

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-04230
Date Received: 3/12/1990
Receipt No: E012308
Received By: KW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CITY OF LAVA HOT SPRINGS 208-776-5820
Address: P.O. BOX 187
LAVA HOT SPRINGS, ID 83246

2. Date of Priority: OCT 20, 1921

3. Source: SPRINGS Trib. to: FISH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	38E	24	SE	SW	SW		BANNOCK
		25	NW	NE	NW		BANNOCK
			NE	NW	NW		BANNOCK
			NW	NW	NW		BANNOCK

5. Description of diverting works:
ELEVEN SPRINGS COLLECTION PIPES TO HEADBOX & PIPELINE TO CITY

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MUNICIPAL	01/01	12/31	0.760		

7. Total Quantity Appropriated is:
0.760 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
M/CITY OF LAVA HOT SPRINGS

A29-04230

Page 1

Date: 03/12/90

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A2904230

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	38E	21			MUNI	
		22			MUNI	
		28			MUNI	

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
29-04229/07346

14. Remarks:
P/U WITHIN CITY OF LAVA HOT SPRINGS

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am City Clerk of City of Pahr Hot Springs that I have signed the foregoing document in the space below as City Clerk of City of Pahr Hot Springs and that the statements contained in the foregoing document are true and correct.

Canda L. Dimick
Signature of Authorized Agent

Clerk / City of Pahr Hot Springs
Title and Organization

3/12/90
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 12 day
of Mar 19 90

Valerie Wray
Notary Public

Residing at Idaho Falls

My Commission Expires 5/29/1991





115 WEST ELM
P.O. Box 187
LAVA HOT SPRINGS, ID
83246
(208) 776-5820
FAX (208) 776-5130

RAYMOND E. BAILEY
MAYOR

CANDA L. DIMICK
CLERK-TREASURER

COUNCILMEMBERS

WILLIAM ROBERT ANDERSON
IRENE BERGENDORF
MARSHALL BURGIN
MARILYN CARR

May 30, 2001

State of Idaho
Department of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RE: Snake River Basin Adjudication (SRBA), Claims to Water Rights
A29-04229 and 29-04230

ATTN: Allen B. Ruberry

Enclosed is the City of Lava Hot Springs flow metered records for the above referenced claims as requested.

The record data titled Well #1 is for Claim # A29-04229.

The record data titled Spring Inflow is for Claim # A29-04230. Please note that the portion of this record that is highlighted in yellow includes flow measurements for the springs and well together.

Again, I must mention that the city authorities are concerned that the current flow records will not be maximum capacity for both sources due to drought conditions and hereby asks that this factor be taken into consideration when confirming and establishing the quantity claimed for beneficial use.

If you have any questions regarding the records please feel free to contact Tony Hobson, Public Works Supervisor or myself at (208) 776-5820 during the hours of 9 a.m. to 2 p.m., Monday through Friday.

Sincerely,

A handwritten signature in cursive script that reads "Canda L. Dimick".

Canda L. Dimick
City Clerk

Enclosures

RECEIVED

MAY 31 2001

Department of Water Resources
Eastern Region

Well #1 Records

A09-04229

10/4	Time	Meter Reading	G.P.O.	G.P.M.	Hrs. Operating	Weather	Int
5-1-01	7:00am	1732000	9 1/2 hrs	59 gpm	9 1/2 hrs	cloudy	T.H
5-2-01	5:00am	165800	31.5 hrs	57 gpm	7 hrs	clear	T.H
5-3-01	8:30am	186500	20.0 hrs	66 gpm	7 1/2 hrs	cloudy	T.H
5-4-01	7:00am	210000	23.5 hrs	62 gpm	8 hrs	clear	T.H
5-7-01	8:00am	280000	1 day and 2 hrs	62 gpm	5 hrs	clear	T.H
5-10-01	8:30am	341700	3 days and 24.5 hrs	97 gpm	8 hrs	clear	T.H
5-11-01	8:20am	385100	23.4 hrs	70 gpm	8 hrs	clear	T.H
5-14-01	9:10am	459200	4 days and 17.7 hrs	70 gpm	8 hrs	clear	T.H
5-15-01	8:15am	480000	30.8 hrs	70 gpm	8 hrs	clear	T.H
5-16-01	8:40am	509400	29.4 hrs	72 gpm	8 hrs	clear	T.H
5-18-01	8:30am	533100	27.7 hrs	74 gpm	8 hrs	cloudy	T.H
5-21-01	8:10am	584100	3 days and 24.9 hrs	81 gpm	2 hrs	clear	T.H
5-22-01	8:20am	608400	24.3 hrs	75 gpm	8 hrs	clear	T.H
5-23-01	9:00am	634900	26.5 hrs	68 gpm	8 hrs	clear	T.H
5-24-01	8:15am	655000	20.1 hrs	76 gpm	8 hrs	clear	JP
5-25-01	8:34am	680000	25.0 hrs	72 gpm	8 hrs	partly cloudy	JP
5-29-01	8:30am	774000	4 days and 23.5 hrs	75 gpm	32 hrs	clear	T.H
5-30-01	8:15am	794500	22.8 hrs	77 gpm	8 hrs	clear	T.H

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MAY 31 2001

Spring Inflow Meter Records

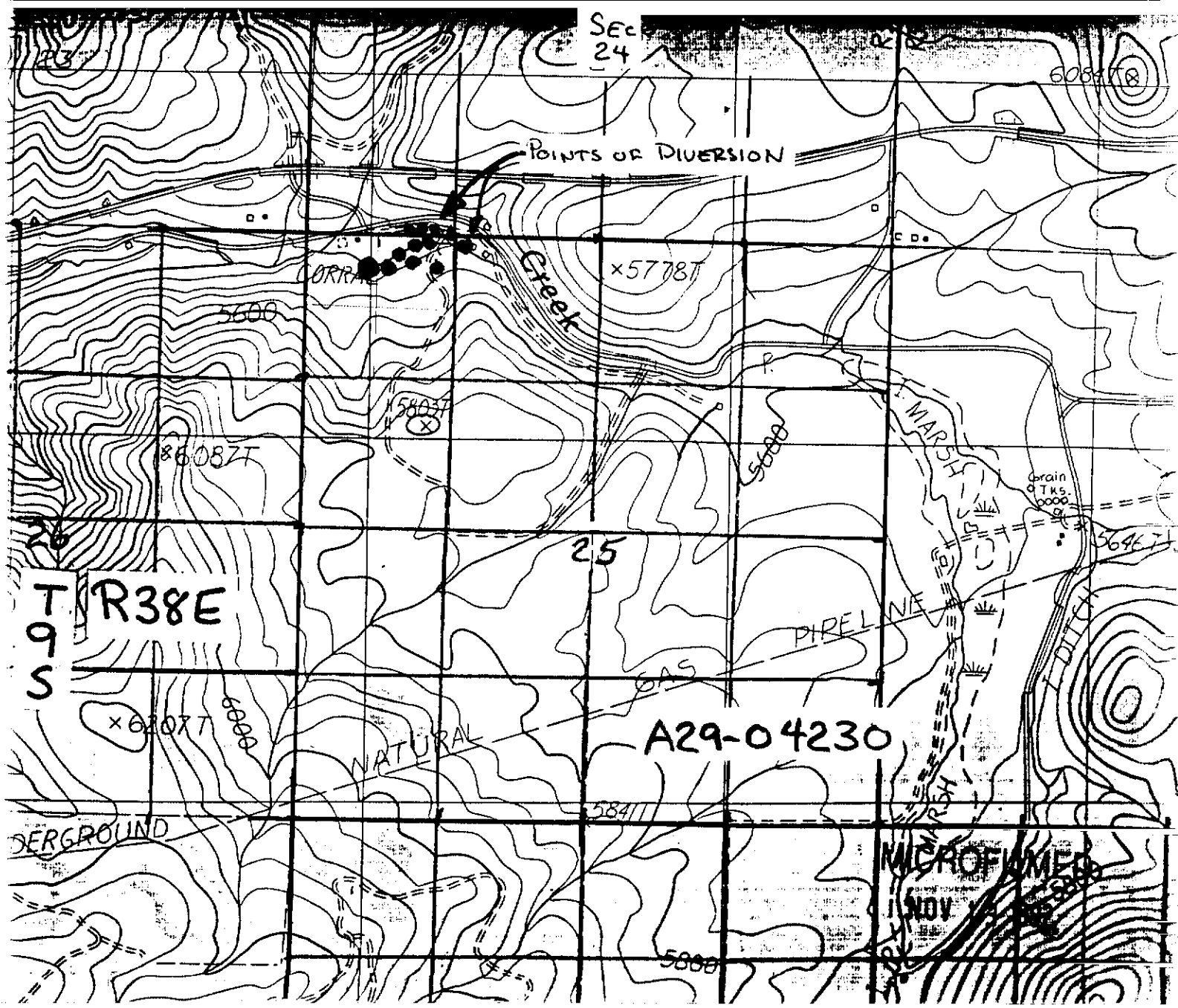
A29-04230

NO/Y	Time	Meter Reading	G.P.M	G.P. @	Hrs. Operating	Weather	
3-24-01	10:00am	000000000				Full moon	T
3-22-01	9:00am	000359000	260 gpm	359,000 gpd	23 hrs	Sunny	T-6
3-23-01	8:30am	000750000	270 gpm	391,000 gpd	23 1/2 hrs	Sunny	X-6
3-26-01	8:25am	001942000	270 gpm	397,000 gpd	21 1/2 hrs	Partly cloudy	T-4
3-24-01	8:20am	002337000	270 gpm	395,000 gpd	24 hrs	Sunny	T-1
3-28-01	8:30am	002739000	260 gpm	402,000 gpd	24 hrs	Sunny	T-4
3-29-01	8:00am	003160000	250 gpm	412,000 gpd	24 hrs	Cloudy	T-4
3-30-01	8:00am	003555000	270 gpm	445,000 gpd	24 hrs	Sunny	T-4
4-2-01	8:00am	004731000	275 gpm	392,000 gpd	24 hrs	Sunny	T-4
4-3-01	8:00am	005122000	280 gpm	392,000 gpd	24 hrs	Sunny	T-4
4-4-01	8:23am	005518000	280 gpm	396,000 gpd	24 hrs	cloudy	JP
4-5-01	8:20am	005909000	280 gpm	392,000 gpd	24 hrs	cloudy light rain	T-4
4-6-01	8:25am	006309000	270 gpm	400,000 gpd	24 hrs	Sunny	T-4
4-9-01	8:00am	007447000	270 gpm	396,000 gpd	24 hrs	clear sunny	T-4
4-10-01	8:15am	007856000	280 gpm	389,000 gpd	23 hrs	Sunny	T-4
4-11-01	8:20am	008245000	280 gpm	412,000 gpd	24 hrs	cloudy	T-4
4-13-01	8:15am	009032000	280 gpm	403,000 gpd	24 hrs	Sunny	T-4
4-16-01	8:30am	009264000	280 gpm	396,000 gpd	24 hrs	clear	T-4
4-20-01	8:15am	009650000	280 gpm	357,000 gpd	24 hrs	Sunny	T-4
4-21-01	8:30am	0011006000	280 gpm	400,000 gpd	24 hrs	Partly cloudy	T-4

Spring Inflow Meter Records

NO/Y	Time	Meter Reading	G.P. M	G.P. D.	Hrs. Operating	Weather	I.
4-17-01	8:30 AM	011300	280 gpm	300 gpd	1 day	Cloudy	T.V.
4-22-01	8:45 AM	01292000	280 gpm	300 gpd	2 days	Cloudy	T.V.
4-26-01	9:00 AM	014135000	280 gpm	300 gpd	3 days	Cloudy	T.V.
4-30-01	11:30 AM	15765000	700 gpm	400 gpd	4 days	Cloudy	T.V.
5-3-01	8:30 AM	16535000	300 gpm	350 gpd	3 days	Cloudy	T.V.
5-7-01	9:30 AM	18476000	350 gpm	410 gpd	4 days	Cloudy	T.V.
5-10-01	8:30 AM	19146200	300 gpm	300 gpd	2 days	Cloudy	T.V.
5-14-01	9:15 AM	21300000	320 gpm	300 gpd	2 days	Cloudy	T.V.
5-17-01	8:30 AM	22400000	300 gpm	300 gpd	2 days	Cloudy	T.V.
5-20-01	8:30 AM	24108000	320 gpm	300 gpd	2 days	Cloudy	T.V.
5-23-01	8:35 AM	24200000	320 gpm	300 gpd	2 days	Cloudy	T.V.
5-24-01	8:45 AM	27200000	300 gpm	300 gpd	2 days	Cloudy	T.V.

This amount of GPD is with 5' with well running





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

May 8, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CITY OF LAVA HOT SPRINGS
OFFICE OF THE MAYOR
PO BOX 187
LAVA HOT SPRINGS ID 83246

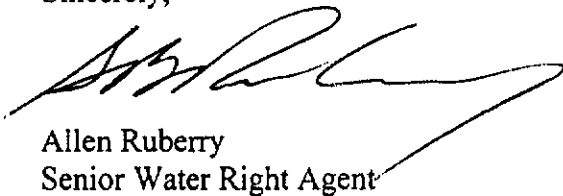
RE: NOTICE OF CLAIM NUMBER A29-04230 AND A29-04229

Dear Sir:

This letter is the second and final request for flow measurement data. Please see the attached letter dated March 1, 2001.

If we do not receive this information within the next 30 days your claim will be disallowed.

Sincerely,



Allen Ruberry
Senior Water Right Agent

Enclosure: 1



115 WEST ELM
P.O. Box 187
LAVA HOT SPRINGS, ID
83246
(208) 776-5820
FAX (208) 776-5130

RAYMOND E. BAILEY
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COUNCILMEMBERS
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MARSHALL BURGIN
MARILYN CARR

March 30, 2001

Allen B. Ruberry
State of Idaho
Department of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RE: Snake River Basin Adjudication (SRBA), Claims to Water Rights
A29-04229 and 29-04230

Dear Mr. Ruberry:

The process for gathering the data you requested has been very difficult. I have not been able to locate any metered records on the above claims for the time period you requested, 1980 to 1987.

The City of Lava Hot Springs hereby requests a time extension for an additional thirty days to provide you with current meter readings for the referenced claims.

The city has statements from Utah Power for pumping charges for the well, Claim # A29-04229, but it is not feasible to develop a flow chart from them because the depth of the well is unknown. The city has ordered a meter for the well and will be installing it as soon as it is received. The city will furnish you with a flow record on this source within the next thirty days.

The master meter for the springs, Claim # A29-04230, has been broken for a number of years. The city had purchased a new meter prior to the receipt of your notification. The meter has since been installed and readings are being kept on a daily basis. The city would like to read the meter for a consecutive thirty day time period before submitting them to you. If this is not permissible please advise.

City authorities are concerned that the current flows will not be maximum capacity at this time due to drought conditions. Will this concern be taken into consideration or how may we address this matter?

Sincerely,

Canda L. Dimick
City Clerk

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APR 09 2001

Department of Water Resources
Eastern Region

1 March 2001

City of Lava Hot Springs
Office of the Mayor
PO Box 187
Lava Hot Springs ID 83246

RE: Snake River Basin Adjudication (SRBA), Claims to Water Rights
A29-04229 and 29-04230

Dear Sir or Madame:

I have started review of the SRBA water right claims in the Portneuf River area. The above referenced claims are for part of the municipal water system of the City of Lava Hot Springs.

Both claims, referenced above, are based on beneficial use dating to 1951 and 1921. This type of claim requires flow measurements to confirm quantity claimed for beneficial use. In this case, pumping or flow records, which date from 1980 to 1987, will satisfy this requirement. Therefore, by this letter, I am requesting copies of the flow records for both of these sources. I have enclosed copies of the two claims referenced for your perusal.

Please provide the documentation requested showing the basis for the SRBA claim referenced above within the next 30 days. Without the requested data the claims will be recommended as disallowed.

I look forward to your timely response, should you have questions regarding this matter please feel free to contact this office.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc; file

Enclosures; Claims 29-04229, 29-04230 (copies)

29-4230

- ① Source: Springs w/ Priority DATING TO 1921.
PREDATES MANDATORY Permit Statute for Surface
Water, 42-201 IC.
- ② Priority Date: City ACQUIRED THIS SOURCE ON 1 DEC. 1921,
EVIDENCE OR Priority SUBMITTED, DEED, DATED 6 DEC 1921,
DISCUSSES THE EVOLUTION OF THE City OF LAVA HOT
SPRINGS AND DEVELOPMENT OF WATER SYSTEMS. ALTHOUGH
OCT 20, 1921, IS NOT IMMEDIATELY DETECTED w/ THE
DOCUMENT, THE DISCUSSION CONTAINED THEREIN
WILL TEND TO SUPPORT Priority CLAIM.
- ③ Quantity CLAIM: REQUEST Pump ^{or flow} RECORDS FROM City.
SENT 3/8/01, LETTER RECEIVED 4/9/01, FROM City OF LAVA, REQUESTS
EXTENSION OF TIME - GRANTED VIA TELEPHONE 3/29/01 - APR 04/01 -

D E E D.

A29-0423

POOR ORIGINAL

THIS INDENTURE, Made the first day of December, 1921, between GEORGE G. CAMPBELL, a single man, and FRED H. CAMPBELL and VIOLET CAMPBELL, his wife, all of Lava Hot Springs, Bannock County, State of Idaho, parties of the first part, and the VILLAGE OF LAVA HOT SPRINGS, Bannock County, State of Idaho, a municipal corporation, duly organized under the laws of the State of Idaho, party of the second part, WITNESSETH:

That the said parties of the first part, for and in consideration of the sum of FORTY EIGHT THOUSAND TWO HUNDRED FIFTY (\$48,250.00) Dollars, in Water Works Bonds of said village at their par value, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents GRANT, BARGAIN, SELL, CONVEY and CONFIRM, unto the said party of the second part, and to its successors and assigns forever, the following property situated in Bannock County, Idaho, and particularly described as follows, to-wit:

The entire water works plant and system in and near the village of Lava Hot Springs, Bannock County, Idaho, with all of its incidents and appurtenances, including all water supplies and sources of water supply, water rights, franchises and distributing system, pipe lines, flumes and other conduits, all rights of way, permits, licenses, easements, reservoirs, reservoir sites, equipment, fixtures, tools, supplies and appliances, and particularly including the following:

The entire distributing system, including pipes and piping, with all their connections, in the village of Lava Hot Springs, Idaho, used for distributing and furnishing water to said village and the inhabitants thereof, together with all appurtenances of every kind and description.

That certain franchise granted by the County Commissioners of Bannock County, Idaho, to George G. Campbell and Fred H. Campbell, their heirs and assigns, by ordinances dated July 22, 1915, to construct, maintain and operate a system of pipe lines in, across and along the streets of the town of Hall City or Lava Hot Springs, for the conveyance of water for use by the inhabitants of said town.

That certain reservoir in the Northeast Quarter of Section 28, Township 9 South of Range 28 East of the Boise Meridian, and being about one-half mile south of the village of Lava Hot Springs; also the land upon which the same is situate, and described as follows:

Beginning at a point 1847.5 feet west and 1106.5 feet south of the northeast corner of said Section 28, and running ~~thence~~ west 90.38 feet; thence south one degree 7 minutes East 180.75 feet more or less to the south line of the north half of the Northeast Quarter of said section; thence east on said south line 180.75 feet; thence north ~~one~~ ^{one} degree 7 minutes west 180.75 feet; thence west 90.37 feet to the place of beginning.

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Also that certain water right conveyed to the parties of the first part by W.W.Cooper and Delania Cooper, his wife, by deed dated April 21, 1919, said water right being the right of the continuous use of twenty-five inches per second of time of the waters of Fish Creek, Bannock County, Idaho, which said deed is duly recorded in the office of the Recorder of Bannock County, Idaho, in Book 38 of Deeds, at page 62 thereof, said water being the waters of certain springs tributary to Fish Creek, and same being a part of the water decreed to said W.W.Cooper by decree of the ~~District Court of the Fifth Judicial District of the State of Idaho, Bannock County, in the case of W.W.Cooper et al. vs. Patrick Harkins et al. made and entered March 10th 1902;~~ the right to the use of said water dating from March 1st 1889.

Also all that certain pipe line or supply line and conduit running from the present head house of said water system of said first parties near the village of Lava Hot Springs, through the Northeast Quarter of Section 28, the Northwest Quarter of the Northwest Quarter of Section 27, the Southwest Quarter of Section 22, Lot 6, the Southeast Quarter of Section 22, the South half of the South half of Section 23, the North half of the North half of Section 26, the Southwest Quarter of the Southwest Quarter of Section 24, and the North half of the Northwest Quarter of Section 25, all in Township 9 South of Range 38 East of the Boise Meridian, to the diversion and intake works situate on or near the Northwest Quarter of said Section 25, together with all connections, diversion works and all other works used in connection with said supply line, or pipe line and conduits.

Also all easements and rights of way, permits, governmental or otherwise, and franchises, for the construction, operation and maintenance of the above mentioned supply line, pipe line and conduits, intake and diversion works through or across any of the lands hereinabove described.

Also all choses in action, ~~accounts and bills receivable~~, tools, appliances, maps and plats, fixtures, pipes, pipe lines, connections, valves and supplies of all kinds now used by the parties of the first part in connection with the water works system owned and operated by them at Lava Hot Springs, and any and all property, property rights, water, water rights, reservoirs, reservoir sites, easements, permits, franchises, rights of way, pipe lines, conduits and other property, real, personal or mixed, now owned by said parties of the first part, or either of them, and used by them in connection with or as a part of or for the convenient operation of the waterworks plant and system at and near Lava Hot Springs, Bannock County, Idaho.

The parties of the first part expressly reserve from the operation of this grant the following described property, all of which is situated in Bannock County, Idaho:

All that certain supply line or pipe line and conduit running from said village of Lava Hot Springs southerly and easterly from said village through the East half of Section 28, the Southwest Quarter of Section 27, the Northeast Quarter of Section 33, the North half of Section 34, and the Northwest Quarter of Section 35, all in Township 9 South of Range 38 East of the Boise Meridian to the so-called Sublett Spring in the Northwest Quarter of said Section 35, together with all connections, diversion works and all other works used in connection with said supply line or pipe line and conduits; and also all easements and rights of way, permits and franchises for the construction and operation and maintenance of the last above mentioned supply line or pipe line,

intake and diversion works through or across any of the lands last above mentioned.

Also that certain water right in and to the waters of Sublet Spring, which said spring is situate in the Northwest Quarter of Section 35, Township 9 South of Range 28 East of the Boise Meridian, said water right being represented by water permit No. 7589 and water license No. 7589, issued by the State Engineer of the State of Idaho, August 8th 1911, and September 28th 1912, respectively.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

To have and to hold, all and singular, the above granted premises, with the appurtenances, unto the said party of the second part, its successors and assigns forever.

And the said parties of the first part, for their heirs, executors, and administrators, do covenant, grant and agree to and with the said party of the second part, its successors and assigns, the said premises, in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against the parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will warrant, and by these presents forever defend.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

George G. Campbell (SEAL)
Fred H. Campbell (SEAL)
Violet Campbell (SEAL)

Witness:

B. W. Davis

STATE OF IDAHO)
BANNOCK COUNTY) SS.

On this 6 day of December, 1921, before me *B. W. Davis* a Notary Public in and for said county and State, personally appeared George G. Campbell, a single man, and Fred H. Campbell, and Violet Campbell, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

B. W. Davis
Notary Public, State of Idaho.
Residence, Pocatello, Bannock
County, Idaho.

POOR ORIGINAL

BANNOCK ENGINEERING CO.
CIVIL ENGINEERS

POCATELLO, IDAHO

RECEIVED

March 19. 1923.

MAR 19 1923

Petersen & Coffin,
Pocatello, Idaho.

Referred to _____

Gentlemen:

Following are the descriptions of the springs of the
Village of Lava Hot Springs, on Fish Creek.

<u>No.</u>	<u>Location</u>	<u>Quantity</u>	<u>Miners</u>	<u>Inches</u>
1.	N.87°00' E. 880 ft. from Cor 23,24,25,26 T.9.S., R.38.B.M.	4	"	
2.	N.87°30' E. 940 "	3	"	
3.	N.87°30' E. 1010 "	3	"	
4.	S.57°00' E. 890 "	3	"	
5.	S.66°15' E. 850 "	5	"	
6.	S.69°30' E. 890 "	4	"	
7.	S.71°00' E. 900 "	4	"	
8.	S.72°15' E. 1230 "	8	"	
9.	S.81°15' E. 1370 "	8	"	
Total		42	"	

Springs 1,2, and 3 are in SW 1/4 Sec. 24. T.9.S. R.38. B.M.

" 4,5,6,7 and 8 " NE 1/4 " 25 " "

" 9. " NW 1/4 " 25 " "

Springs 1,2,3, are on land of Charles Mason.

" 4,5,6,7 and 8 are on land of Lewis S. Wright.

" 9 is on land of E.R. Peters.

MICROFILMED

NOV 13 1923

Yours truly,
BANNOCK ENGINEERING CO.
BY *E. R. Petersen*