

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/5/2020

Water Application 43-7059

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DONALD JEWETT , ZZ

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

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

RECEIVED

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

SEP 24 1975

OF THE

STATE OF IDAHO

Department of Water Resources
Southern District Office

IN THE MATTER OF APPLICATION FOR PERMIT)
NO. 43-7059 in the name of DONALD JEWETT.)

ORDER DENYING
PERMIT

WHEREAS, on July 15, 1975, Donald Jewett applied to the Department of Water Resources for a permit to appropriate 4.00 cubic feet per second of water from a ground water source to be diverted from a point within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 5, Township 16 South, Range 27 East, B.M., Cassia County, to be used for stockwater and domestic purposes and for the irrigation of 245.28 acres of land within Section 5, Township 16 South, Range 27 East, B.M., Cassia County; and,

WHEREAS, the Department caused notice of the application to be published in the South Idaho Press at Burley, Idaho on July 22 and July 29, 1975 and as a result thereof a protest was filed by Lane Elison on the basis that said point of diversion was within a Critical Ground Water Area; and,

WHEREAS, the Department of Reclamation (now the Department of Water Resources) pursuant to §42-233a, Idaho Code, established the Raft River Critical Ground Water Area; and,

WHEREAS, the Director of the Department, having reviewed the application, finds that the proposed point of diversion is located within the Raft River Critical Ground Water Area boundaries as modified by the Order of November 3, 1970; and,

WHEREAS, the information on file with the Director shows that the reasonably anticipated average rate of future natural recharge is substantially less than the current rate of withdrawal of ground water within the Raft River Critical Ground Water Area, and said information also shows that ground water pumping levels are continuing to decline; and,

WHEREAS, the Director, having studied the application and the area of withdrawal of water, finds that there is no

See also 47-7407

43-7059

water available for additional appropriation and that any additional appropriation of water will adversely affect the water level and other existing water rights in said area;

IT IS, THEREFORE, HEREBY ORDERED that Application for Permit No. 43-7059, be and is, DENIED.

DATED this 18 day of September, 1975.


R. KEITH HIGGINSON
Director

Identification No. _____

Application No. 43-7059

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

DENIED

RECEIVED

JUL 15 1973

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

Department of Water Resources
Southern District Office

1. Name of applicant Donald Jewett Phone: 206-564-0305
post office address 3320 Mountain View Ave. West, Tacoma, Washington 98466
2. Source of water supply Groundwater which is a tributary of _____
3. a. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 5 Township 16S
Range 27E B.M. Cassia County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into Lot 2 at a point in NE $\frac{1}{4}$
of SE $\frac{1}{4}$ of Section 5 Township 16S Range 27E B.M. _____
4. Water will be used for the following purposes:
Amount 4.0cfs for Irrigation purpose from April 1 to Oct. 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .03cfs for Stockwater purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .08cfs for Domestic purpose from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 4.0 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well, pump, and conveying works

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 10 inches; proposed depth of well is 150 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 3 years.
b. Estimated construction cost is \$ unknown
8. Description of proposed uses:
a. If water is **not** for irrigation: Same as 8b.
(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: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____
200 head hogs; 80 head cattle; 100 chickens
(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water 2
(5) If water is to be used for other purposes describe: _____

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

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	
16S	27E	5	Lt.1 41.32	Lt.2 41.76		40	Lt.3 42.2			40									245.28

Total number of acres to be irrigated 245.28

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

9. a. Who owns the property at the point of diversion Donald Jewett

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

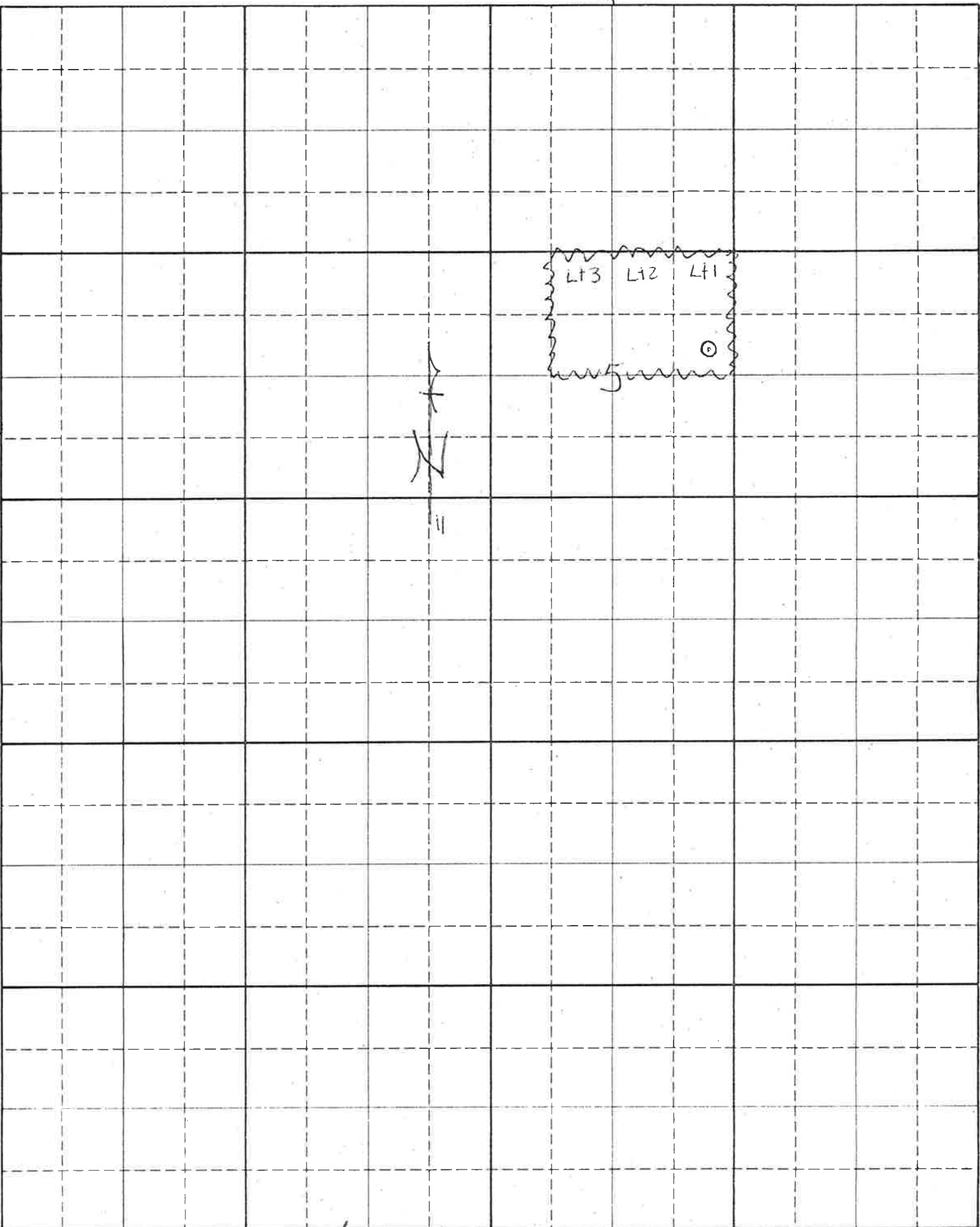
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks

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

R 27 E

T
16
S



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.

Donald Jewett
(Applicant)

ADM

#1653

Received by mb Date 7-15-75 Time 2:45
Preliminary check by ADM Fee \$ 55.00
Receipted by mls Date 7-15-75
Publication prepared by CC Date 7-17-75
Published in South Idaho Press
Publication dates 7-22 & 7-29-75
Publication approved _____ Date _____
Priority reduced to _____ Reason _____

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. 43-7059, and said application is hereby DENIED.

1. Approval of said application is subject to the following limitations and conditions:

- SUBJECT TO ALL PRIOR WATER RIGHTS.
- Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.
- Other: _____

2. Denial of said application is for the following reasons: _____

Pursuant to Order dated September 18, 1975

Witness my hand this 18 day of September 19 75.


Director

INTER-DEPARTMENT MEMO — 1

FROM Mike Steele

DATE 8/29/75

TO Bob Fleenor

SUBJECT Protested Application For Permit No. 43-7059 - Donald Jewett

I talked to Norm Young about the above listed application, and he suggested that I route this through to you.

ms

SIGNATURE

JAMES E. RISCH
Attorney at Law
407 W. Jefferson
BOISE, IDAHO 83702
(208) 344-0000
August 26, 1975

RECEIVED

AUG 27 1975

Department of Water Resources
Southern District Office

State of Idaho
Department of Resources
Southern District
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Gentlemen:

I represent Donald Jewett in regard to Application for Permit No. 43-7059. This Application has been protested by one, Lano Elison. Mr. Elison's protest is based upon the fact that the Application is in a Critical Groundwater area. On August 25, 1975, I called your office to discuss this matter and did receive what I felt was satisfactory information.

The purpose of this letter is to request that you furnish me, if possible, with some documentary showings of how the Critical Groundwater area was determined, at what time and under what authority of law. Would you also indicate to me how many applications you have had for permits in the Critical Groundwater area since its establishment. I am also interested in whether any of those applications have been successful.

Thank you for your cooperation in this matter.

Very truly yours,

JAMES E. RISCH
Attorney at Law

JER/hj

July 31, 1975

I, Lano Elison, Malta, Idaho 83342, respectively, protest the Application for Permit of Donald Jewett, No. 43-7059, as the point of diversion and place of use are in the Critical Groundwater area, and this area is not open for drilling at the present time.

Signed Lano Elison
Malta, Idaho

RECEIVED

JUL 31 1975

Department of Water Resources
Southern District Office

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)

STATE OF IDAHO) ss.

Zelma Stevenson being first
duly sworn, deposes and says that she is the

bookkeeper of the South Idaho
Press, a daily newspaper published at Bur-
ley, Idaho, in the county aforesaid and that
the paper is of general circulation therein.
Deponent further states that the printed no-
tice attached hereto was duly published
according to law in the regular editions of

The South Idaho Press for 2
consecutive weeks, commencing with the issue

dated July 22, 1975, and ending

with the issue dated July 29, 1975.

Zelma Stevenson
Subscribed and sworn to before me

this 30th day of July

1975.

Edith Laustadt Notary Public

Cost of Publication 12.60

Notary Fee _____

Total Cost _____

My commission expires October 23, 1975

RECEIVED

JUL 31 1975

Department of Water Resources
Southern District Office

STATE OF APPLICATION
FOR WATER PERMIT

Notice is hereby given that
Donald Jewett, 3320 Mountain
View Avenue West, Tacoma,
Washington 98466 has on 7-15-75
submitted Application No. 43-7059
for a permit to appropriate 4.0
cubic feet per second of water
from Groundwater by means of
Well, pump, and conveying works
within the SE 1/4 NE 1/4, Sec. 5 Twp.
16S, Rge. 27E, B.M. Cassia County
to be used from January 1-
December 31 (Stockwater &
Domestic purposes); April 1-Oct.
15 for irrigation of 245.28 acres
within the NE 1/4 NE 1/4, Lot 1 (41.32
acres); NW 1/4 NE 1/4, Lot 2 (41.76
acres); S 1/2 NE 1/4 (80 acres);
NE 1/4 NW 1/4, Lot 3 (42.2 acres);
SE 1/4 NW 1/4 (40 acres) Section 5,
Township 16S, Range 27E, B.M.
If issued, this permit will be
subject to all prior water rights.
Protests against the granting of
the permit must be filed with the
Idaho Department of Water
Resources, 1041 Blue Lakes Blvd.,
North, Twin Falls, Idaho 83301 on
or before August 8, 1975.

R. KEITH HIGGINSON
Director

Published in the South Idaho
Press on July 22 and July 29, 1975.

O.K.C.C.
8-1-75

July 31, 1975

RE: Application For Permit No. 43-7059 - Donald Jewett

Mr. Lano Ellison
Malta, Idaho 83342

Dear Mr. Ellison:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code);

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Sincerely,

BOB HAYNES
Southern District Engineer

BH:cc

bc: Boise - IDWR

July 31, 1975

RE: Application For Permit No. 43-7059 - Donald Jewett

Mr. Donald Jewett
3320 Mountain View Avenue West
Tacoma, Washington 98466

Dear Mr. Jewett:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 43-7059. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department cannot allow a permit for irrigation purposes which would entail the use of more than a continuous flow of .02 cubic feet per second of water for each acre of land, or an annual amount of 5 acre feet for each acre of land, unless the applicant can show that more is required. (Section 42-202, Idaho Code)

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of any assistance, please contact us.

Sincerely,

BOB HAYNES
Southern District Engineer
BH:cc
enc.
bc: Boise - IDWR

July 9, 1975

Mr. Donald Jewett
3320 Mountain View Avenue West
Tacoma, Washington 98466

Dear Mr. Jewett:

I am returning your application for permit and Check No. 34-7 for \$35.00. I am also sending an application for your signature which was prepared pursuant to our telephone conversation this date.

I believe I have the legal description of your property correct, as it is taken from your earlier letter. I have gone ahead and listed the entire 245 acres as land to be irrigated, even though you may not have plans that large at this time. This causes no problems. The location of the point of diversion for your well may not be proper. The circle with the dot in it on the map indicates the place as described in Item No. 3. If this is not correct, please change the map and Item No. 3 to the location you desire.

The filing fee on this application is \$55.00.

If I can be of any further assistance, please don't hesitate to contact me.

Sincerely,

BOB HAYNES
Southern District Engineer

DH:cc

Enclosure

July 17, 1975

RE: Application For Permit No. 43-7059 - Donald Jewett

South Idaho Press
Box 190
Burley, Idaho 83318

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

BOB HAYNES
Southern District Engineer

BH:cc

Bill submitted: 8-1-75 cc

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Donald Jewett
3320 Mountain View Avenue West, Tacoma, Washington 98466
has on 7-15-75 submitted Application No. 43-7059
for a permit to appropriate 4.0 cubic feet per second ~~XXXXXX~~
of water from Groundwater
by means of Well, pump, and conveying works.
within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 5, Twp. 16S, Rge. 27E, B.M. Cassia County
to be used from January 1 - December 31 (Stockwater & Domestic purposes); April 1 - Oct. 15
for Irrigation of 245.28 acres
within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Lot 1 (41.32 acres); NW $\frac{1}{4}$ NE $\frac{1}{4}$, Lot 2 (41.76 acres); S $\frac{1}{2}$ NE $\frac{1}{4}$ (80 acres);
NE $\frac{1}{4}$ NW $\frac{1}{4}$, Lot 3 (42.2 acres); SE $\frac{1}{4}$ NW $\frac{1}{4}$,/Section 5, Township 16S, Range 27E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301 on or before August 8, 1975.

R. KEITH HIGGINSON

Director

Published in the South Idaho Press
on July 22 and July 29, 1975

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. 42-7059
DONALD JEWETT

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) mls 7-15-75

In form to receipt

(2) _____

Send Copies to:

_____ Idaho State Health Department
_____ Idaho Fish and Game Department
_____ Bureau of Land Management

(3) _____

_____ Request Special Use Permit from U.S.F.S.
_____ Request Easement from B.L.M.
_____ Request Information from Applicant

(4) mls 7-15-75

In form for advertising

(5) _____

Platted on Map No. _____

(6) _____

Located within Water District No. _____

(7) mls 7-15-75

Critical groundwater area: yes ☒ no _____

(8) _____

Groundwater levels:

_____ Declining, _____ Stable, _____ Increasing

(comment) _____

(9) _____

Other rights on the same place of use

(10) _____

Comments: _____

(11) _____

Affidavit of Publication received(date) _____

(12) _____

Final date for protests _____

Protests received: yes _____ no _____

(13) _____

All requested information received from agencies or
applicant: yes _____ no _____

(14) _____

Action recommended:

_____ Approve _____ Deny

_____ Proposed Priority

_____ Reason for Reduction _____

_____ Measuring device required

_____ See attached sheet for other conditions of
approval

_____ No special conditions for approval

(15) Diversion _____ By _____ Date _____