

North
Tropical
Fish
Ponds

Orchard

South
Tropical
Fish
Ponds

Garden

Metal
Shed

Pool

Pool

Double

Double

2" line for

Heating

Pool

Drain

Commercial

Garage

Fish Room

Greenhouse

House

Swimming

Pool

Pools,
House and
Greenhouse
Drain

Swimming Pool Drain

Pond

Pond

Pond

Drain
to Deep Creek

Pond

Drain to Deep Creek

North Fish Ponds Drain

Driveway

Pipe to Kerpa #1 Well

Pipe to Lunten Well

MICROFILMED

MAR 11 1993

A47-07580

South Fish Ponds Drain

Commercial
Heating
Recreation



Robert S. & Adella S. Lunten
Sketch - Not to scale

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 47-7580
Date Received: 12/20/88
Receipt No:
Received By:

AMENDED
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

KENNETH R ASHLEY
4595 RIVER ROAD
BUHL ID 83316

Phone: (208)733-9032

CATHERINE L ASHLEY
4595 RIVER ROAD
BUHL ID 83316

Phone: (208)733-9032

2. Date of Priority: 10/05/1979

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County
09S	14E	9	SW	SE	NE	TWIN FALLS
09S	14E	9	NW	SE	NE	TWIN FALLS

5. Description of diverting works:

TWO ARTESIAN WELLS 6" X 530' AND 6" X 850' TO PIPELINE NETWORK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
COMMERCIAL	01/01	12/31	0.05	16
HEATING	01/01	12/31	0.1	37.6
RECREATION	01/01	12/31	0.2	28.1

7. Total Quantity Appropriated is:
0.2 C.F.S. and/or 81.7 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09S	14E	9	SE	NE	COMMERCIAL	
			SE	NE	RECREATION	
			SE	NE	HEATING	

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:

14. Remarks:

12-21-00, FM: OWNERSHIP CHANGE COMPLETED PER REQUEST RECEIVED 9-14-00.
AMENDED TO REFLECT LICENSE.

15. Basis of Claim: License



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 12, 2001

Kenneth R. Ashley
Catherine L. Ashley
4595 River Road
Buhl, ID 83316

RE: OWNERSHIP CHANGE FOR ADJUDICATION CLAIMS A47-07580,
47-07205, 47-07115F, 47-07826

Dear Claimants:

Pursuant to the change in ownership request submitted to the department, we have changed the record of current ownership of the above-referenced claims to you. Enclosed are copies of the computer records of the claims, reflecting the change in claimant. Please note that we have amended the claims on 47-7826 and 47-7580 to correspond with licenses issued.

In addition, we have enclosed a change of ownership form which you need to fill out for 47-12639, a domestic decreed right, and then submit to our Boise office at 1301 N. Orchard. Be sure to enclose the documentation requested under 2B on the form. There will be a \$25 filing fee.

Please feel free to contact this office if you have any questions.

Sincerely,

Florence Munzenrieder
SRBA Records Clerk

Enclosures

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
 SEP 14 2000
 Department of Water Resources
 Southern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 Incomplete forms will be returned.

1. Water Right No(s).: 47-07580, 47-07205, 47-07826
 Adjudication Claim No(s).: -A47-07580, A47-07205, A47-07826, A47-07115F

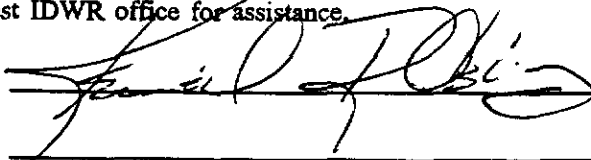
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
 OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant Robert S. Luntley and Adella S. Luntley
Rt. 3 Box 240 Buhl, ID 83316

4. New Owner/Claimant(s) Kenneth R. Ashley Catherine L. Ashley
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
 New Mailing Address 4595 River Road
 City, State and ZIP Code Buhl, Idaho 83316
 New Telephone Number (208) 733-9032

5. Date you acquired the property 10-20-99

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
 Number of acres you irrigate _____ Number and type of stock _____
 Diversion rate in CFS _____ Number of homes _____ Other uses _____
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s) 
 (Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

Jim

WARRANTY DEED

For Value Received Robert S. Luntley and Adella S. Luntley, Trustees of the successors in trust, under the Luntley Living Trust dated September 16, 1993.

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Kenneth R. Ashley and Catherine L. Ashley, husband and wife

whose address is: 712 Hiawatha Way, Twin Falls, Idaho 83301

Hereinafter called the Grantee, the following described premises situated in Twin Falls County, ID, to-wit:

Twin Falls County, Idaho

Recorded for:
FIRST AMERICAN TITLE CO.

04:25pm Oct. 20, 1999

1999 - 019086

No. of Pages: 2 Fee: \$5.00
ROBERT S. FORT
Ex-Officio Recorder
Deputy: CK

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: October 20, 1999

Robert S. Luntley and Adella S. Luntley, Trustees
of the successors in trust, under the Luntley Living Trust dated September 16, 1993

Robert S. Luntley
By: Robert S. Luntley, Trustee

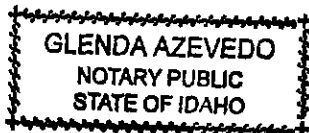
Adella S. Luntley
By: Adella S. Luntley, Trustee

STATE OF IDAHO)

: ss

COUNTY OF Twin Falls)

On This 20TH day of October, 1999, before me, a Notary Public in and for said State, personally appeared Robert S. Luntley and Adella S. Luntley, known or identified to me to be the Trustees whose name Robert S. Luntley and Adella S. Luntley subscribed to the within instrument as Trustees of the Luntley Living Trust, and acknowledged to me that they executed the same as such Trustees.



Glenda Azevedo
Notary Public of Idaho
Residing at Buhl, ID
Commission Expires: 07/25/03

Parcel I

Township 9 South Range 14 East, Boise Meridian, Twin Falls County, Idaho

Section 9: A tract of land in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ described as follows:

Commencing at the E $\frac{1}{4}$ corner of said Section 9;

Thence North 89°03' West, along the South line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$, a distance of 109.99 feet to the TRUE POINT OF BEGINNING;

Thence continuing North 89°03' West, 1209.62 feet to the SW corner of said SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Thence North 0°04' West, along the West line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 200.00 feet;

Thence South 89°03' East, 621.81 feet;

Thence South 34°56'30" East, 108.65 feet;

Thence South 73°20' East 214.90 feet;

Thence South 84°52' East 271.50 feet;

Thence South 54°52' East, 60.45 feet to the TRUE POINT OF BEGINNING.

Parcel II

Township 9 South Range 14 East, Boise Meridian, Twin Falls County, Idaho

Section 9: A tract of land in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ described as follows:

Commencing at the E $\frac{1}{4}$ corner of said Section 9;

Thence North 89°03' West, 109.99 feet;

Thence North 54°52' West, 60.45 feet to the TRUE POINT OF BEGINNING;

Thence North 84°52' West, 271.50 feet;

Thence North 73°20' West, 214.90 feet;

Thence North 34°56'30" West, 108.65 feet;

Thence North 89°03' West, 621.81 feet to a point on the West line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Thence North 0°04' West, along the West line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 314.38 feet;

Thence North 85°13' East, 816.27 feet;

Thence North 78°55' East, 24.83 feet;

Thence South 10°06' East, 400.16 feet;

Thence South 54°41' East, 200.00 feet;

Thence South 54°52' East, 109.35 feet to the TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM

Township 9 South Range 14 East, Boise Meridian, Twin Falls County, Idaho

Section 9: A part of SE $\frac{1}{4}$ NE $\frac{1}{4}$ described as follows:

Commencing at the E $\frac{1}{4}$ corner of said Section 9;

Thence North 89°03' West, 109.99 feet along the South boundary of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ to the REAL POINT OF BEGINNING;

Thence North 54°52' West, 169.80 feet;

Thence North 54°41'00" West, 174.53 to the centerline of New River Road;

Thence South 44°51'03" East, 278.18 feet along the centerline of the New River Road to the South boundary of said SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Thence South 89°03'00" East, 85.11 feet to the REAL POINT OF BEGINNING;

Together with water license no. 47-07826, 47-07580 and 47-7205.

Also together with (12) twelve shares of water from Kanaki Springs Water Users Association, Well Permit No. 47-7115.

Also together with all other water rights appurtenant to this property.

State of Idaho
Department of Water Resources

RECEIVED

AUG 14 1992

WATER RIGHT LICENSE

WATER RIGHT NO. 47-07580

Department of Water Resources
Southern Region Office

Priority: October 5, 1979

Maximum Diversion Rate:

0.20 CFS

Maximum Diversion Volume:

81.7 AF

This is to certify, that ADELLA S LUNTEY
ROBERT S LUNTEY

4595 RIVER RD
BUHL ID 83316

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 5, 1979; and has submitted Proof of Beneficial Use on January 13, 1986. An examination indicates that the works have a diversion capacity of .200 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
COMMERCIAL	01/01 to 12/31	0.05 CFS	16.0 AF
HEATING	01/01 to 12/31	0.10 CFS	37.6 AF
RECREATION	01/01 to 12/31	0.20 CFS	28.1 AF
	Totals	0.20 CFS	81.7 AF

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 9, Township 09S, Range 14E
TWIN FALLS County

PLACE OF USE: COMMERCIAL
TWN RGE SEC

09S 14E 9 SENE

PLACE OF USE: HEATING, same as COMMERCIAL use

PLACE OF USE: RECREATION, same as COMMERCIAL use

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

47-7580

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 47-07580

CONDITIONS/REMARKS:

5. Return flow if discharged to a surface water system shall meet Idaho Water Quality Standards.
6. Two points of diversion are located within the SENE, Sec. 9, T9S, R14E.
- ✓ 7. Commercial use is for holding and sorting tanks for tropical fish and aquatic plants; recreation use is for a swimming pool.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 10th day of July, 1992.

Acting for R. Keith Higginson, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed development under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below:

Permit No. 47-7580Name(s) of Permit Holder: Robert S. LuntleyPost Office Address: Rt. 3, Box 240, Buhl, Idaho 83316Telephone No. (208) 543-8334Source of Water: Groundwater (warm artesian well) located SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 9 Township 9S Range 14E B

Extent of Use:

Domestic 0.04 cfs 1 household (number of households)
Jan. 1-Dec. 31 completed June 1977
Commercial ~~Stockwater~~ 0.05 cfs Jan. 1-Dec. 31 (number and type of stock)
completed facilities in 1980 for processing tropical fish and aquarium plants for
Heating ~~Irrigation~~ 0.20 cfs Jan. 1 - Dec. 31 House and garage heating (acres) sale.
completed June 1977. Greenhouse heating completed 1980
Recreation ~~Other/Remarks~~ 0.20 cfs Jan. 1 - Dec. 31. Swimming pool completed
summer of 1978

Indicate the date water was first diverted and beneficially used under this permit: Pipeline from well constructed 1973. First beneficial use under this permit began Dec. 1976 with house & garage heating

Measuring Device: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☒ No

Flow Measurement Port: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☒ No All uses can be measured at water exit pipes

Person to contact to accompany the Department representative during the field examination:

Robert S. Luntley

(Name)

Rt. 3, Box 240 Buhl, Idaho

(Address)

(208) 543-8334

(Telephone Number)

The above information is a true statement of the extent to which the above numbered permit has been developed.

January 9, 1986
DateRobert S. Luntley
Signature of Permit Holder (and Title, if appropriate)

JAN 10 1986

Department of Water Resources
Boise, Idaho 83720

Rt. 3, Box 240
Buhl, Idaho 83316
January 9, 1986

Mr. Jim Johnson
Department of Water Resources
Idaho State House
Boise, Idaho 83720

RE: License 47-7205

Dear Mr. Johnson:

We are writing to request an amendment to Water Right License No. 47-7205 issued to Robert S. and Adella S. Luntey. The purpose of the requested amendment is twofold:

1. To include a second point of diversion within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 9, Tsp 9S Rge 14E in the County of Twin Falls.
2. To include in the license beneficial uses of water made at the time of the field examination of the works covered by permit 47-7205 but which were not included in the license. The examination was made on April 9, 1982.

Beneficial uses of water together with completed works existing on April 9, 1982, not included in the license are as follows:

1. Heating 0.20 cfs Jan. 1 to Dec. 31

A concrete slab including a copper pipe heating system using geothermal water was poured on December 21, 1976, for our house floor. Geothermal water was connected to the heating system in early 1977. The water used was from the second point of diversion requested in an amendment to the License. We moved into the house in June 1977 and geothermal water has been used for heating to date.

2. Domestic 0.04 cfs Jan. 1 to Dec. 31

The domestic water supply system was installed and in use in June 1977 when we moved into the house. Domestic water was from the second point of diversion requested in an amendment to the License.

3. Recreation 0.20 cfs Jan. 1 to Dec. 31

A swimming pool was constructed and completed in the summer of 1978. Its size and volume are as follows: 16' by 32' with an 8' by 8' entry - way with steps leading into the pool. The pool has a slanted floor leading to an 8' deep section. Its approximate volume is 2284 cf.

Water for the pool is from the second point of diversion requested in an amendment to the License. It should be pointed out that during the house heating season water exiting from the house heating system is dumped into the pool and used for fish propagation during the winter months. When house heating is not required, new water is used in the pool for the spring, summer and fall pool recreation season.

4. Commercial 0.05 cfs Jan. 1 to Dec. 31.

A combination greenhouse-fish and plant sales processing room was constructed in 1980. Commercial use of water commenced in September 1980, the water coming from the second point of diversion requested in an amendment to the License.

In compliance with the December 12, 1985, letter from L. Glen Saxton, Chief Operations Bureau, Department of Water Resources, concerning our Water Right Permits No. 47-7580 and 47-7826 we have completed and are enclosing Proof of Beneficial Use forms for both permits. We assume they are not needed if the requested amendment to License 47-7205 is granted. However, we would like for the Department of Water Resources to keep them on file in the event we may want to undertake additional development in the future should sufficient water be available.

Sincerely yours,

Robert S. Luntz
Robert S. Luntz

Adella S. Luntz
Adella S. Luntz

Encl.

RECEIVED
JAN 9 1985STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESFor Office Use Only
Fee Received \$150.00
Date 12-3-84
Receipt # 35867

REQUEST FOR EXTENSION OF TIME

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

NOV 29 1984

Department of Water Resources

Robert S. Luntley of Rt. 3, Box 240, Buhl
(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. 47-7580.

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

December 1, 1984

That he has heretofore performed the following work described under said permit: House is completed

(This must be filled out! If no work has been completed put none)

and domestic water system and house heating system are
both installed; commercial fish plant is partially complete;
swimming pool is complete and in use.

Costings \$90,000

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

A second unit of the commercial fish plant is
needed to accommodate an expanding tropical fish
business not anticipated until recently. Fish plant
will require water for processing and heating.Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations
under said permit to December 1, 1989
(1 yr. minimum, 5 yrs. maximum)

NOTE

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

Robert S. Luntley

(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 proof of beneficial use is extended to December 1, 1989.

Signed this 11 day of December, 1984

J. Glen Saylor
Chief, Operations Bureau

47-7580

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED
APPROVED

RECEIVED
DEC 12 1979
Department of Water Resources
Southern District Office

To appropriate the public waters of the State of Idaho

1. Name of applicant Robert S. Luntley Phone 549-8334

Post office address Route #3, Buhl, Idaho, 83316

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9 Township 9S

Range 14E B.M. Twin Falls County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.04 for Domestic purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.05 for Commercial purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.20 for Heating purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.20 for Recreation purposes from Jan. 1 to Dec. 31 (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.20 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Existing artesian hot water well
delivering to house for hot water and heating & delivered to commercial
fish plant for processing and heating & to swimming pool for recreation.

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
Existing (Month/Day) (Month/Day)

c. ~~XXXXXX~~ well diameter is 8 inches; proposed depth of well is 840 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is **not** for irrigation:

(1) Give the place of use of water: SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9 Township 9S

Range 14E B.M.

(2) Amount of power to be generated: _____ horsepower 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 one.

(5) If water is to be used for other purposes describe: Heating of house and commercial building

Commercial use in processing of tropical fish for shipping

Recreational use in water for use in swimming pool

47-7580

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

[illegible]

Total number of acres to be irrigated

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

Portion of 47-7115 and all of 47-7205

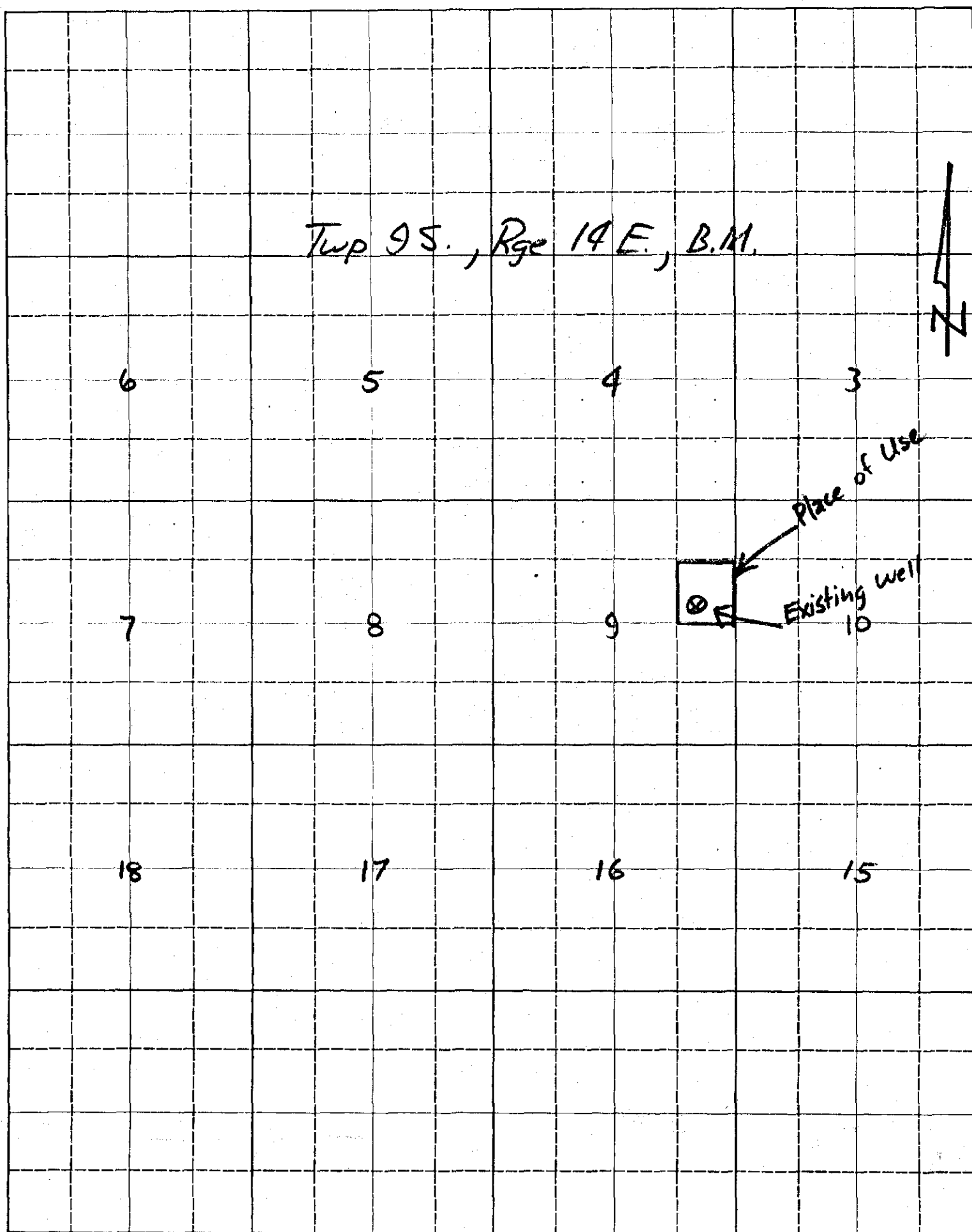
9. a. Who owns the property at the point of diversion Applicant

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

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.



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.

Robert S. Luntz
(Applicant)

Proposed Priority 10/5/79

Received by ADM Date 10/5/79 Time 2:20 pm.

Preliminary check by js Fee \$ 20.00

Receipted by marya Date 10/5/79 # 13360

Publication prepared by ADM Date 10/19/79

Published in Times News

Publication dates 11/1 - 11/8/79

Publication approved marya Date 11/1/79

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by LH Jim

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. 47-7580, 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 December 1, 19 84.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: (1) Return water shall be treated to insure that the effluent meets intrastate stream water quality standards.

Witness my hand this 6th day of December, 19 79.

L. Glen Saxton



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

RECEIVED

DEC 13 1985

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

Department of Water Resources
Southern District Office

December 12, 1985

CERTIFIED MAIL

Robert S. Luntley
Adella S. Luntley
Route 3 Box 240
Buhl, ID 83316

RE: Water Right Permit No. 47-7826 & 47-7580

Dear Mr. & Mrs. Luntley:

Enclosed is an Order issued by the Director of the Department of Water Resources affecting pending applications for permit to appropriate the public waters of the State of Idaho and existing permits for which proof of beneficial use has not been submitted to the Department.

Also enclosed is a proof of beneficial use form which must be filled out and returned by permit holders in order to comply with the enclosed order.

As a permit holder, you should be aware that provisions of section 42-237e, Idaho Code, provide you may contest such requirements pursuant to section 42-1701A(3) and request a hearing on the matter, provided that the request is received by the Department within fifteen (15) days after the receipt of the Order. The request for hearing must be in writing and must state the reasons for contesting the requirements of the Order.

If you have any questions or need assistance, contact either the Regional Office in Twin Falls (phone 734-3578) or the State Office in Boise.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON, Chief
Operations Bureau

LGS:ldt (Pl-1.53)

Enclosures

CC: IDWR - Southern Region

47-7580

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF GROUND WATER)
DEVELOPMENT IN THE BANBURY HOT)
SPRINGS GROUND WATER MANAGEMENT)
AREA, TWIN FALLS COUNTY.)
)

ORDER

This matter having come before the Director of the Department of Water Resources following investigation by the Department staff, the Director finds as follows:

1. The Banbury Hot Springs Ground Water Management Area (Banbury Management Area) was created on April 12, 1983 by Order of the Director of the Department of Water Resources (Director) pursuant to the provisions of Section 42-233b, Idaho Code.

2. The Department has monitored wells in the Banbury Management Area, prior to and subsequent to designation of the area, and the wells continue to show a decline in pressure.

3. Department records show that there are numerous permitted but not yet developed water uses and projects within the Banbury Management Area.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the Director makes the following conclusions of law:

1. Idaho Code § 42-237a(g) (1977 and Supp. 1985) empowers the Director of the Department of Water Resources, "To supervise and control the exercise and administration of all rights hereafter acquired to the use of ground waters and in the exer-

cise of this power he may be [by] summary order, prohibit or limit the withdrawal of water from any well during any period that he determines that water to fill any water right in said well is not there available."

2. Idaho Code § 42-237a(g) further provides that, "Water in a well shall not be deemed available to fill a water right therein if withdrawal therefrom of the amount called for by such right would . . . result in the withdrawing [of] the ground water supply at a rate beyond the reasonably anticipated average rate of future natural recharge."

3. Idaho Code § 42-1805 (Supp. 1985) provides in part as follows:

In addition to other duties prescribed by law, the director of the department of water resources shall have the following powers and duties:

.

(7) After notice, to suspend the issuance or further action on permits or applications necessary to protect existing vested water rights or to ensure compliance with the provisions of chapter 2, title 42, Idaho Code, or to prevent violation of minimum flow provisions of the state water plan.

4. Based upon presently available data, the ground water supply within the Banbury Management Area is being withdrawn at a rate beyond the reasonably anticipated average rate of future natural recharge.

5. The Director has a duty, pursuant to Idaho Code §§ 42-237a(g) and 42-1805, to stay the approval of any pending applications for permit to appropriate ground water within the

Banbury Management Area, and to order the suspension of any further development under existing permits to appropriate ground water within the Banbury Management Area which, as of the date of service of this order, are not fully developed.

ORDER

IT IS, THEREFORE, HEREBY ORDERED as follows:

1. As of the date of this order, approval of any pending applications for permit to appropriate ground water within the Banbury Hot Springs Ground Water Management Area shall be stayed until further order by the Director.

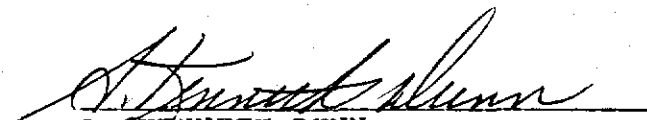
2. The owners of permits to appropriate ground water within the boundaries of the Banbury Hot Springs Ground Water Management Area shall cease and suspend any further development under those permits beyond the extent already developed as of the date of service of this order.

3. The owners of permits to appropriate ground water within the boundaries of the Banbury Hot Springs Ground Water Management Area, for which proof of beneficial use has not already been submitted to the Department of Water Resources, shall submit proof of beneficial use showing the extent of existing development if any, upon forms furnished by the Department, within thirty (30) days of the service of this order.

4. A copy of this order shall be served by certified mail upon the owners of all applications and permits to appropriate ground water within the Banbury Hot Springs Ground Water

Management Area, together with a letter identifying the record owner of the application or permit, the application or permit number, and a statement describing the legal recourse which may be taken by someone who objects to any provision of this order.

DATED this 4th day of December, 1985.


A. KENNETH DUNN
Director

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: A47-07580
Date Received: 12/20/1988
Receipt No: S004776
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: ROBERT S. LUNTEY 208-543-8334
Address: RT. 3 BOX 240
BUHL, ID 83316

AND/OR

Name: ADELLA S. LUNTEY 208-543-8334
Address: RT. 3 BOX 240
BUHL, ID 83316

2. Date of Priority: OCT 05, 1979

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	14E	9	NW	SE	NE		TWIN FALLS
			SW	SE	NE		TWIN FALLS

5. Description of diverting works:
TWO ARTESIAN WELLS 6" X 530' AND 6" X 850' TO PIPELINE NETWORK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.050		
HEATING	09/15	05/15	0.084		
RECREATION	01/01	12/31	0.064		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
H/HOME & GREENHOUSE BLDG, C/TROP. FISH PROCESSING, R/SWIM. POOL.

A47-07580

Page 1

Date: 01/27/89

MICROFILMED

MAR 11 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	14E	9	SE	NE		COMMER	
			SE	NE		HEAT	
			SE	NE		REC	

11. Place of use in counties: TWIN FALLS

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

13. Other Water Rights Used:
47-07115F, 47-07826, 47-7205, DOM.

14. Remarks:

THE KERPA #1 WELL AND LUNTEYS WELL ARE INTERCONNECTED AND CAN BE USED AS A BACKUP FOR EACH OTHER, THEREFORE THEY ARE BOTH INCLUDED ON THIS CLAIM. THIS CLAIM COVERS THE USES DEVELOPED AS OF THE PROOF DATE OF THIS PERMIT. CLAIMANT HAS CHOSEN TO FILE FOR DOMESTIC UNDER A SEPARATE CLAIM .

15. Basis of Claim: PERMIT

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: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Robert S Luntz Date: 1-27-89
Date:

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 27th day
of January 19 89
Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id
My Commission Expires 6-30-94

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.

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Ident. Number: A47-07580
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Receipt No: 5004776
Received By: TB

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ACQUIRED UNDER STATE LAW

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Address: RT. 3 BOX 240
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AND/OR

Name: ADELLA S. LUNTEY 208-543-8334
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H/HOME & GREENHOUSE BLDG, C/TROP. FISH PROCESSING, R/SWIM. POOL.

A47-07580

Page 1

Date: 12/20/88

MICROFILMED

MAR 11 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	14E	9	SE	NE		COMMER	
			SE	NE		HEAT	
			SE	NE		REC	

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16. Signature(s)

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Number of attachments: 2

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Robert J. Lintz Date: 12-20-88
Date:

State of Idaho

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 20th day
of December 19 88

Roxanne Storey
Notary Public

Seal

Residing at Buhl, Id

My Commission Expires 6-30-94

A47-8
R14E

146-A
A50

U.S.
PD

Kerpa #1

Robert
Lunty

143-A
A62

Kerpa #2

P/C

144A
A74

MICROFILMED
MAR 11 1993

T9S

North
Tropical
Fish
Ponds

Orchard

South
Tropical
Fish
Ponds

Meta
Shed

Garden

MAR 11 1953

MICROFILMED

A47-07580

Commercial
Heating
Recreation

N
↑

Robert S. & Adella S. Luntz
Sketch - Not to scale

Pools,
House and
Greenhouse
Drain

Pond

Pond

Pond

Drain
to Deep Creek

