

** PENDING LATE AMENDED CLAIM*

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: **A36-04052**
Date Received: 2/23/1989
Receipt No: S006358
Received By: sa

AMENDED

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

AMENDED

1. Name: HARRY H HUTTANUS 208-543-4098
Address: BANBURY HOT SPRINGS
RT 3
BUHL ID 83316

Name: SOPHIA R HUTTANUS
Address: BANBURY HOT SPRINGS
RT 3
BUHL ID 83316

2. Date of Priority: JUN 1, 1922

3. Source: BLIND SPRINGS Trib. to: SNAKE RIVER
BANBURY SPRINGS SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	14E	33	NW	SE			GOODING

5. Description of diverting works:
CONCRETE STRUCTURE, CATCH BASIN, PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.200		
RECREATION	01/01	12/31	5.900		
DOMESTIC	01/01	12/31	0.130		
POWER	01/01	12/31	4.000		

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

8. Total consumptive use is 30.0 Acre Feet Per Annum.

9. Non-irrigation uses:

RECREATION, HOT POOL; DOMESTIC, APARTMENTS, CAMP, PICNIC GROUNDS
GENERATING CAPACITY 16.0 KILOWATTS

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08S	14E	33	SW NW		IRR	7.0
Section Acres						7.0
Total Acres						7.0

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:

BANBURY HOT SPRINGS

14. Remarks:

AMENDED CLAIM: RECREATION FLOW TO 5.9 CFS AND ACRES TO 7.0 AC.
AND POU COUNTY TO TWIN FALLS CO. (7-1-1996 SCC)

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

Number of attachments: _____

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): _____ Date: _____
_____ Date: _____

For Organizations:

I do solemnly swear or affirm that I am ATTORNEY IN FACT of
Sophia R Huttonus, that I have signed the foregoing
Organization
document in the space below as ATTORNEY IN FACT of
Sophia R Huttonus and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

General Power of Attorney att.

Attorney in Fact for Sophia R. Anthony
Title and Organization

7/1/96

Date _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 1st day
of July 19 96 Steve Cull
Notary Public

Notary Public

Residing at Twin Falls
My Commission Expires 12/7/2000

GENERAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That I, SOPHIA R. HUTTANUS, reside in Twin Falls County, Idaho, and do hereby and by these presents constitute and appoint HERBERT C. DEUEL and BLANCHE H. DEUEL as my true and lawful Attorneys in Fact in my name and stead, to do any and all things with respect to all of my property and property rights that I might do if personally present. Without limiting the generality of the foregoing, my said Attorneys in Fact are authorized in my name to receive and disburse any and all funds in any account that I may have in any bank or savings and loan institution, to endorse my name on all checks or drafts and other commercial instruments, to execute in my behalf any instrument, including income tax returns, health and accident insurance, social security administration and retirement applications, documents, claims or checks, to borrow money for my account and give security therefor and such security may constitute a lien on all or any part of my property, and to sell any piece or part of any property, real or personal, of mine for any price or on any terms as may to my said Attorneys in Fact seem adequate, to receive such purchase price or consideration for such sale, and to purchase real or personal property on my behalf. This Power of Attorney includes authority to make medical decisions if I am incapable of giving informed consent, and specifically includes the authority to refuse life-sustaining treatment on my behalf if my Attorneys in Fact believe that is what I would have chosen in the circumstances. And I hereby give and grant to said Attorneys in Fact all other powers necessary or reasonably convenient to the carrying out of the powers above granted, including the power to name additional or substitute Attorneys in Fact for me, and I hereby ratify all action or actions taken by my Attorneys in Fact under this instrument.

This Power of Attorney shall continue in full force and effect until revoked by me, and all persons unto whom these presents shall come shall be entitled to rely on the powers herein granted to my said Attorneys in Fact until such persons may have received written notice that said Power of Attorney has been revoked or until written notice of said revocation may be recorded in the office of the Twin Falls County Recorder, Twin Falls County, Idaho.

This Power of Attorney shall not be affected in the event I become mentally or physically incapacitated or disabled.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 23rd day of ~~August~~, 1988.

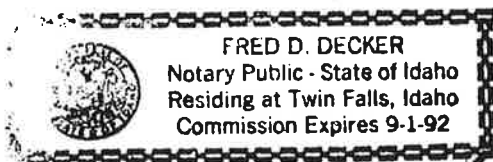
November

Sophia R. Huttanus
SOPHIA R. HUTTANUS

STATE OF IDAHO)
)ss.
County of Twin Falls)

On this 23rd day of November, 1988, before me, the undersigned, a Notary Public in and for said County and State, personally appeared SOPHIA R. HUTTANUS, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she 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.



Fred D. Decker
NOTARY PUBLIC FOR IDAHO
Residing at Twin Falls
My commission expires 9-1-92

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: A36-04052
Date Received: 1/20/1989
Receipt No: 5006358
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HARRY H. HUTTANUS 208-543-4098
Address: BANBURY HOT SPRINGS
RT. 3
BUHL, ID 83316

Name: SOPHIA R. HUTTANUS
Address: BANBURY HOT SPRINGS
RT. 3
BUHL, ID 83316

2. Date of Priority: JUN 01, 1922

3. Source: BLIND SPRINGS Trib. to: SNAKE RIVER
BANBURY SPRINGS SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08S	14E	33	NW	SE			GOODING

5. Description of diverting works:
CONCRETE STRUCTURE, CATCH BASIN, PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.200		
RECREATION	01/01	12/31	1.570		
DOMESTIC	01/01	12/31	0.130		
POWER	01/01	12/31	4.000		

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

8. Total consumptive use is Acre Feet Per Annum.

A36-04052

Page 1

Date: 02/06/89

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9. Non-irrigation uses:

R/HOT POOL, D/APARTMENTS, CAMP, PICNIC GROUNDS
GENERATING CAPACITY 16.0 KILOWATTS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	14E	33	SW	NW		IRR	10.0
Section Acres							10.0
Total Acres							10.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:

BANBURY HOT SPRINGS

14. Remarks:

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

Number of attachments: _____

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

4323

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 A36-04052
Date Received _____
Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JAN 11 1989

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) Harry H. and Sophia R. Huttanus -Phone (208) 543-4098

Mailing Address Route No. 3, Box 408, Buhl, ID Zip 83316

2. Date of Priority (Only one (1) per claim) 6-1-22

3. Source of water supply (a) Blind Springs
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 8 S. Range 14 E. Section 33,
NW 1/4 of SE 1/4, Govt. Lot, B.M., County of Gooding County

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.
Concrete structure, catch basin, pipeline under Snake River to Banbury
Hot Springs.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 1-1 to 12-31 amount 0.20 or _____

For Recreation purposes from 1-1 to 12-31 amount 1.57 or _____

For Domestic purposes from 1-1 to 12-31 amount 0.13 or _____

For Power purposes from 1-1 to 12-31 amount 4.00 or 16kW

7. Total quantity claimed (a) 5.9 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) .57 described above

10. Description of place of use:

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

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
8S	14E	33							X										10

Total number of acres irrigated 10

11. In which county (ies) are lands listed above as place of use located? Twin Falls

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
Banbury Hot Springs or None ()

14. Remarks:

Last Name Huttanus Ident No. _____

Copies: White - State, Yellow - Claimant

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FEB 05 1993

Scale: 2 inches equals 1 mile

T 88. Range 14 E., B.M. : Section 33

A 16x16 grid of graph paper. Handwritten notes and diagrams are present:

- Top center: "P.D." with a diagonal line through it.
- Left side, row 10: "P.O. Use" with an arrow pointing to the right.
- Right side, row 10: "P.D." with a diagonal line through it.
- Bottom center: "3" with a small arrow pointing up.
- Bottom right: "P.D." with a diagonal line through it.

Last Name

Ident No.

MICROFILMED
Copies: White-State, Yellow-Claimant
FEB 05 1993

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 36-4052 (Old License No. 15650)
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 ☒
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) Harry Huttanus Date 1/11/89
Attorney in Fact _____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho for _____)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 11th day of January 19 89

SEAL

Notary Public Mendy Schuettfeger
Residing at Twin Falls
My Commission Expires 4-25-94

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, FRED D. DECKER will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address P.O. Box 66, 249 Third Avenue E., Twin Falls, ID 83303

Date January 11, 1989

Last Name Huttanus Ident. Number _____

MICROFILMED

Copies White-State Yellow-Claimant
FEB 03 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 3, 1990

Not Sent

Dear Claimant(s):

In the past you submitted the claim(s) identified with the number(s) shown above your name and address at the top of this letter. You indicated on the claim(s) that the basis for establishing the water right(s) was Beneficial Use, meaning the water right was not previously confirmed by a decree, water right license or permit before you filed the claim(s).

The purpose of this letter is to request evidence supporting the priority date(s) you have claimed. The enclosed pamphlet describes what this means. While I encourage you to read all of the pamphlet, I direct your attention to the right-hand half of the pamphlet after you open it. There you will find two sections: What Kind of Evidence is Required, and Some Examples of Documents which May Be Evidence of the Priority Date. These sections tell you what must be submitted. The other sections tell you why the evidence is necessary and what the consequences of not submitting the evidence could be.

Please submit the requested evidence by November 1, 1990. When returning to the Department please reference all documents with the claim(s) identification number(s) listed above.

If you have questions not addressed by the pamphlet or need other technical assistance, please feel free to contact this office. For advice on your water right(s), please contact your attorney.

Sincerely,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosure

MICROFILMED
FEB 05 1993

36-4052

file in 36-4052 Dec 16, 1976

Mr. and Mrs. Harry Huttanus

To my knowledge the swimming pool has been in operation since 1920. The hot water comes from the springs and wells. The cold water from Blind Springs across the river, runs through a pipe line, under the Snake River. It is also used in the swimming pool.

The hot and cold water is used in the cabins and baths too.

Hot and cold water and power is also used for campers.

The above refers to Banbury Hot Springs

STATE OF IDAHO, COUNTY OF TWIN FALLS
On this 16th day of DECEMBER 1976
before me, a notary public in and for said State, personally appeared

IRENE BANBURY

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Karl C. Treman
Notary Public
Residing at Twin Falls, Idaho.

MICROFILMED
FEB 05 1993

36-4052

AMENDMENT OF AGREEMENT OF SALE OF REAL ESTATE

THIS AGREEMENT Made and entered into this 5th day of February, 1957, by and between IRENE SANBURY, a widow, and GRACE FRENCH, a divorced woman, parties of the first part, of Buhl, Twin Falls County, Idaho, and HARRY J. VAN DIVER and FREDA A. VAN DIVER, husband and wife, of Twin Falls County, Idaho, the parties of the second part;

WITNESSETH:

The said parties of the first part for and in consideration of the payments, covenants, and agreements of the said parties of the second part, do hereby agree that the original contract between these parties dated June 26, 1953, and entitled "Agreement Of Sale Of Real Estate" and covering the sale of all the property located in Twin Falls County, Idaho, known as the Sanbury Hot Springs property and which is described by means of reference to points A, B, C, D, E, F, G, H, I, J, K, L, M, N, and O, and is located within parts of Lots 2, 3, 4, 5, and 6, Section 32 and 33, Township 8 South, Range 14, East of the Boise Meridian.

That the second parties herein desire to subdivide the northerly portion of the property covered under the original contract and to sell the same to private owners ^{all} desirous of building summer homes or for other purposes and to use the proceeds from such sale to enable them to maintain and improve the remaining property, particularly the swimming pool and cabins and make such improvements as they may later determine necessary or desirable;

NOW, THEREFORE, It is agreed by the first parties that a portion of the land described in full in the original contract be released and freed from said contract without changing any other portion of the said contract nor diminish the second parties obligations and responsibilities thereunder; That the said original contract is amended to exclude therefrom the following property which is described by reference to the survey made by F. J. Mayer and described as follows:

JOHN C.
HEPWORTH
LAWYER
BUHL, IDAHO

MICROFILMED
FEB 05 1993

36-4052

Beginning at the point in Lot 2 described as Point "E" and located in Section 33, Lot 2, Township 8 South, Range 14, East of the Boise Meridian; Thence in an Easterly direction to point "F"; Thence in a Southerly direction along the boundary line of said property 1,000 feet; Thence in a Westerly direction parallel with the boundary running between points "E" and "F" to the Westerly boundary line of said property; thence in a Northerly direction along the Western boundary of said property to "E", the point of beginning.

This description is subject to a survey to be made at a later date, giving the exact description by metes and bounds.

The first parties promise and agree that they will execute and deliver to the second parties a Warranty Deed covering the property above mentioned as soon as the survey of the same has been completed at the expense of the second parties.

It is understood and agreed, however, that the first parties need not furnish an abstract or title insurance at this time for the property covered and separated from the original contract nor will their security be in any way affected except by the action of the court above mentioned.

IN WITNESS WHEREOF, The said parties have set their hands and seals the day and year in this agreement first above written.

Harry J. Van Deventer (SAL)

Timothy J. Van Deventer

Grace B. Van Deventer

MICROFILMED
FEB 05 1993

36-4052

STATE OF IDAHO }
County of Twin Falls } ss.

On this 5th day of February, 1957, before me, the undersigned, GRACE
a Notary Public in and for said State, personally appeared
FRENCH, a divorced woman, and HARRY J. VANDEVENDER and FREDA A.
VANDEVENDER, husband and wife, known to me to be the persons
described in the above and foregoing instrument and acknowledged
to me that they executed the same.

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

(SEAL)

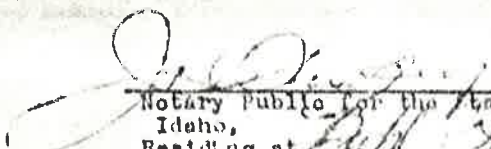

Notary Public for the State of
Idaho, residing at Buhl, Idaho
My commission expires 1-1-58

STATE OF IDAHO }
County of Twin Falls } ss.

On this 5th day of February, 1957, before me, the undersigned,
a Notary Public in and for said State, personally appeared IRENE
RANBURY, a widow, known to me to be the person described in the
above and foregoing instrument and acknowledged to me that she
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.

(SEAL)


Notary Public for the State of
Idaho,
Residing at Buhl, Idaho
My Commission expires 1-1-58 19

JOHN C.
HEPWORTH
SAYLOR
BUHL, IDAHO

MICROFILMED

FEB 05 1993

Log for claim 36-04052

Spatial Dynamics LTD

11/15/01

TR	SEC	QQ	Acres Recommended	Acres Shaped	COMMENT
08s14e	33	SWNW	4.5	4.5	
Totals:			4.5	4.5	



Legend

Irrigated Area	Section Line	Roads
Place of Diversion	Quarter Section Line	Streams and Canals



RIGHT NUMBER: 36-04052

NAME AND ADDRESS: HARRY H HUTTANUS
SOPHIA R HUTTANUS
BANBURY HOT SPRINGS
RT 3
BUHL ID 83316

RECEIVED

AUG 09 1999

Department of Water Resources
Southern Region

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE
IRRIGATION	03-15 11-15
POWER	01-01 12-31
DOMESTIC 1 HOME	01-01 12-31
RECREATION	01-01 12-31

Note Domestic use includes
5 motel units and 2 Apartments.
Dated and 8/9/99

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A36-04052

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Steve Clelland

July 16, 1997 2:22pm

NAME:
WANDA FOSTER CALLIN

RE:
BANBURY HOT SPRINGS SALE

SHE WANTED TO KNOW WHO THE MAIN CONTACT WOULD BE FOR THE WATER RIGHTS HERE... I SAID IT WOULD PROBABLY BE ME; SHE KNEW I HAD VISITED WITH HERB DEUEL RECENTLY.

SHE INFORMED ME OF THE POSSIBLE SALE AND SAID THE BUYER IS TED JOHNSON AND HE MAY BE CONTACTING ME RE: THIS PROPERTY.

SHE SAID HERB D. HAD TOLD HER THERE IS ENOUGH WATER RIGHT TO ALLOW ANOTHER 10" PIPE IN ADDITION TO ONE ALREADY THERE. I TOLD HER IT DOESNT MATTER HOW MANY PIPES THERE ARE, THE LIMITING FACTOR IS THE FLOW RATE OF THE WATER RIGHT.

... CLAIM 36-04052 ...



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

June 18, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ATTN: DWAIN KNIGGE, PRESIDENT
BANBURY PIPE COMPANY
4799A RIVER RD
BUHL ID 83316

RE: Emergency Water Supply Request

Dear Mr Archibald:

Pursuant to a request from a shareholder in Banbury Pipe Co, Herb Deuel, to utilize his shares to provide replacement water for a flood damaged system, IDWR grants limited, temporary authorization for this proposal, conditioned as follows:

- 1) Diversion from the pipeline is for domestic supply and limited, maintenance irrigation of the grounds at Banbury Hot Springs park. Private and public consumption of Banbury Pipe Co. water is prohibited without filtration, consistant with Banbury Pipe Co. policy.
- 2) Diversion from the pipeline is subject to Banbury Pipe Co. control.
- 3) Diversion to Banbury Hot Springs may be in addition to or instead of use on the "5 ac piece" purchased from the Butlers, at the discretion of Banbury Pipe Co.
- 4) Use of the Banbury Pipe Co. water rights and system for use at Banbury Hot Springs is authorized until August 31, 1997 or until the pipeline is replaced, whichever is earlier.
- 5) Extension of this authorization may be obtained upon showing to IDWR diligence in replacing previous, flood-damaged system. Diligence may include, at least, purchase of replacement pipe and a contract for installing the pipeline.
- 6) Development of any new system or uses on previous Banbury Hot Springs water rights or Banbury Pipe Co. water rights is prohibited without first obtaining a water right through IDWR.

By diverting Banbury Pipe Co. water, the shareholder accepts these conditions and limitations. Please refer questions to this office.

Sincerely,


Allen Merritt, P.E.
Southern Region Manager

cc: Herb Deuel
IDWR - SO

36-04052

6/17/97

To - Doug Jones
Idaho Dept of Water Resources.

We request permission to use the water rights from our property nextdoor to be used at Bonbury Hot Springs for sanitary facilities and irrigation until flood waters recede and we can repair or replace our pipeline.

This is emergency use and temporary use

Blanche Deuel
Hub Deuel

P.O. Box 348
Buhl, ID 83316

phone # 208-543-4098

6/17/97

To - Doug Jones
Idaho Dept of Water Resources
Fax # - 736-3037

From - Herb Deuel
Blanche Deuel
P.O. Box 348
Buhl, ID 83316

Phone # 208-543-4098
FAX # 208-543-9912

Pages - 2

TRANSMISSION VERIFICATION REPORT

TIME : 06/18/1997 09:13
NAME : IDWR SOUTHERN REGION
FAX : 2087363037
TEL : 2087363033

DATE, TIME	06/18 09:13
FAX NO./NAME	95435583
DURATION	00:00:32
PAGE(S)	01
RESULT	OK
MODE	STANDARD ECM

TELEPHONE CONVERSATION

MEMORANDUM

855 INCOMING CALL

OUTGOING CALL 859

RETURNING CALL

TO: _____

DATE: 06-17-97

FROM: HERB DUFEL - BANBURY

- 543-4098

FILE: _____

FILE NO: _____

SUBJECT: DISASTER AREA -

REMARKS: BANBURY PIPELINE Co - threatened...

5 AC next to park -

old #
not same #
in SPRING -
1st FR.
BANBURY - SPRS - BUND SPRS -
WATER RTS - VANUE BUTLER
(to 1409) DUFEL - 1997
own Chg

ROUTING INSTRUCTIONS: _____

CALENDER DATES: _____

FH/ABH

CW DRJ
sum ATQ1

MEMO

TO: A36-04052
FROM: Steve Clelland *SC*
DATE: May 12, 1997

RE: Revised Recommendation

=====

Mr. Herb Deuel submitted five affidavits to support the use of the 6" quick fill line to the pool. I had noted the line had been capped and un-used at the time of my initial exam on May 30, 1991. At the time of this exam a measurement was taken showing a possible pipeline capacity of around 5.90 cfs may be possible. There is no way to confirm or refute the claim that this is the flow rate that was historically diverted into the pool via the old 6" valve setup. The old system has been removed completely and Mr. Deuel has been attempting to restore the line.

After reviewing the affidavits I am convinced the line was used as claimed for the purposes claimed. Since no calculations can be made to adjust the measured free flow rate of 5.90 cfs with what might have existed in a previous pipeline configuration, it is possible some reduction in flow was caused by the pipeline system and the pool being filled by the pipe, the right is being recommended at the rate measured on May 30, 1991 by IDWR staff and claimed by the SRBA Claim No. A36-04052.

AJ0749NP
No. R36-04052

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 05/12/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HARRY H HUTTANUS BANBURY HOT SPRINGS RT 3 BUHL ID 83316 (208) 543-4098	06/01/1922	IRRIGATION POWER DOMESTIC RECREATION	03-15 11-15 01-01 12-31 01-01 12-31 01-01 12-31	0.20 CFS 2.67 CFS 0.04 CFS 5.90 CFS	
				TOTAL DIVERSION:	5.90 CFS	
				CONSUMPTIVE USE:		
C	SOPHIA R HUTTANUS BANBURY HOT SPRINGS RT 3 BUHL ID 83316					

VERIFIED BY *SW*

24.50 AFA

Water Source: BANBURY SPRINGS

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion:

T08S R14E S33

NWNWSE

GOODING County

*N10
N12*

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
08S	14E	33	:																	7.0
																			TOTAL ACRES	7.0

Place of use Legal Description for: POWER

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
08S	14E	33	:																	

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
08S	14E	33	:																	

Place of use Legal Description for: RECREATION

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
08S	14E	33	:																	

POU County: TWIN FALLS

Non-Irrigation Uses: 1 HOME

Other Rights: 47-04065

AJ0749NP
No. R36-04052

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 05/12/97
PAGE: 2

=====

Remarks: EXP SOURCE ALSO KNOWN AS BLIND SPRINGS.
NON-IRRIGATION USES: RECREATION HOT POOL, PICNIC GROUNDS; POWER
GENERATION.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 09/25/1992 User-ID: SCHULTZ Subject: NOTICE OF ERROR (NOE)
NOE RECEIVED 9/24/92. CHANGED NOE FLAG FROM BLANK TO A.
CLAIM VERIFIED 10/1/91. DID NOT REVERIFY ANY PART OF CLAIM.

Date: 10/07/1992 User-ID: THORNTON Subject: NOTICE OF ERROR RECONCILIATION
CHANGED FLAG FROM A TO C - CORRECTED COUNTY IN POU.
SENT LETTER DISCUSSING OTHER ISSUES RAISED IN NOE.

Audit: 05/12/97 SCLELLAN

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A36-04052

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Steve Clelland

October 7, 1996 9:57am

NAME:
HERB DEUEL

CAMEIN

RE:
LETTERS OF AFFIDAVIT

HE HAD WRITTEN SOME STATEMENTS BY OTHER PARTIES TO SUPPORT THE AMENDED CLAIM AS FILED WITH THE SRBA COURT.

HE CLARIFIED THERE WAS A SMALLER FILL LINE AND THE LARGER 6" "QUICK FILL" LINE THAT WAS HISTORICALLY USED. HE HAS REPLACED THE SMALL LINE WITH A FOUR INCH LINE THAT IS USED CURRENTLY. HE IS IN THE PROCESS OF REPLACIEING THE LARGE 6" LINE.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A36-04052

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Steve Clelland

September 30, 1996 10:00 am

NAME:
HERB DEUEL

CAMEIN

RE:
EVIDENCE OF WATER USES

HE WAS CHECKING TO SEE IF HE WAS GETTING THE RIGHT INFO FROM AFFIANTS. HE DID NOT HAVE ANY MATERIALS WITH HIM BUT DESCRIBED THE POTENTIAL SOURCES. SOUNDED LIKE HE MIGHT GET SOME GOOD SUPPORTING AFFIDAVITS.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A36-04052

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Steve Clelland

September 23, 1996 3:14pm

NAME:
HERB DEUEL

CALLIN

RE:
QUESTIONS ON LETTER

HE WANTED TO CONFIRM HIS UNDERSTANDING OF THE LETTER I SENT OUT EARLIER. I EXPLAINED THAT I COULD NOT VERIFY WHAT MAY HAVE BEEN THERE IN THE PAST, ONLY TO WHAT WAS IN PLACE AT THE TIME I EXAMINED THE SYSTEM. LIKewise, IF HE IS DEVELOPING A DIFFERENT SYSTEM FOR THE FUTURE, AND IT IS NOT COMPLETED, THERE IS NO WAY TO VERIFY THE USE AND DELIVERY OF THAT SYSTEM. IN ADDITION TO THE AFFIDAVITS HE IS PLANNING TO OBTAIN I SUGGESTED HE GET SKETCHES FROM THE AFFIANTS AND HIMSELF TO SHOW THE EARLIER SYSTEMS.

For	Steve	Urgent ☐
Date	9-23	Time 9:15
While You Were Out		
M	Herb Deuel	
Of		
Phone	420-4098	
	AREA CODE	NUMBER EXTENSION
Telephoned	☒	Please Call ☐
Came To See You	☐	Will Call Again ☐
Returned Your Call	☐	Wants To See You ☐
Message <i>B. will be in town till about 11:30 and would like to meet with you before he leaves - Call asap after you get in.</i>		
Signed	<i>H</i>	



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

September 16, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

HARRY H AND SOPHIA R HUTTANUS
BANBURY HOT SPRINGS
RT 3
BUHL ID 83316

in this day
RECEIVED
SEP 23 1996
Department of Water Resources
Southern Region

RE: LATE AMENDMENT OF SRBA CLAIM A36-04052 BY HERB DEUEL

Dear Mrs. Huttanus and Mr. Deuel,

In response to your above referenced amendment, the SRBA court has asked the Department to prepare a Supplemental Director's Report. The current review process is to consider the change in claim and analyze additional evidence submitted by the claimants.

As we discussed at the last meeting at the pool on June 28th, 1996, you have successfully amended your claim. However, before any additional field exams are conducted, I have been awaiting the evidence and documentation that supports the changes made in this claim. As you may recall I told you without additional proof of the flow rates and uses as claimed, my observations of the pipeline and the pool delivery are not substantial enough to change the initial recommendation.

You said you would have no problems getting the evidence to prove the flows into the pool have been used. Without some support of the claimed 5.9 cfs being delivered and used the recommendation will remain unchanged.

In response to the Special Master's Order IDWR further investigated this claim. IDWR's investigation, based on the information currently available, has determined no changes to its original recommendation are necessary

Sincerely,

STEVE CLELLAND
Water Resource Agent

ENC: Current recommendation profile

TO WHOM IT MAY CONCERN;

I, HERB DEUEL, DID OBSERVE ON MAY 1, 1976, WHEN OUR FAMILY PURCHASED BANBURY HOT SPRINGS FROM DALE AND LILA BELL, THAT THE COLD WATER MAIN DISCHARGE FROM AN 8" MANIFOLD ENTERED A 6" OLD STLYE LEAD AND OKUM VALVE. IT WAS LEAKING PROFUSELY INTO THE SWIMMING POOL. THIS VALVE WAS USED FOR RAPID FILLING OF THE SWIMMING POOL DURING HEAVY DEMAND ON COLD WATER USAGE AND FILLING OF THE POOL. THIS VALVE CONTINUED TO GIVE US PROBLEMS WHEN WE CLEANED THE POOL, SO WE DECIDED TO DISCONNECT IT AND REPLACE IT AT A LATER DATE.

HERB DEUEL



State of Idaho)
County of Twin Falls) ss

On this 11 day of October, 1996, before me, a Notary Public in and for said State, personally appeared Herb Deuel known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.


Sandra L. Candell
Notary Public
Residing: Buhl, Idaho
Commission Expires: 11-14-98

RECEIVED

OCT 18 1996

Department of Water Resources
Southern Region

TO WHOM IT MAY CONCERN;

THIS IS MY STATEMENT OF A CONVERSATION I HAD WITH
DALE BELL, PREVIOUS OWNER OF BANBURY HOT SPRINGS, BY PHONE
ON MONDAY, SEPTEMBER 23, 1996.

ON MONDAY, SEPTEMBER 23, 1996, AT 2:30 PM, I CALLED DALE
BELL ON THE PHONE. HE TOLD ME THAT THE COLD WATER LINE THAT
FED THE SWIMMING POOL WAS APPROX 6" IN DIAMETER AND THE VALVE
WAS EITHER 6" OR 8". HE SAID HE COULD NOT USE IT BECAUSE
OF ITS LEAKY CONDITION.

HERB DEUEL



State of Idaho)
County of Twin Falls) ss

On this 11 day of October, 1996, before me, a Notary
Public in and for said State, personally appeared _____
Herb Deuel known to me to be the
person whose name is/are subscribed to the within instrument, and
acknowledged to me that he executed the same.


Sandra L. Condit
Notary Public
Residing: Buhl, Idaho
Commission Expires: 11-14-98

RECEIVED

OCT 18 1996

Department of Water Resources
Southern Region

TO WHOM IT MAY CONCERN;

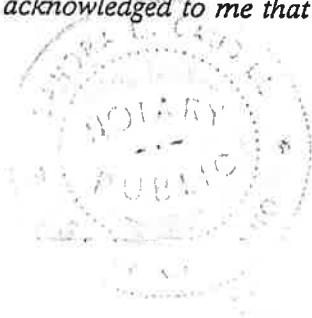
IN 1981, I, JUIRGEN W. TRINKAUS, WAS HELPING HERB DEUEL, BANBURY HOT SPRINGS, REPAIR THE MAIN COLD WATER LINE. I AM A WELDER BY TRADE. WE REMOVED THE 6" VALVE AND WELDED $\frac{1}{4}$ " PLATE ON FOR A CAP TO THE LINE FOR THE SWIMMING POOL.

JUIRGEN W. TRINKAUS



State of Idaho)
County of Twin Falls) ss

On this 11th day of October, 1996, before me, a Notary Public in and for said State, personally appeared Juirgen W. Trinkaus known to me to be the person whose name is/are subscribed to the within instrument, and acknowledged to me that he executed the same.



Sandra L. Candell
Notary Public
Residing: Buhl, Idaho
Commission Expires: 11-14-98

RECEIVED

OCT 18 1996

Department of Water Resources
Southern Region

NOV 18 1996

Department of Water Resources
Southern Region

TO WHOM IT MAY CONCERN,

I, HARRY VANDEVENDER, WAS OWNER OF BANBURY HOT SPRINGS
IN THE EARLY AND LATE 1950'S.

AT THAT TIME I USED A 6" FILL VALVE WHICH WAS A BRANCH
OFF OF THE MAIN PIPELINE. IT WAS LOCATED ON THE RIVER SIDE
OF THE POOL AND WAS USED FOR RAPID FILLING OF THE POOL. WE
ALSO USED VALVES ON THE EAST SIDE OF THE POOL FOR TEMPERATURE
CONTROL.

ALL THESE VALVES WERE USED FOR COLD WATER WHICH WAS
SUPPLIED FROM THE BLIND SPRINGS OF THE BANBURY SPRINGS
LOCATED ON THE GOODING COUNTY SIDE OF THE SNAKE RIVER.

CLEVE LLOYD OF HAGERMAN, IDAHO, DID SOME MAINTAINANCE
JOBS FOR ME DURING THE TIME I OWNED BANBURY HOT SPRINGS.

Harry Vandevender
HARRY VANDEVENDER

11/1/96 State of Washington
Clark County
Vancouver
4-10-99

James C. Johnson

NOV 25 1996

Department of Water Resources
Southern Region

TO WHOM IT MAY CONCERN,

I, CLEVE LLOYD, WAS HIRED BY HARRY VANDEVENDER, THE OWNER OF BANBURY HOT SPRINGS IN THE LATE 1950'S, TO DO MAINTAINANCE ON THE COLD WATER PIPELINE AND GENERATOR AT THE NATATORIUM AT BANBURY HOT SPRINGS.

I DID OBSERVE THE EXISTANCE AND USE OF A 6" OLD STYLE LEAD AND OKUM PACKED VALVE OFF OF THE MAIN COLD WATER FEED LINE. THIS WAS USED FOR RAPID FILLING OF THE POOL.

CLEVE LLOYD

Cleve Lloyd

STATE OF IDAHO)
County of Gooding)ss

ON The 5th day of November, 19 96,

Cleve Lloyd personally appeared before me,

X who is personally known to me

whose identity I proved on the basis of _____

whose identity I proved on the oath/affirmation of _____

_____, a credible witness

to be the signer of the above instrument, and he/she acknowledged that he/she signed it.

Jo Vargas
Jo Vargas
NOTARY PUBLIC



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033

Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

February 6, 1996

Herb Deuel
Banbury Hot Springs
Rt 3
Buhl, ID 83316

Dear Mr. Deuel:

After your phone call on January 26th I talked with Tim Luke from our Boise office and other staff presently working with the Snake River Basin Adjudication (SRBA) effort in an attempt to determine who may have visited your facility last year. I found that Tim in his work with the water measurement program in Basin 36 has been corresponding with you and was in the area last year. I asked Tim to contact you to work with you in reporting the water uses from the springs. I trust Tim has contacted you in the past few weeks.

In my discussions with the SRBA staff, I did not find that they conducted any field work in your area last year. I researched your SRBA claim and our recommendation to the court. (Please find copies of listing of your claim **A36-04052** and our director's report **36-04052** enclosed.) I found that you have not filed an objection with the SRBA court over the director's report recommendation. I must assume that you are satisfied with the recommendation.

Thank you for your phone call the other day. I appreciate your candor in expressing your concerns with dealing with government or regulating bodies of which IDWR is a part. May I speak for all the staff at IDWR in expressing our desire to work with you in the future. If you have questions about the programs that IDWR is charged with please feel free to contact our office.

Sincerely,

Allen Merritt, PE
Southern Region Manager

CC: Tim Luke - IDWR Water Measurement
Doug Jones - IDWR SRBA

AJ0749NP
No. R36-04052

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 09/16/96
PAGE: 1

see

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HARRY H HUTTANUS	06/01/1922	IRRIGATION	03-15 11-15	0.20 CFS	
C	SOPHIA R HUTTANUS		POWER	01-01 12-31	2.67 CFS	
			DOMESTIC	01-01 12-31	0.04 CFS	
			RECREATION	01-01 12-31	1.57 CFS	
TOTAL DIVERSION:					4.43 CFS	24.50 AFA
CONSUMPTIVE USE:						

Water Source: BANBURY SPRINGS

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion: T08S R14E S33 NWNWSE

GOODING County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
08S	14E	33	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	7.0
TOTAL ACRES																			7.0	

Place of use Legal Description for: POWER

				NE				NW				SW				SE				
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
08S	14E	33	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE				
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
08S	14E	33	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	

Place of use Legal Description for: RECREATION

				NE				NW				SW				SE				
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
08S	14E	33	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	

POU County: TWIN FALLS

Non-Irrigation Uses: 1 HOME; RECREATION, HOT POOL, PICNIC GROUNDS; POWER GENERATION

Other Rights: 47-04065

Remarks: EXP SOURCE ALSO KNOWN AS BLIND SPRINGS.

Revised
5/12/97
see

AJ0749NP
No. R36-04052

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 09/16/96
PAGE: 2

=====

Remarks: NON-IRRIGATION USES: RECREATION HOT POOL, PICNIC GROUNDS; POWER
GENERATION.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033

Fax (208) 736-3037

September 16, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

HARRY H AND SOPHIA R HUTTANUS
BANBURY HOT SPRINGS
RT 3
BUHL ID 83316

RE: LATE AMENDMENT OF SRBA CLAIM A36-04052 BY HERB DEUEL

Dear Mrs. Huttanus and Mr. Deuel,

In response to your above referenced amendment, the SRBA court has asked the Department to prepare a Supplemental Director's Report. The current review process is to consider the change in claim and analyze additional evidence submitted by the claimants.

As we discussed at the last meeting at the pool on June 28th, 1996, you have successfully amended your claim. However, before any additional field exams are conducted, I have been awaiting the evidence and documentation that supports the changes made in this claim. As you may recall I told you without additional proof of the flow rates and uses as claimed, my observations of the pipeline and the pool delivery are not substantial enough to change the initial recommendation.

You said you would have no problems getting the evidence to prove the flows into the pool have been used. Without some support of the claimed 5.9 cfs being delivered and used the recommendation will remain unchanged.

In response to the Special Master's Order IDWR further investigated this claim. IDWR's investigation, based on the information currently available, has determined no changes to its original recommendation are necessary

Sincerely,

STEVE CLELLAND
Water Resource Agent

ENC: Current recommendation profile

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:04:52
09/11/96
3

PAGE: 3
PROFILE REPORT

CLAIM NUMBER: 36-04052

Revisions to Recommendation

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HARRY H HUTTANUS	06/01/1922	IRRIGATION	03-15 11-15	0.20 CFS	
C	SOPHIA R HUTTANUS		POWER	01-01 12-31	2.67 CFS	
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			RECREATION	01-01 12-31	1.52 CFS	
TOTAL DIVERSION:					4.43 CFS	
CONSUMPTIVE USE:						13.50 AFA

*1.57 cfs
as originally
claimed*

Water Source: BANBURY SPRINGS

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion: T08S R14E S33 NWNWSE

GOODING County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				SUM
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt
08S	14E	33	:													
																4.5
																4.5
																7.0
																24.5

Place of use Legal Description for: POWER

NE				NW				SW				SE				SUM
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt
08S	14E	33	:													
																4.5
																4.5
																7.0
																24.5

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE				SUM
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt
08S	14E	33	:													
																4.5
																4.5
																7.0
																24.5

Place of use Legal Description for: RECREATION

NE				NW				SW				SE				SUM
T	R	S		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt
08S	14E	33	:													
																4.5
																4.5
																7.0
																24.5

POU County: TWIN FALLS

Non-Irrigation Uses: RECREATION/HOT POOL, PICNIC GROUNDS; DOMESTIC 1 HOME; POWER/GEN.

Other Rights: 47-04065

EXP: use type

*Data Entry
Sec
9/16/96*

Remarks: GEN SOURCE ALSO KNOWN AS BLIND SPRINGS.

Dates: Exam Made Date: 05/30/1991

Verified Date:

Objection Filed Date: 05/20/1996

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Comments:

Re-examined the place of use on 6/19/96 w/ Herb Denell. measured acres of irrigated areas w/ acre wheel. (see Notes of results.) ~~Fonds~~ Found increase in acres can be supported to 7.0 Acres. Discussions on flow rates show Mr. Denell would like to have 5.9 cfs as measured by the polysonic measurements in 5/30/91. IDWR cannot find any supporting evidence for the position Mr. Denell claims.

Re: 6" Quick fill:

As of this date it cannot be shown 5.9 cfs would actually be the flow rate into the pool. Possible causes for a reduced flow; 1) the inflow to the pool was at the bottom of the pool, 2) changes in the pipeline configuration affect the actual flow rate, 3) the measurement by IDWR was for an open discharge into the pooling pond, finally 4) Has not been shown system in place doesn't already account for the historical water right as developed. see 9-11-96

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:04:45
09/11/96

PAGE: 2
QUICKLOOK INFORMATION

CLAIM NUMBER: 2
36-04052

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	-							
POINT OF DIV	-							
SOURCE	-							
PLACE OF USE	-		6/19/96	Y	SW 6/28/96			
DIV. AMOUNT CFS/VOLUME	-		see w/H&BD.	Y	SW 6/28/96			
CONSUMPTIVE USE	-							
PURPOSES OF USE	-							
PERIOD OF USE	-							
BASIS OF CLAIM	-							
REMARKS	-							

BARCODE UPDATED
WHOM/DATE



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mall, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. SATY
GOVERNORKARL J. DREHER
DIRECTORTRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-5400

DATE: 09/05/96

TO:

Steve Clelland
Southern Region

FROM:

Charlie HonsingerDOCUMENT DESCRIPTION: IDWR
F.Y.I.COVER SHEET + 2 PAGESCONTACT: Charlie IF YOU DO NOT RECEIVE ALL THE PAGES

THANK YOU!

RECEIVED

SEP 05 1996

Department of Water Resources
Southern Region

RECEIVED

AUG 14 1996

Department of Water Resources

1996 AUG 13 AM 8:21

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

In Re SRBA

Subcase: 36-04062

Case No. 39576

ORDER GRANTING MOTION TO
AMEND NOTICE OF CLAIM

On June 28, 1996, the claimant, IDWR and the Settlement Moderator met at Banbury Hot Springs for a Settlement Conference. The result was agreement that the claimant would amend her claim and IDWR would investigate the claim further and lodge with the Court a supplemental Director's Report. On July 8, 1996, the claimant filed her *Motion to File an Amended Notice of Claim*. The *Motion* was set for hearing on October 15, 1996.

Because the claimant and IDWR are in agreement and their proposal is in the best interests of justice, it is ordered that (1) the *Motion* is granted; (2) the hearing on October 15, 1996, is vacated; and (3) IDWR shall further investigate the claim and lodge with the Court a ~~supplemental Director's Report~~.

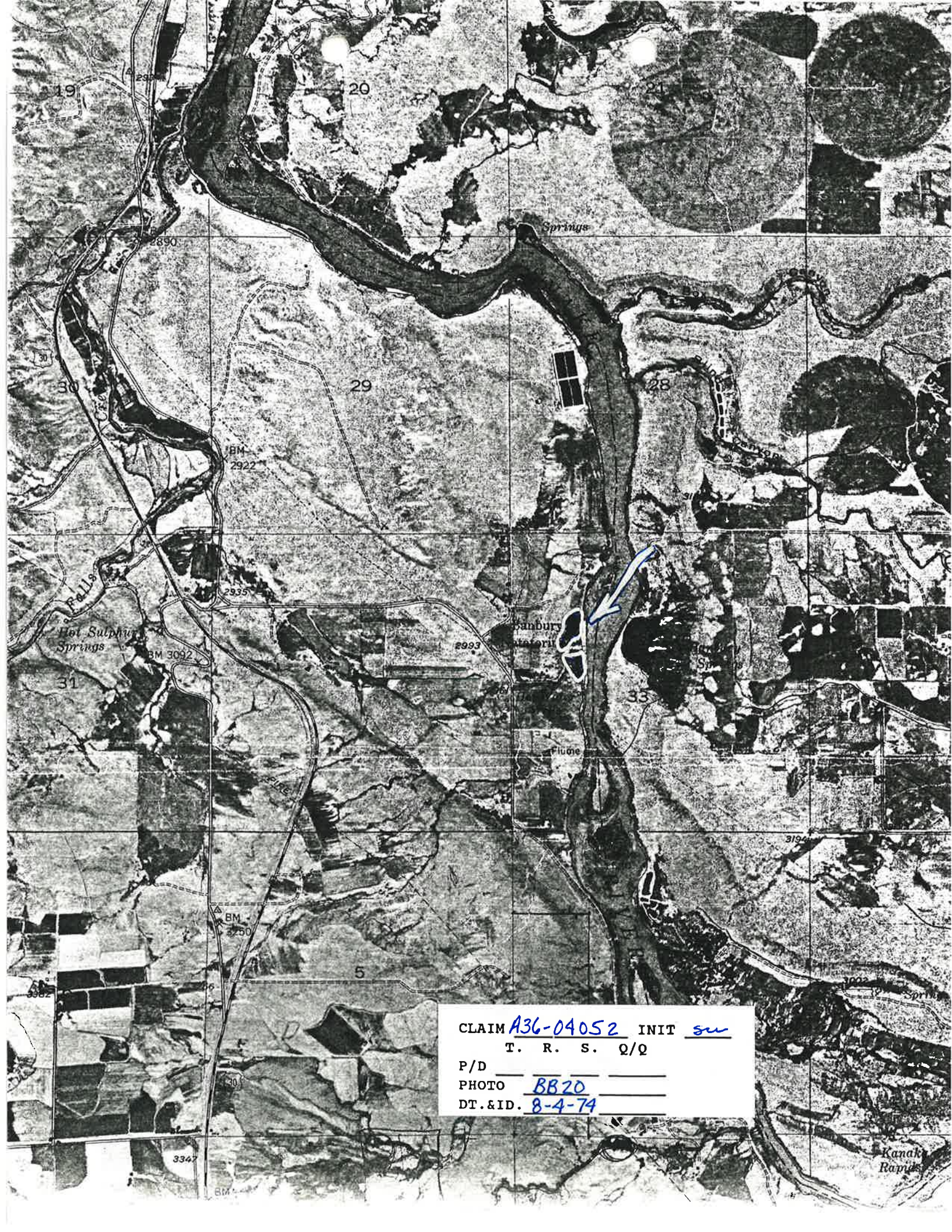
DATED August 13, 1996.

Language:

"In response to the Special Master Order IDWR further investigated the claim. IDWR's investigation determined that no changes to its original recommendation are necessary."



TERRENCE A. DOLAN
Special Master, Reporting Area 3
Snake River Basin Adjudication



CLAIM A36-04052 INIT su
T. R. S. Q/Q

P/D _____
PHOTO BB20 _____
DT.&ID. 8-4-74 _____

ACRE REVIEW of
Banbury Hot Springs

Steve Cella

6-28-96

P. 1 0.372 AC

P. 2 0.182 AC (beds)
3.130 AC $\bar{X}$

P. 3 1.778 AC

5.46 AC TOTAL

Summary:

* allowing for some areas "under construction" and the difficulty in getting an more accurate result, I can find support for approximately 7.0 acres in the Banbury Natatorium Area.

Steve Cella

9-11-96

6-19-96

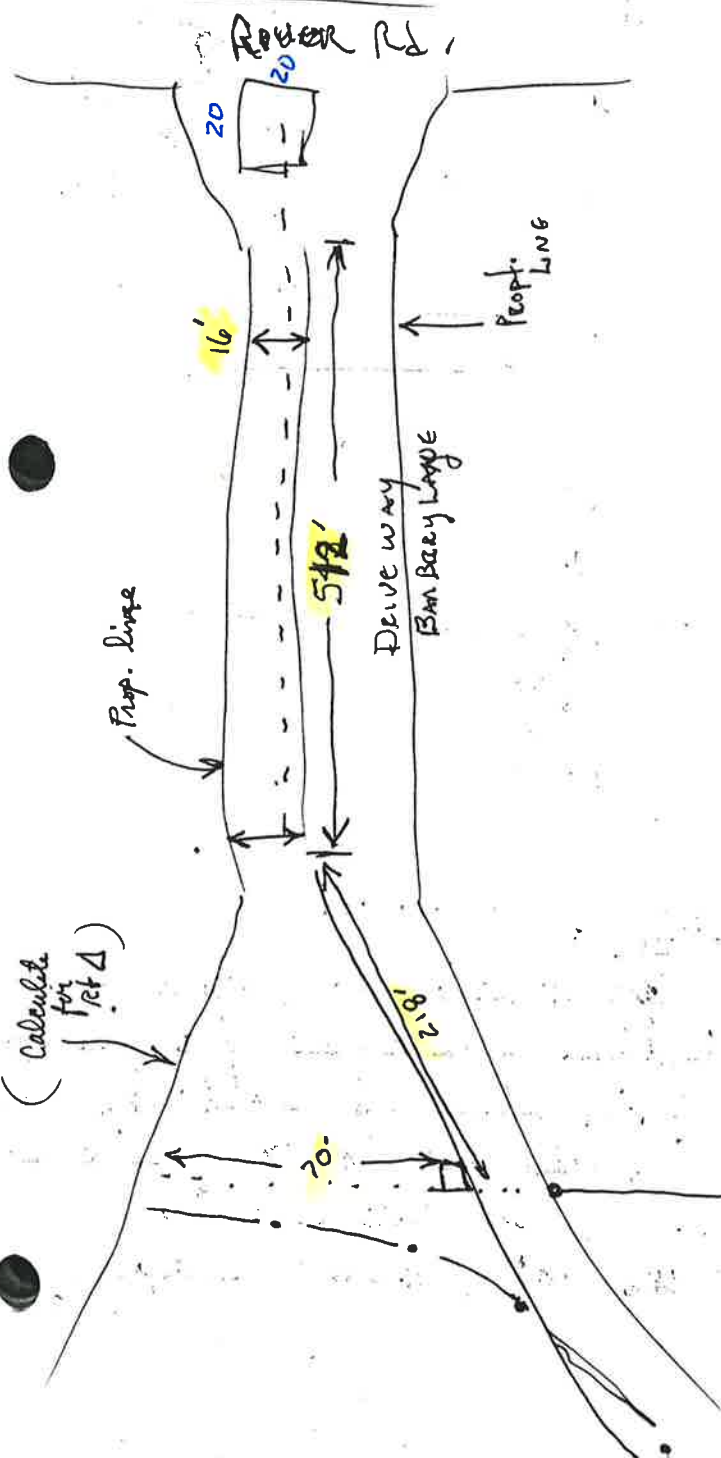
Banbury Acre Exam

* Copied from
Field Notebook
Record.

ENTRANCE @ Sign 25' square

✓ Back pvc delivery

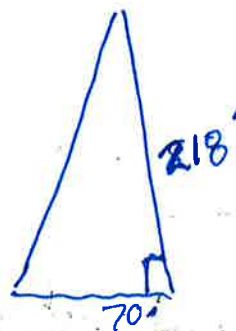
- Tree planted 25 years ago by Derrell



$$8192 \text{ ft}^2 \div 43560 \text{ ft}^2/\text{ac}$$

$$= 0.188 AC$$

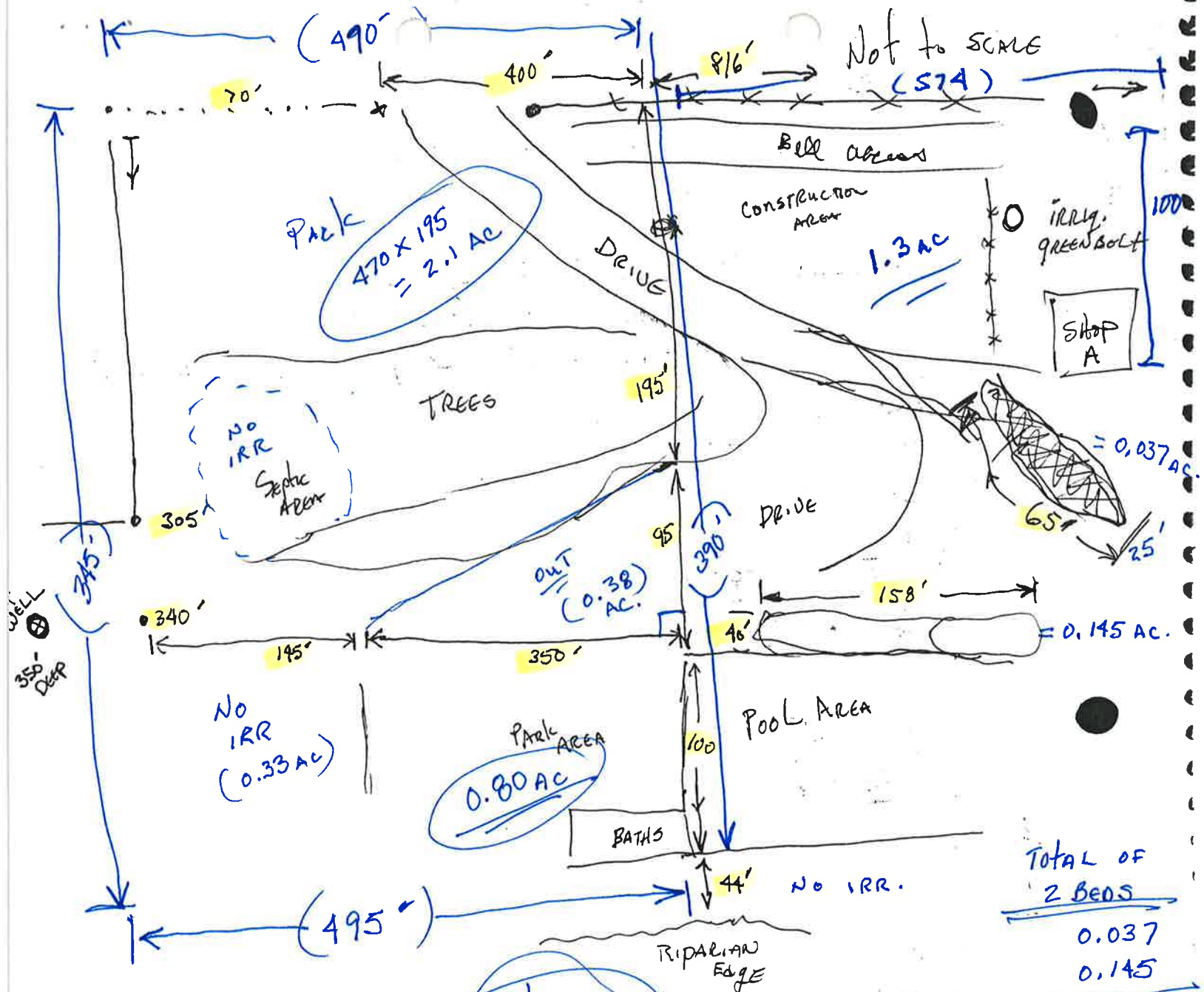
Total Acres (p.1)	0.188
	.009
	.175
0.372	=



$$\frac{70 \times 218}{2} = 7630 \text{ ft}^2$$

$$\div 43560 \text{ A}^2/\text{Ac}$$

0.175 Ae.



Total of
 2 Beds
 0.037
 0.145
 0.182

543-4098
 FAX/VOICE

2.1
 + 0.8
 2.9 AC.
 Cond. Memo:

6-19-96

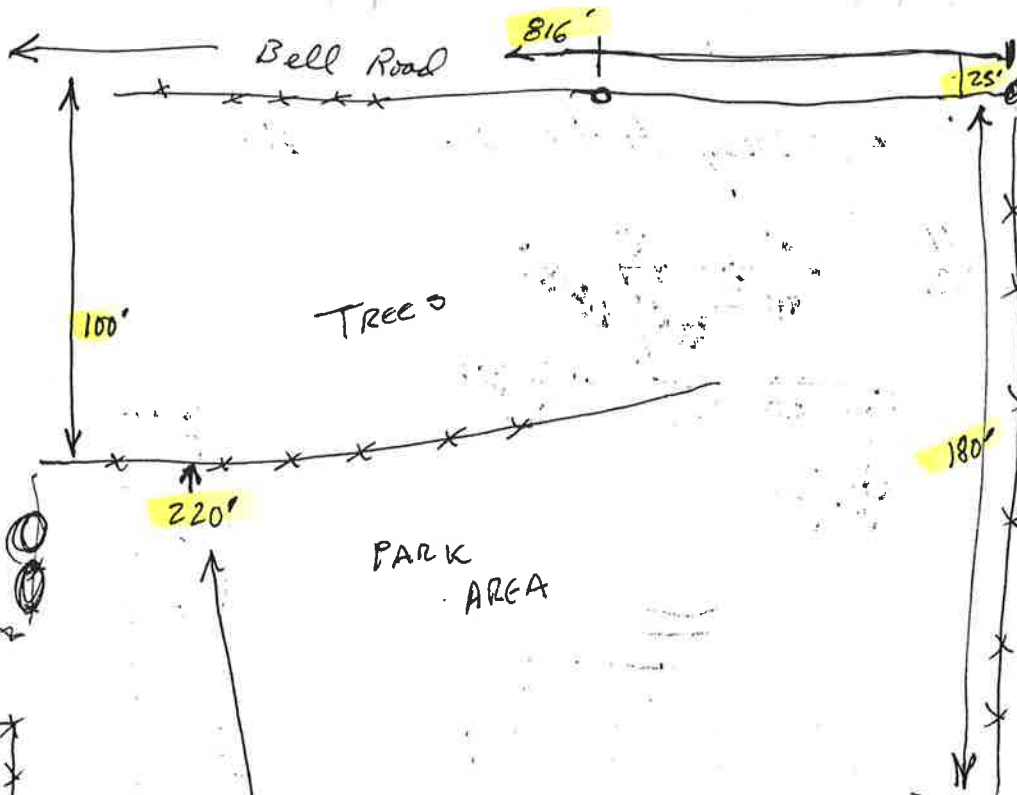
Cannot allow for future uses
 of irrigation. Can allow for green belt
 areas. Still undecided about the "under
 construction" area. Will take out for the driveways
 & non-irrigated areas. I am interested in
 gathering the facts of the claim, Herb Devela

4.07
 - .33
 - .38
 3.36 AC

large
 Area
 482' x 368'

482' x 368'
 43560 = 4.07 AC

* includes non-irrigated areas



Not
SCALE

DRIVE
LAWN

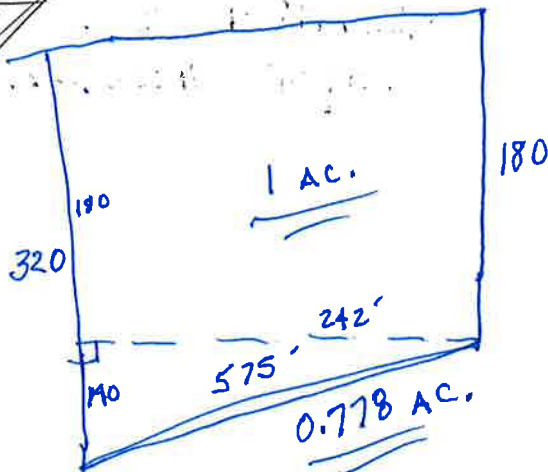
PARK
AREA

PATH
ACCESS

NON-IRR
AREA

NON-IRR.

RIVER



STATE OF IDAHO
LICENSE AND CERTIFICATE OF WATER RIGHT

Water License No. 15650

Water District No. 63

Amount 13-1/4 sec. feet

Priority 11-10-1922.

THIS IS TO CERTIFY that J. W. Banbury, of Wendell, County of Good^{ing} State of Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated November 10, 1922; that Permit No. 15650 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 13-1/4 second feet, was issued thereunder on October 18, 1923, showing that said works were completed on the 31st day of January, 1923, and that on the 31st day of January, 1923, J. W. Banbury, of Wendell, County of Gooding, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of the State of Idaho, of a right to the use of the waters of Blind Springs, a tributary of Snake River, for the purpose of irrigation and domestic use, under Use Permit No. 15650, of the Commissioner of Reclamation of the State of Idaho, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of the State of Idaho and entered of record in Volume 6 of Licenses, at page 1091, on the 18th day of October, 1923;

The right hereby confirmed dates from November 10, 1922;

The point of diversion is located in the SW¹ of NE¹ Sec. 33, Twp. 8 S., R. 14 E., E. M., Gooding County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 13-1/4 cubic feet per second.

Description and location of use:

Twp. Rge. Sec. Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
8 S. 14 E. 28		
Lot 3	34.9	34.9
Lot 4	42.9	42.9
Lot 7	48.7	48.7
29		
NE ¹ SE ¹	20.0	20.0
SE ¹ SE ¹	20.0	20.0
32		
NE ¹ NE ¹	20.0	20.0
NW ¹ NE ¹	20.0	20.0
SW ¹ NE ¹	20.0	20.0
SE ¹ NE ¹	20.0	20.0
NE ¹ NW ¹	20.0	20.0
SE ¹ NW ¹	20.0	20.0
NE ¹ SW ¹	20.0	20.0
NE ¹ SE ¹	10.0	10.0
NW ¹ SE ¹	40.0	40.0
SE ¹ SE ¹	35.0	35.0
	35.0	35.0

36 2038

A36-04052

Twp. Rge. Sec.	Forty-acre Tract	No. Acres	
		Described in Permit	Actually Irrigated
8 S. 14 E. 33	Lot 2		
	→ Lot 3	44.2	44.2
	Lot 6	26.7	26.7
	Lot 7	38.1	38.1 ←
		20.8	20.8

Water is also to be used at the Banbury Natatorium, located in Lot 3, Sec. 33, Twp. 8 S., R. 14 E., B. M.

The right to the use of the waters aforesaid, hereby confirmed, is restricted to the lands or place of use herein described, as provided by the laws of Idaho. WITNESS the seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, Idaho, this 18th day of October, 1923.

(SEAL)

W. G. SWENDSEN,
Commissioner of Reclamation.

36 2075

A36-4052

MEMORANDUM

TO: File 36-2038

FROM: L. Glen Saxton *LS*

DATE: January 6, 1983

The Banbury Irrigation Company visited the Southern Regional Office of the Department to review their water rights. The region discovered that the field exam does not match the license. In fact, the license shows almost no change from the permit, whereas the field exam very clearly shows that not all of the acres shown in the permit were irrigated at the time of the exam. It appears that the license should have been issued for not more than 10.5 cfs (approximate capacity of the 2 pipes across the Snake River) for irrigation of 311.7 acres plus domestic use (natural supply) rather than 13.25 cfs for irrigation of 621.3 acres and domestic use. (Permit shows 611.3 acres, but 10 acres were added by amendment).

In a discussion with the administrator of Resource Administration Division, we concluded the extent of water right 36-2038 could not be greater than the extent of use found during the examination conducted on April 19, 1923. We also concluded that an amended license would not be issued.

The Banbury Irrigation Company should be advised to file claims on land developed since the 1923 examination if said land is not adequately included and recorded in other existing rights of the Banbury Irrigation Co.

cc: Southern Region - Terry Blau

A36-4052

NAPP 439-39

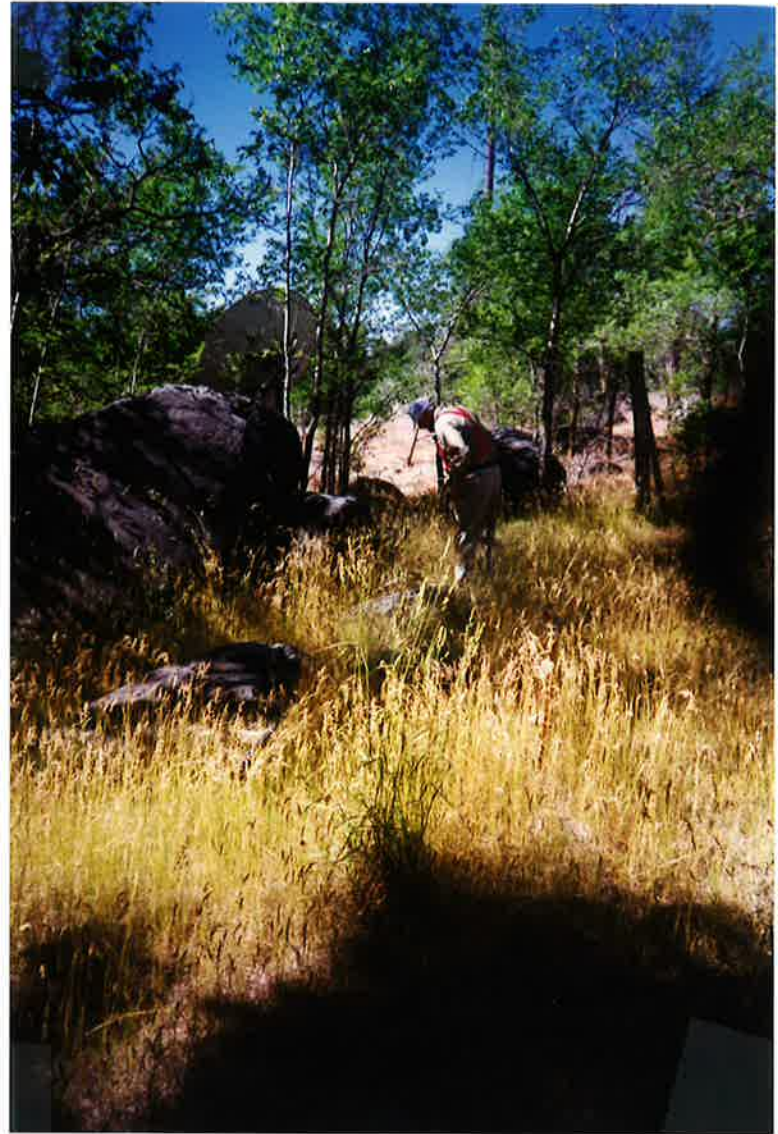
date: 8-1-88

BB20 SW



Photo R47-5
my son

6/19/97



POU IRRIGATION @ BANBURY POOL

A36-4052



View NE ABOVE
Shop west of pool.

Photo
R47-5
Mysen

6/19/97

A36-4052



Photo
R47-5
by Sen

6/19/96

View SE

IRRIGATED AREAS



View SE

A36-4052

MAY 24 1998

RECEIVED

MAY 21 1996

Department of Water Resources

1964 MAR 20 PM 4:18

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

[illegible]

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

In Re SRBA

Case No. 39576

ORDER GRANTING MOTION TO FILE LATE OBJECTION

On February 12, 1996, the surviving claimant, Sophia R. Huttanus, filed a *Motion to File Late Objection*. Because of the claimant's present health, the *Motion* was signed and filed by her son, Herb Deuel, who manages the claimant's business under a general power of attorney. Mr. Deuel also presented testimony in support of the *Motion*.

A hearing on the *Motion* was held before the Special Master on May 20, 1996, at the SRBA Courthouse in Twin Falls, Idaho. Mr. Deuel appeared in person as did Brent R. King on behalf of IDWR.

After considering the pleadings and hearing the testimony, it is clear that the claimant has (1) timely filed her *Motion*, (2) shown good cause to file a late objection and (3) alleged facts which, if proven, constitute a meritorious position.

Therefore, IT IS ORDERED that the *Motion* is **granted**. The Objection lodged with the *Motion* is deemed filed the date of this Order. Responses to the Objection, if any, shall be filed no later than June 21, 1996.

DATED May 20, 1996.


TERRENCE A. DOLAN
Special Master, Reporting Area 3
Snake River Basin Adjudication

ORDER GRANTING MOTION TO FILE
LATE OBJECTION
5/20/96

A36-4052

Motion for Late Objection.

RECEIVED

FEB 14 1996

OFFICE OF THE
ATTORNEY GENERAL

Just recently took over responsibility
of mother's estate. Notice errors in
clauses.

RECEIVED

FEB 15 1996

Department of Water Resources
Adjudication Bureau

Herb Deuel

~~Herb Deuel~~

Feb 12, 1996

A36-4052

I. GENERAL INFORMATION

Please fill in the following information:

1. **Party/Claimant objecting:**

Name: Herb Deuel
Address: RT 3 Box 408

Phone: Work: 208-543-4098 Home: Same

Briefly describe your interest in this water right:

Ovren Harry H. Huttanus 86 years
and Sophia R. Huttanus
General Partner of Attorney

If this objection is filed by an attorney:

Attorney Name: _____

Attorney Address: _____

Attorney Phone No.: _____

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

2. **Owner of the water right. You must identify the owner exactly as it appears in the Director's Report:**

Name: Harry H. Huttanus and Sophia R. Huttanus
Address: RT 3 Box 408 Buhl Idaho 83316

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☐ Name and Address: I object to the name and/or address of the owner of the water right.
2. ☐ Source: I object to the source of water.
3. Quantity: I object to:
 - ☒ a. the total quantity of water used in cubic feet per second; or
 - ☒ b. the total quantity of water stored in acre-feet per year; or
 - ☒ c. the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☐ Priority Date: I object to the priority date.
5. ☒ Points of Diversion: I object to the legal description of the point(s) of diversion.
6. ☒ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☐ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☒ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. Place of Use: I object to:
 - ☒ a. the legal description of the place of use; or
 - ☒ b. the number of irrigated acres within each forty (40) acre subdivision.
10. ☒ Consumptive Use: I object to the annual volume of consumptive use.
11. Water Right Recommendation: I object to:
 - ☐ a. this water right being recommended at all; or
 - ☐ b. this water right not being recommended.
12. ☒ Description of Reservation: I object to the legal description of the reservation.

13. ☐ Other: I object to: IDWR recommendation

REASONS SUPPORTING EACH BOX CHECKED

You must state the reason(s) by number for each box checked. You may use additional pages if necessary.

Division

uses

f.p.s.

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

See Water Right 1976

Note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary.

VERIFICATION (Must be Completed)

State of Idaho

County of Twin Falls

Herb Deuel, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection (as listed on Page 2, Section 2, "Party/Claimant Objecting") as defined by I.C. § 42-1401A(1) and (7), and that I have read this objection, know its contents and that the statements are true to the best of my knowledge and belief.

[Signature]
Signature of person filing objection

By: Attorney signing in representative capacity

Subscribed and sworn to before me on: _____

[Signature]
Notary Public for Idaho
Residing at: Twin Falls
My Commission expires: 10/24/98

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, to the Clerk of the Court. FAX filings will not be accepted by the Clerk of the Court. You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I hereby certify that on _____, 199__, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right at the following address:

Name: _____

Address: _____

3. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 033
Boise, Idaho 83734

Signature of party/claimant or attorney

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A36-04052

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Steve Clelland

July 1, 1996 9:15am

NAME:
HERB DEUEL

CAMEIN

RE:
BANBURY POOL

HE CAME IN TO AMEND HIS CLAIMS (HIS MOTHER'S) FOR THE BANBURY POOL. CHANGED THE FLOW RATE FOR RECREATION TO 5.9 CFS, REDUCED THE ACRES TO 7.0 FROM 10.0 AND LISTED THE CORRECT COUNTY AS TWIN FALLS CO. FOR THE POU. I GAVE HIM THE SRBA FORMS A.O. 1, A.O. 10 AND SF4 TO READ AND SUBMIT TO THE COURT.

9/20/94

COMMUNICATION DOCUMENTATION

File No. 36-04052

This form is to be used to document public record information requests regarding any SRBA claim or other water right. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request.

IDWR Employee/Agent Allen Merritt Date February 12, 1996

Contact person(s) Herb Deuel (Huttanus's son)

Nature of Contact Herb came in at my prompting to review the water rights claimed and recommended. I had talked with Herb a few days earlier and at that time it seemed that Herb may still have problems with the director's report recommendation but didn't quite understand that he needed to file an objection. He was also dealing with trying to measure the use under the measurement program. He thinks that the total spring needs to be measured but expressed problems with putting a weir in because of the endangered snail issues in the area. Herb expressed that the diversion rate was low and that if he could get the water that was measured for going in his pool he would be in good shape. Herb indicated that at the time the measurements were taken by IDWR that he was not thinking and there was a low level pipe that had not been reconnected since the time the pipeline across the river was replaced that should be considered. Normally this rate is not needed. It is only needed to re-fill the pond after an emergency like glass being broken in the pool or a storm that gets a lot of debris in the pool. During these situations the pool is quickly drained and then re-filled. To date the pipeline has not yet been re-connected. He also questioned the number of acres recommended. Doug Jones joined us and we explained that we couldn't change the recommendation without the court being involved and that he would need to get the court's approval to file a late objection. Herb also indicated that his step father had died and his mother was getting old and the paperwork hadn't been carried through with. He indicated that he has power of attorney to act on their behalf. In reviewing the claim file he signed the claim but no power of attorney was in the file. He indicated he would fax a copy for our file. We gave Herb an SF1 & SF3 and suggested he contact the court to see about filing a late objection. He went to the court and then returned and requested copies of the file.

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Douglas Jones

DATE:

February 12, 1996 3:26pm

CUSTOMER:

Herb Duell

SUBJECT: A36-04052

phone call (.) walk-in (X)

Mr Duell had been meeting with Allen since 1:00 when I joined them at 1:20. The topic of conversation when I walked in was how IDWR could address the issues he was raising. Allen explained that at this point Huttanus (or Duell, if he has power of atty) would have to motion to file late objection with the court. I provided SF-1 and suggested that he go to the court to find out specifics of how to motion for late objection pro se, or alternatively to consult with atty to get information. We also learned that Mr Huttanus had passed away, that Mrs Huttanus was pretty frail, and that Duell was essentially operating the facility. I provided an SF-3 so that IDWR could correspond with him directly. Allen and I explained that we weren't sure whether it was better to change the address to route mail to him or to substitute party to list him as an owner - which he was reluctant to consider. At any rate it appears that IDWR and the court would need an address change to correct from a route & box to the recent system.

I learned that Duell doesn't object to our measurement of the system which is incorporated in the CVR. He has a problem with our recommended limit which was based on the system in place at exam time. He said it did not account for a pipe that was not reinstalled after earlier work, but which was part of the system and was needed.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. SEE BELOW

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Steve Clelland

October 4, 1995 2:00pm

NAME:
DALE BELL

CAMEIN

RE:
ATTORNEY REQUESTED PROOFS

HE CAME IN AT THE REQUEST OF JOHN HEPWORTH, HIS ATTORNEY, TO GET COPIES OF THE PROOFS OF HIS RIGHTS AND THAT OF HERB DEULL OR HARRY HUTTANUS. SEARCHED BY NAMES AND FOUND CLAIMS IN BASINS 47 & 36 AND PROVIDED HIM THE COPIES. COPIES WERE FOR THE CLAIMS: A47-07348, A47-04064 & A47-04168A FOR BELL; A47-04065, A36-04052 & 36-04052 FOR HUTTANUS.

ALSO NOTED THE ADDRESS NEEDED CORRECTED ON A47-07348 TO MATCH THE OTHER CLAIMS ON FILE SO I HAD MR. BELL FILE THE ADDRESS CHANGE FORM.

DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE ST. EAST
TWIN FALLS, ID 83301-6105



Department of Water Resources
Southern Region
2148 4th Ave. E.
Twin Falls, Idaho 83301

Date 4-20-95
Name Jo Berman c/o Moffet, Thomas
Address P.O. Box 829
Boise, ID 83701
No. of Copies

Material		Cost
61	A36-04052	\$ 305
	+ postage	2.52
TOTAL		\$ 5.57

Please find enclosed the form(s) and/or information you requested. The charge, if any, is indicated above.

If we may be of further assistance, please contact us.

Sincerely, Paul L. Backlund

NOTICE OF ERROR

RESPONSE

CORRECTED R PROOF

MICROFILMED
FEB 05 1993

AUG-24-1992

NOTICE OF ERROR FORM

RECEIVED

Please type or print clearly, fill out completely, and return to:

Idaho Department of Water Resources

Statehouse Mail

Boise, Idaho 83720-9000

SEP 24 1992

Department of Water Resources

Southern Region Office

The notice of error must be received at IDWR by the **deadline date** printed below with your proposed recommendation.

YOUR DEADLINE FOR FILING A NOTICE OF ERROR IS: SEP-24-1992

1. Water right number: 36-04052
2. Name: Harry H. Huttanus
Sophie R. Huttanus
Address: Banbury Hot Springs
Route No. 3
Buhl, Idaho 83316
Weekday Telephone Number: 543-4098

MICROFILMED

SEP 05 1993

TEAR AT PERFORATIONS AND COMPLETE FORM ON OTHER SIDE

(Instead of filling in items 3 and 4 below you may include a copy of your proposed recommendation with the changes marked on the copy.)

3. Describe the portion of proposed recommendation with which you disagree:

Entire recommendation.

4. Describe the changes you wish to have made in the proposed recommendation:

See attached statement.

5. Describe why you disagree with the proposed recommendation:

See attached statement.

6. Date: September 24, 1992.

SIGNATURE

Sophia R. Buttaris

Water Right No. 36-04052

Harry H. Huttanus
Sophie R. Huttanus
Banbury Hot Springs
Route No. 3
Buhl, Idaho 83316
Telephone: 543-4098

Water right holders disagree with all of the changes and recommendations of the Department mailed to them.

The Department reduced the season and flow rate of the irrigation, recreation uses and excluded the domestic and power uses entirely in its recommendations.

They disagree with the recommended volumes or flow rates of the Department.

The source springs were changed from Blind Springs to Banbury Springs which is in error. The source is not also known as Blind Springs. The two springs are separate and distinct. Holders are the only users of Blind Springs.

The county of use was changed from Twin Falls to Gooding County while anyone can see the place of use is in Twin Falls County on the south side of the Snake River.

The acreage was changed without reason. There are approximately 13 acres in Lots 2 and 3, of which approximately 10 acres are irrigated. The Department changed the acreage to 4.5 without reason.

The water right holders demand the claimed water rights be restored in the adjudication proceedings.

Dated: September 24, 1992.



Sophie R. Huttanus,
Water Right Holder

MICROFILMED
FEB 05 1993

Water Right No. 36-04052

Harry H. Huttanus
Sophie R. Huttanus
Banbury Hot Springs
Route No. 3
Buhl, Idaho 83316
Telephone: 543-4098

RECEIVED

SEP 28 1992

Department of Water Resources
Southeastern Office

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The Department reduced the season and flow rate of the irrigation, recreation uses and excluded the domestic and power uses entirely in its recommendations.

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Dated: September 24, 1992.

Sophie R. Huttanus

Sophie R. Huttanus,
Water Right Holder

MICROFILMED
FEB 05 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Harry H. and Sophie R. Huttanus
Banbury Hot Springs
Rt 3
Buhl, ID 83316

RE: Snake River Basin Adjudication (SRBA)
Notice of Error - A36-04052

Dear Mr. and Mrs. Hutannus:

We are in receipt of the Notice of Error on the above referenced claim. We have corrected the county listed in the place of use; we are not making any other changes to the recommendation at this time.

Enclosed is a copy of the recommendation as it appears in the Proposed Director's Report (copy of cover and page A-6). Apparently, there is an error in the recommendation you received. As you will see on the enclosed copy, the uses recommended are: irrigation, recreation, domestic and power.

The flow rates and volumes recommended were determined from measurements and information gathered obtained during a field examination conducted in June, 1991.

The recommendation has been changed to correctly list the place of use in Twin Falls County.

The irrigated acres were determined from information obtained during the above mentioned field examination.

According to our records, the source of water for this water is from springs located within the Banbury Springs complex of springs and the spring you identify as Blind Springs is one of the various surface eruptions within the complex.

The proposed recommendation is based on irrigation season of use standards adopted by the director for the various regions throughout the state. These standards are based on the period of the year in which there is less than a 75% chance of a 24 degree F. frost.

In addition, since there are some years in which water can be beneficially used for irrigation outside the irrigation season,

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the proposed Director's Report includes a general provision which provides for irrigation outside the irrigation season under certain conditions. The conditions are that the water is beneficially used, as determined by the director; that all water rights with a period of use outside the irrigation season regardless of priority, are satisfied; and that the use does not conflict with the public interest as determined by the director. This proposed general provision will be included in the Director's Report.

If you still disagree with IDWR's recommendations you will have an opportunity to file an objection to the Director's report with the court. When the Director's Report is filed with the court, you will be mailed a notice that will contain more information about the objection process.

Sincerely,

Helen Harrington-Thornton
Water Resource Agent

HHT

Enclosure:

Recommendation 36-04052

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IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HARRY H HUTTANUS BANBURY HOT SPRINGS RT 3 BUHL ID 83316 (208) 543-4098	06/01/1922	IRRIGATION POWER DOMESTIC RECREATION	04-01 10-31 01-01 12-31 01-01 12-31 01-01 12-31	0.20 CFS 2.67 CFS 0.04 CFS 1.52 CFS	
TOTAL DIVERSION:					4.43 CFS	
C	SOPHIA R HUTTANUS BANBURY HOT SPRINGS RT 3 BUHL ID 83316			CONSUMPTIVE USE:		13.5 AFA

Water Source: BANBURY SPRINGS

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion: T08S R14E S33 NWNWSE

GOODING County

Place of use Legal Description for: IRRIGATION

NE								NW				SW				SE										
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
			:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
08S	14E	33	:					:					:					:						:	4.5	
																								TOTAL ACRES	4.5	

Place of use Legal Description for: POWER

NE												NW				SW				SE																	
				NENE		NWNE		SWNE		SENE		: NENW		NWNW		SWNW		SENW		: NESW		NWSW		SWSW		SESW		: NESE		NWSE		SWSE		SESE		:	
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	:		
-----				-----		-----		-----		-----		:	-----		-----		-----		-----		:	-----		-----		-----		:	-----		-----		-----		:		
08S 14E 33 :												:			03-P						:							:							:		
																																TOTAL ACRES	4.5				

Place of use Legal Description for: DOMESTIC

NE								NW								SW								SE																											
				NENE		NWNE		SWNE		SENE		:				NENW		NWNW		SWNW		SENW		:				NESW		NWSW		SWSW		SESW		:				NESE		NWSE		SWSE		SESE		:			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:										
-----				-----		-----		-----		-----		:	-----		-----		-----		-----		-----		:	-----		-----		-----		-----		:	-----		-----		-----		-----		:										
08S 14E 33 :												:	03-D				:									:													:												
												:					:									:													:												

Place of use Legal Description for: RECREATION

NE								NW								SW								SE																											
				NENE		NWNE		SWNE		SENE		:				NENW		NWNW		SWNW		SENW		:				NESW		NWSW		SWSW		SESW		:				NESE		NWSE		SWSE		SESE		:			
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:										
-----				-----		-----		-----		-----		:	-----		-----		-----		-----		-----		:	-----		-----		-----		-----		:	-----		-----		-----		-----		:										
08S 14E 33 :												:	03-R								:									:																					

POU County: TWIN FALLS

Non-Irrigation Uses: RECREATION/HOT POOL, PICNIC GROUNDS; DOMESTIC/1 HOME; POWER/GEN.

Other Rights: 47-04065

AJ0749NP
No. R36-04052

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 10/07/92
PAGE: 2

=====

Remarks: SOURCE ALSO KNOWN AS BLIND SPRINGS.

Dates: Exam Made Date: 05/30/1991 Verified Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 09/25/1992 User-ID: SCHULTZ Subject: NOTICE OF ERROR (NOE)
NOE RECEIVED 9/24/92. CHANGED NOE FLAG FROM BLANK TO A.
CLAIM VERIFIED 10/1/91. DID NOT REVERIFY ANY PART OF CLAIM.

Date: 10/07/1992 User-ID: THORNTON Subject: NOTICE OF ERROR RECONCILIATION
CHANGED FLAG FROM A TO C - CORRECTED COUNTY IN POU.
SENT LETTER DISCUSSING OTHER ISSUES RAISED IN NOE.

Audit: 10/07/92 THORNTON

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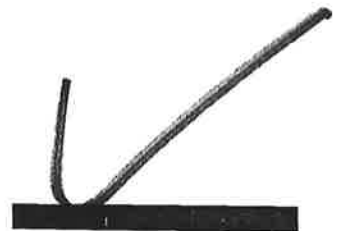
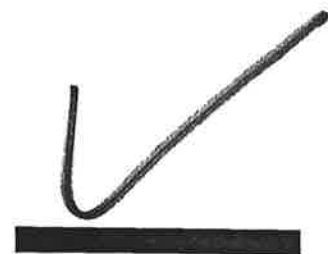
R PROOF

CVR

MAPS

PHOTOS

MISC



MICROFILMED

05 1993

VERIFIED BY

Sen

Water Right Number - R36-04052

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
HUTTANUS

HARRY H

1 - BANBURY HOT SPRINGS
2 - RT 3
3 -

City- BUHL

State- ID Zip- 83316

Phone - 208-543-4098

HUTTANUS

SOPHIA R

1 - BANBURY HOT SPRINGS
2 - RT 3
3 -

City- BUHL

State- ID Zip- 83316

Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/01/1922 17 SOUTHERN J - BENEFICIAL USE+ - - Source - - - - - + + - - Tributary - - - - - +
BANBURY SPRINGS SNAKE RIVER

+ - - - - Point of Diversion - - - - - +

TwN	Rng	Sec	Tract	Lot	RFlg	County
08S	14E	33	NW NW SE		(47)	GOODING

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	11/15	0.200	
46 - RECREATION		01/01	12/31	1.520	
43 - DOMESTIC		01/01	12/31	0.040	
28 - POWER		01/01	12/31	2.670	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
4.430 13.5 16.0

TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
08S	14E	33	SW NW	3	4.5	01	IRRIGATION	(47) GOODING
08S	14E	33	SW NW	3		28	POWER	(47) GOODING
08S	14E	33	SW NW	3		43	DOMESTIC	(47) GOODING
08S	14E	33	SW NW	3		46	RECREATION	(47) GOODING

Total Acres: 4.5

+ - - Diversion Means - CONCRETE STRUCTURE, CATCH BASIN, 10" PIPELINE TO DISTRIBUTION

+ - - Non-Irrigation Use - RECREATION/HOT POOL, PICNIC GROUNDS; DOMESTIC/1 HOME; POWER/GEN.

+ - - Other Rights for Same Use - 47-04065

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Water right number - R36-04052

Prefix Translation: RESEARCH

+ - - - - Remarks - - - - -
SOURCE ALSO KNOWN AS BLIND SPRINGS.

+ - - - - Old Water Right Numbers - - - - -
3604052

+ - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - - - Comments - - - - -
No Comments Found

+ - - Audit Fields - - +
10/01/91 CLELLAND

VERIFIED BY

+ - - - - Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing	- 00/00/0000	Field Inspection Made	- 05/30/1991	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 10/01/1991	Old Judicial District	-
Claim Received Date	- 02/23/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S006358	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

02:30:13
06/30/90

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A36-04052

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	N			N	6	ADAM	See 6-4-91	See 10-1-91
POINT OF DIV	Y			(Y)	5, 2	ADAM		
SOURCE				N	5	ADAM		
PLACE OF USE	Y		5-30-91 see NB	(Y)	5	See		
DIV. AMOUNT CFS/VOLUME	Y			(Y)	5.6	See		
CONSUMPTIVE USE	-			(Y)				
PURPOSES	Y			N				
PERIOD OF USE	Y			N				
BASIS OF CLAIM	N			N				
REMARKS				(Y)				

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

02:30:13
06/30/90

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A36-04052

LAST: HUTTANUS
ADDRESS: BANBURY HOT SPRINGS
RT. 3
CITY: BUHL
PHONE NUMBER: 208-543-4098

OWNER CODE: C

FIRST: HARRY H.

STATE: ID ZIP: 83316

LAST: HUTTANUS
ADDRESS: BANBURY HOT SPRINGS
RT. 3
CITY: BUHL
PHONE NUMBER: 208-000-0000

FIRST: SOPHIA R.

STATE: ID ZIP: 83316

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER

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CONTACT PERSON: HERB DEUEL / FRED DECKER (ATTY)

DATE OF FIELD EXAM: 8/7/90

APPOINTMENT MADE: Y(☒) N(☐)

PHONE NUMBER: () -

TIME: : A() P()

PHONE NUMBER: () -

ACCOMPANIED BY: _____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

*Morning after
Bunbury Pipe*

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A. AJ CLAIM: # A36-04052 PRIORITY DATE: 06-01-1922 STAGE: S
B. WR RECORD: # 36-04052 PRIORITY DATE: 06-01-1922 STAGE: S

C. FIELD EXAM REQUIRED? DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE N FIELD EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()
IF YES EXPLAIN.

REMARKS: ~~Need claimant contact w/ brochure to get proof of date.~~
Note that affidavit from Mrs. Banbury indicates swimming pool built in 1920's. Affidavit in statutory claim file 36-04052

RECOMMENDED PRIORITY DATE:
06-01-1922

REVIEWED BY Adm

DATE 8/2/90

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A36-04052	08S	14E	33	NW	NW	SE		GOODING

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A36-10906 NONE
A36-02038

WR RECORDS IN SAME 40 ACRE TRACT

36-04160
36-04161
36-04162
36-04163
36-04164
36-04165
36-04166
36-04167
36-04168
36-07814
36-07984
36-07997
36-08141
36-08304
47-08022

SOURCE: BLIND SPRINGS
BANBURY SPRINGS

TRIB: SNAKE RIVER
SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
36-04052	08S	14E	33	NW	NW	SE		GOODING

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

36-04160
36-04161
36-04162
36-04163
36-04164
36-04165
36-04166
36-04167
36-04168
36-07814
36-07984
36-07997
36-08141

A36-10906 NONE
A36-02038

SOURCE: BLIND SPRINGS
BANBURY SPRINGS

TRIB: SNAKE RIVER
SNAKE RIVER

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FEB 05 1993

C. FIELD EXAM REQUIRED?

	DUE TO POD DISCREPANCY? (Y/N)	Y	FIELD EXAMINER
	DUE TO SOURCE DISCREPANCY? (Y/N)	N	<u>Y</u>

REMARKS:

This spring water is gathered below or lower on the hillside than the Banbury collection ditch.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
<u>8S</u>	<u>14E</u>	<u>33</u>	<u>NW</u>	<u>NW</u>	<u>SE</u>	<u>---</u>	<u>Gooding</u>

SOURCE: ~~BLIND~~ ^{Banbury} SPRINGS

TRIB: SNAKE RIVER

REVIEWED BY: AD

DATE: 8/2/90

A source = see

6-4-91

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A. ROOT WATER RIGHT NUMBERS: A36-04052

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
08S	14E	33	SW	NW	3	HUTTANUS, HARRY H. HUTTANUS, HARRY H.	A36-04052 /10.0 A47-04065 /	36-04052 /10.0 47-04065 /		4.50	4.50
TOTAL ACRES							A36-04052	10.00	10.00	4.50	4.50

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N(X)
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE Y
FIELD EXAMINER Y

PRESUMPTION FLAG:

REMARKS:

Acres measured by planimeter on ASCS photo 1" = 660'.
Add other use to POU also.
= 46,43,28

RECOMMENDATIONS:

TOTAL ACRES: 4.50

REVIEWED BY: sue

DATE: 6-4-91

RECEIVED
FEB 03 1993

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A36-04052 IRRIGATION	FROM 03-15 TO 11-15	.200 CFS
A36-04052 RECREATION	FROM 01-01 TO 12-31	1.570 CFS
A36-04052 DOMESTIC	FROM 01-01 TO 12-31	.130 CFS
A36-04052 POWER	FROM 01-01 TO 12-31	4.000 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

5.900 CFS

~~0.09~~ 0.20
1.52
0.04
2.67
4.43

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B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
36-04052 IRRIGATION	FROM 03-15 TO 11-15	.200 CFS
36-04052 RECREATION	FROM 01-01 TO 12-31	1.570 CFS
36-04052 DOMESTIC	FROM 01-01 TO 12-31	.130 CFS
36-04052 POWER	FROM 01-01 TO 12-31	4.000 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

5.900 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	N	<u>N</u>
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	N	<u>N</u>
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	N	<u>N</u>

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(X) N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N(X) Explain in remarks, below.

REMARKS:

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 5.900 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 5.900 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FIELD
DATABASE EXAMINER
Y Y

B.

FLOW MEASUREMENT

MEASUREMENT METHOD Sonic Flow, SEE ATTACHED CALCULATIONS.

* see attached
Notes

C. ARE OTHER WATER RIGHTS USED? Y(☒) N(☐) IF YES COMPLETE OVERLAP REVIEW.OTHER RIGHTS LISTED IN CLAIM: ~~BANBURY HOT SPRINGS~~ 47-04065

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A36-04052	RECREATION	HUTTANUS , HARRY H.	FROM 01-01 TO 12-31	1.570 CFS	
A36-04052	DOMESTIC	HUTTANUS , HARRY H.	FROM 01-01 TO 12-31	.130 CFS	
A36-04052	POWER	HUTTANUS , HARRY H.	FROM 01-01 TO 12-31	4.000 CFS	
A47-04065	RECREATION	HUTTANUS , HARRY H.	FROM 01-01 TO 12-31	.740 CFS	
A47-04065	COMMERCIAL	HUTTANUS , HARRY H.	FROM 01-01 TO 12-31	.180 CFS	
A47-04065	DOMESTIC	HUTTANUS , HARRY H.	FROM 01-01 TO 12-31	.040 CFS	
A47-04065	HEATING	HUTTANUS , HARRY H.	FROM 01-01 TO 12-31	.060 CFS	

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D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 4.50 x 0.02 CFS/ACRE = 0.09 CFS
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y(X) N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N(X) ***

1b. CALCULATIONS

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 30.0 AF/A

ACRES 4.5 x CONSUMPTIVE VOL. AF/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 13.5 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 4.5 x DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 18.0 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y(X) N() *sonic flow sheet + memo.*

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

*additional rate
allowed as measured
due to limited timing
of irrigation see
memo in file.*

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM	REC. PERIOD TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	03-15	11-15	DATABASE 0.200 EXAMINER <u>1.52</u>	DATABASE 18.0 EXAMINER <u>1100.4</u>	DATABASE 30.0 EXAMINER <u>13.5</u>
RECREATION	01-01	12-31	~~1.570~~	~~1100.4~~	~~30.0~~
DOMESTIC	01-01	12-31	~~0.130~~	~~0.60~~	
POWER	01-01	12-31	~~4.000~~	~~1933.0~~	
TOTAL FOR THIS RIGHT			~~5.900~~ 4.43	3052 AF	

REVIEWED BY: See

DATE: 6-4-91

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No Volumes
REQUIRED
for surface water.

(See
10-1-91)

Bo 1

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	(X)	()
FORFEIT/ABANDON _____	(X)	()
ADDITIONAL DIV. AMOUNT _____	(X)	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 36-04052

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
5.900

EXAMINER

CFS

SPLITS:

OLD RIGHT
NUMBERS

CURRENT
CLAIM NUMBERS

DIVERSION
RATE

CURRENT "R"
CLAIM NUM.

"R" DIV.
RATE

WR RIGHT
NUMBERS

DIVERSION
RATE

-

A36-04052

5.900

-

36-04052

5.900

TOTAL CFS

5.900

N/A

5.900

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE
Y

FIELD
EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE:

Steve Cell

DATE:

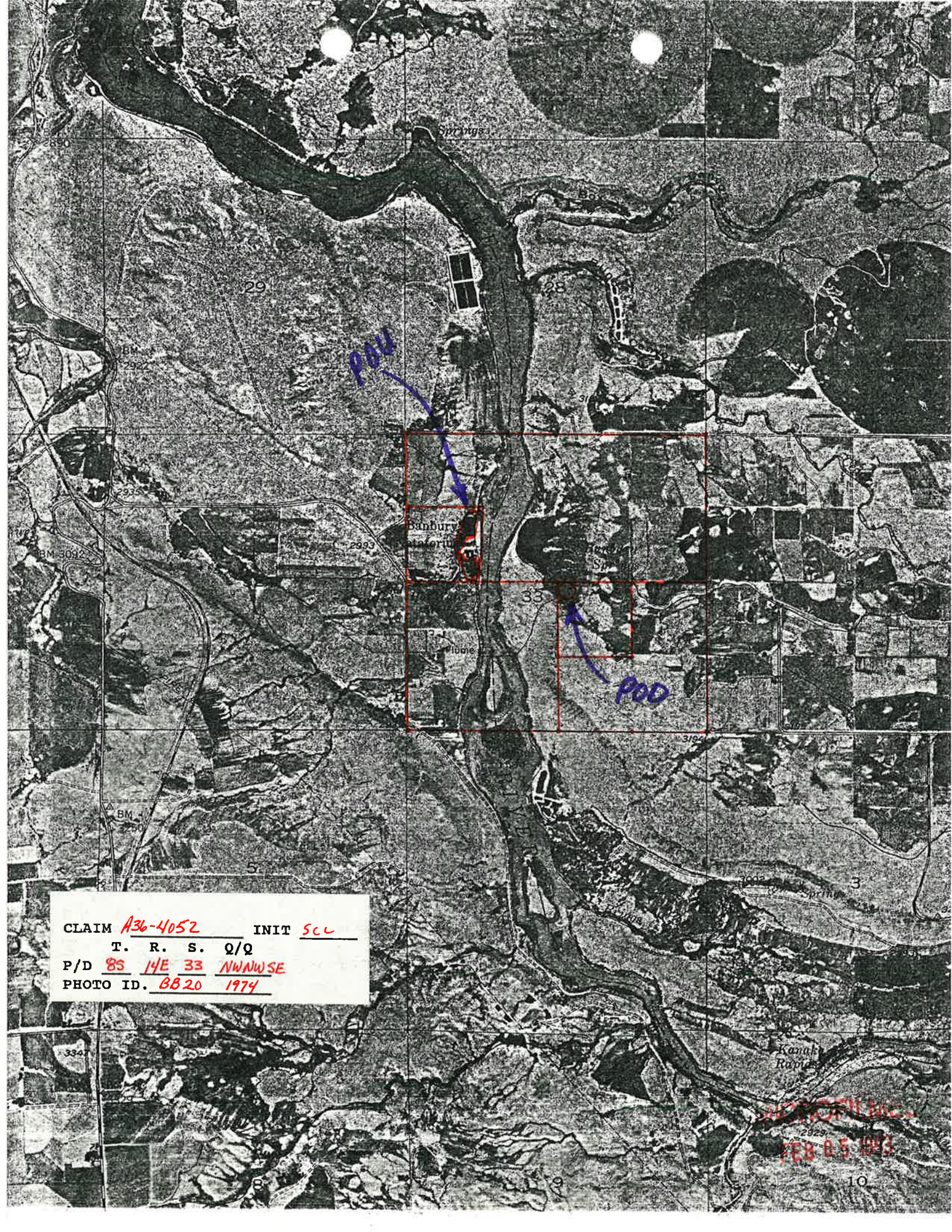
8-4-91

NAME OF FIELD EXAMINER:

TITLE:

Steve Cell 10-1-91

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FEB 05 1993



CLAIM A36-4052 INIT SCL
T. R. S. Q/Q
P/D 85 14E 33 NWNWSE
PHOTO ID. BB20 1974

W. T. CO. INC.
FEB 05 1993

1.75 Ac. N. Park

0.60 Ac. west edge

1.00 Ac. S. Park

1.00 Ac. Entrance

4.35 TOTAL

+ .15 (round up to allow for
error + irrigation around
pool.)

4.50 Ac.

Planimeter readings off
ASCS photo 1" = 660'
Short run @ 0.09698



CLAIM A36-4052 INIT SEC
T. 8 R. 14 S. 33 Q/Q
P/D 85 14E 33 NW NWSE
PHOTO ID. ASCS 1987

BANBURY SKETCH

A36-04052

BASED ON FIELD EXAM

5-30-91

By STEVE CLEVELAND

NORTH

FLOW

SWAKE
RIVER

NOT TO
SCALE

DETAIL
SKETCH
AREA

SONIC
MEASUREMENT
SITE

10 INCH
STEEL
PIPE

COOLING
POND

POWER
PLANT

POOL
RETURN
FLOW

DISTRIBUTION
MANIFOLD
SYSTEM

(See other
detail
sketch)

CHLORINATOR
ROOM

House

BANBURY
POOL

(335,000 GALLONS)

PRIVATE
BATHS

HOT
WATER
FLOW

A47-04065

SOUTH PARK
AREA

NORTH
PARK
AREA

PARKING LOT

WEST BOUNDARY

ENTRANCE AREA 1

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FEB 05 1993

by Steve Allen



Table 1. Sprinkler discharge gpm (gallons per minute) for nozzle size (inches) and pressures (psi) (pounds per square inch).

psi	Nozzle Size (in)										
	3/32	7/64	1/8	9/64	5/32	11/64	3/16	13/64	7/32	15/64	1/4
20	1.17	1.60	2.09	2.65	3.26	3.92	4.69	5.51	6.37	7.32	8.34
25	1.31	1.78	2.34	2.96	3.64	4.38	5.25	6.16	7.13	8.19	9.32
30	1.44	1.95	2.56	3.26	4.01	4.83	5.75	6.80	7.86	8.97	10.21
35	1.55	2.11	2.77	3.50	4.31	5.18	6.21	7.30	8.43	9.69	11.03
40	1.66	2.26	2.96	3.74	4.61	5.54	6.64	7.80	9.02	10.35	11.79
45	1.76	2.39	3.13	3.99	4.91	5.91	7.03	8.30	9.60	10.99	12.50
50	1.85	2.52	3.30	4.18	5.15	6.19	7.41	8.71	10.10	11.58	13.18
55	1.94	2.64	3.46	4.37	5.39	6.48	7.77	9.12	10.50	12.15	13.82
60	2.03	2.76	3.62	4.50	5.65	6.80	8.12	9.56	11.05	12.68	14.44
65	2.11	2.88	3.77	4.76	5.87	7.06	8.45	9.92	11.45	13.21	15.03
70	2.19	2.99	3.91	4.96	6.10	7.34	8.78	10.32	11.95	13.70	15.59
75	2.27	3.09	4.05	5.12	6.30	7.58	9.08	10.66	12.32	14.19	16.14
80	2.35	3.19	4.18	5.29	6.52	7.84	9.39	11.02	12.74	14.64	16.67
85	2.42	3.29	4.31	5.45	6.71	8.07	9.67	11.35	13.11	15.10	17.18
90	2.49	3.38	4.43	5.61	6.91	8.31	9.95	11.69	13.51	15.53	17.68
100	2.62	3.57	4.67	5.91	7.29	8.76	10.50	12.32	14.23	16.37	18.64
110	2.75	3.74	4.89	6.19	7.63	9.24	11.00	12.90	14.97	17.17	19.55
120	2.87	3.91	5.10	6.46	7.97	9.65	11.48	13.47	15.63	17.93	20.42
130	2.99	4.07	5.31	6.72	8.30	10.04	11.95	14.02	16.27	18.66	21.25

Note: Figures given are approximate maximum discharge rates for given nozzle size and pressure.

Table 2. Average gross application rate (in/hr).

Spacing (ft)	Gallons per minute from each sprinkler									
	1	2	3	4	5	6	7	8	9	10
20 x 20	0.24	0.48	0.72	0.96	1.20	1.44	1.70	1.93	2.16	2.40
20 x 30	.16	.32	.48	.64	0.80	0.96	1.12	1.28	1.43	1.60
20 x 40	.12	.24	.36	.48	.60	.72	0.84	0.96	1.08	1.20
30 x 30	.11	.21	.32	.43	.54	.64	.75	.86	0.96	1.07
30 x 40	.08	.16	.24	.32	.40	.48	.56	.64	.72	0.80
30 x 50	.06	.13	.19	.25	.32	.38	.45	.51	.58	.64
40 x 40	.06	.12	.18	.24	.30	.36	.42	.48	.54	.60
40 x 50	.05	.10	.14	.19	.24	.29	.34	.38	.43	.48
40 x 60	0.04	0.08	0.12	0.16	0.20	0.24	0.28	0.32	0.36	0.40

Table 3. Net applied depth (in) at 70% efficiency.

Set time (hrs)	Application rate (in/hr)											
	0.10	0.12	0.14	0.16	0.18	0.20	0.24	0.28	0.32	0.36	0.45	0.60
1	.07	.08	.10	.11	.13	.14	.17	.20	.22	.25	.32	.42
2	.14	.17	.20	.22	.25	.28	.34	.39	.45	.50	.63	0.84
3	.21	.25	.29	.34	.38	.42	.50	.59	.67	0.76	0.95	1.26
4	.28	.34	.39	.45	.50	.56	.67	.78	0.90	1.01	1.26	1.68
5	.35	.42	.49	.56	.63	.70	0.84	0.98	1.12	1.26	1.58	2.10
6	.42	.50	.59	.67	.76	.84	1.01	1.18	1.34	1.51	1.89	2.52
7	.49	.59	.69	.78	0.88	0.98	1.18	1.37	1.57	1.76	2.21	2.94
8	.56	.67	.79	0.90	1.01	1.12	1.34	1.57	1.79	2.02	2.52	3.36
9	.63	.76	.88	1.01	1.13	1.26	1.51	1.76	2.02	2.27	2.84	3.78
10	.70	0.84	0.98	1.12	1.26	1.40	1.68	1.96	2.24	2.52	3.15	4.20
12	0.84	1.01	1.18	1.34	1.51	1.68	2.02	2.35	2.69	3.02	3.78	5.04
18	1.26	1.51	1.76	2.02	2.27	2.52	3.02	3.53	4.03	4.54	5.67	7.56
24	1.68	2.02	2.35	2.69	3.02	3.36	4.03	4.70	5.38	6.05	7.56	10.08
36	2.52	3.02	3.53	4.03	4.54	5.04	6.05	7.06	8.06	9.07	11.34	15.12
48	3.36	4.03	4.70	5.38	6.05	6.72	8.06	9.41	10.75	12.10	15.12	20.16

Table 4. Adjustment factor to use with values in table 3 for other than 70% efficiency.

Efficiency	Multiply by	Efficiency	Multiply by
55	0.79	75	1.07
60	0.86	80	1.14
65	0.93	85	1.21

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HUTTAWAS
BANBURY POOL
A36-04052



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FEB 05 1993

SONIC
METER SITE



6" BY PASS
DAVE
FEB 05 1993
MICROFILMED

HUTTANUS
BANBURY POOL
A36-04052

TO
POOL



MICROFILMED
FEB 05 1993

HATTANUS
BANDWAY POWER
A36-4052



MEMO TO FILE: A36-04052

DATE: 6-4-91

By: STEVE CLELLAND

RE: WATER MEASUREMENT

We used the poly sonic flow meter to measure the 10" pipeline as it emerges from the Snake River. When the first readings were taken the uses in operation were the power plant, seven sprinklers in the south park area and the pool diversion.

At this point, the water in the park area was turned off completely. The flow was reduced by 0.22 cfs when the irrigation use stopped. Based on this measurement and the amount claimed, the rate of 0.20 cfs was allowed as recommended. This irrigation occurs during non-use periods in the park, generally late night and early morning periods; Therefore a higher diversion rate was recognized.

Next we asked Mr. Denel if he could run as much water into the pool as possible through the two 4" lines. He said this would be possible for a short period but he didn't want to cool the pool off too much. I told him it wouldn't take that long. As he talked to his son on the radio it took three valves to open the system to the

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FEB 05 1993

pool. The son told Mr. Deuel by radio the first line was already open completely. The boy then opened the "fire hose line" and the "temperance line".

Mr. Deuel told us this was the maximum flow to the pool from this 10" line. The flow registered at 3.09 cfs at 10:32 am. The only uses involved were the full pool flow and the power generation.

Mr. Deuel estimated the power plant to be running at 703 GPM Based on the nozzle size and pressure ratings of his power plant design. He also estimated the total capacity at 1200 GPM or 2.67 cfs.

allowing the 703 GPM or 1.57 cfs diversion to the power plant, then the flow capacity to the pool would be the measured rate of 3.09 cfs minus the power plant use of 1.57 cfs. The resulting flow to the pool is 1.52 cfs.

After the flow was returned to the operating normal for the day the calculated rates were 1.57 cfs for power generation and 0.80 cfs to the pool.

Mr. Deuel then partially opened the 6" by pass into the cooling pond. He opened it for a short time because the vibration was so strong. I was able to record a flow of 5.96 cfs but I saw a peak flow of 6.12 cfs on the poly sonic screen then he shut the valve at which point I printed the flow

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11

See



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

MODE SELECT
INPUT

OUTER DIAMETER
10.8224 IN

PIPE MATERIAL
? CS, SS

WALL THICKNESS
0.2500 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
8.454 IN U

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE
ZERO OPR

MM-DD HH:MM
05-30 10:05

DAMPING SET
20 SEC

05-30 10:0800 *R
+002.90 % AI2

MODE SELECT
TO CHECK

0392.2 MMSEC
101.69 % TO

05-30 10:1200 *R
+ 1.156E 3GPM

05-30 10:1300 *R
+ 1.159E 3GPM

05-30 10:2300 *R
+ 1.060E 3GPM

05-30 10:3000 *R
+ 1.103E 3GPM

05-30 10:3200 *R
+ 1.386E 3GPM

05-30 10:3300 *R
+ 1.381E 3GPM

05-30 10:3700 *R
+ 1.066E 3GPM

05-30 10:3700 *R
+ 1.064E 3GPM

05-30 10:4400 *R
+ 2.677E 3GPM

05-30 10:5000 *R
+ 1.058E 3GPM

05-30 10:5100 *R
+ 1.060E 3GPM

A36-04052

BANBURY POOL

HERB DEUEL

Power plant
7 sprinklers
min. pool 5-30-91

= diversion to irrigation 0.22 cfs

SPRINKLERS OFF BY STEVE CLELLAND

NORM BROWN

FIRE HOSE LINE ON MIKE HARSHBARGER

Temperance LINE ON = Both 4" LINES

Additional = div. to pool 0.72 (one line open)

Flow RETURNED TO TODAY'S OPERATION FLOWS

= div. (1.57 cfs to Power, 0.80 cfs to Pool)

6" BY PASS VALVE TO POND/RIVER OPENED PARTIALLY

(TOTAL CAPACITY OF SYSTEM)

(due to VIBRATION)

By PASS closed -

Flow to OPERATIONAL RATE

for Today.

(Pool Temp 96°F)

Mr. Deuel estimates power plant

use @ 703 GPM BASED ON

Nozzle size + pressure of

Power Plant. He estimates

TOTAL CAPACITY @ 1000-1200 GPM.

1200 GPM = 2.67 cfs

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avg peak flow 2745 GPM

NOT PRINTED BUT SEEN BY STEVE CLELLAND + NORM BROWN

05-30 10:5000 *R
+ 1.058E 3GPM

05-30 10:5100 *R
+ 1.060E 3GPM

(703 GPM ÷ 448.8 = 1.57 cfs)

pool capacity =

335,000 GALS

Est. 1000-1200 GPM capacity based on Nozzle
Size + pressure

Head Est. currently @ 703 GPM

4th Meas. @ 10:44 2677 GPM

I had a visual reading of 2745 GPM
and also seen by Norm Brown

16.11 cfs

Meas. taken with the six inch By Pass partially
open = approximate Total Capacity

final return flow = 1058 GPM @ 10:50 AM

335,000 GALS Pool capacity

1 House < Domestic water is chlorinated >
1 Pool

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Banbury Pool
A36-04052

5-30-91
FIELD EXAM:
STEVE CLELAND
NORM BROWN
MIKE HARSHBARGER

1ST Meas. @ 10:12

2 pipes

1156 GPM

1159 GPM

- power plant 208 V
3 phase

- sprinklers (south picnic Area only) 7 sprinklers
- minimum to pool (one line part open)
(uses 2-4" lines for delivery)

N park = 21 sprinklers

$$2.58 - 2.36 = 0.24 \text{ cfs} \div 7 = 0.034 \text{ cfs/sprinkler}$$

$$0.034 \text{ cfs/sprinkler} \times 448.8 \text{ GPM/cfs} = 15.39 \text{ GPM/sprinkler}$$

This agrees with the rate in the
table attached.

S park = 7 sprinklers

west edge = 1 1/2" pipe

Entrance = 10 sprinklers
2" line

[Sprinkler = 1/4" + 3/16" Head]

2ND Meas.

@ 10:23

= 1060 GPM

- sprinklers off
- p plant - same
- pool - same

3RD Meas.

Pool lines (2x4" line)

< Starts from 1060 GPM >

Fire Hose one line → 1103 GPM

Temperance line → 1386 GPM @ 10:32

1381 @ 10:33

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after they turned off flow returned to 1066 + 1064 GPM
@ 10:37

5/30/91

Steve Clelland
Mike Harshbarger
Norm Brown - DJ

0900 @ Banbury H. S. met Herbert C. Devel.
(owner). He showed us the Cold Water
system used for Power, Domestic, Swimming,
and irrigation uses.

0930 Jack Craner observed as we prepared
the sonic measuring system for use.

The measurement for all uses was
approx 6⁰ cfs and seemed to be
system Capacity - See Stives notes
and records

Norm Brown
W. L. Agent

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18 LT02	18 SESW	18 SWNE	18 SENE	17 LT03	17 LT04	17 SWNE	17 SENE	18 SWNW	18 SESW	18 SWNE	18 SENE	15 SWNW	15 SESW	15 SWNE	15 SENE	14 SWNW	14 SESW	14 SWNE	14 SENE	13 SWNW	13 SESW	13 SWNE	13 SENE
18 LT03	18 NESE	18 NWSE	18 NESE	17 LT06	17 LT07	17 NWSE	17 NESE	18 NWSE	18 NESE	18 NWSE	18 NESE	15 NWSE	15 NESE	15 NWSE	15 NESE	14 NWSE	14 NESE	14 NWSE	14 NESE	13 NWSE	13 NESE	13 NWSE	13 NESE
18 LT04	18 SESW	18 SWNE	18 SESE	17 LT01	17 LT08	17 SWSE	17 SESE	18 SWSW	18 SESW	18 SWSE	18 SESE	15 SWSW	15 SESW	15 SWSE	15 SESE	14 SWSW	14 SESW	14 SWSE	14 SESE	13 SWSW	13 SESW	13 SWSE	13 SESE
19 LT01	19 NENW	19 NWNE	19 NENE	20 LT02	20 LT01	20 NWNE	20 NENE	21 NWNW	21 NENW	21 NWNE	21 NENE	22 NWNW	22 NENW	22 NWNE	22 NENE	23 NWNW	23 NENW	23 NWNE	23 NENE	24 NWNW	24 NENW	24 NWNE	24 NENE
19 LT02	19 SESW	19 SWNE	19 LT03	20 LT03	20 SESW	20 SWNE	20 SENE	21 SWNW	21 SESW	21 SWNE	21 SENE	22 SWNW	22 SESW	22 SWNE	22 SENE	23 SWNW	23 SESW	23 SWNE	23 SENE	24 SWNW	24 SESW	24 SWNE	24 SENE
19 LT05	19 NESE	19 NWSE	19 LT04	20 LT04	20 NESE	20 NWSE	20 NESE	21 NWNW	21 NESE	21 NWSE	21 NESE	22 NWNW	22 NESE	22 NWSE	22 NESE	23 NWNW	23 NESE	23 NWSE	23 NESE	24 NWNW	24 NESE	24 NWSE	24 NESE
19 LT06	19 SESW	19 SWNE	19 LT07	20 LT06	20 SESE	20 SWSW	21 SESW	21 SWSE	21 SESE	21 SWSE	21 SESE	22 SWSW	22 SESW	22 SWSE	22 SESE	23 SWSW	23 SESW	23 SWSE	23 SESE	24 SWSW	24 SESW	24 SWSE	24 SESE
30 LT01	30 NENW	30 NWNE	30 NENE	29 NWNW	29 LT02	29 NWNE	29 NENE	27 NWNW	27 NENW	27 NWNE	27 NENE	28 NWNW	28 NENW	28 NWNE	28 NENE	25 NWNW	25 NENW	25 NWNE	25 NENE	25 NWNW	25 NENW	25 NWNE	25 NENE
30 LT02	30 SESW	30 SWNE	30 SENE	29 SWNW	29 SESW	29 LT03	29 LT04	29 LT03	29 LT05	29 NESE	27 SWNW	27 SESW	27 SWNE	27 SENE	28 SWNW	28 SESW	28 SWNE	28 SENE	25 SWNW	25 SESW	25 SWNE	25 SENE	
30 LT03	30 NESE	30 NWSE	30 NESE	29 NWNW	29 NESE	29 NWSE	29 NESE	29 LT04	29 LT05	29 NESE	27 NWNW	27 NESE	27 NWSE	27 NESE	28 NWNW	28 NESE	28 NWSE	28 NESE	25 NWNW	25 NESE	25 NWSE	25 NESE	
30 LT04	30 SESW	30 SWNE	30 SESE	29 SWSW	29 SESW	29 SWSE	29 SESE	29 LT07	29 LT04	29 SWSE	29 SESE	27 SWSW	27 SESW	27 SWSE	27 SESE	28 SWSW	28 SESW	28 SWSE	28 SESE	25 SWSW	25 SESW	25 SWSE	25 SESE
31 LT01	31 NENW	31 NWNE	31 NENE	32 NWNW	32 NENW	32 NWNE	32 NENE	33 LT02	33 LT01	33 NENE	34 NWNW	34 NENW	34 NWNE	34 NENE	35 NWNW	35 NENW	35 NWNE	35 NENE	36 NWNW	36 NENW	36 NWNE	36 NENE	
31 LT02	31 SESW	31 SWNE	31 SENE	32 SWNW	32 SESW	32 SWNE	32 SENE	33 LT03	33 LT04	33 SWNE	33 SENE	34 SWNW	34 SESW	34 SWNE	34 SENE	35 SWNW	35 SESW	35 SWNE	35 SENE	36 SWNW	36 SESW	36 SWNE	36 SENE
31 LT03	31 NESE	31 NWSE	31 NESE	32 NWNW	32 NESE	32 NWSE	32 NESE	33 LT06	33 LT05	33 NWSE	33 NESE	34 NWNW	34 NESE	34 NWSE	34 NESE	35 NWNW	35 NESE	35 NWSE	35 NESE	36 NWNW	36 NESE	36 NWSE	36 NESE
31 LT04	31 SESW	31 SWNE	31 SESE	32 SWSW	32 SESW	32 SWSE	32 SESE	33 LT07	33 LT08	33 SESE	34 SWSW	34 SESW	34 SWSE	34 SESE	35 SWSW	35 SESW	35 SWSE	35 SESE	36 SWSW	36 SESW	36 SWSE	36 SESE	

85. 14E.

A36-04052

From: DWR60::MERRITT 3-MAY-1991 13:45:44.71
To: CLELLAND
CC: MERRITT
Subj: REVIEW OF LICENSE 36-02038

I'VE BEEN LOOKING AT THE OLD RECORDS FOR THIS LICENSE AND IT APPEARS THAT THE OLD LICENSE INCLUDED THE PIPELINE WHICH GOES TO THE BANBURY NATATORIUM. IT APPEARS THAT BACK IN 1923 THEY DID A FIELD EXAM FOR BOTH PIPELINES AND FOUND THAT THE NATATORIUM PORTION WAS A 5" STEEL PIPE ACROSS THE RIVER AND THAT IT'S CAPACITY WAS 1 CFS. ITS NOT CLEAR HOW THIS WAS DETERMINED BUT IT INDICATED THAT THE HEAD WAS 80'. I SUSPECT THAT THE FLOW WOULD BE MORE THAN 1CFS. THIS INFO MAY HELP OR HINDER YOUR REVIEW OF THE HEUTANIS CLAIM A36-04052.

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Calc. for A76-61052

using records for lic. 36-02038

$$h = \frac{4.66 n^2 l Q^2}{d^{16/3}} + \frac{4.66 n^2 l Q^2}{d^{16/3}}$$

$$\begin{array}{ccc} \text{steel } 5'' & & 8'' \text{ wood} \\ \downarrow & & \\ 170' = \frac{4.66 (0.015)^2 500 Q^2}{.42^{16/3}} + \frac{4.66 (0.011)^2 (1000) Q^2}{.67^{16/3}} \end{array}$$

$$170' = 53.56 (Q^2) + 4.77 (Q^2)$$

$$2.91 = Q^2$$

$$\therefore Q = 1.71 \text{ ft/s}$$

[By ADM
MAY 1991]

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$$Q = \frac{0.463}{n} d^{8/3} S^{1/2}$$

$$n = 0.015$$

$$d = \frac{5''}{12''} = 0.42'$$

head = 170' off of top

pipe length $\approx 1500'$

$$\therefore S = \frac{170}{1500}$$

Assume entire length is 5" steel although
some is larger.

$$Q = \frac{0.463}{0.015} (0.42)^{8/3} \left(\frac{170}{1500}\right)^{1/2}$$

$$Q \approx \frac{0.463}{0.015} (0.10) (0.34) = 1.04 \text{ cfs}$$

using length of only
500'

$$Q = 1.78 \text{ cfs}$$

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CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELAND

FILE A36-04052

RE: WATER MEASUREMENT

DATE

NAME OF PARTY

< SEE ATTACHED >

Hub Duell, ~~543-4098~~
- Message from Pool advised r.

5-20-91

733-5749

call FRED DECKER
explain situation

326-5959

5-21-91 (No Answer) 4:15 pm

5-23-91 (No Answer) 11:40 Am

5-24-91 (No Answer) 11:30 Am

5-24-91 No Answer. 4 pm

5-28-91 - spoke to him

9:28 Am He will set up a time & date
w/ Herb Duell.

CONTACT:

BANBURY PIPE LINE

FOR MEASUREMENT

- ~~HUB DUELL~~

- HERB DUAL

* call for
max flow

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FEB 05 1993

CONVERSATION MEMORANDUM

NAME OF PARTY Herb Duell (Barbury Hot Springs) DATE 8/7/90
 EMPLOYEE: ADL FILE A36-04052
A47-04065

RE:

On 8/3/90 I phoned Mrs. Hottanus to set up a time to meas. water for claims. We agreed on 8/7 around noon.

On 8/7/90 We arrived @ Barbury's around noon. I talked with Mr. Duell and he indicated that he knew nothing about meas. the water. He indicated that Mrs. Hottanus (his mother-in-law) was 80 yrs. old and sometimes forgets things. He indicated that he would rather us schedule with Fred Decker (their attorney) any field review for measurement.

Mr. Duell indicated that in the summer they don't use the hot well(s) at capacity and would not want to measure them then. He also indicated that the cold water springs should be measured when the generator is using the most electricity so this would have to be scheduled.

ADL

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