

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/3/2020

Water Permit 41-7033

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CLIFFORD E NELSON PO BOX 114 ROCKLAND, ID 83271

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

For Office Use Only	
Fee Received	\$15.00
Date	5-15-1984
Receipt #	34613

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAR 21 1984

REQUEST FOR EXTENSION OF TIME

RECEIVED
JUN 20 1984

To provide additional time in which to submit
proof of beneficial use on a water right permit

Department of Water Resources

Department of Water Resources
Boise District Office

Clifford Nelson of Box 114 Rocklawn 83271
(Name) (Address)

State of Idaho, deposes and says:

That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of
the State of Idaho No. 41-7033.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before
_____, 19 ____.

That he has heretofore performed the following work described under said permit: _____
(This must be filled out! If no work has been completed put none.)

Costing \$ _____

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:
Waiting for snow falls negotiation

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations
under said permit to _____, 19 89.
(1 yr. minimum, 5 yrs. maximum)

NOTE
AS OF JULY 1, 1980,
THERE IS A \$15.00
CHARGE FOR REQUESTS
FOR EXTENSION OF
TIME

Clifford Nelson
(Signature)*
*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within
which to submit the statement of beneficial use is extended to February 1, 1989.

IT IS FURTHER ORDERED that the permit be REINSTATED and the priority be advanced to
March 21, 1978, pursuant to Sec. 42-218a, Idaho Code.

The Department reserves jurisdiction of this permit for the purpose of adding any
applicable conditions to protect the public interest.

Dated this 15th day of June, 1984.

J. Glen Saxton
Chief, Operation Bureau

41-7033

RECEIVED

MAY 18 1984

Department of Water Resources
SOUTHERN DISTRICT OFFICE

May 15, 1984

Re: Permit No. 41-7033

Clifford E. Nelson
Box 114
Rockland, ID 83271

Dear Mr. Nelson:

This office has received the request for extension of time which you submitted in connection with the above-referenced permit. Since the extension request indicates that development of a water right under the permit has not been started and since the proposed use of water is hydraulically upstream of the Swan Falls Dam on the Snake River, the Department will delay action on the request for extension of time.

As background information, in November of 1982, the Idaho Supreme Court held that Idaho Power Company's use of Snake River water at Swan Falls Dam for power generation purposes was not subordinated to later-in-time upstream uses as was previously thought. Although certain issues in the case still need to be determined at the district court level, several potential implications of the case need to be carefully considered. It is possible that unless use of water began prior to the November 1982 ruling, development of a new water right cannot occur even though a permit has been issued by the Department. It is also possible that the Department will not issue any new water right permits for consumptive uses upstream from Swan Falls Dam in the Snake River drainage including tributary groundwater. It is also possible that compensation may have to be paid to Idaho Power Company by later in time waterusers in the impact area for depletion of Snake River flows used by Idaho Power Company to generate power at Swan Falls and at other dams along the Snake River.

Due to these concerns, the Department will hold your request for extension of time without action until the impacts of the Swan Falls issue have been determined.

If you have questions, please feel free to contact the Department.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

cc: Regional Office

RECEIVED

Identification No. _____

Application No. 41-7033

FEB 14 1977

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPROVED

Department of Water Resources
Southern District Office

APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

1. Name of applicant Clifford E. Nelson Phone: 548-2651
post office address Box 114, Rockland, Idaho 83271
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 7 Township 10S
Range 31E B.M. Power 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 6.0cfs for Irrigation purpose from Mar. 15 to Nov. 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. 6.0 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, sprinklers

- 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 14 inches; proposed depth of well is 400 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 50,000.00
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: _____

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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	
10S	31E	7			40	40					Lt. 3	Lt. 4				40			240
		18					40	Lt. 1	20										60
		8							35										35
		12															40		40
		13	40																40

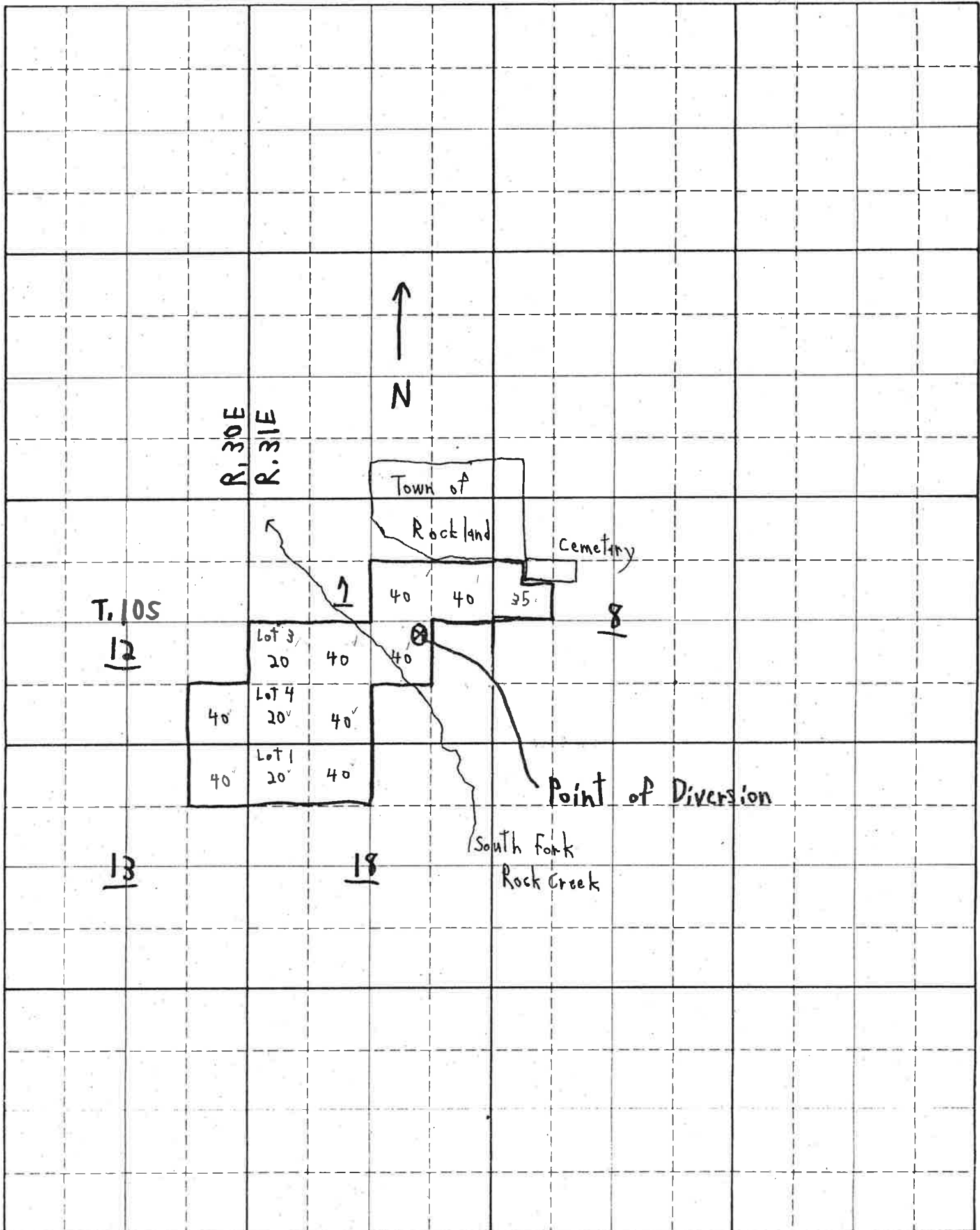
Total number of acres to be irrigated 415

c. Describe any other water rights used for the same purposes as described above. Permit 41-7014 in part, decreed water from South Fork Rock Creek until June 15

9. a. Who owns the property at the point of diversion applicant
- b. Who owns the land to be irrigated or place of use applicant (335 acres) State of Idaho
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing (80 acres are leased to the applicant) Lease No. C-9217 (copy attached)

10. Remarks

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.

Clifford E Nelson
(Applicant)

Proposed Priority 2-1-78

Received by JA Date 2-1-78 Time 11:50 am
Preliminary check by JS Fee \$ 75.00
Received by JA Date 2-1-78 # 7507
Publication prepared by JA Date 2/6/78
Published in Power County Press
Publication dates 2/15 - 2/22/78
Publication approved JA Date 2/28/78
Priority reduced to _____ Reason _____

Protests filed by: James J. Nelson & Richard May - with drawn per stipulation 1/23/79

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by JA SS.

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. 41-7033, and said application is hereby APPROVED.

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 February 1, 1984.
- c. Other: (1) An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department. (2) The issuance of this permit in no way grants any right-of-way or easement across the land of another. (3) Water shall be cased out of the well to a depth of 50 feet.

Witness my hand this 12 day of February, 1979.

A. Glen Saxton
Chief, Operations Bureau