

IDAHO DEPARTMENT OF WATER RESOURCES 01/10/2002
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

Water Right 29-7393

NAME AND ADDRESS: ETHEL DAY
PO BOX 112
LAVA HOT SPRINGS ID 83246

DEAN DAY
PO BOX 112
LAVA HOT SPRINGS ID 83246

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.97 CFS
169.8 AFY

USE OF THIS RIGHT WITH RIGHT NO. 29-07393A IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 1.41 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION
VOLUME OF 246.75 AF.

PRIORITY DATE: 11/04/1982

POINT OF DIVERSION:

T09S R38E S20 NWSE Lot 2 Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	0.970 CFS 169.75 AFY

PLACE OF USE: IRRIGATION Within BANNOCK County

T09S R38E S20 Lot 2 NWSE	17.5	T09S R38E S20	SWSE	30.0
T09S R38E S20	SESE 1.0			

48.5 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-07393A IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 70.5 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 48.5 ACRES WITHIN THE PLACE OF
USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

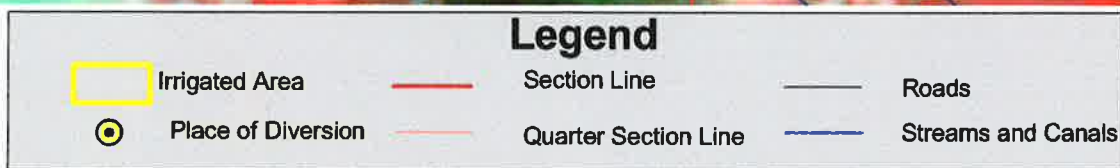
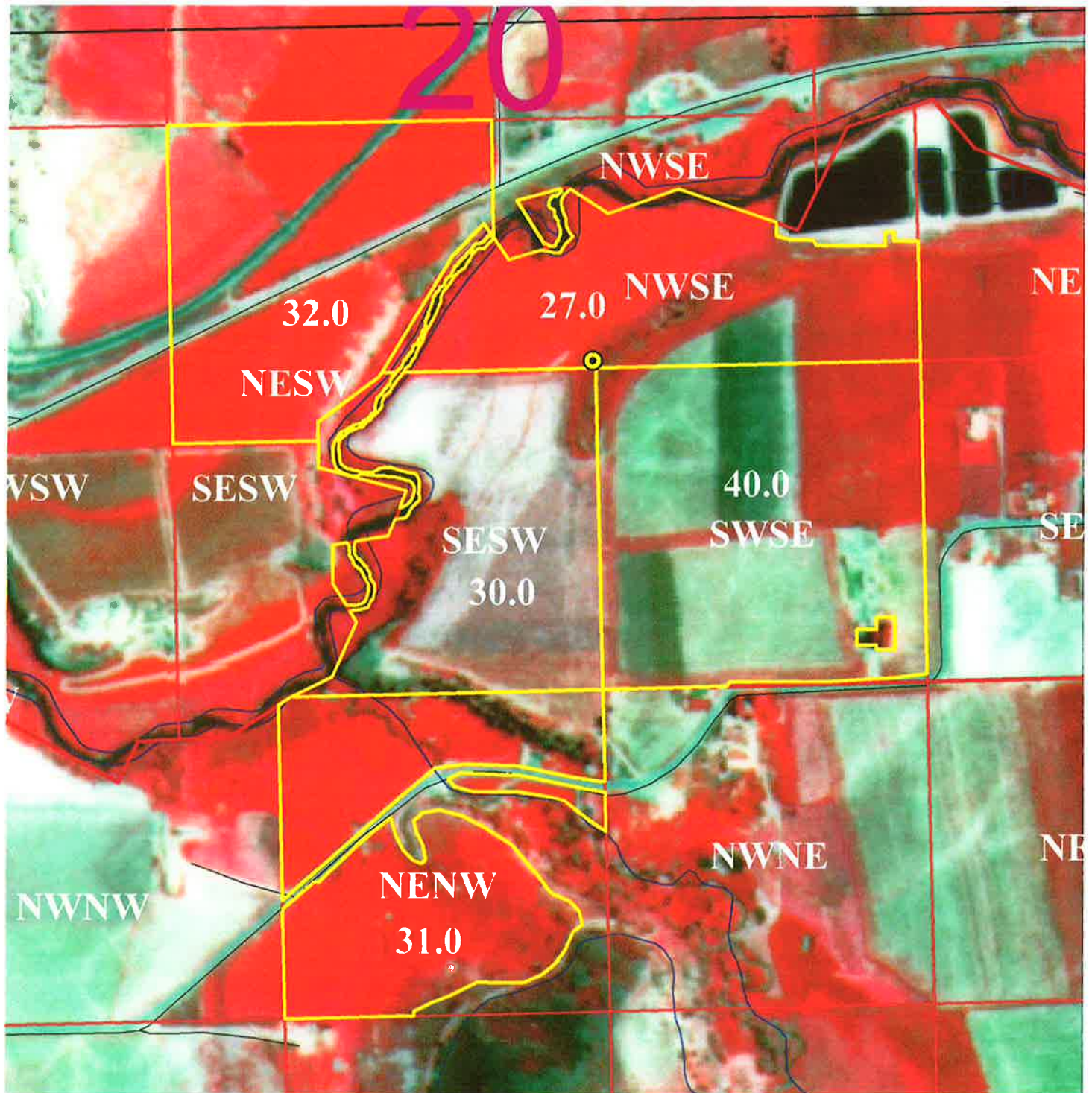
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: License

USE OF THIS RIGHT IS COMBINED WITH WATERS FROM DEMPSEY
IRRIGATION CO. AND FISH CREEK CANAL.
RIGHT NO. 29-07393A IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

Water Right Claim Number A29-07393
Township , 9S38E

09/11/2000



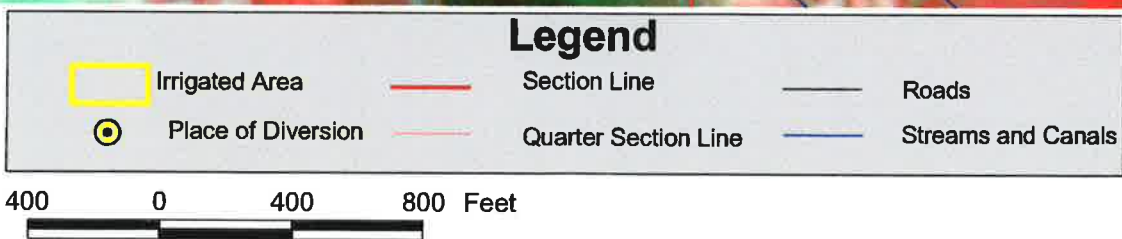
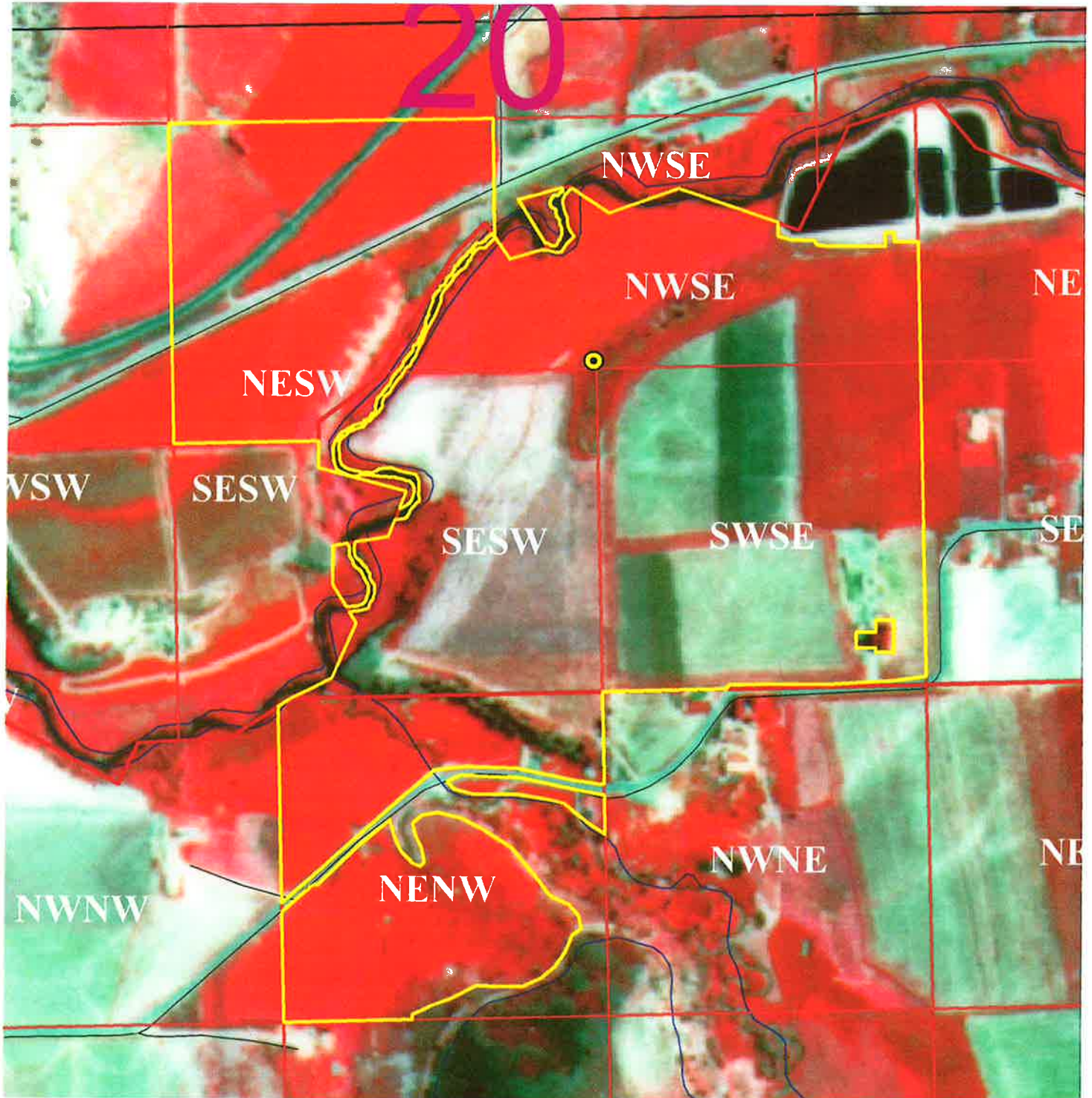
400 0 400 800 Feet



Water Right Claim Number A29-07393

09/11/2000

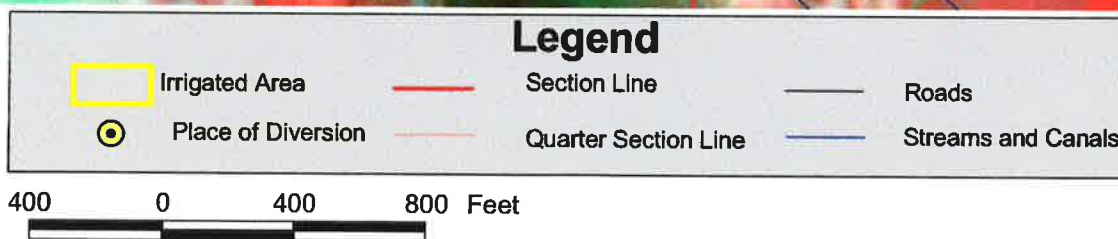
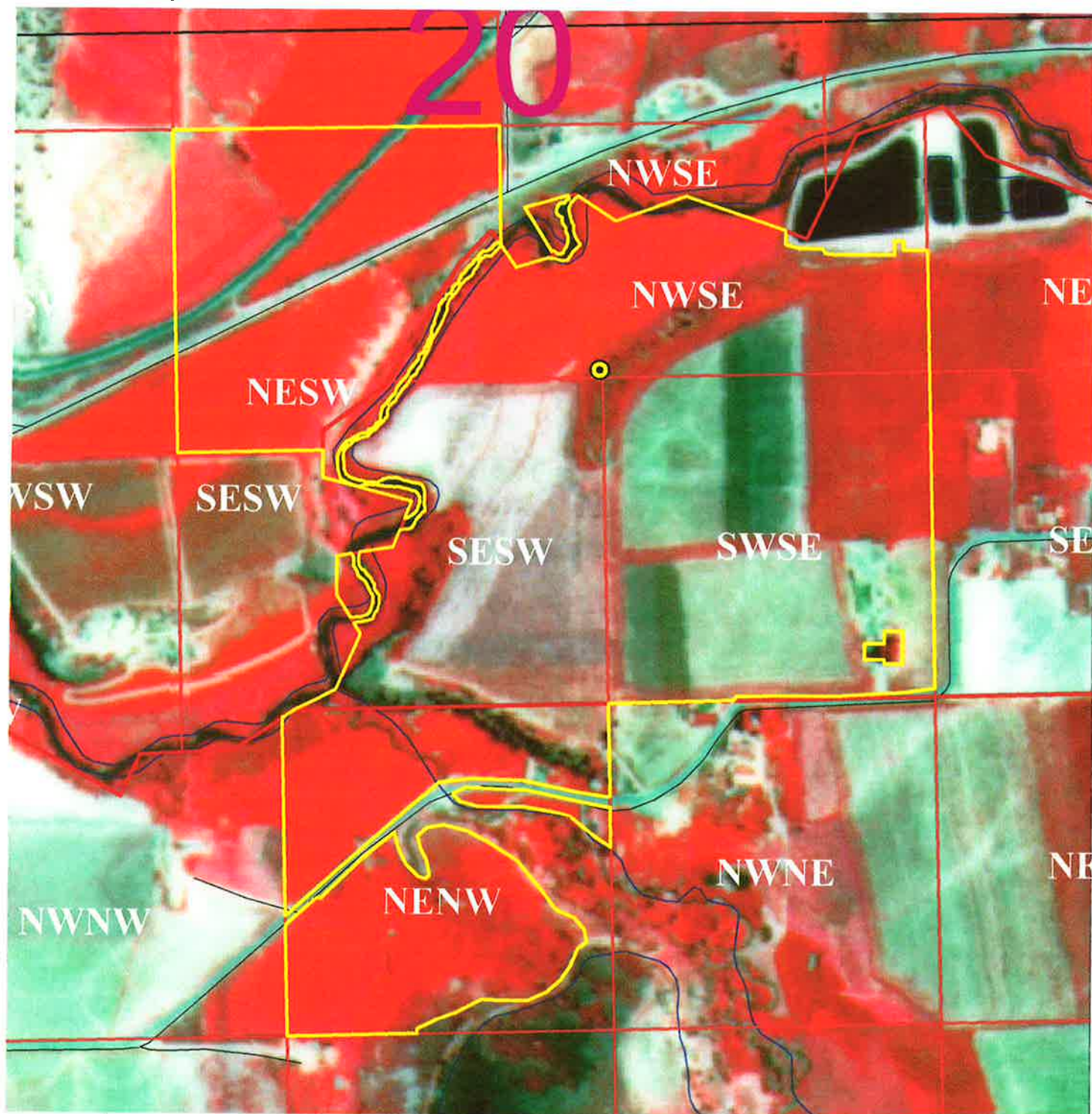
Township , 9S38E



Water Right Claim Number A29-07393

09/11/2000

Township , 9S38E

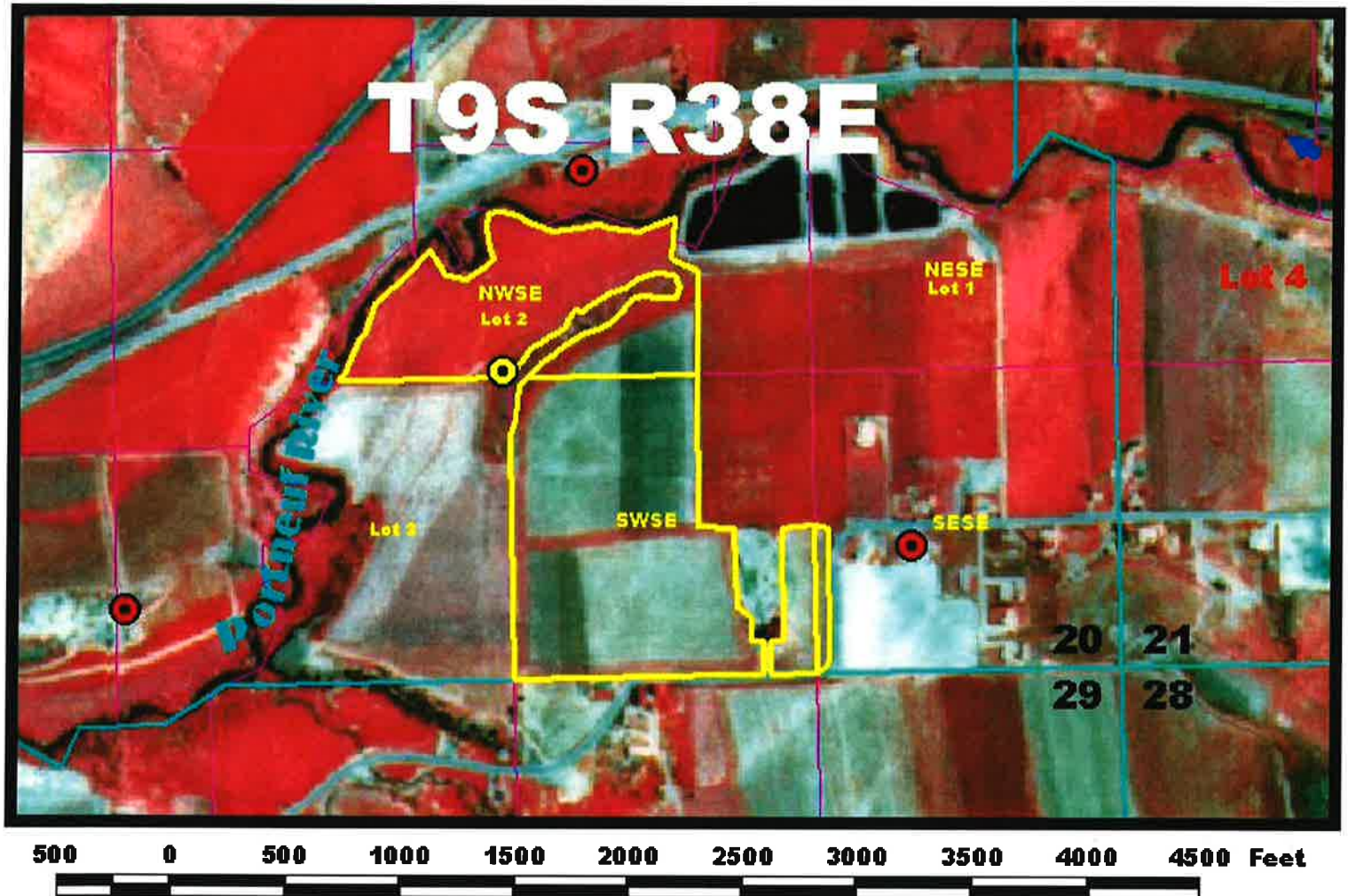




STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-07393

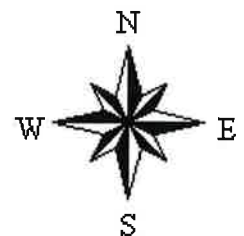


LEGEND

-  Place of Use
-  Section
-  Quarter-Quarter
-  Point of Diversion

Place of Use: T9S, R38E
(parts of) Sec. 20 NWSE (L2),
SWSE, SESE

Point(s) of Diversion: T9S, R38E
Sec. 20 NWSE (L2)



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: January 2002

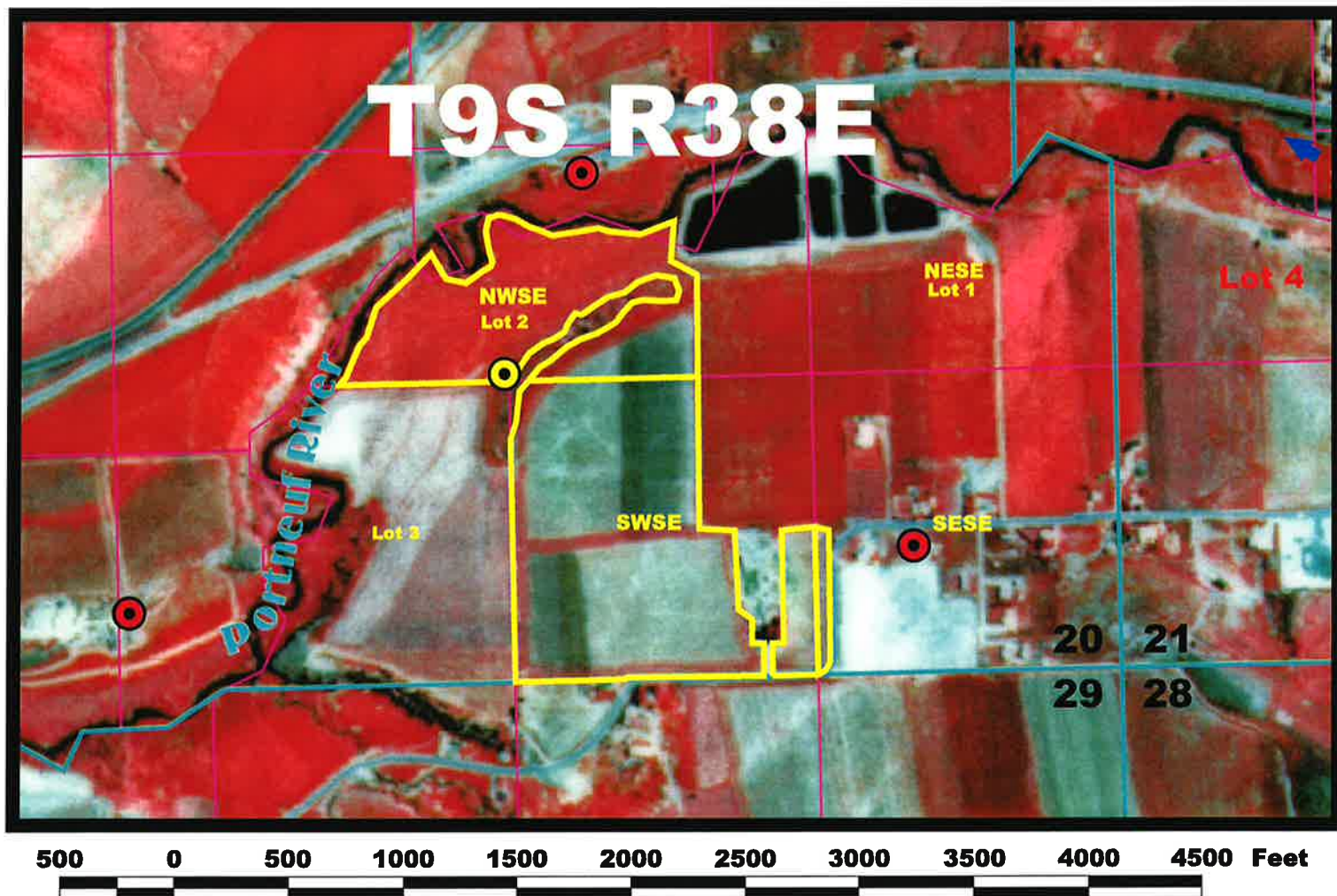


STATE OF IDAHO

Department of Water Resources

Eastern Region

Water Right(s): 29-07393

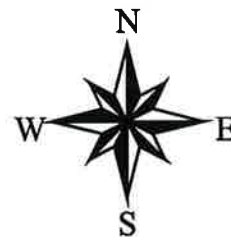


LEGEND

-  **Place of Use**
-  **Section**
-  **Quarter-Quarter**
-  **Point of Diversion**

Place of Use: T9S, R38E
(parts of) Sec. 20 NWSE (L2),
SWSE, SESE

Point(s) of Diversion: T9S, R38E
Sec. 20 NWSE (L2)



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by: A. Ruberry
Date: January 2002

PROFILED

SCANNED
MAY 03 2006

MEMO

To: Dave Tuthill
From: Harold Jones
Re: License 29-07393

The field exam for license 29-07393 was done in 1995 by summer temp and Keith Wilson. When the place of use map was done our agent put the east section line for Section 20 ¼ mile too far west of the actual section line. This mistake was not noticed and the ground was licensed with the wrong ¼ of ¼.

In 1999 the City of Lava wanted to buy this right and talked to us about filing a transfer. We then caught the legal description mistake but the transfer was never pursued.

There are at least 2 parties who own this place of use listed in 29-07393. This is reflected by claims A29-07393 & A29-07393A.

Dean Day has incorrectly filed on the whole right under A29-07393. He only owns a part of the ground under the place of use.

The Beenken Family Trust owns approximately 26 acres of the original farm. This was leased by Mr. Day who farmed the entire entity

We would now like to correct license 29-07393 via the adjudication process or have water allocations review our revised map and make said change.

THE PLAN

WITH RESPECT TO THE OBVIOUS LICENSING ERROR THE FOLLOWING IS THE COURSE OF ACTION.

- 1.) GO TO COUNTY ASSESSOR TO DETERMINE OWNERSHIP OF LANDS INVOLVED. - USED GPS THINGS.
- 2.) SEEK AMENDMENTS FROM CLAIMANTS
 - a.) ABSENT AMENDMENTS - REFER TO LEGAL STAFF.
- 3.) WITH AMENDMENTS - ACCOUNT FOR ALL PARTS OF LICENSE
 - a.) POTENTIALLY AN UNCLAIMED PART IN SECTION 29. ⇒ NO!
 - 1.) IF SO, SEEK A CLAIM
 - 2.) IF NOT, PROCEED WITH DAY & BEENKEN CLAIMS - PROPORTIONAL
- 4.) ANY OTHER WR/AJ CLAIMS? (BESIDES CANAL CO. SHARES) NO!
- 5.) FIX THE ERROR(S) WITH ADJ. RECOMMENDS — 1/BS!

29-7393 (ERROR OF LIEBOWITZ)

SUB ATTACHED MEMO TO CORRECT ERROR, AND PLAN

Day Fish CK & Dumps CK must be taken

Isent from

Fish CK only.

SUB ATTACHED UCR Report Rpt. Liebowitz (Report Split-Sub
29-7393 AND 29-7393A: Adj. claims) @ 1.6965 on 84.5K,
with Priority Date of 11/4/1982. Lie w/o AFA volume.
Priority Date advanced to 11/04/1982

POD Liebowitz AS NWSE (122) Sec. 20, Claim AS
SENSE Sec. 20. Liebowitz is correct.



PROFILED

SCANNED
MAY 08 2006

T9S R38E

NESE
Lot 1

NWSE
Lot 2
17.5

SESE

SWSE
30.0

Lot 3

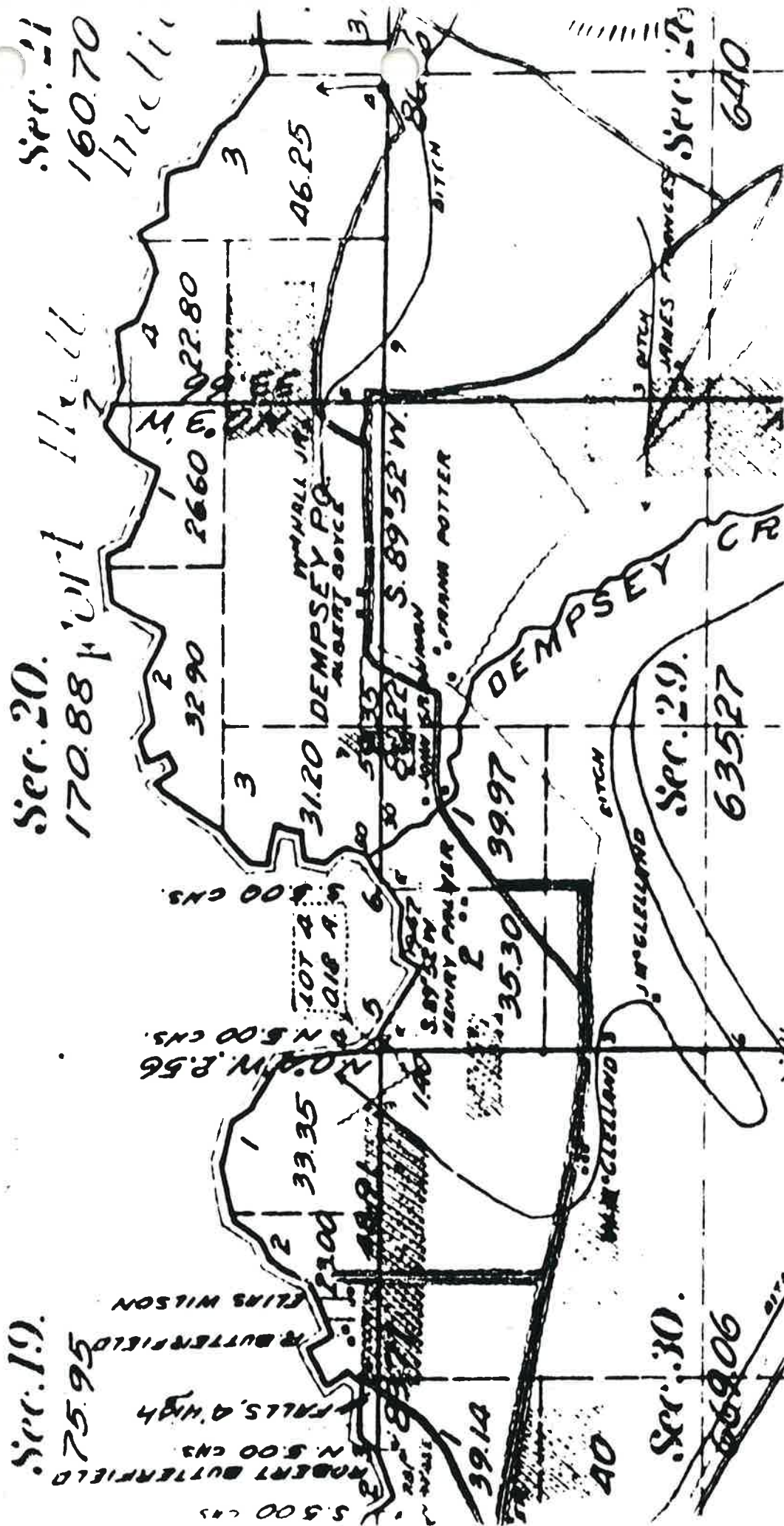
20 21

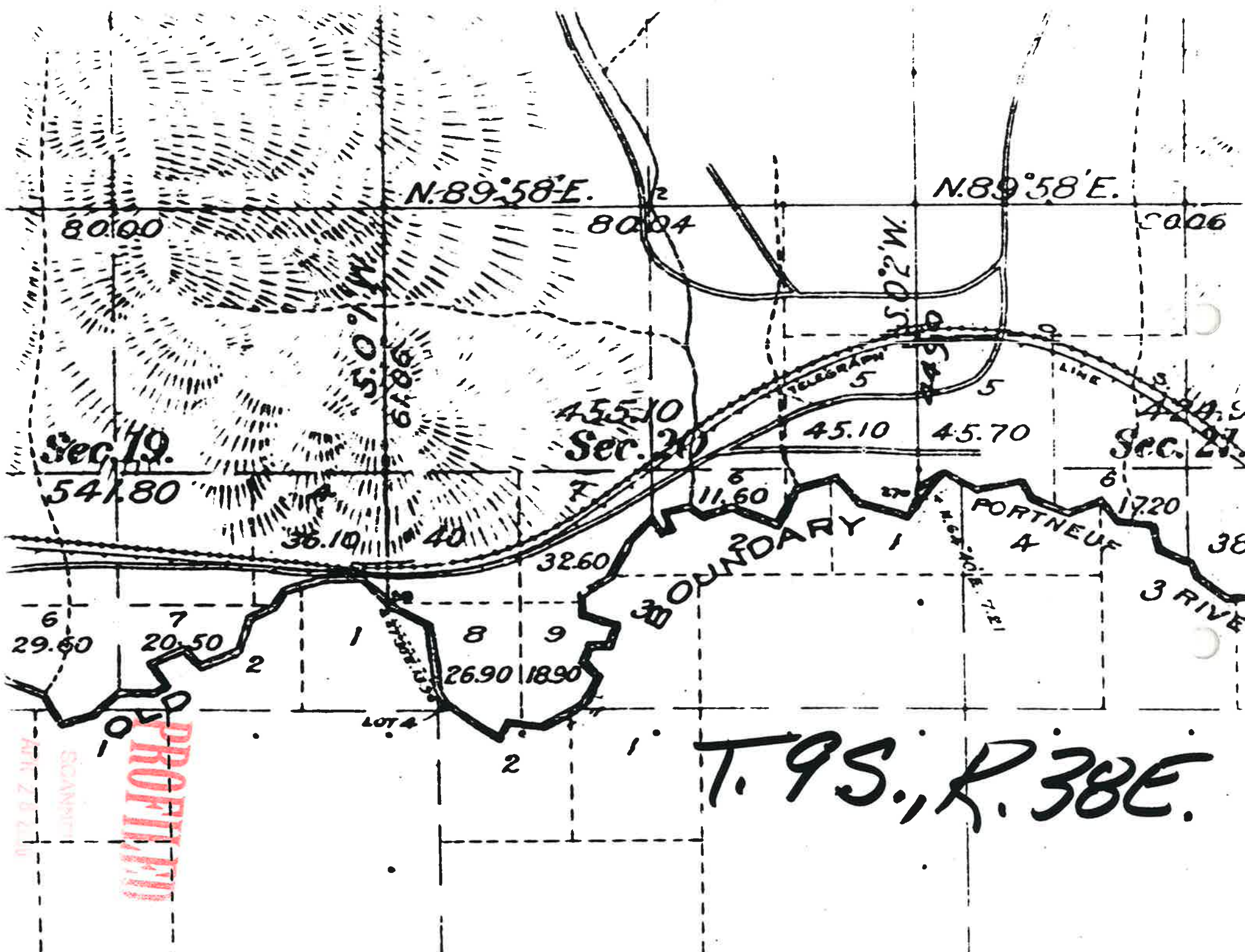
29 28

Portneuf River

SCANNED
MAY 05 2003

1.95, R.33E.





T. 9 S., R. 38 E.

WR5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

03/02/01 09:32:22
Page 1

Water Right Number - 29-07393

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
DAY

DEAN

1 - PO BOX 112
2 -
3 -

City- LAVA HOT SPRINGS
Phone - 208-000-0000

State- ID Zip- 83221

DAY

ETHEL

1 - PO BOX 112
2 -
3 -

City- LAVA HOT SPRINGS
Phone - 208-000-0000

State- ID Zip- 83221

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
11/04/1982 15 EASTERN L - LICENSE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

TwN	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
09S	38E	20	NW SE		(5)	BANNOCK				

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/15	10/15		1.690	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
1.690 1.970 0.0

TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
09S	38E	20	NE SW	2	3.0	01	IRRIGATION	(5) BANNOCK
09S	38E	20	SE SW	3	8.0	01	IRRIGATION	(5) BANNOCK
09S	38E	20	NW SE	2	23.5	01	IRRIGATION	(5) BANNOCK
09S	38E	20	SW SE		40.0	01	IRRIGATION	(5) BANNOCK
09S	38E	20	SE SE		6.0	01	IRRIGATION	(5) BANNOCK
09S	38E	29	NW NE		2.5	01	IRRIGATION	(5) BANNOCK
09S	38E	29	NE NW		1.5	01	IRRIGATION	(5) BANNOCK

Total Acres: 84.5

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

*THIS PAGE IS IN ERROR
TO BE FIXED BY ADJUSTMENT.*

Water right number - 29-07393

Prefix Translation: WATER RIGHT

+ - - - - Remarks - - - - - +

This right when combined with all other rights shall provide
no more than .02 cfs per acre nor exceed a combined annual
diversion volume of 295.8 af for the lands above.

+ - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +

- R25 - This right when combined with all other rights shall provide no
- more than 3.5 afa per acre for irrigation of the lands above.
- 065 - The right holder shall use the full allotment of appurtenant
- surface water rights in conjunction with groundwater diverted
- under this right and shall only divert groundwater under this
- right when water from the appurtenant surface water rights cannot
- be delivered to the right holder.
- 079 - This right shall not be used if the surface water right(s)
- appurtenant to the place of use is sold, transferred, leased or
- used on any other place of use.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +

00/00/0000

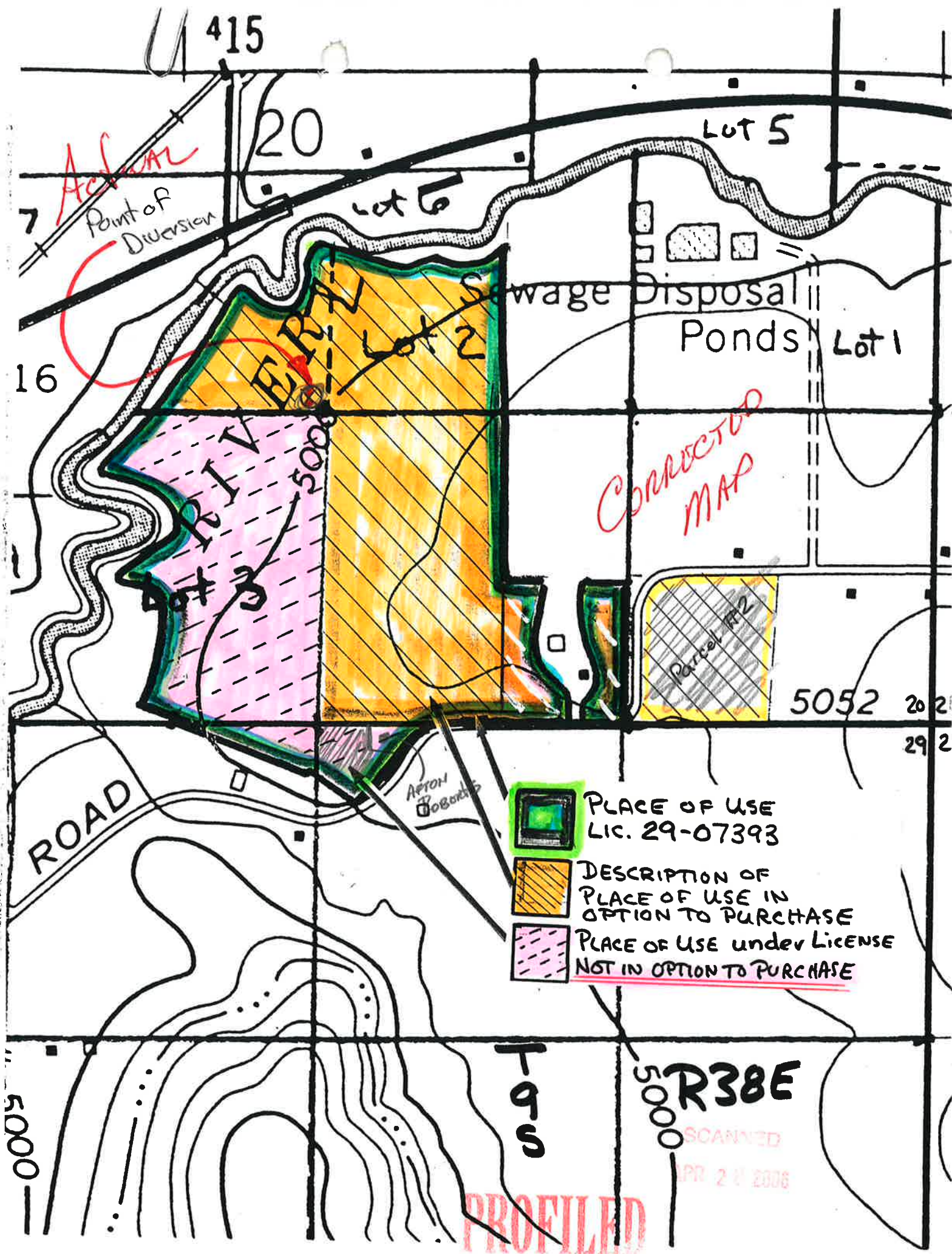
+ - - - - Comments - - - - - +

Date: 12/17/1991 User Id: VAULT Subject: Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd

+ - - Audit Fields - 04/07/88 05/22/88 CONVERT 12/17/91 COMMENTS 12/23/91 MILLER 12/31/91 MILLER
04/27/94 CURTIS 08/21/95 KWILSON 01/18/96 KWILSON 03/10/97 SCURTIS 03/17/97 SCURTIS
03/20/97 SCURTIS 06/03/97 SCURTIS

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 06/01/1982	Field Exam Made	- 08/15/1995	Field Exam Fee	-
Approved/Denied	- 06/29/1977	Protested Date	- 00/00/0000	Swan Falls	- Z
Proof Made Date	- 04/11/1982	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 01/19/1996	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 05/20/1997	Appl Received	- 05/05/1977	Transfer/Amended	-
Presumption Flag	-	Name Connector	-	POU Ownership Flag	- Y
SRBA Decreed Flag	-				



JUN 06 2001

Log for claim A29-07393

Spatial Dynamics PJM

9/11/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s38e	20	NESW	8	32	Indiscernible
09s38e	20	SESW	28	30	
09s38e	20	NWSE	20	27	Indiscernible
09s38e	20	SWSE	30	40	Indiscernible
09s38e	29	NENW	38	31	
Totals:			124	160	

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 29-07393

Priority: November 4, 1982

Maximum Diversion Rate:

1.69 CFS

This is to certify, that DEAN DAY
ETHEL DAY

PO BOX 112

LAVA HOT SPRINGS ID 83221 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 5, 1977; and has submitted Proof of Beneficial Use on April 11, 1982. An examination indicates that the works have a diversion capacity of 1.970 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>
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IRRIGATION	04/15 to 10/15	1.69 CFS	
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LOCATION OF POINT(S) OF DIVERSION:

NWSE , Sec. 20, Township 09S, Range 38E
BANNOCK County

PLACE OF USE: IRRIGATION

<u>IWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S 38E 20	Lot 2 (NESW) 3	Lot 3 (SESW) 8	Lot 2 (NWSE) 23.5	
	SWSE 40	SESE 6		80.5
29	NWNE 2.5	NENW 1.5		4

Total number of acres irrigated: 84.5

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right when combined with all other rights shall provide no more than 3.5 afa per acre for the lands above.
5. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
6. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
7. This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 295.8 af for the lands above.

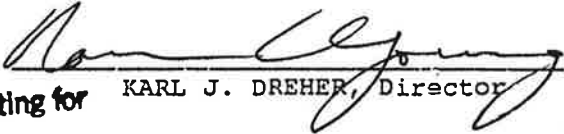
MICROFILMED
JUN 9 1987

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 29-07393

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 20TH
day of MAY, 1997.


Acting for KARL J. DREHER, Director



MICROFILM
JUN 2 9 1997

State of Idaho
Department of Water Resources

RECEIVED

MAY 14 1997

Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 29-07393

Date of Priority: November 4, 1982

Maximum Diversion Rate:

1.69 CFS

Comes now

DEAN DAY

ETHEL DAY

PO BOX 112

LAVA HOT SPRINGS ID 83221

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 29-07393, and requests that the permit be changed as follows:

Source: GROUNDWATER

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

ANNUAL VOLUME

IRRIGATION

04/15 to 10/15

1.69 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWSE , Sec. 20, Township 09S, Range 38E
BANNOCK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>		<u>ACRES</u>		<u>ACRES</u>		<u>ACRES</u>	<u>TOTAL</u>
09S	38E	20	Lot 2(NESW)	3	Lot 3(SESW)	8	Lot 2(NWSE)	23.5	
			SWSE	40	SESE	6			80.5
		29	NWNE	2.5	NENW	1.5			4

Total number of acres irrigated: 84.5

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at nan, this 6 day of May, 1997.

MICROFILMED

JUN 29 1997

(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 29-07393

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = 50.00 Receipted by JW # C038894 Date 5-14-97

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 29-07393 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right when combined with all other rights shall provide no more than 3.5 afa per acre for the lands above.
5. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
6. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use.
7. This right when combined with all other rights shall provide no more than .02 cfs per acre nor exceed a combined annual diversion volume of 295.8 af for the lands above.

Witness my hand this 20TH day of MAY, 1997.


KARL J. DREHER, Director

RECORDED
JUN 09 1997

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT	)	
	)	
NO. 29-7393 IN THE NAME OF	)	ORDER OF REINSTATEMENT
	)	
DEAN &/OR ETHEL DAY	)	
	)	

This matter having come before the Department of Water Resources (Department) as a result of preparing Permit No. 29-7393 for issuance of a license, the Department finds, concludes and orders:

FINDINGS OF FACT

1. The Department approved Application for Permit No. 29-7393 to appropriate the public waters of the State of Idaho with a proposed priority of MAY 05, 1977.
2. On APRIL 17, 1986 the Department advised the permit holder that a license examination fee was required before an examination could be conducted to confirm the extent of use developed under the permit. The examination fee was due on JUNE 16, 1986.
3. The license examination fee was not paid within one year of the date, and the permit lapsed for failure to pay the license examination fee.

MICROFILMED
JAN 15 1992

4. The license examination fee was received on
DECEMBER 16, 1991, 2008 day(s) late.

CONCLUSIONS OF LAW

1. The Director may advance the priority date of the permit one day for each day the license examination fee is late, pursuant to the provisions of Section 42-217, Idaho Code.

2. The date of priority of Permit No. 29-7393 should be advanced 2008 day(s).

ORDER

IT IS HEREBY ORDERED that Permit to Appropriate Water No. 29-7393 is reinstated.

IT IS FURTHER ORDERED that the date of priority of Permit No. 29-7393 is advanced to NOVEMBER 04, 1982.

Dated this 23rd day of December, 1991.

J. Glen Sayton
Chief, Water Allocation Bureau

JAN 15 1992

Identification No. 29 7393
Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT **APPROVED**

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

- 1 Name of applicant Dean &/or Ethel Day Phone: 776-5356
post office address Lava Hot Springs, ID
- 2 Source of water supply ground water which is a tributary of _____
- 3 a Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 20 Township 9S
Range 38E B.M. Bannock County: additional points of diversion if any: _____
- b If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
- 4 Water will be used for the following purposes:
Amount 2.48 for irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
- 5 Total quantity to be appropriated:
a 2.48 cubic feet per second and/or
b _____ acre feet per annum.
- 6 Proposed diverting works
a Description of ditches, flumes, pumps, headgates, etc. well, pump and sprinkler system

b Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet; materials used in storage dam _____
Period of year during which storage will occur _____ to _____ inclusive.
c Proposed well diameter is 16 inches; proposed depth of well is 150 feet.
- 7 a Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years
b Estimated construction cost is \$ 20,000.00
- 8 Description of proposed uses
a If water is not for irrigation
(1) Give the place of use of water _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated _____ hp under _____ feet of head
(3) List number of each kind of livestock to be watered _____
(4) Name of municipality to be served _____ or number of families to be supplied with domestic water _____
(5) If water is to be used for other purposes describe _____

Proposed Priority 5/ 5/77

Received by WLA Date 5-5-77 Time 9:30

Preliminary check by WLA Fee \$150.00

Received by WLA Date 5-5-77

Publication prepared by WLA Date 5-13-77

Published in The Idaho State Journal

Publication dates May 14-26, 1977

Publication approved WLA Date 5-6-77

Priority reduced to _____ Reason _____

Protests filed by _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial WLA

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. 29-7393 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 June 1, 19 82.

c. Other: A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

The issuance of this permit in no way grants any right-of-way or easement across the land of another person.

Witness my hand this 29 day of June, 19 77.



Deputy Director

PROOF OF PUBLICATION

Q 1977

STATE OF IDAHO } ss.
County of Bannock }

Patricia Beck

1977

NO. OF APPLICATION
FOR WATER PERMIT
Notice is hereby given that Dean
B. or Ethel Day, Love Hot Springs,
Idaho have on 9-25-77 submitted
Application No. 29-7993 for a permit
to appropriate 1.00 cubic foot per
second of water from a ground-
water source by means of well and
pump within the NE 1/4 SW 1/4, Sec. 26,
T. 19, R. 20E, B. 1J, Bannock
County; to be used from Apr. 1 to
Nov. 1 for the irrigation of 134 acres
within the E 1/4 SW 1/4, NW 1/4 SW 1/4, Sec.
26, NE 1/4 SW 1/4, Sec. 25, T. 19, R. 20E,
B. 1J.
If issued, this permit will be
subject to all prior water rights.
Protests against the granting of the
permit must be filed with the Idaho
Department of Water Resources,
1315 Lincoln Road, Idaho Falls,
Idaho, 83401 on or before June 6,
1977.
C. Stephen Alford
Director
May 19, 26, 1977
No. 364

being first duly sworn on oath deposes and says: That *She*
was at all times herein mentioned a citizen of the United States of
America, more than 21 years of age, and the Principal Clerk of THE
IDAHO STATE JOURNAL, a daily newspaper, printed and published at
Pocatello, Bannock County, Idaho, and having a general circulation
therein.

That the document or notice, a true copy of which is attached, was
published in the said IDAHO STATE JOURNAL, on the following dates,
to-wit:

MAY	19	1977	19
MAY	26	1977	19
		19	19
		19	19
		19	19

That said paper has been continuously and uninterruptedly pub-
lished in said County for a period of seventy-eight weeks prior to the
publication of said notice or advertisement and is a newspaper within
the meaning of the laws of Idaho.

Patricia Beck

Subscribed and sworn to before me this 3RD

day of June, 1977

Notary Public, State of Idaho
Residence: Pocatello, Idaho

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JAN 22 1996

Department of Water Resources

(Reinstated)

A. GENERAL INFORMATION

Permit No. 29-7393

1. Owner: Dean or Ethel Day Phone No. 776-5356

Current Address: Box 112, Lava Hot Springs Id

2. Accompanied by: Dean Day EXAM DATE: 15 Aug 95

Address: - Phone No. -

Relationship to Permit Holder: -

3. Source: GROUNDWATER tributary to -

B. OVERLAP REVIEW

1. Other water rights with the same place of use: Shares in Dimpsey Firs. Comp

2. Other water rights with the same point of diversion: NA.

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NW	SE	20	9S	38E	Bannock	

2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9S	38E	20									3			8		23.5	40	6	80.5
											L-2			L-3		L-2			
		29					4												4

RECEIVED

JUN 09 1997

84.5

F. FLOW CALCULATIONS

Measured Method: Sonic meter

____ Additional Computation Sheets Attached

a/ 1.97 cfs capacity

b/ 84.5 acres @ 0.02 cfs max = 1.69 cfs for licensing

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{84.5 \text{ acres} \times 3.5 \text{ af} = 295.7}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{1.69 \text{ cfs} \times 183 \text{ d.} \times 1.9835 = 613.4}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{295.7}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Irrigation</u>	<u>4-15</u>	<u>10-15</u>	<u>1.69 cfs</u>	<u>295.7</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			<u>1.69 cfs</u>	<u>295.7</u>

2. Recommended Amendments

☒ Change P.D. as reflected above

☐ Add P.D. as reflected above

☐ None

☐ Change P.U. as reflected above

☒ Add P.U. as reflected above

☐ Other

I. AUTHENTICATION

Field Examiner's Name Steve Mueller / Keith Wilson Date 8-15-95

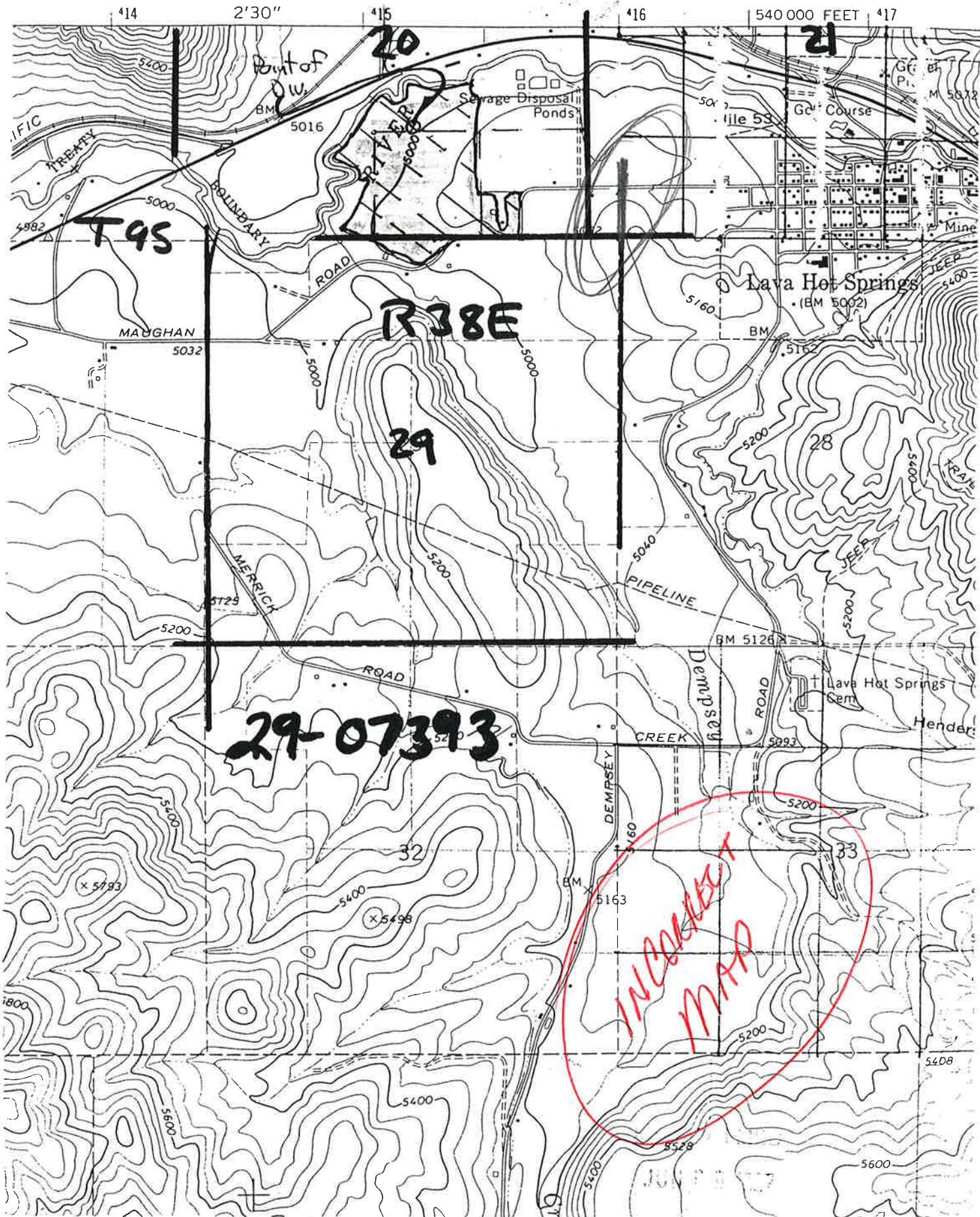
Reviewer [Signature] Date 8-20-95

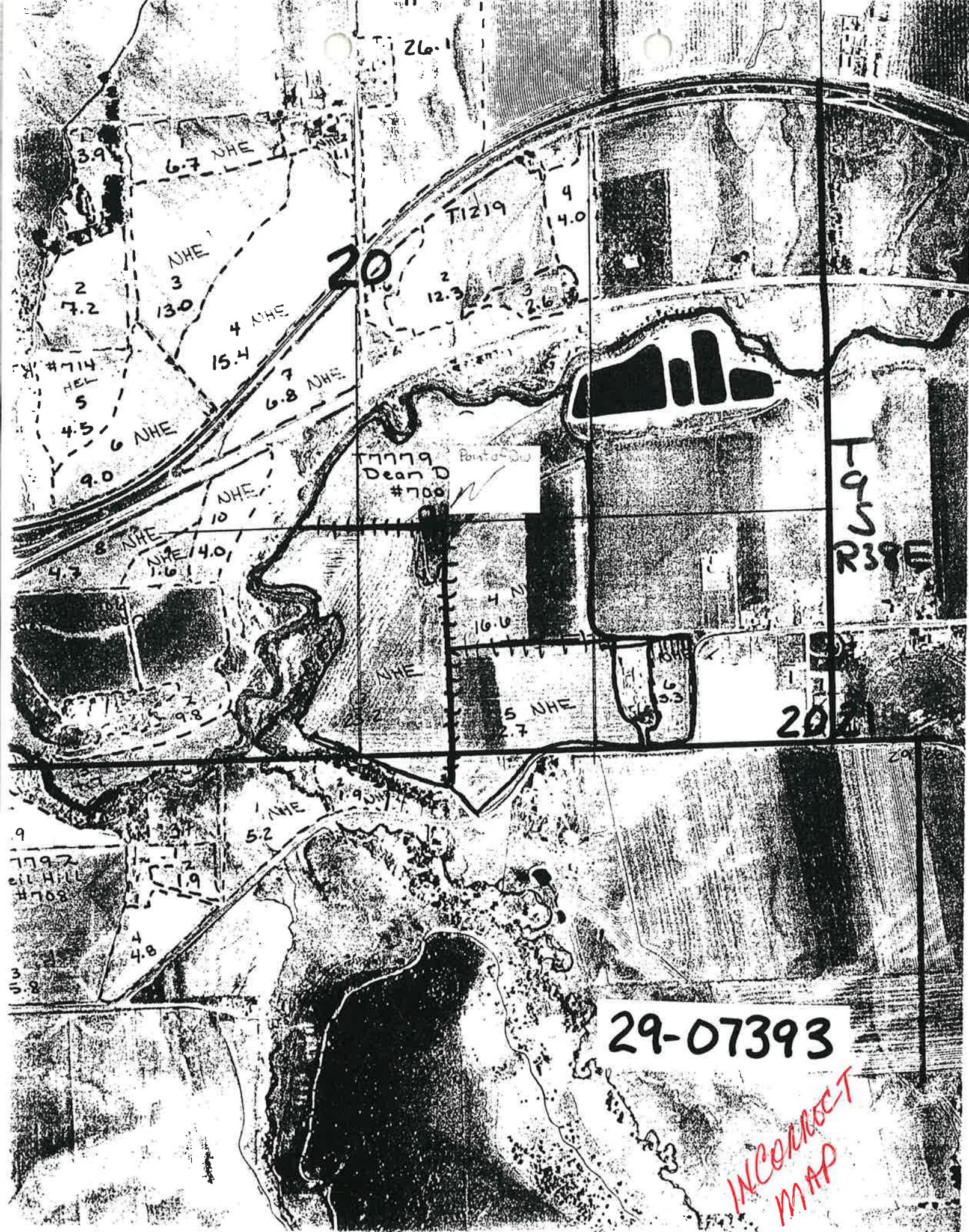
SEAL

MICROFILMED

JUN 09 1997

LAVA HOT SPRINGS QU,
IDAHO-BANNOCK C
7.5 MINUTE SERIES (TOPC





29-07393

INCORRECT
MAP

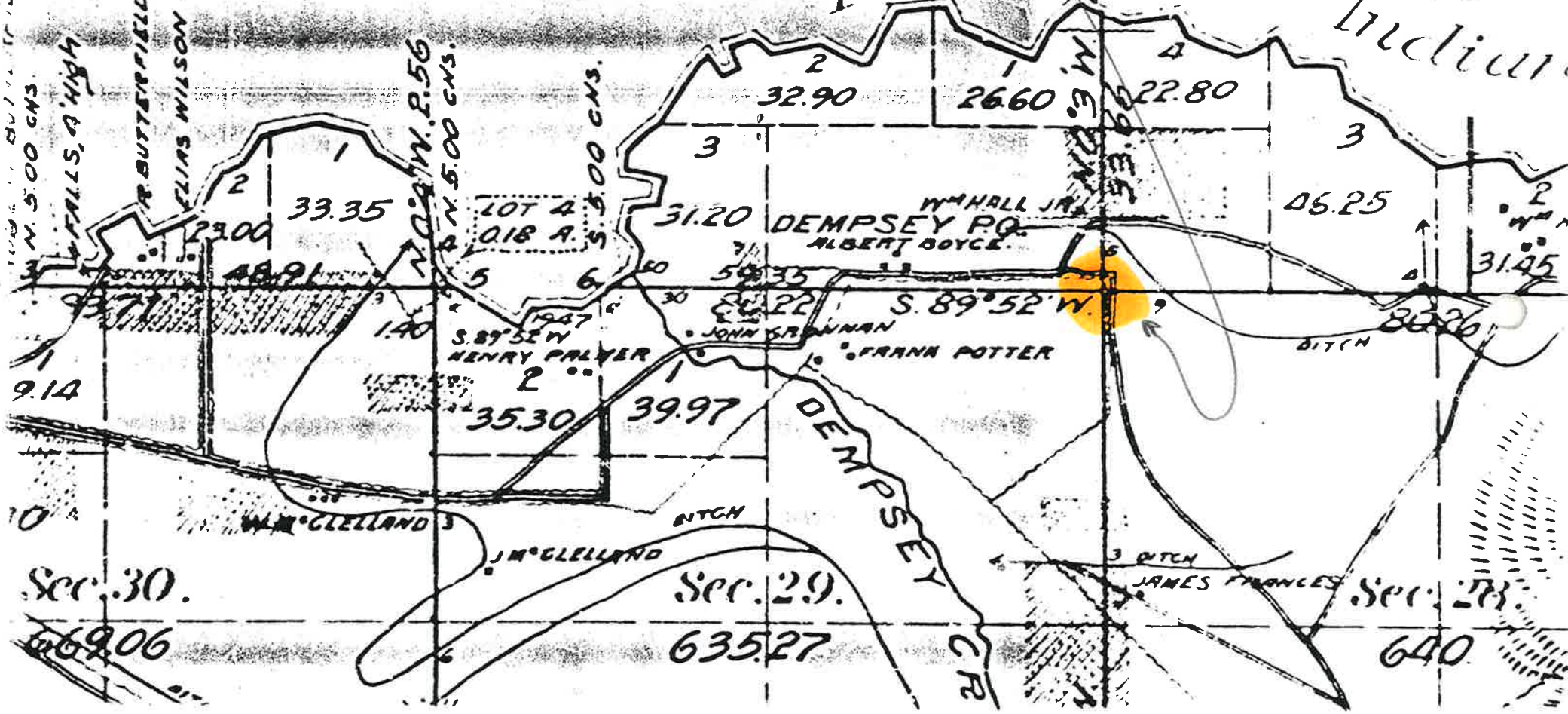
29-7393

Section Corner

Sec. 19.
75.95

Sec. 20.
170.88

Sec. 21.
160.70



JUN 06 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: A29-07393
Date Received: 4/04/1990
Receipt No: 6012808
Received By: EV

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DEAN DAY
Address: P.O. BOX 112
LAVA HOT SPRINGS, ID 83246
OR
Name: ETHEL DAY
Address: P.O. BOX 112
LAVA HOT SPRINGS, ID 83246

Hm 776-5356

CELL-221-3457

A2907393



2. Date of Priority: MAY 05, 1977
3. Source: GROUNDWATER Nov 4, 1982 Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	38E	20	SE	~~NE~~	~~SW~~		BANNOCK
				<i>NW</i>	<i>SE</i>	<i>2</i>	

5. Description of diverting works:
WELL AND PUMP. MAINLINE TO SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	<u>04/01</u>	<u>11/01</u>	2.480		

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

Lic. @ 1.69 on 845 ac

8. Total consumptive use is 310.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A29-07393

Page 1

Date: 04/04/90

MICROFILMED

NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres		
09S	38E	20	NE	SW	2	IRR	8.0	9.1	3
			SE	SW	3	IRR	28.0	25	8
			NW	SE	2	IRR	20.0	15.4	23.5
			SW	SE		IRR	30.0	31	40
			SE	SE					6
						Section Acres	86.0		
		29	NE	NW		IRR	38.0		4
						Section Acres	38.0		
						Total Acres	124.0		

*Bunker's
No Ownership
Shown*

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:
37 SHARES DEMPSEY IRRIGATION CO.

14. Remarks:
SUBJECT TO BENEFICIAL USE FIELD EXAM

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 Y wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

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): Dean Day Date: 4-4-90
Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of April 19 90

[Signature]
Notary Public

Seal

Residing at Idaho Falls, Id.
My Commission Expires 22 Aug 1994