

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/5/2020

Water Right 43-7053

Owner Type Name and Address

Status: See Remarks

Source

Tributary

Beneficial Use

From

To

Diversion Rate

Volume

Source and Point(s) of Diversion

Place Of Use

Conditions of Approval:

1. SPLIT INTO 43-07053A & B.

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

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/5/2020

Water Application 43-7053

Owner Type Name and Address
Status: See Remarks

Source

Tributary

Beneficial Use

From

To

Diversion Rate

Volume

Source and Point(s) of Diversion

Place Of Use

Conditions of Approval:

1. SPLIT INTO 43-07053A & B.

Comments:

Dates and Other Information

Application Denied Date: 8/14/1992
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

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

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APR 30 1991

Department of Water Resources
Southern Region Office

ORDER

In the Matter of Carey Act)
Application No. 43-CA-02)
and Application for Permit)
No. 43-7053B in the Name of)
Desert Lands Irrig. Project)
Assoc.)

This matter having come before the Idaho Department of Water Resources (department) as a result of the review of Carey Act and related water right files, the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On May 23, 1975, Desert Lands Irrigation Project, Assoc. (applicant) filed Carey Act Application No. 43-CA-02 (application) with the department for temporary withdrawal of certain federal desert lands located in Cassia County under the provisions of the act commonly known as the Carey Act (Chapter 20, Title 42, Idaho Code).
2. On July 16, 1975, the applicant submitted an assignment to the department which conveyed 204.79 cfs of the 548 cfs of application for permit 43-7053 to the applicant for use in connection with the proposed project. The portion of the application conveyed is identified as 43-7053B.
3. The land sought for development under the proposed Carey Act project generally consists of unsuitable soils for agricultural development due to the high wind erosion hazard. In addition, the proposed project lands are under a livestock driveway withdrawal.
4. On November 1, 1982 the department attempted to advise the applicant of the status of the lands and that removal of the withdrawn status was not likely. The department's correspondence was returned since the mailing address was not current.
5. The records of the department do not show that the withdrawal designation has subsequently been changed.
6. Carey Act Application No. 43-CA-02 should be cancelled and Application for Permit No. 43-7053B should be rejected since the land proposed for development is not available and the applicant has not maintained a current mailing address with the department thus making the proposed project speculative in nature.

43-7053B

CONCLUSIONS OF LAW

1. Section 42-203A, Idaho Code, provides that the Director may reject an application for permit if he finds that an application is made for speculative.

2. Carey Act Application No. 43-CA-02 and Application for Permit No. 43-7053B are speculative in nature since the applicant does not have possessory interest in the proposed place of use and since it is unlikely the applicant will be able to obtain such an interest.

3. Carey Act Application No. 43-CA-02 should be Cancelled and Application for Permit No. 43-7053B should be rejected.

ORDER

IT IS THEREFORE, HEREBY ORDERED that Carey Act Application No. 43-CA-02 in the name of Desert Lands Irrigation Project, Assoc. is CANCELLED and Application for Permit No. 43-7053B is REJECTED pursuant to provisions of Section 42-203A, Idaho Code.

IT IS FURTHER ORDERED that if the applicant decides to contest this decision, the applicant may request a hearing within thirty (30) days of the date of service of this order pursuant to Section 42-1701A, Idaho Code.

Dated this 23RD day of April, 1991.


NORMAN C. YOUNG
Administrator

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

I, Lakeside Irrigation, hereby assign to Desert Land Irrigation Project
of Route 1, Wendell, Idaho c/o Chris Layton
Address

CHECK ONE

☐ All my right, title, and interest in and to Permit No. _____
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. 43-7053 & 45-7203 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)

204.79 cfs and Sections 13, 14, 15, 24, 25, Twp. 9S, Rge. 25E. Sections
19, 20, 21, 22, 23, 24, 25, Twp. 9S, Rge. 26E. Sections 27, 28, 29, 30,
Twp. 9S, Rge. 27E. See attached sheet for points of diversion

Made this 16th day of July, 19 75.

Ray L Miller
Permit Holder President Lakeside Irrigation

Spouse of Permit Holder

State of Idaho)
County of Lewin Falls) ss.

On this 16 day of July, 19 75, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Robert D Haynes
Notary Public residing at
Lewin Falls

My commission expires:
11-20-78

43-7053/45-7203

Identification No. _____

Application No. 43-7053 & 45-7203

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho
 (TYPE OR PRINT IN INK)

1. Name of applicant Lake Side Irrigation Phone: 536-6252
 post office address Box 145, Wendell, Idaho
2. Source of water supply Wells which is a tributary of _____
3. a. Location of point of diversion is _____ 1/4 of _____ 1/4 of Section _____ Township _____
 Range _____ B.M. Cassia County; additional points of diversion if any: _____
See attached.
- b. If water is not consumed, it will be discharged into _____ at a point in _____ 1/4
 of _____ 1/4 of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
 Amount 548.0 for Irrigation purpose from April 1 to Oct. 15 (both dates inclusive)
(cfs or acre-feet per annum)
 Amount _____ for _____ purpose from _____ to _____ (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. _____ cubic feet per second and/or
 b. 548.0 acre feet per annum.
6. Proposed diverting works:
 a. Description of ditches, flumes, pumps, headgates, etc. Wells for each 320 with pump and
necessary main lines as shown on map unless otherwise indicated

 b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
 capacity _____ acre feet, materials used in storage dam: _____
 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 five years. 1,200,000 - Wells
 b. Estimated construction cost is \$ 2,500,000 - Pipe and Pumps
8. Description of proposed uses:
 a. If water is **not** for irrigation:
 (1) Give the place of use of water: _____ 1/4 of _____ 1/4 of Section _____ Township _____
 Range _____ 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 _____

 (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: _____

43-7053 / 45-7203

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

[illegible]

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.

Roy L Miller President
(Applicant)

Description of points of diversion,
Application No.

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XXXXXXXXXXXX

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Department of Water Resources

Description and location of project

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9 S	25 E	11																X	
		13			X													X	
		14			X													X	
		15			X													X	
		22			X													X	
		23			X													X	
		24			X													X	
		25			X													X	
		33																	
		35												X					X
		13			X													X	
		14			X													X	
9 S	26 E	15			X													X	
		17			X													X	
		18			X													X	
		19			X													X	
		20			X													X	
		21			X													X	
		22			X													X	
		23			X													X	
		24			X													X	
		25			X													X	
		26			X													X	
		27			X													X	
		28			X													X	
		29			X													X	
		30			X													X	
		31			X													X	
		32			X													X	
		33								X								X	
9 S	27 E	34			X													X	
		35			X													X	
		19			X													X	
		20			X													X	
		26					X											X	
		27			X													X	
		28			X													X	
		29			X						X							X	
		30			X													X	
		31			X													X	
10 S	26 E	32			X													X	
		33			X													X	
		4	X							X									
		5			X													X	

Total number of acres irrigated _____

POINTS OF DIVERSION

Twp. 9S Rge. 25E - Section 13 - - SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$
14 - - SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$
15 - - SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$
24 - - SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$
25 - - SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$

Twp. 9S, Rge. 26E - Section 19 - - SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$
20 - - SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$
21 - - SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$
22 - - SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$
23 - - SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$
24 - - SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$
25 - - SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$

Twp. 9S, Rge. 27E - Section 27 - - SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$
28 - - SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$
29 - - SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$
30 - - SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$

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Exhibit A NOV 19 1974

Department of Water Resources

LAKE SIDE IRRIGATION PROJECT
TEMPORARY WITHDRAWAL REQUEST

Township 9 South, Range 25 East B.M.

Section		Acres
11	SE $\frac{1}{4}$, SE of SW	200
12	All	640
13	All	640
14	All	640
15	All	640
22	All	640
23	All	640
24	All	640
25	All	640
33	SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$	200
34	SE $\frac{1}{4}$, S $\frac{1}{2}$ of SW $\frac{1}{4}$	240
35	S $\frac{1}{2}$	320

Township 9 South, Range 26 East B.M.

13	All	640
14	All	640
15	All	640
17	All	640
18	All	640
19	All	640
20	All	640
21	All	640
22	All	640
23	All	640
24	All	640
25	All	640
26	All	640
27	All	640
28	All	640
29	All	640
30	All	640
31	All	640
32	All	640
33	W $\frac{1}{2}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$	480
34	All	640
35	All	640

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Department of Water Resources

Township 10 South, Range 26 East B.M.

	Acres
Section 5 All Northward from north boundary of interstate	600
4 All of $W\frac{1}{2}$ from north boundary of Interstate and $NE\frac{1}{4}$	400
3 $W\frac{1}{2}NW\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}NE\frac{1}{4}$	160

Township 9 South, Range 27 East B.M.

19 All	640
20 All	640
26 $S\frac{1}{2}$, $NW\frac{1}{4}$	480
27 All	640
28 All	640
29 All	640
30 All	640
31 All	640
32 All	640
33 All	640

Total Acres

27,400