

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

6/8/2020

Water Application 43-7212

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WARR BROTHERS PARTNERSHIP

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: 11/1/2000  
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

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## MEMO

FROM: Allen Merritt 

DATE September 26, 2000

TO: Permit No:	43-07208	In the Name of:	Scott Knudsen
	43-07211		Kirtland Yates
	43-07212		Warr Brothers
	43-07299		Interstate Feeders Inc
	45-07576A		Conrad Land & Livestock
	45-07576B		Ida-Gold Farms
	45-07578		Cummins Farms Inc
	45-07579		Ron Hepworth / Hepworth Farms
	45-07607		Lambert Produce Inc
	45-07665		Lambert Produce Inc
	45-07666		Lambert Produce Inc
	45-07667		Lambert Produce Inc

Subject: Review and Recommendation

The above applications for permit have been filed for development of ground water in an established critical ground water area. In reviewing the history of why these applications were filed it appears that they were filed shortly after the Swan Falls agreement and the intention was to obtain the benefits of subordination of Idaho Powers' water rights to existing or proposed developments. In many but not all instances, the lands covered by the above filings were subsequently covered by expansion claims in the SRBA process.

This block of applications in critical ground water areas was identified in July of 2000. It appears that these applications cannot and will not ever be processed due to the critical ground water designation. In early August a letter was sent providing the applicants opportunity to withdraw their application and get a refund of the fees that have been paid. A few applications were withdrawn but the remaining applications listed above have not been withdrawn.

## RECOMMENDATION

I recommend that the above listed applications be denied. Denial should be in the form of a preliminary order. The reason for denial is that they all propose ground water development in a critical ground water area which is not allowed.

43-07212



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

**1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380**

**Phone: (208) 736-3033 FAX: (208) 736-3037**

**SOUTHERN REGION**

**DIRK KEMPTHORNE  
GOVERNOR**

**KARL J. DREHER  
DIRECTOR**

August 2, 2000

OLENE WARR  
WARR BROTHERS PTN  
HC 72 BOX 2208  
MALTA ID 83342

RE: Application for Permit in Critical Ground Water Area

Dear Applicant:

Our office has initiated a review of applications for permits to appropriate the public waters of the State of Idaho that have been held without action for many years. One type of application being held is those which propose development of ground water within an established critical ground water area. Our records indicate you have filed such an application. (Please find attached a computer printout describing your application)

Our office intends to dispose of all applications seeking ground water development in critical areas by denying the applications. Before initiating this action our office intends to provide you opportunity to withdraw your application and request a refund of the filing fees that have been paid.

Please review this matter and if you wish to withdraw your application please complete the enclosed form. If our office does not receive a withdrawal by September 1<sup>st</sup>, 2000 your application will be forwarded to the IDWR State Office with a recommendation it be denied. Any denial will be in the form of a preliminary order which you may request reconsideration or judicial review pursuant to procedural rules.

If you have questions, please feel free to contact this office.

Sincerely,

Allen Merritt, PE  
Southern Region Manager

WR0749NP  
No. 43-07212

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 06/05/00  
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WARR BROTHERS PARTNERSHIP MALTA ID 83342	06/28/1985	IRRIGATION	04/01 11/01	0.400 CFS	
TOTAL DIVERSION:					0.400 CFS	

Water Source: GROUNDWATER  
RAFT RIVER

Tributary to:  
SNAKE RIVER

Stage: APPLICATION

Point(s) of Diversion: T14S R27E S20 NENW NWNW SWSW CASSIA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE							
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
14S	27E	20	:					20										:	20.0
TOTAL ACRES																		:	20.0

Pou County: CASSIA

Dates:	App. Received:	Priority Date:	06/28/1985
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: Field Exam Fee:

Comments: Date: 06/05/2000 User-ID: MBALDWIN Subject: RAFT RIVER CRITICAL GROUNDWATER AREA  
This application is within the Raft River Critical Groundwater Area.

Audit: 09/22/87 05/28/88 CONVERT 08/11/89 CURTIS 06/05/00 MBALDWIN

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed development under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below:

Permit No. 43-7212

Name(s) of Permit Holder: Warr Brothers

Post Office Address: Malta, Idaho, 83342

Telephone No. 645-2485

Source of Water: Groundwater & R2H River

Extent of Use:

Domestic \_\_\_\_\_ (number of households)

Stockwater \_\_\_\_\_ (number and type of stock)

Irrigation 20 \_\_\_\_\_ (acres)

Other/ Remarks \_\_\_\_\_

Indicate the date water was first diverted and beneficially used under this permit: \_\_\_\_\_

Measuring Device: Required? ☒ Yes ☐ No  
Installed? ☐ Yes ☐ No

Flow Measurement Port: Required? ☐ Yes ☐ No  
Installed? ☐ Yes ☐ No

Person to contact to accompany the Department representative during the field examination:

Applicants Warr Brothers Olene Warr  
(Name)

Malta, Idaho 83342 645-2485  
(Address) (Telephone Number)

The above information is a true statement of the extent to which the above numbered permit has been developed.

Date 6/28/85

Signature of Permit Holder (and Title, if appropriate)

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Warr Brothers Partnership Phone 645-2485  
HC 72 BOX 2208  
Post office address Malta, Idaho, 83342

2. Source of water supply Groundwater & Raft River which is a tributary of S Snake River

3. Location of point of diversion is SW 1/4 of SW 1/4 of NW 1/4, Govt. Lot \_\_\_\_\_  
Sec. 20 Township 14S. Range 27E. B.M. Cassia County; additional

points of diversion if any: Nezr ct. of NW 1/4 Sec. 20 T. 14S., R 27E.  
Raft River out of NW 1/4 NW 1/4 SW 1/4 of Sec. 20 T. 14S., R 27E.

4. Water will be used for the following purposes:

Amount 0.40 for Irrig. purposes from April 1 to Nov. 1 (both dates inclusive)  
(cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 0.40 and/or (b) \_\_\_\_\_  
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Two existing wells & for existing  
pump from river delivering to an existing sprinkler system.

b. Height of storage dam \_\_\_\_\_ feet; active reservoir capacity \_\_\_\_\_ acre-feet; total  
reservoir capacity \_\_\_\_\_ acre-feet; period of year when water will be diverted to storage:  
\_\_\_\_\_ to \_\_\_\_\_ inclusive.

c. Proposed well diameter is \_\_\_\_\_ inches; proposed depth of well is \_\_\_\_\_ feet.

d. Is ground water with a temperature of greater than 90°F being sought? \_\_\_\_\_

7. Time required for the completion of the works and application of the water to the proposed beneficial use is  
1 years (minimum 1 year).

Use exists since 1970 These are  
expansion of existing rts. from  
groundwater & Raft River.

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. \_\_\_\_\_
- Stockwatering; list number and kind of livestock. \_\_\_\_\_
- Municipal; show name of municipality. \_\_\_\_\_
- Domestic; show number of households. \_\_\_\_\_
- Other; describe fully. \_\_\_\_\_

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
14S.	27E.	20						20											20

Total number of acres to be irrigated 20

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

Other rights on adjacent lands

11. a. Who owns the property at the point of diversion? Applicant

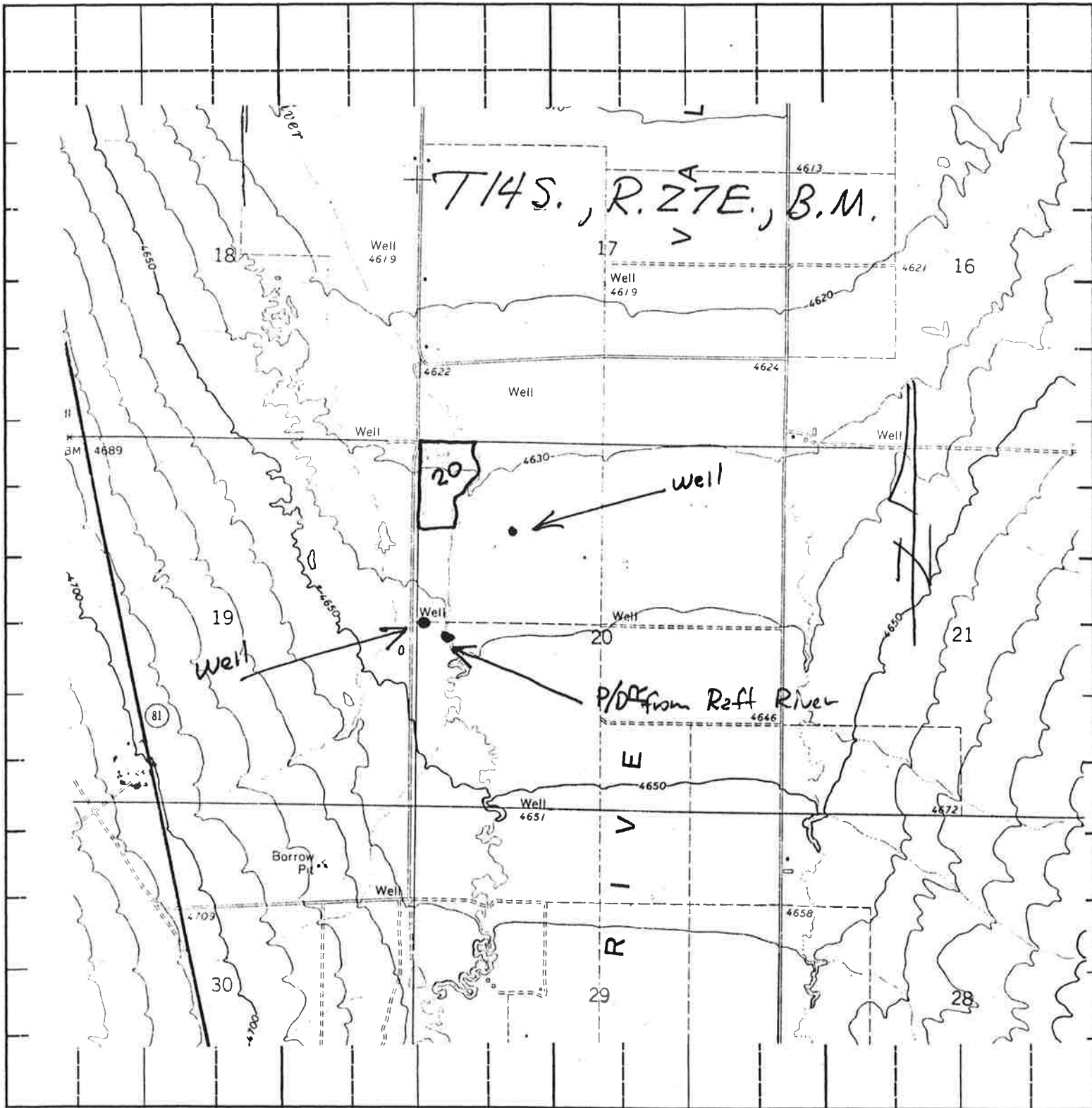
b. Who owns the land to be irrigated or place of use? Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. \_\_\_\_\_

12. Remarks: This filing is being made to insure that the benefits of subordination per the Swan Falls Agreement are obtained since these lands have been irrigated since 1970. Applicant intends to claim priority date of expansion in accordance with HB 71 on the water from the Raft River; since applicant has numerous other secured rts. out of Raft River on adjacent lands.



13. 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.

Ivan Brothers  
 (Applicant)  
 Elene Ivan partner

Received by ADM Date 6/28/85 Time 12:10 pm Preliminary check by JP  
Fee \$ 45<sup>00</sup> Receipted by ADM # 36649 Date 6-28-85  
Publication prepared by \_\_\_\_\_ Date \_\_\_\_\_ Published in \_\_\_\_\_  
Publication approved \_\_\_\_\_ Date \_\_\_\_\_

### 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. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other: