

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/4/2020

Water Application 43-7021

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ELWIN KAY HARPER MALTA, ID 83342

Status: Denied

Source

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
------------------------------	--------------------	------------------	------------------------------	----------------------

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
OCT 10 1979

Department of Water Resources
Southern District Office

Identification No.

43-7021

Application No.

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR PERMIT

DENIED

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

1. Name of applicant Elwin Kay Harper
post office address MAITA IDAHO
2. Source of water supply Cassia Creek which is a tributary of Raft River
3. a. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 13 Township 13 S
Range 26 E B.M. Cassia County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 1.56 for irrigation purpose from March 1 to November 1 (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. 1.56 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Concrete diversion dam and
earth ditch

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 2 years.
b. Estimated construction cost is \$ Existing.
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: _____ 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: _____

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

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
13S	26E	1		Lot 2 40			Lot 3 38												78

Total number of acres to be irrigated 78

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

License G 30532 is used for irrigation in Lot 3, this is the license for a groundwater source.

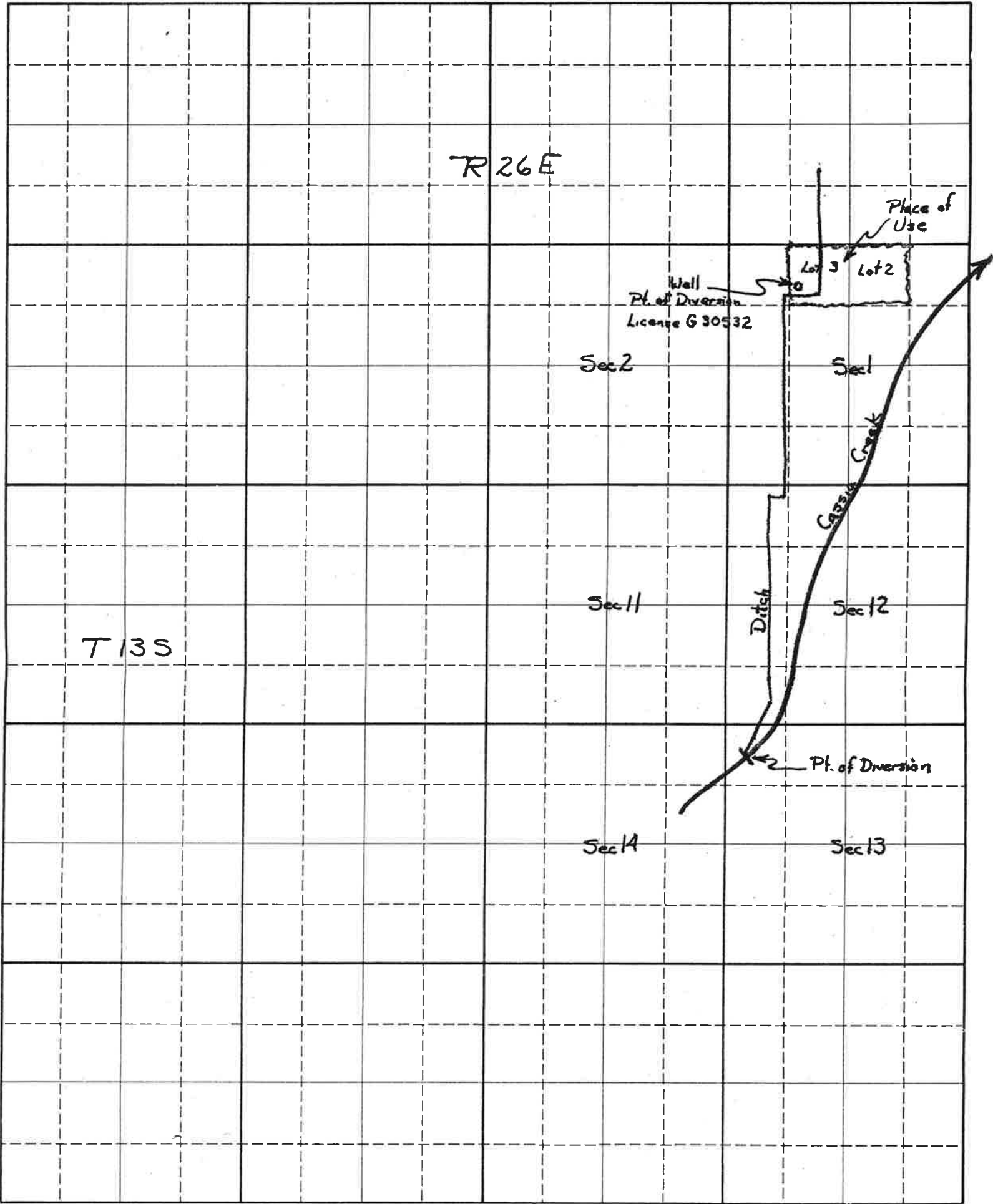
9. a. Who owns the property at the point of diversion Anderson Bros.

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing agreement in connection with the decreed water that is taken from Cassia Creek through the same system

10. Remarks the application is filed for use of excess water above that required to fill existing rights of Cassia Creek.

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



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.

Elmer Kay Harper
(Applicant)

Received by 21 Date 3/5/71 Time 2:00
Preliminary check by PDF Fee \$ 25.00 — Permit # 5723 gma
Receipted by 21 Date 3-5-71
Publication prepared by dr Date 3-16-71
Published in South Idaho Press
Publication dates 3-25 & 4-1, 1971
Publication approved dr Date 4-1-71
Priority reduced to _____ Reason _____

Protests filed by: Jay Cottle, Cassia Creek
Reservoir Company,
Alvin Neddo and Glen Parke
Copies of protests forwarded by dr 4-15-71
Hearing held by _____ Date _____
Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 43-7021, and said application is hereby DENIED.

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. Other: _____

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

PURSUANT TO ORDER

Witness my hand this 15 day of October 1975.



Director

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF DENYING APPLICATION)
FOR PERMIT NO. 43-7021 IN THE NAME)
OF ELWIN KAY HARPER)
_____)

ORDER

WHEREAS, on March 5, 1971, Elwin Kay Harper applied to the Department of Water Resources for a permit to appropriate 1.56 cubic feet per second of water from Cassia Creek tributary to Raft River within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 13, Twp. 13S, Rge. 26E, B.M., Cassia County, to be used for irrigation purposes; and,

WHEREAS, on March 25 and April 1, 1971, notice of this proposed appropriation was published in The South Idaho Press, Burley, Idaho; and,

WHEREAS, on April 12, 1971 said application was protested by Jay Cottle, The Cassia Reservoir Company, Alvin Neddo and Glen Parke; and,

WHEREAS, a hearing was held on November 10, 1971, and was continued to allow the applicant to seek an agreement with the protestants which would resolve the protests; and,


WHEREAS, on June 20, 1979, the Department scheduled the matter for a second hearing and the applicant failed to appear;

WHEREAS, on August 7, 1979, an Order was sent requiring the applicant to show cause on or before August 31, 1979 why Application for Permit No. 43-7021 should not be denied for failure to appear at the hearing; and,

WHEREAS, the applicant failed to show cause why said Application should not be denied:

IT IS, THEREFORE, HEREBY ORDERED That Application for Permit No. 43-7021 is DENIED for failure of the applicant to appear at the hearing.

Dated this 12 day of October, 1979.


C. STEPHEN ALLRED

Director