

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/8/2020

Water Permit 43-7189

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	VICKY KNIGHT , ZZ
Current Owner	KENNETH KNIGHT , ZZ
Original Owner	LYLE N DURFEE MALTA, ID 83342

Status: Lapsed

<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



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 10, 1995

MAR 14 1995

Department of Water Resources
Southern Region

Kenneth & Vicky Knight
Conner Creek
Malta, ID 83342

RE: Permit No. 43-07189

Dear Permit Holder:

Enclosed is a copy of your approved Request for Extension of Time submitted in connection with the above referenced permit. The time within which to submit proof of beneficial use is extended **February 1, 1998**.

Please note that the department has granted this extension based a government agency delay. It is important that you work diligently to develop the water right. The department **may not** be able to grant additional extensions.

Be advised that since the extension was received after the proof due date, it was necessary for the department to reinstate your permit and advance your priority date to March 31, 1983.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Julie L. Yarbrough

JULIE L. YARBROUGH
Senior Secretary

Enclosure

c: IDWR - Regional Office

RECEIVED

For Office Use Only

\$50 Fee Received by J. E. StantonDate 3-7-95Receipt No. 5017833

MAR 07 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment 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 under the provisions of Section 42-204, Idaho Code in which to complete development of a water right.

RECEIVED
MAR 8 1995

Department of Water Resources

Permit No. 43-07189Name(s) of Permit Holder: Kenneth & Vicky KnightMailing Address: Conner Creek, Malta, ID 83342Date Proof is Due: 2-1-1995 Telephone No. 638-5582

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".)

No work has been doneCosting \$ -

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

BLM has not allowed access to the water source, I have tried to
negotiate with them since the last extension was granted, but they will
not cooperate.

Permit holder(s) request an extension to 2-1, 2000.

FEE: \$50.00

Kenneth Knight
(Signature)*

*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, 1998.

IT IS FURTHER ORDERED that the permit is reinstated and the priority date is advanced to March 31, 1983.

Signed this 9th day of March, 1995.

J. E. Stanton
Chief, Water Allocation Bureau

7/94

RECEIVED

For Office Use Only

\$50 Fee Received by J. StantonDate 3-7-95Receipt No. 5017833

MAR 07 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Southern Region

REQUEST FOR EXTENSION OF TIME

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FEE: \$50.00


(Signature)*

*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

Signed this _____ day of _____, 19 _____

43-7189

MEMORANDUM

TO: 43-7189, KENNETH & VICKY KNIGHT (CC: ADM, NCY)
FROM: DOUGLAS JONES
DATE: February 21, 1995
RE: OFFICE VISIT BY KNIGHT

On 2/16 Ken Knight came in the office to visit A.Merritt about the status of his permit. Mr. Knight said he came from the BLM office in Burley where he was told that the BLM would not provide him access to Federal land for water diversion and conveyance purposes. The only ray of light that was conceded was that after adjudication of the federal "nonconsumptive" rights that the Burley Region would reconsider Knight's plan, according to Knight. I indicated that by the time BLM may reconsider the right would lapse.

Mr. Knight was grateful for N.Young's offer to work with Knight's problem, but felt in retrospect that Mr. Young may have misperceived the situation. Knight explained to me that the point of diversion could not be amended to a place off Federal land and still have a source of water. Apparently the spring water sinks before the flow reaches private land. Knight felt that Mr. Young was under the impression that water would be available at a point off BLM property. I offered to assist him in drafting an amendment identifying a well as a point of diversion for this permit. I indicated that I would need to ask Mr Merritt and Young whether this was permissible before we accept the amendment, but that an argument could be made for "same source" water. Knight said that he wasn't interested in that change due to the costs for upgrading the well/pump and for utilities.

I asked if he wanted to relinquish the permit and he said that he has asked a legal group in Denver whether there was any recourse to leverage the Feds. Mr. Knight feels that he has 60 days to get an opinion from the legal types before he has to file an extension of time based on litigation. I did not express an opinion one way or the other on that assumption - litigation would have started after the permit lapsed.

43-07189



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 31, 1992

RECEIVED

JAN 06 1993

Department of Water Resources
Southern Region Office

Kenneth or Vicky Knigh
Conner Creek
Malta, ID 83342

Re: Permit No. 43-07189

Dear Permit Holder:

Enclosed is a copy of your approved Request for Extension of Time submitted in connection with the above referenced permit. The time within which to submit proof of beneficial use is extended to February 1, 1995.

Please note that the department has granted this extension based upon governmental agency delay. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

Enclosure

c: IDWR-Regional Office

43-7189

RECEIVED

DEC 24 1992

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

For Office Use Only
\$15 Fee Received by SPJ
Date 12-28-92
Receipt No. C026388

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 water right under the provisions of Section 42-204, Idaho Code.

Permit No. 43-07189

Name(s) of Permit Holder: Kenneth or Vicky Knight

Mailing Address: Conner Creek, Malta, ID 83342

Date Proof is Due Feb 1, 1993

Telephone No. _____

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".)

None

Costing \$ —

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

BLM has denied permit holder's application for a right of way.

Permit holder(s) request an extension to Feb. 1, 19 95.

FEE: \$15.00

Kenneth Knight
(Signature)*

*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, 1995.

Signed this 31st day December, 19 92

J. Glen Saylor
Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 43-07189

Proposed Priority: February 25, 1983

Maximum Diversion Rate:

0.30 CFS

This is to certify, that VICKY KNIGHT
KENNETH KNIGHT
CONNER CREEK
MALTA, ID 83342

RECEIVED

JAN 26 1990

has applied for a permit to appropriate water from:

Department of Water Resources
Southern Region Office

THE SPRINGS

tributary of CASSIA CREEK

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 11/01	0.30 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS
	Totals	0.30 CFS

LOCATION OF POINT(S) OF DIVERSION:

NESE Sec. 27, Township 13S, Range 25E
CASSIA County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
13S	25E	22	SESW	15		15

Total number of acres irrigated: 15

PLACE OF USE: STOCKWATER, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 1993.
2. Subject to all prior water rights.
3. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
4. Any license issued by IDWR pursuant to the permit or portion thereof for the use of trust water is subject to a term review of 20 years after the date of this approval to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
5. 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.
6. The Director retains jurisdiction of the permit and/or subsequent license issued to change, add or remove any requirement as determined to be appropriate.

43-07189

Permit To Appropriate Water

NO. 43-07189

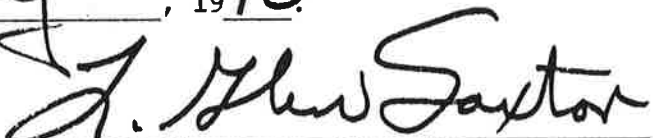
CONDITIONS/REMARKS:

7. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
8. A lockable device, subject to the approval of the Department, shall be installed on the diverting works in a manner that will provide the watermaster suitable control of the diversion prior to diversion of water under this permit.
9. Use of water under this permit is subject to control by the watermaster of State Water District No. 43C.
10. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

23 day ofJanuary, 1990.

for


R. Keith Higginson, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
^{AMENDED}
APPLICATION FOR PERMIT

RECEIVED

Assigned to:
Kenneth &/or Vicky Knight
Conner Creek
Malta, ID 83342

To appropriate the public waters of the State of Idaho

JAN 26 1990

1. Name of applicant Lyle N. Durfee Phone Department of Water Resources
Post office address Malta, Idaho 83342 Southern Region Office

2. Source of water supply The Springs which is a tributary of Cassia Creek

3. Location of point of diversion is NE $\frac{1}{4}$ of ~~SW~~ SE $\frac{1}{4}$ of Section 27 Township 13S
Range 25E B.M. Cassia County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.30 for Irrigation purposes from 4-1 to 11-1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.02 for Stockwater purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum) ^{Added 11/24/89 TJD.}

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. 0.30 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Head Box & Pipeline

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.

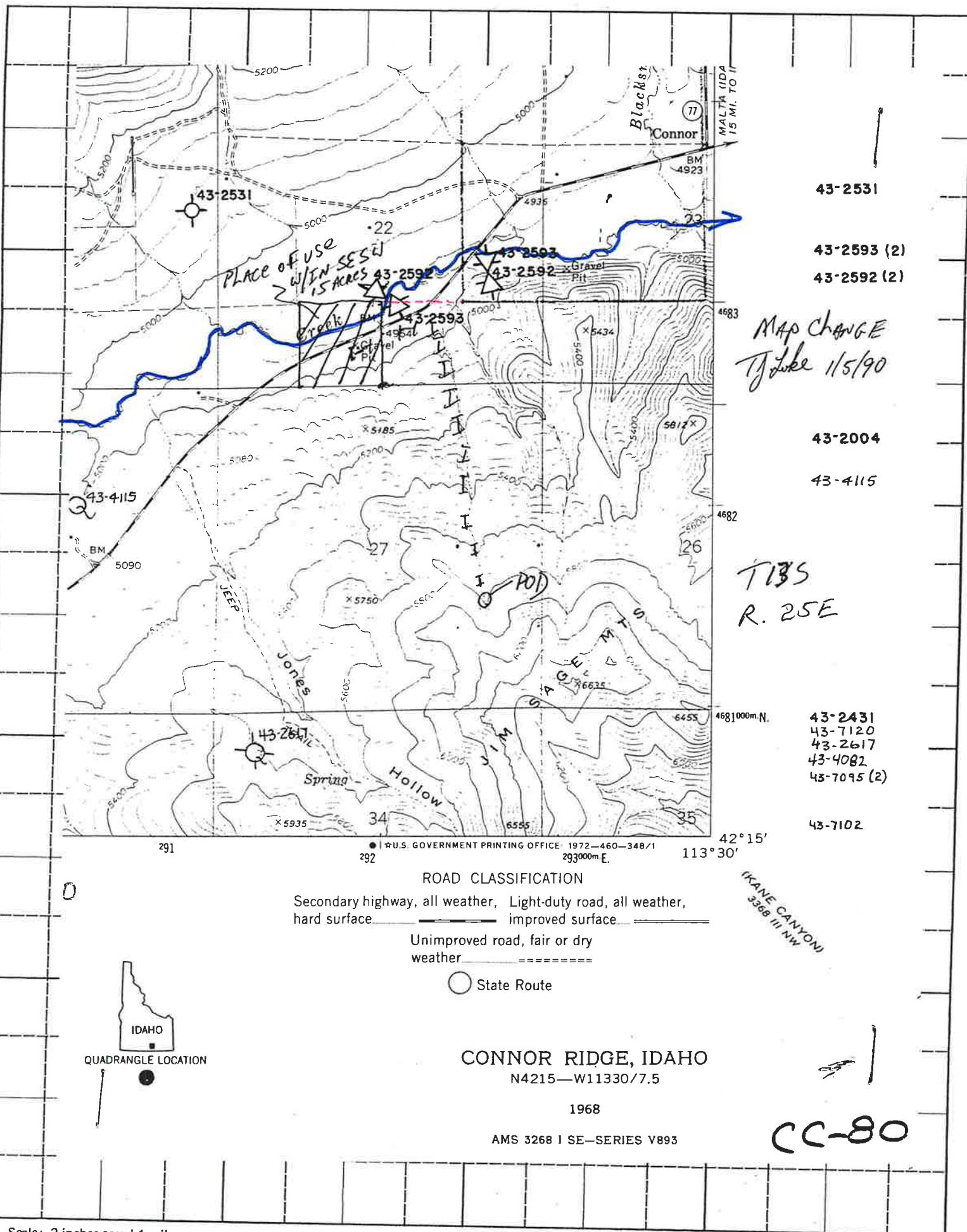
(3) List number of each kind of livestock to be watered _____

(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: Stockwater: 4 head horses;
2 head cattle.

43-07189

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



30-Jan-1990

James N. Twitchell, Watermaster
Water District #43-C
HC 61 Box 1510
ELBA ID 83326

Re: Application for Permit No. 43-07189

Dear Mr. Twitchell:

Please find enclosed a copy of an Application for Permit for your information and files.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure(s)