

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/9/2020

Water Permit 45-7127

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LEE G DIAMOND ALBION, ID 83311
Current Owner	LEULA U DIAMOND ALBION, ID 83311
Original Owner	HERITAGE VALLEY RANCH INC , ZZ

Status: Lapsed

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

State of Idaho
Department of Water Resources

ASSIGNMENT OF PERMIT

I, HERITAGE VALLEY RANCH INC, hereby assign to LEE G. DIAMOND &
LEOLA W. DIAMOND ALBION, IDAHO 83311
Address

CHECK ONE



All my right, title, and interest in and to Permit Nos 45-7126 45-7288
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. 45-7127 45-7319 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 3 day of JULY, 19 78.
HERITAGE VALLEY RANCH INC
Permit Holder SECRETARY

Spouse of Permit Holder

State of Idaho)
County of CASSIA ss.

On this 3 day of July, 19 78, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal


Notary Public residing at

Rupert, Idaho

My commission expires:

LIFE

RECEIVED

MAY 20 1974

Department of Water Administration
Southern District Office

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)

APPROVED

Identification No. _____

Application No. 45-7127

1. Name of applicant Heritage Valley Ranches
post office address P. O. Box 4, Albion, ID 83311
2. Source of water supply Springs which is a tributary of Marsh Creek
3. a. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 5 Township 12S
Range 25E B.M. Cassia County; additional points of diversion if any: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, T. 12S, R. 25E, B.M.
- b. If water is not consumed, it will be discharged into open ditch at a point in NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 5 Township 12S Range 25E B.M. _____
4. Water will be used for the following purposes:
Amount 8.84 for Irrigation purpose from March 15 to Nov. 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .04 for Stockwater 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)
5. Total quantity to be appropriated:
a. 8.84 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. springs to be developed at points of diversion into one existing pond and into new storage pond. 225 hp pump from ponds to sprinkler system
- b. Height of storage dam 19 feet, active reservoir capacity 20 acre feet; total reservoir capacity 20 acre feet, materials used in storage dam: earth fill
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: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section 5 Township 12S
Range 25E 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 1000 head 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: _____

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

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12S	24E	5	40	40	40	40	40	32	40	40	40	40	40	40	40	40	40		592

Total number of acres to be irrigated 592

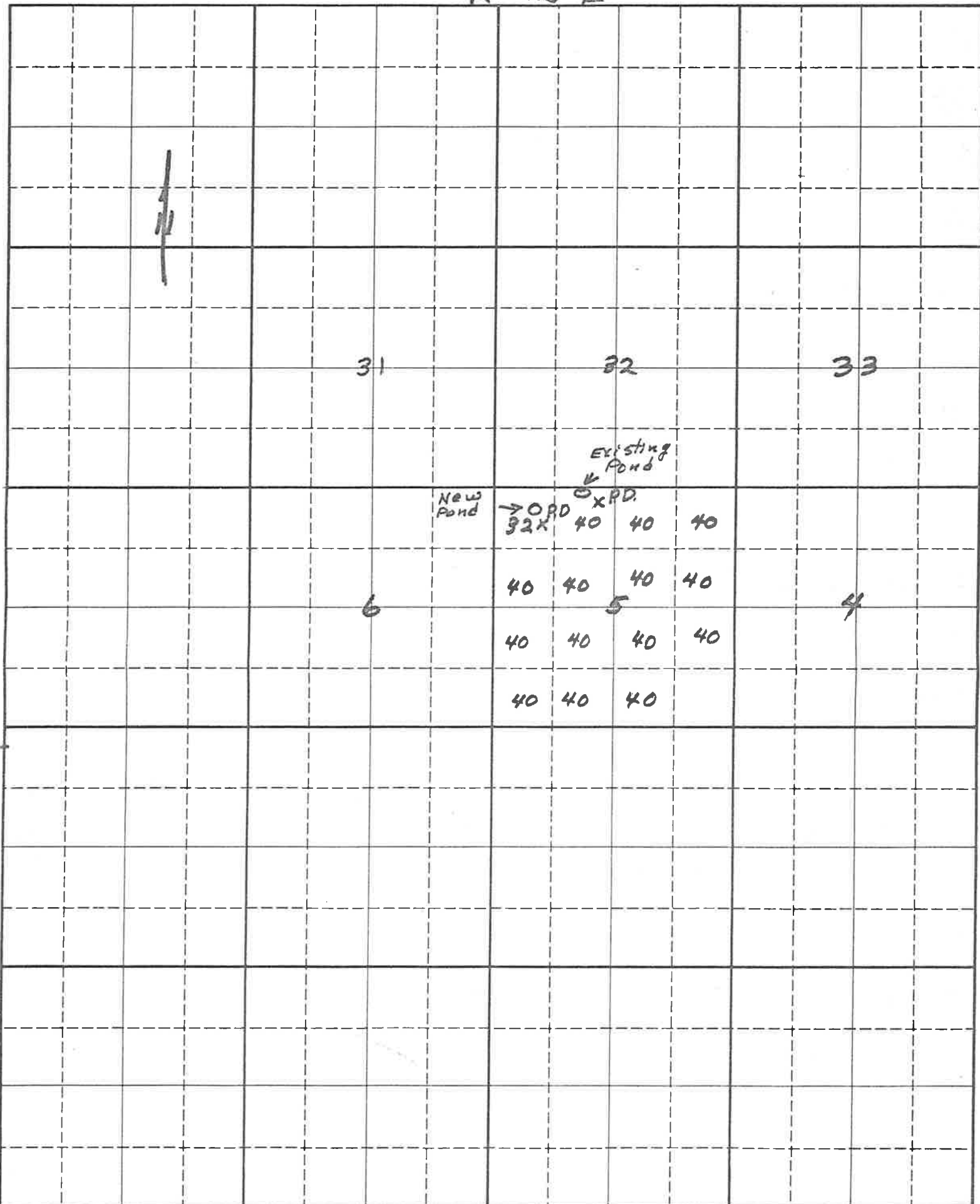
c. Describe any other water rights used for the same purposes as described above.
310" decreed rights

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 160 inches of later decreed rights not normally available of the 310 inches decreed.

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

R-25 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.

Heritage Valley Ranch Inc. by-
(Applicant)
William A. Douglas, Sec. Treas.

Proposed Priority 3-26-1973

Received by KDF Date 3-26-73 Time 10:00 AM

Preliminary check by GLF Fee \$ 105.00

Receipted by alw Date 3-26-73 # 10818

Publication prepared by alw Date 3-29-73

Published in South Idaho Press, Burley, ID

Publication dates 4-10 & 4-17-73

Publication approved alw Date 4-23-73

Priority reduced to _____ Reason _____

Protests filed by: Ira C. Parke, Harry DeNaughe1,
P. D. Penrod; Lennie Sam Skaggs

Copies of protests forwarded by alw

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. 45-7127, 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 May 1, 1979.

c. Other: Pursuant to Memorandum Decision and Order of this date May 13, 1974.

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

Witness my hand this 13 day of _____ May 1974.

R. Karl Higg
Director

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO.)
45-7127 in the name of HERITAGE VALLEY RANCHES)

MEMORANDUM DECISION
AND ORDER

On March 26, 1973, Heritage Valley Ranches filed Application for Permit No. 45-7127 to appropriate 8.84 cubic feet of water per second from a spring, tributary to Marsh Creek, to be diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, Twp. 12S, Rge. 25E, B.M., Cassia County, to be used for irrigation and stockwater purposes. Notice of this proposed appropriation was published in the South Idaho Press, Burley, Idaho, on April 10, and April 17, 1973.

The application was protested by Ira C. Parke, Harry DeNaughel, P. D. Penrod, and Lennie Sam Skaggs. A conference was held concerning this matter at the Cassia County Courthouse, Burley, Idaho, on April 9, 1974. The protestants represented themselves and the applicant was represented by Mr. Roger Ling, attorney at law.

The protestants and applicant agreed that the Department could issue a decision in this matter without a formal hearing.

Following the conference, a field inspection of the area was conducted by Robert G. Haynes, hearing officer, with both the applicant and protestants being represented.

Based upon the information in the file, the statements made in the conference, an inspection of the area, and the Department's understanding of the law, the Director makes the following Findings of Fact, Conclusions of Law, and Order.

Findings of Fact

1. The Application No. 45-7127 proposes to divert water from two springs located on property owned by the applicant. One spring does not flow overland into Marsh Creek. The other spring is tributary to Marsh Creek and some water presently flows into the Marsh Creek drainage.
2. The applicant proposes to develop and increase the outflow of the springs.
3. Any water developed from the springs over and above that which is presently flowing into Marsh Creek may be appropriated and is not subject to the rights decreed in the case of R. L. Wood, et al -vs- William Stokes, et al, and the case of John Bridger -vs- Hiram Tremayne on Marsh Creek and its tributaries.

Conclusions of Law

1. The Department of Water Administration may issue a permit to appropriate the waters which can be developed in the unnamed springs which are the subject of the application.


2. The applicant, Heritage Valley Ranches is entitled to a permit from the State of Idaho.

Order

IT IS, THEREFORE, ORDERED and Application for Permit No. 45-7127 is hereby APPROVED subject to the following conditions:

1. The permit be and is subject to all prior existing water rights.
2. That proof of construction of works and application of water to beneficial use shall be submitted to the Department on or before May 1, 1979.
3. That a measuring device of the type approved by the Department shall be permanently installed and maintained as part of the diverting works.
4. That the amount of water presently flowing into Marsh Creek from the springs shall not be diminished or interfered with.
5. The applicant has the burden of proof of showing conclusively that it has developed "new" water which is not presently flowing into Marsh Creek and which is therefore subject to previously established water rights.

Dated this 13 day of May, 1974.


R. KEITH HIGGINSON
Director

RKH:jg