

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/9/2020

Water Right 45-7169

Owner Type Name and Address

Status: See Remarks

Source

Tributary

Beneficial Use

From

To

Diversion Rate

Volume

Source and Point(s) of Diversion

Place Of Use

Conditions of Approval:

1. SEE RT. 47-7535.

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

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Water Permit 45-7169

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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT)
)
NO. 47-7169 IN THE NAME)
)
OF ED YRAGUI)

CONTINUATION ORDER

This matter having come before the Idaho Department of Water Resources (IDWR) as a requirement of Section 42-203D, Idaho Code, the department Finds, Concludes and Orders as follows:

FINDINGS OF FACT

1. Permit No. 47-7169 (permit) issued to Ed Yragui (permit holder) authorized the diversion of 4.0 cfs of water from a groundwater source for the irrigation of 200 acres of land.

2. Section 42-203D, Idaho Code, directs IDWR to review all permits issued prior to July 1, 1985, which propose to divert water held in trust by the state of Idaho pursuant to subsection (5) of section 42-203D, Idaho Code, to determine whether they comply with the provisions of Section 42-203C, Idaho Code. The review is not required for permits to the extent beneficial use was complete prior to July 1, 1985.

3. Information submitted by the permit holder shows that 200 acres authorized to be irrigated by Permit No. 47-7169 were not irrigated as proposed prior to July 1, 1985.

4. Water diverted and used on or after July 1, 1985 for the irrigation of land under the terms of this permit is trust water.

47-7169

5. The permit was readvertised in accordance with Water Appropriation Rule 4,2,3,1. and was not protested.

6. Proposed development of water under the permit satisfies the presumption of Water Appropriation Rule 5,2,1. that it will not cause either an individual or cumulative significant reduction.

CONCLUSIONS OF LAW

1. The permit will appropriate trust water.

2. IDWR has reviewed the permit under Section 42-203D, Idaho Code and has determined that the permit complies with Section 42-203C, Idaho Code since the diversion and use of water under the permit will not individually or cumulatively cause a significant reduction.

3. The Director should enter an order reauthorizing development in compliance with the provisions of Section 42-203D, Idaho Code.

ORDER

IT IS, THEREFORE, hereby ORDERED that development under Permit No. 47-7169 is reauthorized and CONTINUED as provided in Section 42-203D, Idaho Code, subject to the following additional conditions and limitations:

1. Proof of construction of works and application of water to beneficial use shall be submitted to IDWR on or before November 1, 1989.

2. Any license issued by IDWR pursuant to the permit or portion thereof for the use of trust water is subject to a term review 20 years after the date of this continuation order to determine availability of water for the use and to re-evaluate the public interest at the end of the term.

3. Diversion and use of water under this permit is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.

4. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.

5. All conditions of approval contained on the original permit are incorporated into and made a part of this order.

Dated this 5th day of June, 1989.

A handwritten signature in cursive script, reading "L. Glen Saxton".

L. GLEN SAXTON, Chief
Water Allocation Bureau