

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/8/2020

Water Permit 43-7202

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GLEN R KUNAU 1941 MILLER AVE BURLEY, ID 83318 (208) 431-4011

Status: Cancelled

<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

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

RECEIVED

OF THE

STATE OF IDAHO

MAY 7 1990

Department of Water Resources
Southern Region Office

IN THE MATTER OF APPLICATION)
)
FOR PERMIT NO. 43-7202 IN THE)
)
NAME OF GLEN R. KUNAU)
)

ORDER VOIDING
APPLICATION FOR PERMIT

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

FINDINGS OF FACT

1. Application for Permit No. 43-7202 (application) proposed the diversion of 5.1 cfs from Raft River for the irrigation of 258 acres of land.
2. The Department mailed notice to the applicant(s) on February 20, 1990, informing them that Application No. 43-7202 was subject to the review requirements of Section 42-203C, Idaho Code. The notice further informed the applicant(s) that he must submit to the Department within 30 days information concerning development prior to October 1, 1984, and/or whether there is a continued interest in pursuing completion of the proposed development.
3. On March 26, 1990 the Department mailed a second notice requesting the applicant to provide the additional information within 15 days or withdraw the application. The notice further informed the applicant that failure to submit the information was cause for the Department to void the application. A response to this notice was not received.

CONCLUSIONS OF LAW

1. Section 42-204, Idaho Code, specifies that failure on the part of the applicant to supply requested information within 30 days is cause for the Director to void the application.

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2. The application should be voided as provided in Section 42-204, Idaho Code.

ORDER

IT IS HEREBY ORDERED that Application for Permit No. 43-7202 be VOIDED as provided in Section 42-204, Idaho Code.

Dated this 30th day of April, 1990.

for L. Glen Saxton
L. GLEN SAXTON, Chief
Water Allocation Bureau



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 26, 1990

Glen R. Kunau
1941 Miller Ave.
Burley, ID 83318

Re: Application for Permit No. 43-7202

Dear Applicant(s):

RECEIVED

MAR 28 1990

Department of Water Resources
Southern Region Office

NOTICE OF PENDING ORDER VOIDING APPLICATION

On June 29, 1983, you filed with the Department of Water Resources (Department) Application for Permit No. 43-7202 which proposed the diversion of 5.1 cubic feet per second from Raft River for the irrigation of 258 acres.

The Department mailed a letter and questionnaire to you on February 20, 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 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 proposed 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

43-7202



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

RECEIVED

February 20, 1990

FEB 21 1990

RE: APPLICATION FOR PERMIT NO. 43-7202

Department of Water Resources
Southern Region Office

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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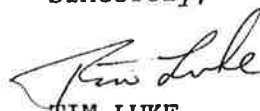
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If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 327-7864. The enclosed forms and all other relative information must be returned within 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 dark ink, appearing to read "Tim Luke", is written over a horizontal line.

TIM LUKE

Sr. Water Resource Agent

Enclosures

RECEIVED

JUL 29 1983

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Southern District Office

APPLICATION FOR PERMIT

Ident. No. 43-7202

To appropriate the public waters of the State of Idaho

1. Name of applicant GLEN R. KUNAU Phone 678-5310

Post office address 1941 Miller Ave. Burley, Idaho 83318

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

3. Location of point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 24 Township 13 S

Range 26 E B.M. Cassia County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 5.1 for Irrigation purposes from Mar. 1 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. 5.1 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. A pond to capture sub water, pond to be 2 or 3 acres in size, to utilize storage of water. Water will be transported by PVC pipeline to land to be irrigated.

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: _____

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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	
13S	26E	24											25				28		53
13S	26E	25		28			25				38			38		38	38		205

Total number of acres to be irrigated 258

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

9. a. Who owns the property at the point of diversion Applicant, Glen R. Kunau

b. Who owns the land to be irrigated or place of use Applicant, Glen R. Kunau

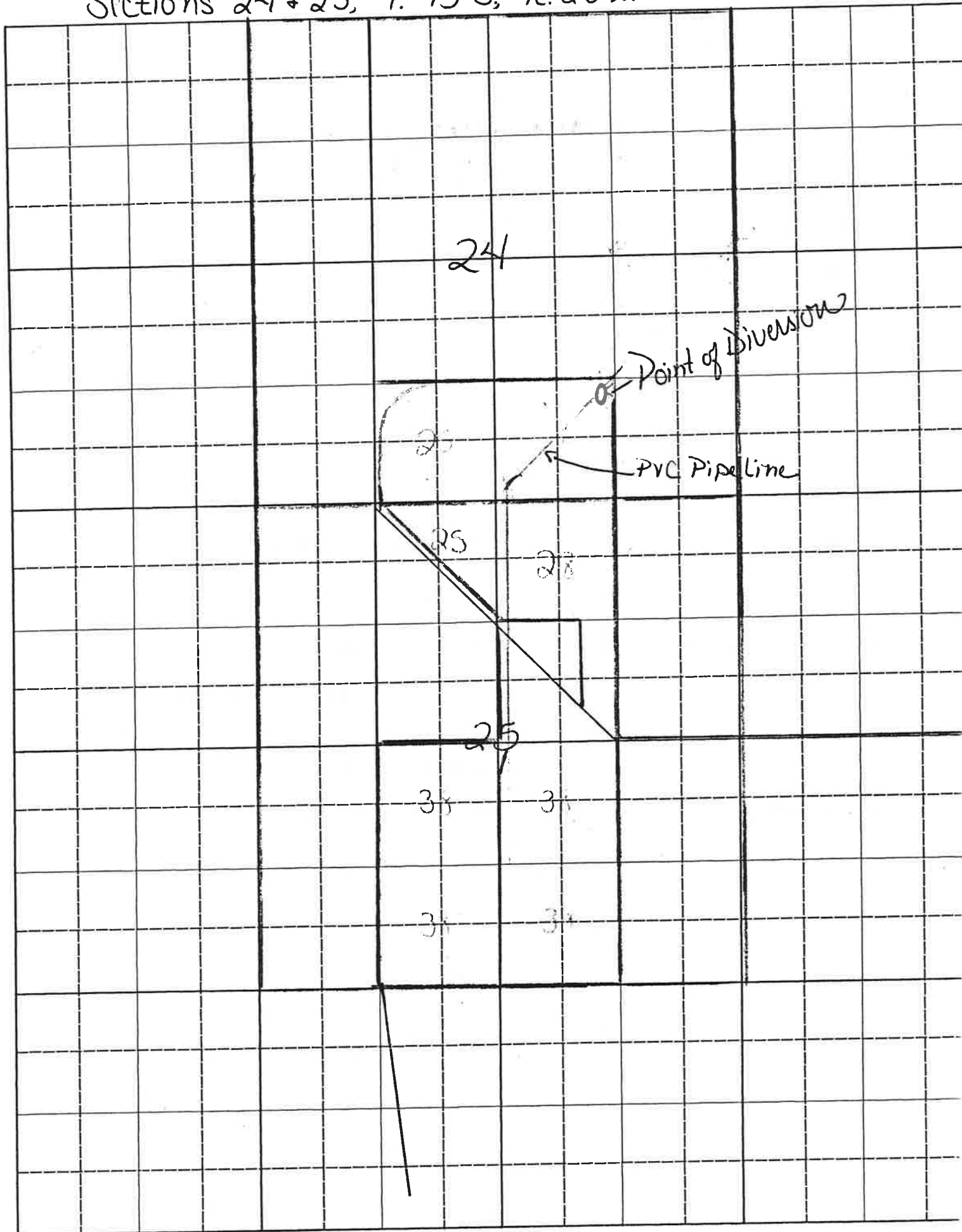
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks Point of diversion for water to be claimed under this

application is below all other water users and rights of Raft River, except for decreed rights of applicant. Sub water from Raft River is damaging certain land of Applicant, and is flooding certain other land. Water from Raft River has been flowing in the damaged areas for the last ten (10) years, and water is available for use and diversion on Applicant's property. Raft River normally terminates on Applicant's property into a large pond. Water from the river will be diverted to an area where it will be beneficial, and will be used, for purposes of irrigation under the terms of this claim. Applicant wishes to prevent further damage to his property from the waters of Raft River and to use the water which now flows by and on his property for a beneficial purpose.

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

Sections 24 + 25, T. 13 S, R. 26 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.

Elon R Kuman
(Applicant)

Received by LH Date 6/29/83 Time 3:00 PM

Preliminary check by _____ Fee \$ 145⁰⁰

Receipted by LH Date 6/29/83 #29080

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: