

10/10/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-4230

NAME AND ADDRESS: CITY OF LAVA HOT SPRINGS
PO BOX 187
LAVA HOT SPRINGS ID 83246

SOURCE: SPRINGS

TRIBUTARY: FISH CREEK

QUANTITY: 0.624 CFS

PRIORITY DATE: 10/20/1921

POINT OF DIVERSION:

T09S R38E S24 SESWSW Within BANNOCK County

T09S R38E S25 NENWNW Within BANNOCK County

POINTS OF DIVERSION FOR THIS WATER RIGHT ARE A SERIES OF SPRINGS
COLLECTED AND JOINED INTO A COMMON SYSTEM FOR MUNICIPAL USE.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

MUNICIPAL

01/01 12/31

0.624 CFS

PLACE OF USE: MUNICIPAL Within BANNOCK County

Place of use is within the service area of the City of Lava Hot Springs
municipal water supply system as provided for under Idaho Law.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: Beneficial Use

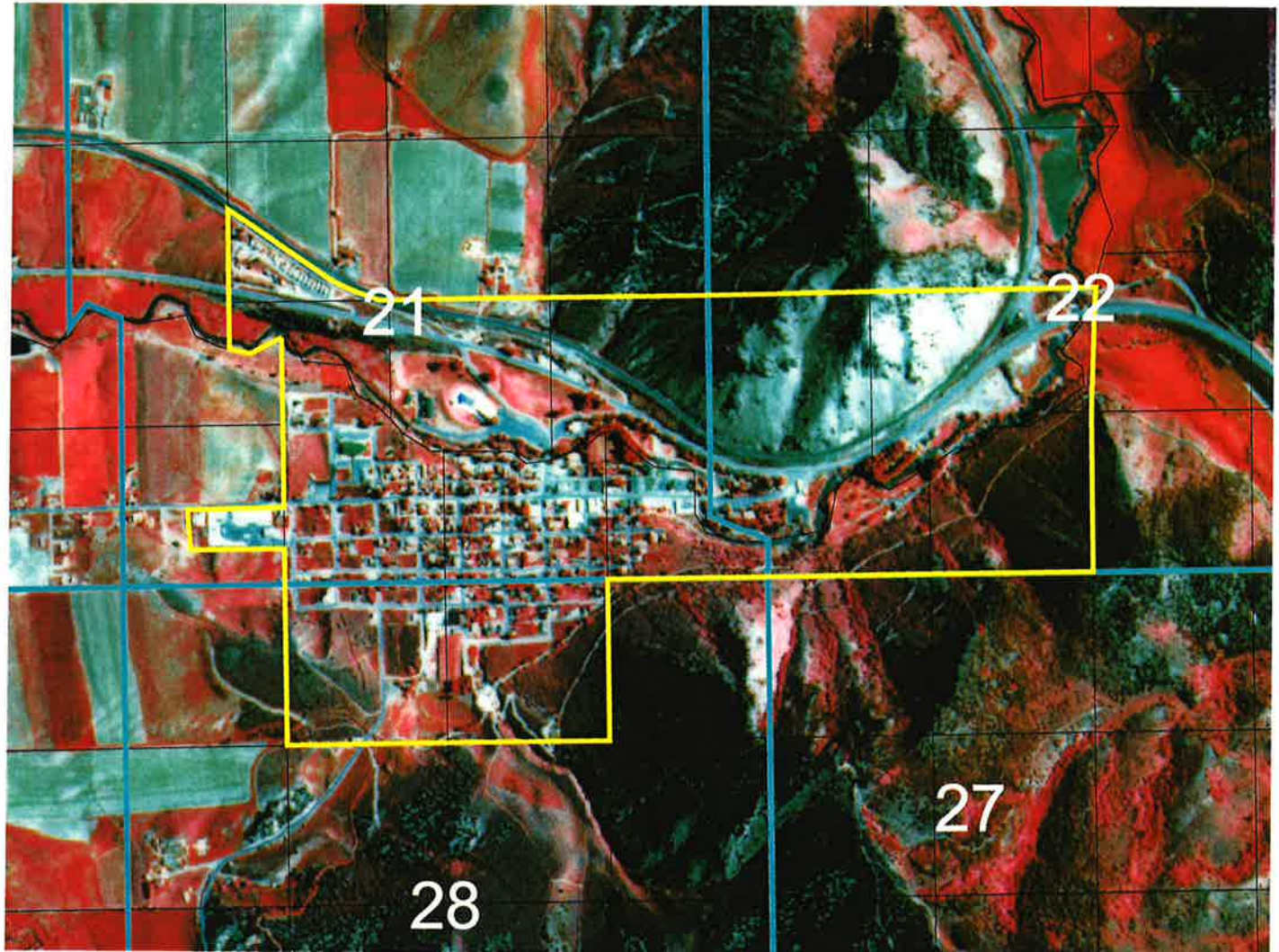
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.



Department of Water Resources

Claim No.: 29-4229
29-4230

T09S R38E



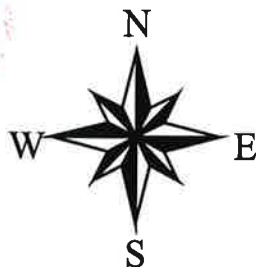
0 2640 5280 7920 Feet

Lava Hot Springs Service Area

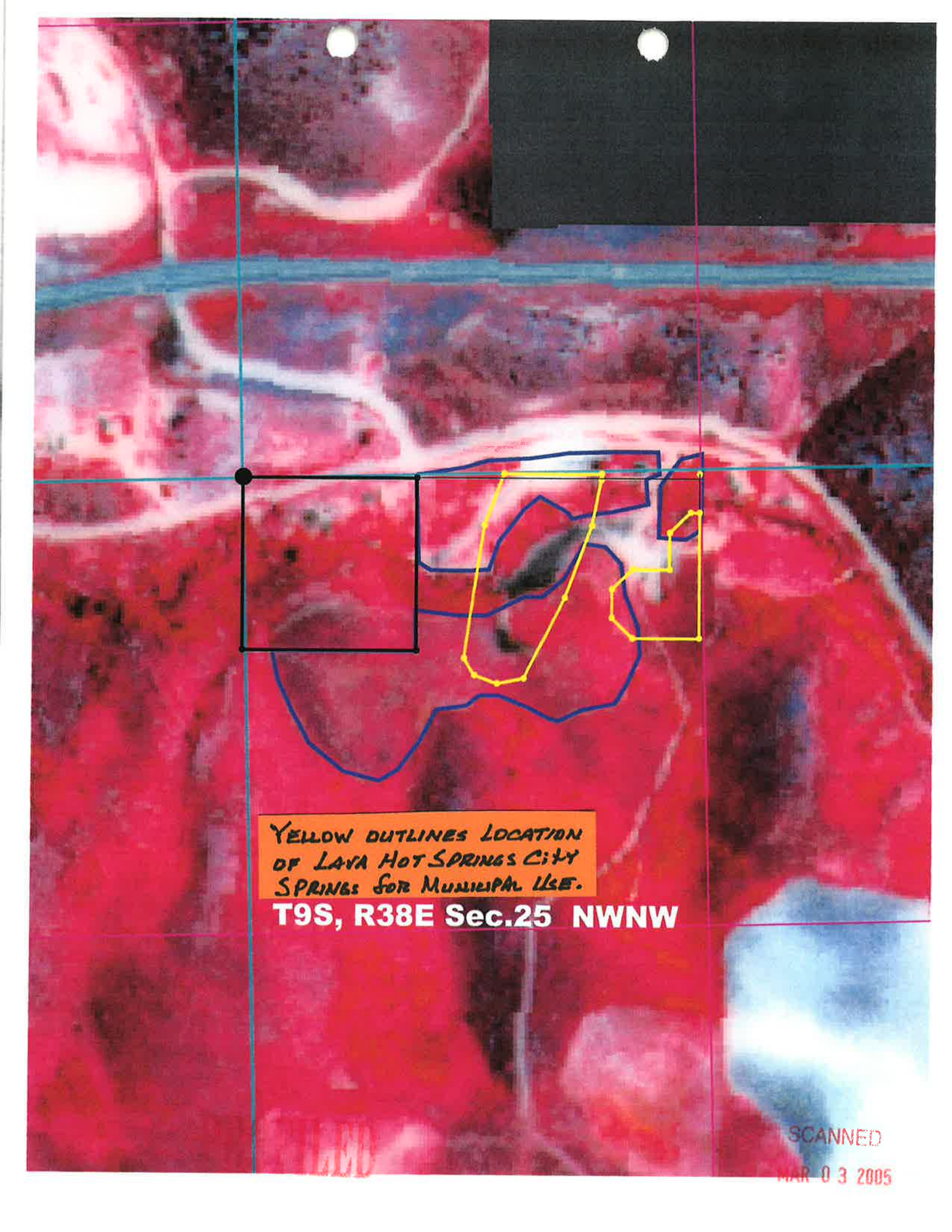
-  Place of use.shp
-  Sections
-  QQ

PROFILE

SCANNED
MAR 03 2005



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepare by: E. Carlsen
Date: October 2002

An aerial photograph of a landscape, possibly a wetland or marsh, with a red overlay. A yellow outline is drawn on the red area, indicating a specific location. The outline is irregular and follows the contours of the landscape. A black rectangle is also drawn on the left side of the red area, partially overlapping the yellow outline. The background is a mix of red, white, and black, with some blue and green areas. The overall image has a grainy, high-contrast appearance.

YELLOW OUTLINES LOCATION
OF LAVA HOT SPRINGS CITY
SPRINGS FOR MUNICIPAL USE.

T9S, R38E Sec.25 NWNW

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T9S, R38E

Lot 5

Lot 4

Lot 6

Lot 7

Lot 8

SWSW

Lot 3

Lot 2

Lot 1

City of Lava Hot Springs

Portneuf

Blaine

**20 21
29 28**

**21 22
28 27**

City of
LAVA HOT SPRINGS
municipal springs

T9S, R38E

This POD represents
some 4 or 5 springs

City Well
29-04229

To Lava Hot Spgs



Fish Creek

23 24
26 25

spring collection box

This POD represents
some 6 or 7 springs



Fish Creek Road



To Soda Spgs

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-4230 V1

WATER RIGHT NUMBER: 29-4230 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CITY OF LAVA HOT SPRINGS PO BOX 187 LAVA HOT SPRINGS, ID 83246 (208)776-5820

Priority Date: 10/20/1921
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	FISH CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MUNICIPAL	01/01 to 12/31	0.624 CFS	
	<u>Total Diversion:</u>	0.624 CFS	

Location of Point(s) of Diversion

SPRINGS	SE1/4SW1/4SW1/4	Sec. 24, Twp 09S, Rge 38E, B.M.
BANNOCK County		
SPRINGS	NE1/4NW1/4NW1/4	Sec. 25, Twp 09S, Rge 38E, B.M.
BANNOCK County		

Place of UseMUNICIPAL Within BANNOCK County

T09S R38E S21 SENW	T09S R38E S21 Lot 6 NESW
T09S R38E S21 SWSW	T09S R38E S21 Lot 3 SESW
T09S R38E S21 Lot 8 NESE	T09S R38E S21 Lot 7 NWSE
T09S R38E S21 Lot 2 SWSE	T09S R38E S21 Lot 1 SESE
T09S R38E S22 Lot 9 NESW	T09S R38E S22 Lot 10 NWSW
T09S R38E S22 Lot 6 SWSW	T09S R38E S22 Lot 5 SESW
T09S R38E S22 Lot 4 NWSE	T09S R38E S28 NWNE
T09S R38E S28 NENW	

Conditions of Approval:

1. 124 Place of use is within the service area of the City of Lava Hot Springs municipal water supply system as provided for under Idaho Law.
2. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

1. Point of Diversion POINTS OF DIVERSION FOR THIS WATER RIGHT ARE A SERIES OF SPRINGS COLLECTED AND JOINED INTO A COMMON SYSTEM FOR MUNICIPAL USE.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-4230 V1

Comments:

1. ecarlsen 10/11/2002 digitized boundary

Comment: Digitized boundary for service area was approved by officials from Lava Hot Springs through correspondence with Mark Larsen, GIS Specialist, in Boise.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: NONE RECEIVED
State or Federal: S
Owner Name Connector:
Water District Number: 29
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
POD	10/10/2002 4:19:33 PM	aruberry			Active
POU	10/10/2002 4:20:38 PM	aruberry			Active
Use	10/10/2002 4:21:36 PM	aruberry			Active
Season	10/10/2002 4:22:10 PM	aruberry			Active
Quantity	10/10/2002 4:23:13 PM	aruberry			Active
POU	10/11/2002 12:27:39 PM	ecarlsen			Active
Summary			10/11/2002	ecarlsen	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	10/10/2002 4:17:42 PM	aruberry	Edited point location
POD	10/10/2002 4:18:10 PM	aruberry	Edited point location
POD	10/10/2002 4:19:34 PM	aruberry	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (Yes) 6. Is there evidence that there has been a change in the POD? (Yes) 7. Can the change be verified as an accomplished transfer? (Yes) 9. Does the file contain all the necessary information to verify the POD? Description for Question 6 - changed form to a spring collection system

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-4230 V1

POU	10/10/2002 4:20:38 PM	aruberry	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? Description for Question 13 - FE POU is the City of Lava Hot Spgs
Use	10/10/2002 4:21:36 PM	aruberry	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (Yes) 6. Is there evidence that there has been a change in the Purpose of Use? (No) 7. Can the change be verified as an accomplished transfer? (No) 8. Does the change include an enlargement of the Purpose of Use? (Yes) 12. Did the claimant file a transfer? Description for Question 8 - changed to municipal use by approved transfer
Season	10/10/2002 4:22:10 PM	aruberry	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (Yes) 6. Is there evidence that there has been a change in the Period of Use? (No) 7. Does the claim include an enlargement in the Period of Use? (No) 8. Can the change be recommended as an accomplished transfer? (Yes) 11. Was a transfer filed? (No) 14. Is irrigation claimed as a Purpose of Use? Description for Question 8 - Tx
Quantity	10/10/2002 4:23:14 PM	aruberry	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? Description for Question 7 - City meter readings
POU	10/11/2002 12:27:40 PM	ecarlson	(No) 1. Is the basis of this claim a Decree or License? (No) 2b. Is the POU required? (Yes) 14. Is a POU remark and/or condition required?
POU	10/11/2002 12:28:00 PM	ecarlson	Edited shape boundary
POU	10/11/2002 12:28:56 PM	ecarlson	Edited PLS

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-4230 V1

Summary	10/11/2002 12:30:55 PM	ecarlson	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?
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Allen

02/18/2003

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-4230

CITY OF LAVA HOT SPRINGS

PO BOX 187

LAVA HOT SPRINGS ID 83246

Telephone Number: (208) 776-5820

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 4/18/03

SIGNATURE: Raymond E. Bailey

Please print your name: Raymond E. Bailey, Mayor

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

PROFILED

SCANNED

MAR 03 2005

RECEIVED

APR 24 2003

Department of Water Resources
Eastern Region

Ruberry, Allen

From: Music, Vicky
Sent: Monday, March 11, 2002 11:10 AM
To: Ruberry, Allen
Subject: RE: B29 decree???

Al - We have this decree in the state office and information about it appears in the B 29 decree table that I sent you. It is decree 29-AX-1. Cooper et al v Harkins et al. There were 11 plaintiffs and 1 defendant. W.W. Cooper has priority dates ranging from 1889 to 1893 per the decree so it looks like the 1889 date listed in the deed is correct. Do you want me to forward this decree, which also has a land list and fish creek irrigation sheet attached? Copies are not good so would send by statehouse mail. Let me know.

Vicky L. Music
Office of the Attorney General
Paralegal - IDWR
(208) 327-7928

Confidentiality Notice: This e-mail may contain confidential and privileged information exempt from disclosure under applicable law. This message is intended only for the use of the individual or individuals identified above. If you have received this message by mistake, please notify the sender immediately by replying to this message. Please delete the message from your system and do not review, disclose, copy, or distribute any information contained or attached to the message. Thank You.

-----Original Message-----

From: Ruberry, Allen
Sent: Monday, March 11, 2002 9:44 AM
To: Music, Vicky
Subject: B29 decree???

Gooooooooooooood Morning,

I'm FAXING you a copy of a deed from B29 that cites a 1902 decree that we don't have.

The situation is this; I have a 243 claim for springs with a 1921 Priority Date. They are not in the 1932 UG&E decree. However, there is a water right from Fish Creek for the POU which is the same as the POD for the springs.... which indicates the area being adjudicated for the 1932 decree. The deed references a 1902 decree between Cooper v Harkness. Also references an old License #7589 (don't know about this one, yet).

Will you kindly research this to determine which way to turn or Priority to recommend???

thx..... al

Waiting on info from Vicki

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MAR 03 2005

29-4230

① Source: Springs w/ Priority DATING TO 1921.
PREDATES MANDATORY Permit Statute for Surface
Water, 42-201 IC. BUT ALSO PREDATES 1932 DECREE.

② Priority Date: City ACQUIRED THIS SOURCE ON 1 Dec. 1921.
EVIDENCE OF 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/ this
DOCUMENT, THE DISCUSSION CONTAINED THEREIN
WILL TEND TO support Priority CLAIMS.

③ Quantity CLAIMS: REQUEST Pump ^{or flow} RECORDS from City.
SENT 3/10/01, LETTER RECEIVED 4/9/01, FROM City of LAVA, REQUESTS
EXTENSION OF TIME - GRANTED VIA TELEPHONE 3/29/01 - MAR 04/09/01 -
RECEIVED FLOW RECORDS

6/21/01 VISITED ROD'S w/ TONY HOBSON, City Water Supt.
HE EXPLAINED SYSTEM AS SEVERAL SPRINGS WHICH FLOW THROUGH
A COMMON COLLECTION SYSTEM TO A HEADBOX THEN ON TO
COMBINE FLOW WITH THE WATERS OF THE WELL (29-04229). SEE
FLOW RECORDS IN 04229. FLOW RECORDS SHOW FLOW TO BE FAIRLY
CONSTANT AT 280 gpm (0.624 cfs)

PROFILED

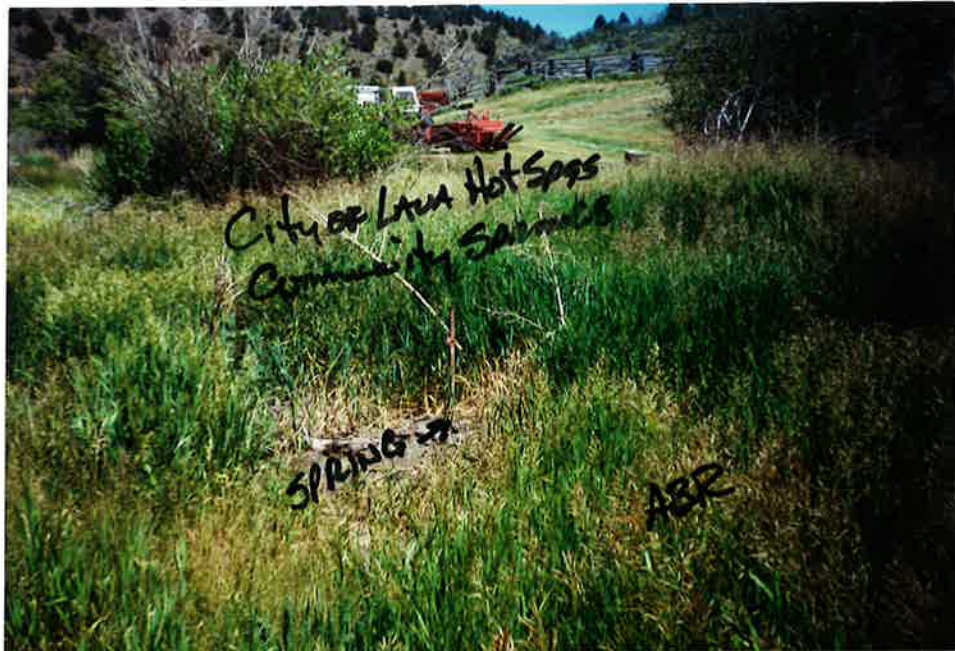
$$280 \text{ gpm} \times 60 \text{ min} \times 24 \text{ hr} = 403,200 \text{ gpd}$$

$$280 \div 448.8 \text{ gpm/cfs} = 0.624 \text{ cfs}$$

④ Well is City of Lava Hot Springs
11500 w/ 29-04229.

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MAR 03 2005



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SCANNED

MAR 03 2005



SHEPHERD ENGINEERING INC.

Civil/Municipal, Transportation, Industrial
Recreation & Land Development Services

203 South Garfield
Pocatello, Idaho 83204
(208) 233-9793
Fax (208) 233-9806
E-mail: sci@nicom.com

60 E. Center, Suite 209
P. O. Box 3246
Logan, Utah 84323-3246
(435) 755-6530
E-mail: shepeng@cache.net

April 27, 2001

Canda Dimick, City Clerk
City of Lava Hot Springs
115 West Elm Street
Lava Hot Springs, Idaho 83246

FAX TRANSMITTAL 776-5130
EDWR
RECEIVED 7/5/01
ABR

RE: Field Estimate of Flow from Leaking Valve

Dear Canda:

At the City's request, Tony Hobson and I made a field visit on this date to estimate the amount of water leaking from the drain valve on the City's spring/well transmission line located east of the City. Based on our field measurements, it is my opinion that approximately 25 gallons per minute (36,000 gallons per day) are leaking from around the valve stem.

In order to measure this flow, we placed plastic sheeting over the stem of the valve and wrapped the plastic over the top of the valve to catch the water spraying out from the valve stem. After we were able to capture most of the water, we cut holes in the sheeting in order to control the point of discharge and then used a bucket to measure the flow.

I believe that this represents a good estimate of the water leaking from the top of the valve around the stem. There was no indication that the valve or pipe line had other leaks at this location.

Please let me know if you have questions or need further information.

Sincerely,

Wayne

L. Wayne Shepherd, P.E.

PROFILED

This REFERENCED LEAK is upstream of the City flow meter. THEREFORE, THIS VOLUME SHOULD BE ADDED TO THE TOTAL. This LEAK is DIRECTLY RELATED TO SPRING flow (well only RUNS 2-3 HRS.) SPRING flow is constant

SCANNED
MAR 03 2005



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,

Canda L. Dimick
City Clerk

Enclosures

RECEIVED

MAY 31 2001

Department of Water Resources
Eastern Region

SCANNED

MAR 03 2005

PROFILE

AD9-04009

Well Field Records

10/4 Time	Meter Reading	G.P. M.	Operating Hrs.	Weather	Est
5-1-01	7:00 am	1334.00	59 gpm	9 hrs	cloudy
5-2-01	5:00 am	1658.00	36500	9 hrs	clear
5-3-01	8:00 am	1865.00	20700 gpd	7 hrs	clear
5-4-01	7:00 am	2100.00	23500 gpd	6 hrs	clear
5-7-01	8:00 am	2800.00	24500 gpd	6 hrs	clear
5-10-01	8:30 am	3417.00	24500 gpd	8 hrs	clear
5-11-01	8:20 am	3851.00	23400 gpd	8 hrs	clear
5-14-01	9:10 am	4592.00	17700 gpd	8 hrs	clear
5-15-01	8:15 am	4800.00	20200 gpd	8 hrs	clear
5-17-01	8:00 am	5094.00	24400 gpd	8 hrs	clear
5-18-01	9:00 am	5331.00	23700 gpd	8 hrs	clear
5-21-01	8:10 am	5841.00	24800 gpd	8 hrs	clear
5-22-01	8:00 am	6081.00	24300 gpd	8 hrs	clear
5-23-01	9:00 am	6349.00	24500 gpd	8 hrs	clear
5-24-01	8:15 am	6550.00	20100 gpd	8 hrs	clear
5-25-01	8:34 am	6800.00	25000 gpd	8 hrs	partly cloudy
5-29-01	8:13 am	7740.00	27500 gpd	8 hrs	clear
5-30-01	8:15 am	7948.00	22800 gpd	8 hrs	clear

RECEIVED

MAY 31 2001

Department of Water Resources
Eastern Region

A29-04230

5 19 Inflow Meter Records

MO/Y	Time	Meter Reading	G.P.M.	G.P.D.	Hrs.	Operating Weather
3-21-01	10:00am	000000000				Still raining
3-21-01	9:45am	120359000	260 gpm	359,000 gpd	2 3/4 hrs	Sunny
3-23-01	8:30am	100750000	270 gpm	391,000 gpd	2 3/4 hrs	Sunny
3-26-01	8:25am	001942000	270 gpm	391,000 gpd	2 3/4 hrs	Partly cloudy
3-27-01	8:00am	002337000	270 gpm	395,000 gpd	2 3/4 hrs	Sunny
3-28-01	8:30am	002739000	260 gpm	402,000 gpd	2 3/4 hrs	Sunny
3-29-01	8:00am	003160000	270 gpm	402,000 gpd	2 3/4 hrs	Cloudy
4-1-01	7:30am	003555000	270 gpm	402,000 gpd	2 3/4 hrs	Cloudy
4-2-01	8:00am	004731000	270 gpm	402,000 gpd	2 3/4 hrs	Sunny
4-3-01	7:45am	005123000	270 gpm	402,000 gpd	2 3/4 hrs	Sunny
4-4-01	8:23am	005518000	280/4488	396,000 gpd	2 3/4 hrs	Cloudy JP
4-5-01	8:20am	005909000	280 gpm	396,000 gpd	2 3/4 hrs	Cloudy
4-6-01	8:15am	006309000	270 gpm	400,000 gpd	2 3/4 hrs	Sunny
4-7-01	8:15am	007447000	270 gpm	396,000 gpd	2 3/4 hrs	Clear, sunny
4-10-01	8:15am	007986000	280 gpm	399,000 gpd	2 3/4 hrs	Sunny
4-11-01	8:10am	008205000	280 gpm	410,000 gpd	2 3/4 hrs	Cloudy
4-13-01	8:15am	010000000	280 gpm	410,000 gpd	2 3/4 hrs	Sunny
4-14-01	8:30am	010204000	280 gpm	410,000 gpd	2 3/4 hrs	Clear
4-15-01	8:15am	001060000	250 gpm	357,000 gpd	2 3/4 hrs	Cloudy
4-18-01	8:30am	0011006000	250 gpm	357,000 gpd	2 3/4 hrs	Cloudy

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	011322000	280 gpm	3960 gpd	5 hrs	Cloudy	T.H.
4-23-01	8:45 AM	012922000	280 gpm	3960 gpd	2 1/2 hrs	Cloudy	T.H.
4-26-01	9:00 AM	014134000	280 gpm	3870 gpd	2 1/2 hrs	Clear & sunny	T.H.
4-30-01	11:30 AM	157668800	700 gpm	4050 gpd	26 1/2 hrs	Partly cloudy	T.H.
5-3-01	8:30 AM	168350000	350 gpm	3550 gpd	3 days	Cloudy	T.H.
5-7-01	9:30 AM	184760000	350 gpm	4100 gpd	4 days	Clear & sunny	T.H.
5-10-01	8:15 AM	106460000	330 gpm	4000 gpd	3 days	Clear & sunny	T.H.
5-15-01	8:15 AM	213120000	320 gpm	4000 gpd	4 days	Clear & sunny	T.H.
5-20-01	8:00 AM	225000000	320 gpm	4000 gpd	2 days	Clear & sunny	T.H.
5-24-01	8:00 AM	241480000	320 gpm	4000 gpd	4 days	Clear & sunny	T.H.
5-27-01	8:35 AM	243000000	320 gpm	4000 gpd	3 days	Clear & sunny	T.H.
5-29-01	8:45 AM	272100000	300 gpm	3000 gpd	6 days	Clear	T.H.

Testing

This amount of gpd is with running with springs

SCANNED

JUN 08 2001



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,

A handwritten signature in black ink, appearing to read 'Allen Ruberry', written over the typed name and title.

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
MAYOR

CANDA L. DIMICK
CLERK-TREASURER

COUNCILMEMBERS

WILLIAM ROBERT ANDERSON

IRENE BERGENDORF

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

RECEIVED

APR 09 2001

Department of Water Resources
Eastern Region

SCANNED

MAR 03 2005

PROFILE

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)

PROFILE

SCANNED
MAR 03 2005

UNANNED
JUN 08 2001

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 of	Lot	County
09S	38E	24	SE	SW	SW		BANNOCK
		25	NW	NE	NW		BANNOCK
			NE	NW	NW		BANNOCK
			NW	NW	NW - Stolpe		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

MICROFILMED

NOV 12 1992

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 Pocatello, Idaho, that I have signed the foregoing
document in the space below as City Clerk of
City of Pocatello, Idaho, and that the statements contained in the
foregoing document are true and correct.
Candace Dimick
Signature of Authorized Agent
Clerk / City of Pocatello, Idaho
Title and Organization
3/12/90
Date

State of Idaho)
County of Bonneville) SS.

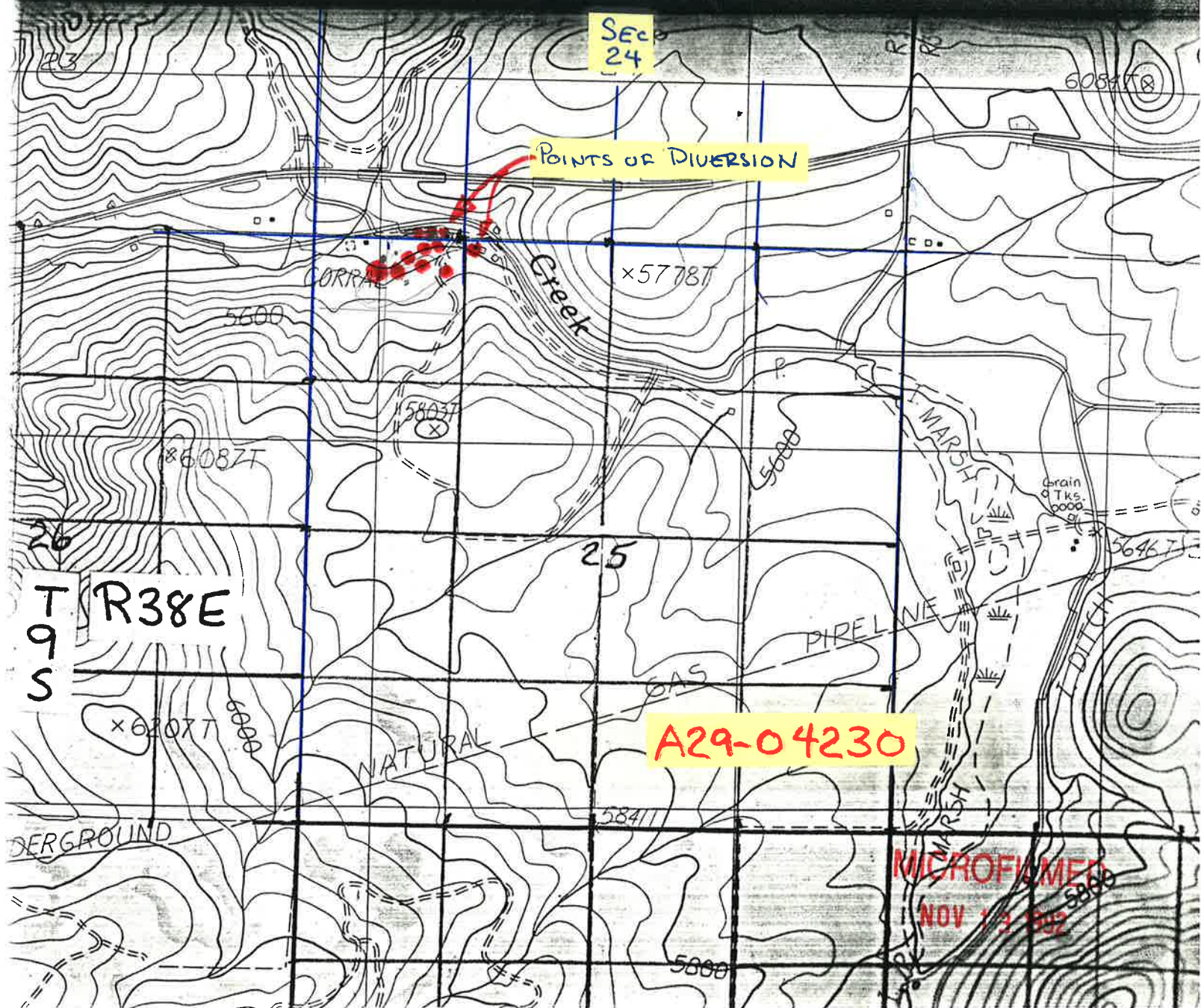
Subscribed and sworn (or affirmed) before me this 12 day
of Mar 19 90

Valerie Wray
Notary Public

Residing at Idaho Falls

My Commission Expires 5/29/1991





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 $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 24.T.9.S.R.38.T.B.M.
" 4,5,6,7 and 8 " NW $\frac{1}{4}$ NW $\frac{1}{4}$ " 25 " "
" 9. " NE $\frac{1}{4}$ NW $\frac{1}{4}$ " 25 " "

Springs 1,2,3, are on land of Charles Mason.
" 4,5,6,7 and 8 are on land of Lewis S. Wight.
" 9 is on land of E.R.Peters.

MICROFILMED

NOV 13 1923

Yours truly,
BANNOCK ENGINEERING CO.
BY *E. J. Anderson*

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 38 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 ~~1~~ 1 degree 7 minutes west 180.75 feet; thence west 90.37 feet to the place of beginning.

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NOV 1 1930

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, ~~accrue 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 24, and the Northwest Quarter of Section 25, 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 25, 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 39 East of the Boise Meridian, said water right being represented by water permit No. 7589 and water license No. 2589, 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 Campbell (SEAL)
Fred H. Campbell (SEAL)
Violet Campbell (SEAL)

Witness:

STATE OF IDAHO }
 BANNOCK COUNTY }

SS.

On this 6 day of December, 1921, before me *Benn D. Mann*, a Notary Public in and for said county and State, personally appeared George C. 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.

Benn D. Mann
 Notary Public, State of Idaho.
 Residence, Postville, Bannock
 County, Idaho.

Post-It brand fax transmittal memo 7671

of pages 4

To <i>Vicky Music</i>	From <i>Ar</i>
Co.	Co.
Dept.	Phone #
Fax #	Fax #