	40	40	40	40	480
"	"	33	40	40	40	40	40	40		40									280
"	"	34	40	40	40	40	40	40	40	40	40			40	40	40	40	40	560
"	"	35							40	40	40	40	40	40					240
10 S	12 E	3					40	40	40	40									160

Total number of acres to be irrigated 4200

- c. Describe any other water rights used for the same purposes as described above. An application for the for the drilling of wells to serve the same land is filed at this same time. No more than one inch per acre will be diverted from both sources.
9. a. Who owns the property at the point of diversion B.L.M.
b. Who owns the land to be irrigated or place of use B.L.M.
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Right-of-way agreements will be obtained from the B.L.M. and and the land to be irrigated will all be covered by Desert Land Entry. Some Entries have already been approved that are owned by some of the owners of Canyon View Canal Company.
10. Remarks The Canyon View Canal Company is an organization of individuals filing desert Entries on lands listed in paragraph 8 b. The water under this application is to in part be pumped from Salmon Falls Creek on to the bench and in part diverted on the east side of Salmon Falls Creek from a tributary stream and siphoned to the west side where the water will be conveyed in a canal located at about the 3800 foot contour level north-westerly some 6 miles. Water will be pumped or diverted by gravity from the canal and applied to the land in most cases by sprinkler irrigation. It is not intended to divert more water than is required to irrigate the 4200 acres. Water will not be deliberately pumped to discharge down Yahoo Creek; however, because of the size of the project there may be on a few occasions some water that is not diverted from the canal that will be discharged into this natural stream channel. Owners of the canal company have observed and measured excess flows in Salmon Falls Creek during the irrigation season, and it is these waters that are not being placed to beneficial use by other Salmon Falls Creek water users that the applicant proposes to appropriate.

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



Scale: 1 inch equals 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.

Jack A. Barnett
(Applicant)
as attorney-in-fact

Received by ej Date 9/30/71 Time 1:30 pm
 Preliminary check by D Fee \$ 365.00 lic # 8335
 Receipted by ej Date 9-30-71
 Publication prepared by cr Date 10-14-71
 Published in Buhl Herald
 Publication dates Oct. 21 & Oct. 28, 1971
 Publication approved _____ Date _____
 Priority reduced to _____ Reason _____

 Protests filed by: _____
Magic Water Co. by Wm. L. Nungester 11-2-71
Vernon L. & Betty Jeane Herzinger 11-5-71 See ltr. of 11-9-71
 Copies of protests forwarded by dr in file.
 Hearing held by _____ Date _____
 Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

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

Vernon L. & Betty Jeane Herzinger
408 - 11th Ave. North
Buhl, Idaho

Everett Bonnichsen
Route 2
Filer, Idaho

Valley Trout Farm, Inc.
Sulley Williams, Pres.
Route 1
Buhl, Idaho

Joe & Sandra Wisecaver
Jim & Lillian Smallwood
W. D. & Beverly J. Routt
Floyd & Vivian Daiss
Walt Roes
All of Route # 2, Buhl, Idaho

Also send to:

Michael H. Felton
Hepworth, Nungester & Felton

Thomas Hejtmanek
Randall Stewart
Walter Stewart
John M. Conover
William C. Reeves
Frank E. Karel
Robert R. Cornie
C. D. Owen
J. M. Goff
Arnold Svancara
Erban B. Keyser
J. A. Brewer
J. B. Vecera
Frank W. Pearson
Jim Pearson
Leonard Vitek
Frank Hartl
Glenn Richmond
All of Route # 3, Buhl, Idaho

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED

In the Matter of Application)
for Permit Nos. 47-7124 and)
47-7125 in the name of Canyon)
View Irrigation Company)
_____)

FEB 1992

Department of Water Resources
Southern Region Office

This matter having come before the Idaho Department of Water Resources (department) as a result of the review of applications for permit pending before the department, the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On September 30, 1971, Canyon View Irrigation Company (applicant) filed Application for Permit No. 47-7124 (application) with the department proposing the diversion and use of 84.0 cubic feet per second (cfs) of water from Salmon Falls Creek tributary to the Snake River for the irrigation of a number of proposed Desert Land Entry projects located in Twin Falls County, Idaho.

2. On September 30, 1971, the applicant also filed Application for Permit No. 47-7125 (application) with the department proposing the diversion and use of 50 cfs of water from Salmon Falls Creek and a tributary both tributary to the Snake River for the irrigation of the same Desert Land Entries proposed under application 47-7124.

3. On February 7, 1992, the Bureau of Land Management (BLM) advised the department that all of the Desert Land Entries in the "Canyon View Group" are no longer active. Actions have been taken to withdraw, relinquish or reject all the entries.

4. Failure of the applicant to maintain valid Desert Land Entry applications and a possessory interest in the proposed place of use shows that the water right applications have become speculative in nature and should be removed from department files.

CONCLUSIONS OF LAW

1. Section 42-203A, Idaho Code, provides that the Director may reject an application for permit which is speculative.

47-7125

2. Application for Permit Nos. 47-7124 and 47-7125 have become speculative in nature since the applicant no longer has a possessory interest in the place of use and should be rejected pursuant to Section 42-203A, Idaho Code.

ORDER

IT IS THEREFORE, HEREBY ORDERED that Application for Permit Nos. 47-7124 and 47-7125 are REJECTED pursuant to the provisions of Section 42-203A, Idaho Code.

IT IS FURTHER ORDERED that if the applicant decides to contest this decision, the applicant may request a hearing within thirty (30) days of the date of service of this order pursuant to Section 42-1701A, Idaho Code.

Dated this 10TH day of FEBRUARY, 1992.


NORMAN C. YOUNG
Administrator