

IDAHO DEPARTMENT OF WATER RESOURCES  
Proof Report

6/8/2020

Water Permit 43-7204

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WEBB BASIN DAIRY 406 N HISAW LN AMERICAN FALLS, ID 83211 (208) 349-5532

Status: Cancelled

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

Water District Number: TBD  
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE

STATE OF IDAHO

RECEIVED

MAR 13 1991

Department of Water Resources  
Southern Region Office

IN THE MATTER OF APPLICATION FOR )  
PERMIT NO. 43-7204 IN THE NAME )  
OF WEBB BROS. DAIRY )

ORDER VOIDING  
APPLICATION FOR PERMIT

This matter having come before the Idaho Department of Water Resources (Department) as a requirement of Sections 42-203A and 42-203C, Idaho Code, the Department finds, concludes and orders as follows:

FINDINGS OF FACT

1. Application for Permit No. 43-7204 (application) proposed the diversion of 15.86 cfs from Raft River for the irrigation of 793 acres of land.
2. The Department mailed notice to the applicant(s) on July 6, 1990, informing them that Application No. 43-7204 was subject to the review requirements of Section 42-203C, Idaho Code. The notice further informed the applicant(s) that additional information was required by Water Appropriation Rule 4,5,3. for filings proposing irrigation of more than 200 acres.
3. On August 28, 1990, the Department mailed a second notice requesting the applicant(s) to provide the additional information required by Water Appropriation Rule 4,5,3. within thirty (30) days. The notice further informed the applicant(s) that failure to submit the information within the specified time

43-7204

was cause for the Department to void the application.

4. On October 24, 1990, the Department mailed a third and final notice to the applicant(s) requesting the additional information required by Water Appropriation Rule 4,5,3. The Department received certain information in response to this third notice, but that information was deemed insufficient by the Department.

5. On November 7, 1990, the Department notified the applicant(s) that the information submitted was insufficient and that the applicant(s) had not complied with the requirements of Rule 4,5,3. The Department provided an additional thirty (30) days in which to submit more complete information.

6. On January 28, 1991, the Department again sent notice to the applicant(s) to submit the additional information. The notice again provided an additional thirty (30) days to submit the information, and informed the applicant(s) that failure to submit the information within this period was cause for the Department to void the application. The applicant(s) did not respond and did not provide the requested information.

#### **CONCLUSIONS OF LAW**


1. Water Appropriation Rule 4,5,1. specifies that failure on the part of the applicant to supply the additional information within thirty (30) days is cause for the Director to void an application.

2. The application should be voided pursuant to Water Appropriation Rule 4,5,1.

ORDER

IT IS HEREBY ORDERED that Application for Permit No.  
43-7204 be VOIDED pursuant to Water Appropriation Rule 4,5,1.

Dated this 8<sup>th</sup> day of March, 1991.

  
L. GLEN SAXTON, Chief  
Water Allocation Bureau

## STATE OF IDAHO

For Office Use Only

\$15 FEE Received by J. StantonDate 12-10-90Receipt # 5012887

RECEIVED

DEC 10 1990

## DEPARTMENT OF WATER RESOURCES

Department of Water Resources

Southern Region

## REQUEST FOR EXTENSION OF TIME

TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF  
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

RECEIVED

Permit No. 43-07303Name(s) of Permit Holder: Orson & Donna Jo Zollinger

MAR 11 1991

Post Office Address: HC 61 Box 1096Department of Water Resources  
Southern Region OfficeMdltg, ID 83342Telephone No. 645-2250Date Proof is Due: 2-1-1991

Describe what work has been completed toward the development of this water right:

(This must be filled out! If no work has been completed, show "none".)

Power has been installed. Stock trough has been purchased.Costing ~~\$1600~~ \$200.

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

Drought conditions have prevented livestock use of the area, so water has not been needed. System will be finished in Spring of 1991.Permit holder(s) request an extension to Feb. 1, 1992.  
(1 yr. minimum)

(Signature)\*

FEE: \$15.00

\*IF OTHER THAN PERMIT HOLDER,  
POWER OF ATTORNEY MUST BE SUPPLIED.

## ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to February 1, 1992.

Signed this 6<sup>th</sup> day of March, 19 91.
  
Chief, Water Allocation Bureau

43-07303



# State of Idaho

## DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

October 24, 1990

R. KEITH HIGGINSON  
DIRECTOR

RECEIVED

OCT 25 1990

Webb Bros. Dairy  
Sta Route Box 55  
Declo, ID 83323

RE: Application for Permit No. 43-7204

Department of Water Resources  
Southern Region Office

Dear Applicant(s):

### NOTICE OF PENDING ORDER VOIDING APPLICATION

On January 11, 1985, you filed with the Department of Water Resources (Department) Application for Permit No. 43-7204 which proposed the diversion of 15.86 cubic feet per second of water from the Raft River and a waste water source for the irrigation of 793 acres.

The Department mailed a letter and questionnaire to you on July 6, 1990, in connection with the application. The letter provided notice that the Department was reviewing the application in connection with development which was not complete prior to October 1, 1984. This letter further notified you that additional information outlined in Water Appropriation Rule 4,5,3. was required if the application proposed the diversion of more than 5.0 cfs and/or irrigation of more than 200 acres. On August 28, 1990, the Department sent you a notice which requested that the information under Rule 4,5,3. be submitted to the Department within thirty (30) days.

The purpose of this letter is to provide a third and final opportunity for you to submit the requested information. If you fail to respond to this inquiry within fifteen (15) days of the date of this letter, the Department will issue an order voiding the application pursuant to Water Appropriation Rule 4,5,1. The Department may grant an extension of time in which to submit the information upon request and a showing of good cause. Requests for extensions must be in writing.

Please feel free to contact me if you have any questions concerning this matter. A copy of the rules and an outline to assist you with submitting the information has been enclosed.

Sincerely,

TIM LUKE

Sr. Water Resource Spec.

cc: Region/Enclosures

43-7204

RECEIVED

AUG 23 1990

Department of Water Resources  
Southern Region Office

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRUST WATER INFORMATION QUESTIONNAIRE

Application No. 43-7204

INSTRUCTIONS: IF YOU ARE NOT INTERESTED IN HAVING THE APPLICATION PROCESSED, PLEASE COMPLETE AND RETURN THE ENCLOSED WITHDRAWAL FORM.

IF YOU WISH TO HAVE THE APPLICATION PROCESSED, PLEASE ANSWER THE FOLLOWING QUESTIONS AS THOROUGHLY AS POSSIBLE. FAILURE TO RETURN EITHER THE WITHDRAWAL FORM OR QUESTIONNAIRE IS CAUSE FOR THE DEPARTMENT TO VOID THE APPLICATION.

1a. Are you the current owner of the land or place of use described under this application? Yes ☒ No ☐

b. If you are not the propoerty owner, please describe the arrangement enabling you to develop the proposed project.

2a. Has the source of water listed on this application been used to irrigate any of the land described under this same application prior to October 1, 1984? Yes ☒ No ☐

b. If yes, please describe the extent of development and number of acres irrigated. (Note: Uses developed after October, 1984 are considered trust water diversions and may be subject to certain restrictions and/or conditions. You may be asked to verify uses established prior to October, 1984.)

About 100 acres

3. If you answered NO to ques #2a, please state the number of acres you have irrigated with this source after October 1, 1984. \_\_\_\_\_

4. If you have not irrigated lands under this application, please state the number of acres you plan to complete. \_\_\_\_\_

5. If the permit is a supplemental filing please identify other water rights which are used on the same land.

not supplemental on groundwater licenses/claims

Use the reverse side of this form if you wish to add any comments. You may mark changes on the enclosed application to designate any proposed amendments. (Note: Proposed changes which result in an expansion of use will not be considered by the department.)

I hereby assert that the responses provided above are true to the best of my knowledge. I understand that any willful misrepresentations may result in voiding of the application.

Applicant

Arthur F. Webb

Date

Aug 23/1990

43-7204



# State of Idaho

## DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

August 14, 1990

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Webb Bros. Dairy  
Star Route Box 55  
Declo, ID 83323

RECEIVED

AUG 17 1990

Re: Application for Permit No. 43-7204

Dear Applicant(s):

Department of Water Resources  
Southern Region Office

### NOTICE OF PENDING ORDER VOIDING APPLICATION

On January 11, 1985, you filed with the Department of Water Resources (Department) Application for Permit No. 43-7204 which proposed the diversion of 15.86 cubic feet per second from wastewater for the irrigation of 793 acres.

The Department mailed a letter and questionnaire to you on July 6, 1990. The letter provided notice that the Department was reviewing the application in connection with development which was not complete prior to October 1, 1984.

This letter also requested that you return the Department's questionnaire concerning your present possessory interest in the place of use, any prior development under the application and/or your plans for pursuing completion of the proposed project. The letter notified you that failure to complete and return the questionnaire within thirty (30) days of the date of the letter was cause for the Department to void the application.

The purpose of this letter is to provide a second and final opportunity for you to submit the requested information. If you fail to respond to this inquiry within fifteen (15) days of the date of this letter, the Department will issue an order voiding the application pursuant to Water Appropriation Rule 4,5,1.

If no development has been completed as authorized by the application, and you are no longer interested in pursuing the development, please complete and return the enclosed withdrawal form. Please note, if you are using water without an approved permit, the Department may issue an order requiring you to cease diverting the water.

Please feel free to contact me if you have any questions concerning this matter.

Sincerely,

TIM LUKE

Sr. Water Resource Agent

Enclosure  
cc: Region

43-7204





# State of Idaho

## DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

RECEIVED

JUL 11 1990

Department of Water Resources  
Southern Region Office

July 6, 1990

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

RE: APPLICATION FOR PERMIT NO. 43-7204

Dear APPLICANT:

Due to the Swan Falls litigation, Department approval of the enclosed application may have been delayed. The Department is presently reviewing your application and may authorize the proposed development.

The purpose of this letter is to determine: (1) if you are still interested in developing the project, and (2) the extent of development if any, that has already occurred under the application. Enclosed are two forms requesting information which will help the Department expedite the processing of the application.

1. If you have abandoned or have no interest in continuing with your plans for development of the project, please complete the enclosed withdrawal form and return it to the Department. If you request a withdrawal of the application and the application was not previously advertised, the department will refund your original filing fee.

2. If you wish to continue with your proposed development plans, or have completed all or a portion of the proposed development before October 1, 1984, then you must complete and return the enclosed questionnaire. You may use the questionnaire and enclosed application to make any comments &/or amendments concerning the application. Your completion of the questionnaire will expedite processing and help the department determine if the water diverted under the application is public water or trust water. Approved trust water applications may be subject to additional conditions.

Failure to return either of the above forms within thirty (30) days of the date of this letter is cause for the Department to void the application.

Please be further advised that if any undeveloped portion of your proposed project is greater than 200 acres, the Department will issue a notice requesting additional information as required by Water Appropriation Rule 4,5. (in particular, Rules 4,5,3. thru 4,5,3,5, apply to your project if it is more than 200 acres).

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Page 2

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 327-7864. The enclosed forms and all other relative information must be returned within thirty (30) days to:

Idaho Department of Water Resources  
Statehouse Mail  
Boise, Idaho 83720  
Attn: Tim Luke

Please note that a copy of your application is enclosed. The application number is also shown on the enclosed questionnaire.

Sincerely,

A handwritten signature in cursive script that reads "Tim Luke".

TIM LUKE  
Sr. Water Resource Agent

Enclosures

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Webb Bros. Dairy Phone 349-5567

Post office address Star Route Box 55, Declo, ID 83323

2. Source of water supply Wastewater Raft River which is a tributary of Raft River Snake River

3. Location of point of diversion is SW  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 24 Township 10S

Range 27E B.M. Cassia County, additional points of diversion if any: \_\_\_\_\_

SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  Sec. 24 T. 10S R. 27E

4. Water will be used for the following purposes:

1-23-85 15.86  
Amount 15.86 cfs for Irrigation purposes from Mar 15 to Nov 15 (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:

a. 1-23-85  
15.86 cubic feet per second and/or b. \_\_\_\_\_ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Headgate in Raft River; pipeline to  
pond. Wastewater runs into the same pond. Pump in pond to sprinkler system.

b. Height of storage dam \_\_\_\_\_ feet, active reservoir capacity \_\_\_\_\_ acre-feet; total reservoir  
capacity \_\_\_\_\_ acre-feet, materials used in storage dam: \_\_\_\_\_

Period of year when water will be diverted to storage \_\_\_\_\_ to \_\_\_\_\_ inclusive.  
(Month/Day) (Month/Day)

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

7. Time required for the completion of the works and application of the water to the proposed beneficial  
use is 5 years (minimum 1 year — maximum 5 years).

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: \_\_\_\_\_ horsepower 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: \_\_\_\_\_

43-7204

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	
10S	27E	23				4									30			40	74
		24				40			30	20	15	40	40	10	40	40	35	30	-345- 340 <sup>80</sup>
		25	33	37	33	33	30	38											204
		26	35																35
	28E	19							Lt2 46			Lt3 47	Lt4 47						140

Total number of acres to be irrigated -798- 793<sup>80</sup>

c. Describe any other water rights used for the same purposes as described above. \_\_\_\_\_

Lic. 43-2264 on land in Sec. 24 not covered by this application.

Groundwater claims 43-4016 & 4017.

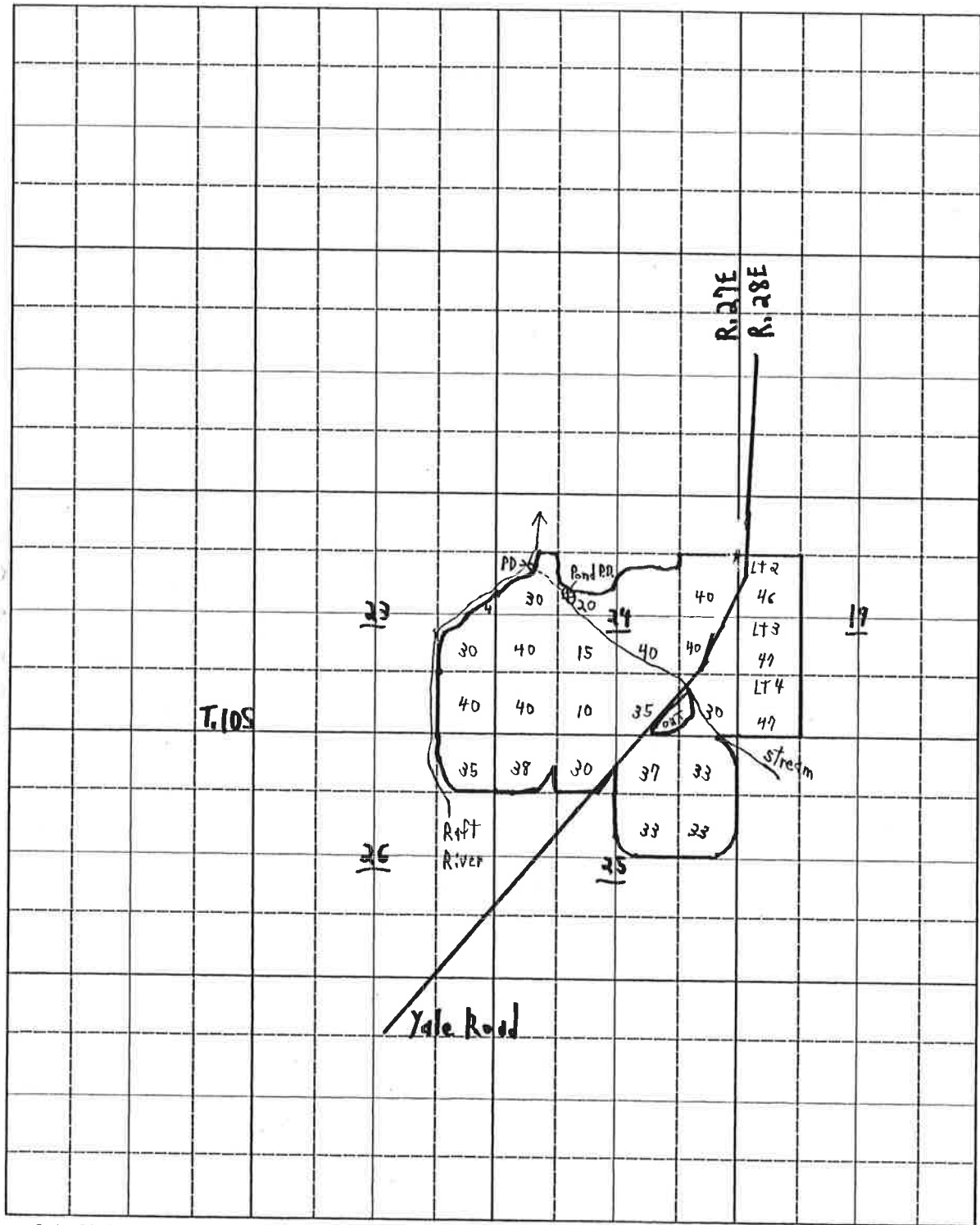
9. a. Who owns the property at the point of diversion Applicant

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

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 Since it is not possible to develop new groundwater rights in this area,  
we hope to use additional water from Raft River and wastewater/storm runoff  
when it is available. The surface-water supply is quite variable, but  
could be utilized when available. We realize that there are other downstream  
users of Raft River.  
Raft River originally ran through our farm, but the channel was moved close  
to the west side of the farm last year. Flooding of fields has thus been  
reduced.

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



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.

*Alfred L. White*  
(Applicant)

Received by JD Date 1-1-85 Time 2:55 pm  
Preliminary check by JB Fee \$ 345.00  
Receipted by JD Date 1-1-85 # 35254  
Publication prepared by \_\_\_\_\_ Date \_\_\_\_\_  
Published in \_\_\_\_\_  
Publication dates \_\_\_\_\_  
Publication approved \_\_\_\_\_ Date \_\_\_\_\_  
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. \_\_\_\_\_, 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. Other: \_\_\_\_\_