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FORM 202 Rev. 09/16

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

Ident. No.

29-14401

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant(s) Lava Ranch Property Owners Association Phone 425-232-1951
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address P.O. Box 131 City Lava Hot Springs
 State Idaho ZIP 83246 Email mattgroll@gmail.com
2. Name of representative, if any Travis L. Thompson Phone (208) 733-0700
 Mailing address P.O. Box 63 City Twin Falls
 State Idaho ZIP 83303-0063 Email tlt@idahowaters.com
- a. ☐ Send all correspondence for this application to the representative and not to the applicant OR
☒ Send original correspondence to the applicant and copies to the representative.
- b. ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant OR
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation.
3. Source of water supply Groundwater which is a tributary of _____
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
10S	38E						BANNOCK	GROUND WATER	LOWER WELL

5. Water will be used for the following purposes:
- Amount 0.04 cfs/6 afa for DOMESTIC purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) 0.04 cubic feet per second (cfs) and/or (b) 6 acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. Well and pump to distribution pipe. Well is located at following GPS description: 42.5639440; -112.0502130
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
- e. If well is already drilled, when? 1983; drilling firm L.W. Frandsen & Sons Well Drilling;
 well was drilled for (well owner) _____; Drilling Permit No. _____

For Department Use

Received by SG Date _____ Time _____ Preliminary check by _____
 Fee \$ 1200 Received by SG Receipt No. 5038646 Date 6/21/21
\$100 THIS APP

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DEPT OF WATER RESOURCES
SOUTHERN REGION

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in kW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; must complete and attach the Municipal Water Right Application Checklist.
- Domestic; show number of households domestic use for _____ households
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total number of acres to be irrigated: N/A

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? Companion application for permit for "upper well."

11. a. Who owns the property at the point of diversion? Applicant

b. Who owns the land to be irrigated or place of use? Homeowners of the association.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Applicant represents the homeowners and operates and maintains the well.

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. All domestic uses for homeowners with the subdivision. Place of use is within the lots on the attached plat map.

13. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).

14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant

Matt Groll, President

Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

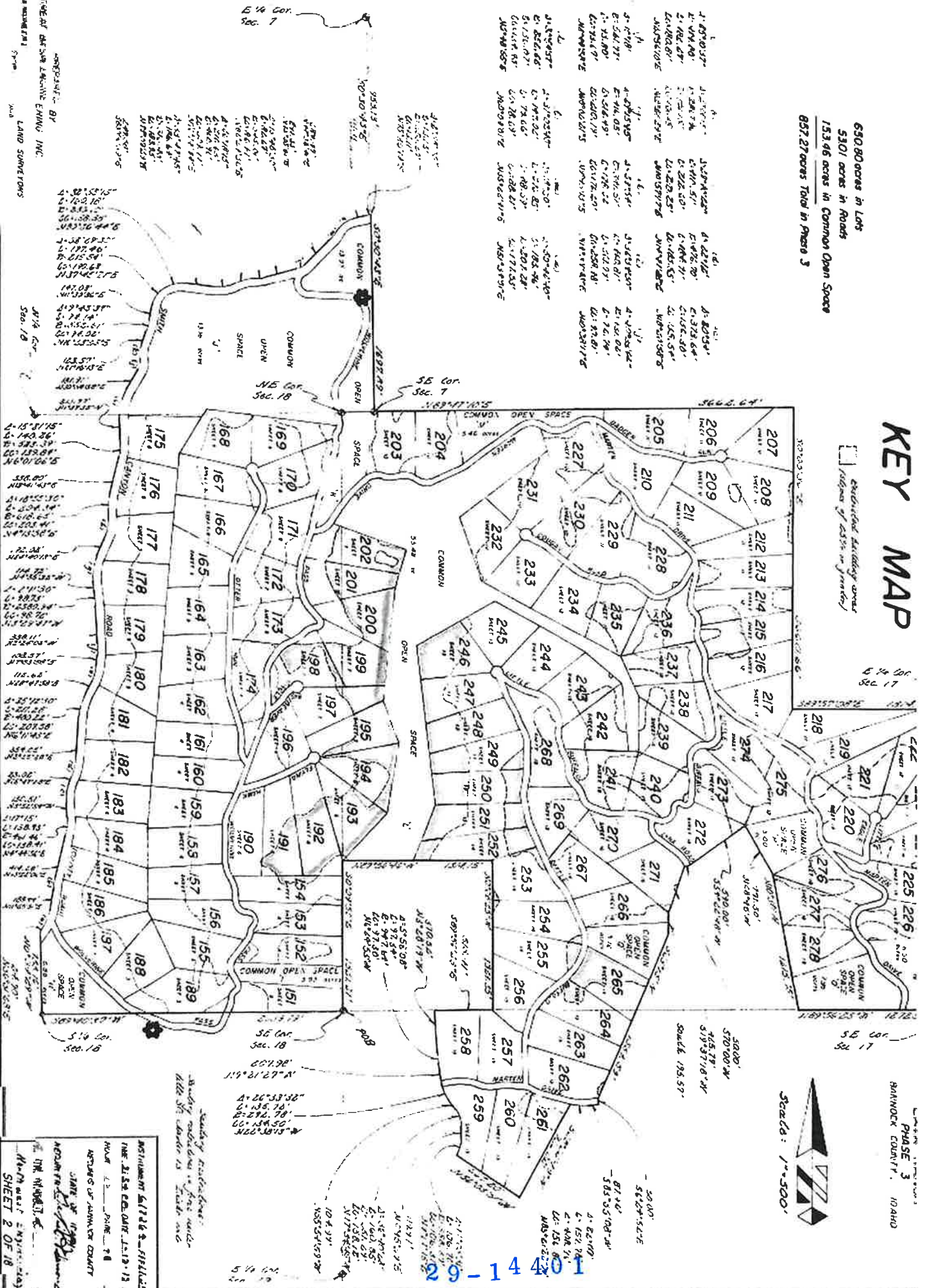
KEY MAP

Excluded territory areas
shown at 25% or greater

650.80 acres in Lots
5301 acres in Roads
153.46 acres in Common Open Space
857.27 acres Total in Phase 3

PHASE 3
HAWKOCK COUNTY, IOWA

Scale: 1"=500'



BY
THE
LAND SURVEYORS
OF
HAWKOCK COUNTY, IOWA
SHEET 2 OF 18

29-14401



**Barker Rosholt
& Simpson LLP**

Travis L. Thompson

EMAIL: tlth@idahowaters.com

PHONE: 208.733.0700

WEB: idahowaters.com

Twin Falls

163 Second Ave. West

P.O. Box 63

Twin Falls, Idaho 83301

p. 208.733.0700

f. 208.735.2444

Attorneys

Albert P. Barker

John K. Simpson

Travis L. Thompson

Scott A. Magnuson

Sarah W. Higer

John A. Rosholt
(1937-2019)

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Department of Water Resources
Eastern Region

June 21, 2021

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JUN 21 2021

DEPT OF WATER RESOURCES
SOUTHERN REGION

VIA HAND DELIVERY

Idaho Department of Water Resources
Southern Regional Office
650 Addison Ave. West, Suite 500
Twin Falls, Idaho 83301-5858

Re: Applications for Permit – Lava Ranch Property Owners Association

To Whom It May Concern:

Enclosed, please find two Applications for Permit from Lava Ranch Property Owners Association. The first Application is for the Lower Well and the second Application is for the Upper Well.

Also enclosed, please find check number 1691 in the amount of \$200.00 for the associated filing fees.

Should you have any questions or concerns, please contact me at (208) 733-0700.

Sincerely,

BARKER ROSHOLT & SIMPSON LLP

Travis L. Thompson

TLT/jn

Enclosures



Barker Rosholt
& Simpson LLP

Travis L. Thompson

EMAIL: tlth@idahowaters.com

PHONE: 208.733.0700

WEB: idahowaters.com

Twin Falls

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Attorneys

Albert P. Barker
John K. Simpson
Travis L. Thompson
Scott A. Magnuson
of counsel
Sarah W. Higer
Michael A. Short
John A. Rosholt
(1937-2019)

July 21, 2021

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JUL 23 2021

VIA U.S. MAIL & EMAIL

Mr. Michael Holliday
IDWR – Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, Idaho 83402-1718

Department of Water Resources
Eastern Region

Re: Lava Ranch Property Owners Assn / Applications for Permit

Dear Michael:

This firm represents the Lava Ranch Property Owners Association (LRPOA) with respect to the two applications for permit filed with your office last month. Thank you for the call and inquiry regarding the applications.

This letter responds to your request for additional information to continue to process the two applications for permit we filed on behalf of LRPOA. Please see the following as it corresponds to supplement information as listed on the applications:

4. Quarter Quarter Legal Description for Points of Diversion:

Lower Well (Smith Canyon Pavilion Well) T10S R38E Sec. 7 SESE (Bannock County)

Upper Well (38 Wolverine) T10S R38E Sec. 19 NWNE (Bannock County)

High County Tanks T10S R38E Sec. 20 NWNW (Bannock County)

8.d Number of Households Served:

Total Number of Lots 470 (approximately 70 served by individual wells) leaving 400 lots that could use water from the LRPOA system. Currently there are 126 lots with cabins, 167 lots with RVs, and 177 undeveloped lots.

9. Legal Description for Place of Use:

In addition to the updated subdivision plat map (see attached), the lots are located within the following quarter quarters in Bannock County:

10S R37E	Sec. 19	SWNW (Lot 2) NWSW (Lot 3) SESW	SEnw NEsw SWSE
	Sec. 29	SWNW SEnw NEsw NENW NWNE	NWSE SWSE SENE NESE NENE
	Sec. 30	NENW SEnw NEsw	NWNE SWNE NWSE
10S R38E	Sec. 5	SESW	SWSW
	Sec. 7	NESE SESE SWSE	SESW
	Sec. 8	NENW NWNW SWNW	SWNE NWNE NWSW
	Sec. 17	SESE SWNW SWSW NWNW (Lot 4) NWNE (Lot 2) SWNE	SESW NESE SWSE NENW (Lot 3) NENE (Lot 1)
	Sec. 18	NWNE (Lot 2) SWNE SWSE	NENE (Lot 1) NWSE SESW

Michael Holliday (IDWR)

July 21, 2021

Page - 3

Sec. 20

SESE
SWSE
SESW
SWSW
NENE
NWNW

NWSW
NESW
NWSE
NESE
NWE
NENW

If you need any additional information or have any questions please call me at (208) 733-0700. I hope the above information is sufficient and will allow IDWR to process the applications for permit.

Sincerely,

BARKER ROSHOLT & SIMPSON LLP



Travis L. Thompson

Enc.

cc: Matt Groll, LRPOA
Josh Crowe, LRPOA

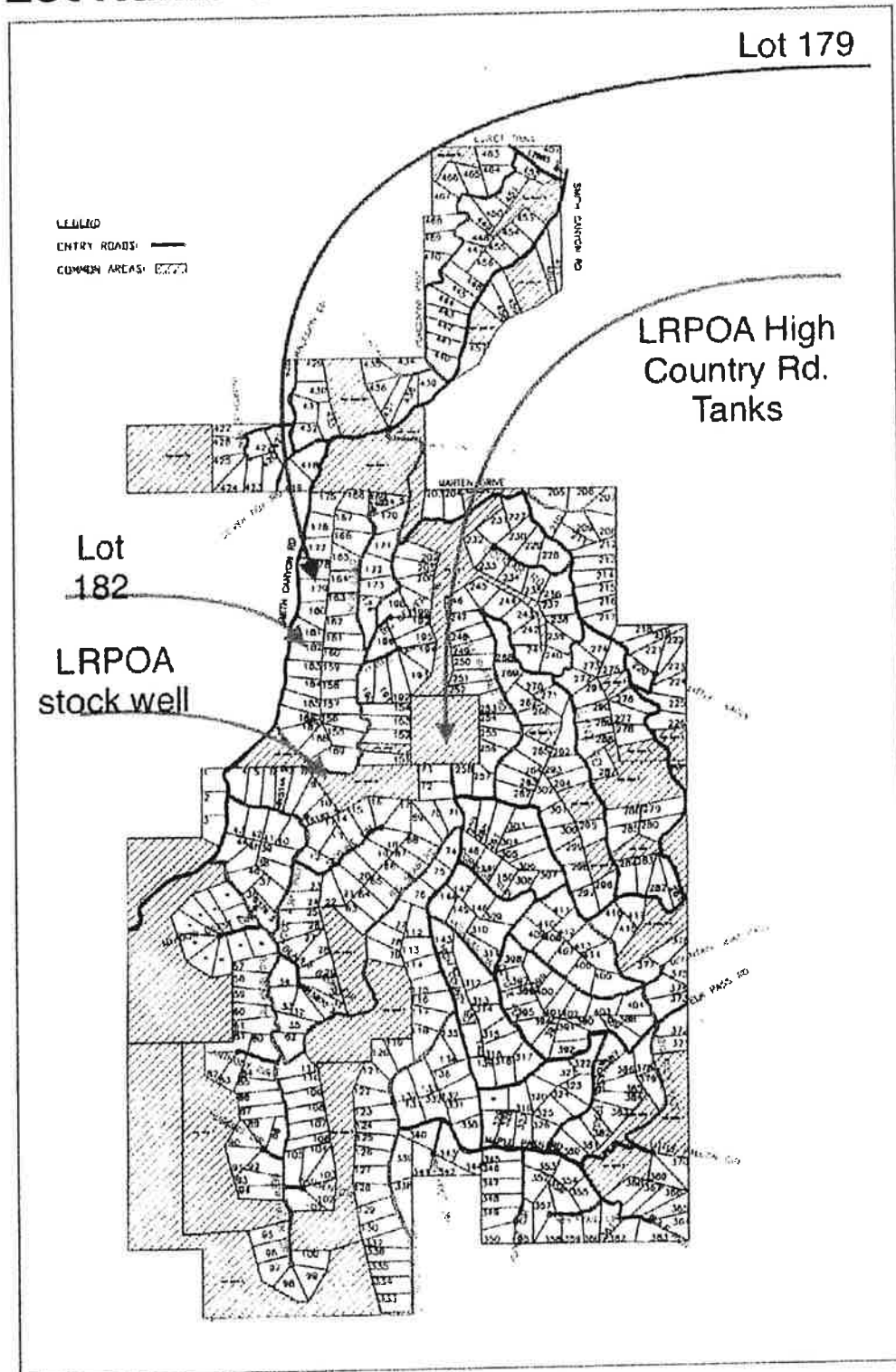


Barker Rosholt
& Simpson LLP

idahowaters.com | Boise: 208.336.0700 | Twin Falls: 208.733.0700

29-14401

Appendix III: Map of Lava Ranch Subdivision With Lot Numbers



Holliday, Michael

From: Travis Thompson <tlth@idahowaters.com>
Sent: Tuesday, July 27, 2021 12:03 PM
To: Holliday, Michael
Subject: RE: Lava Ranch POA applications

Yes inside use only thank you

Travis

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Holliday, Michael" <Michael.Holliday@idwr.idaho.gov>
Date: 7/27/21 9:29 AM (GMT-09:00)
To: Travis Thompson <tlth@idahowaters.com>
Subject: Lava Ranch POA applications

Travis,

Thanks for your correspondence identifying the location of the points of diversion and place of use for the 2 applications. Before we can advertise these applications, we need a response to question 10. A reply to this email will suffice. Since these applications are for domestic purposes, we need to know if the applicant intends to use this water, water from another source, or both, to irrigate lawn, garden, and/or landscaping; or if the proposed water use is for inside use only.

Michael Holliday
Water Rights Supervisor
Phone: 208-525-7161
Fax: 208-525-7177

29-14401

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho
No. 29-14401

1. Applicant(s)

LAVA RANCH PROPERTY OWNERS ASSN
PO BOX 131
LAVA HOT SPGS ID 83246-0131
425-232-1951

2. Representative(s)

TRAVIS L THOMPSON (Representative)
BARKER ROSHOLT & SIMPSON LLP
PO BOX 63
TWIN FALLS ID 83303-0063
208-733-0700, tlt@idahowaters.com

a.
b.

3. Source of Water Supply:

Source : GROUND WATER

4. Location of Point(s) of Diversion:

Heading	Point of Diversion # 1
Source	GROUND WATER
Tributary of	
Township	10S
Range	38E
Section	7
Govt. Lot	
QQQ/QQ/Quarter	SE¼SE¼
County	BANNOCK
Diversion Type	
Local name or Tag#	
Type and size of devices	Well and pump to distribution pipe.
Height of storage dam	
Active/ Total Reservoir capacity	
Dam Application required?	No
Proposed well diameter/ depth	
Water Temp > 85°F?	
Drilled Date	
Drilling firm	
Property Owner	Applicant
Access Arrangement Description	N/A

5. Water will be used for the following purposes:

Purposes	Season	Rate	Volume	Description
DOMESTIC	01/01 to 12/31	0.04 CFS	6.0 AF	470 Home(s)

6. Total quantity to be appropriated is (a) 0.04 cubic feet per second (cfs) and/or (b) 6.0 acre-feet / year (af).

For Department Use

Received by _____ Date _____ Time _____ Preliminary check by _____
Fee \$ _____ Receipted by _____ Receipt No. **29-14401** Date _____

7. Proposed diverting works:

a. If an existing well, who was the well drilled for? Drilling Permit No.

8. Describe other proposed water uses : N/A**9. Description of place of use:**

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
10S	38E	5											X	X						
10S	38E	7												X	X	X	X	X		
10S	38E	8					X	X	X	X		X								
10S	38E	17		X	X		X	X	X	X	X	X		X	X	X	X	X		
				L3	L4															
10S	38E	18	X	X	X	X									X	X	X	X		
			L1	L1																
10S	38E	19	X	X	X	X	X		X	X	X	X		X	X	X	X	X		
									L2											
10S	38E	20	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
10S	38E	29	X	X	X	X	X	X	X	X	X				X	X				
10S	38E	30	X	X	X	X	X			X	X			X	X	X	X	X		

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping?

11.

- a. Who owns the land to be irrigated or place of use? Applicant.
 b. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary.

13. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).

14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant

Signature of Applicant

LAVA RANCH PROPERTY OWNERS ASSN



State of Idaho

DEPARTMENT OF WATER RESOURCES

EASTERN Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718
Phone: (208)525-7161 • Fax: (208)525-7177 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

July 29, 2021

LAVA RANCH PROPERTY OWNERS ASSN
PO BOX 131
LAVA HOT SPGS, ID 83246-0131

RE: Application for Permit No. 29-14401 & 29-14402

Dear Applicant:

The Department of Water Resources has received your water right applications. Please refer to the numbers referenced above in all future correspondence regarding these applications.

A legal notice of the applications has been prepared and is scheduled for publication in the IDAHO STATE JOURNAL on 8/4/2021 and 8/11/2021. Protests to these applications may be submitted for a period ending ten (10) days after the second publication.

If the applications are protested, you will be sent a copy of each protest. All protests must be resolved before the applications can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the applications are not protested, the Department will process your applications and notify you of any action taken on the applications. If your applications are approved, the Department will send you a copy of the permits.

Please contact this office if you have any questions regarding the applications.

Sincerely,

Christina Henman
Administrative Assistant

CC:
TRAVIS L THOMPSON
BARKER ROSHOLT & SIMPSON LLP
PO BOX 63
TWIN FALLS, ID 83303-0063

Henman, Christina

From: Henman, Christina
Sent: Thursday, July 29, 2021 3:48 PM
To: 'legalnotices@postregister.com'
Subject: RE: Legal Notice for Idaho State Journal
Attachments: 85150, 29-14401, 29-14402 Idaho State Journal.docx

Taylor,

I was given two more applications to run in this notice for Idaho State Journal; please see attached for an updated copy.

Thank You,

Christina Henman

From: Henman, Christina
Sent: Wednesday, July 28, 2021 3:33 PM
To: 'legalnotices@postregister.com' <legalnotices@postregister.com>
Subject: Legal Notice for Idaho State Journal

LEGAL NOTICE DEPARTMENT
IDAHO STATE JOURNAL
PO BOX 431
POCATELLO, ID 83204-0431

RE: Transfer No. 85150
Water Right No(s). 29-4101B

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 8/23/2021. Your cooperation is appreciated.

Thank You,

Christina Henman
Administrative Assistant
Idaho Dept. of Water Resources, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 497-3793

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 85150**

FRANKLIN JAMES KESSLER and JEANNE MICHELE KESSLER, 2599 S MARSH CREEK RD, MCCAMMON, ID 83250-1513 has filed Application No. 85150 for changes to the following water rights within BANNOCK County(s): Right No(s). 29-4101B; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion. The proposed point of diversion is in NWNE Sec 15 T08S R36E for 0.06 cfs from Walker Creek.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 8/23/2021. The protestant must also send a copy of the protest to the applicant

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

29-14401

LAVA RANCH PROPERTY OWNERS ASSN

PO BOX 131

LAVA HOT SPGS, ID 83246-0131

Point of Diversion SESE S7 T10S R38E BANNOCK County

Source GROUND WATER Tributary

Use: DOMESTIC

01/01 to 12/31

0.04 CFS

6 AF

Total Diversion:

0.04 CFS

6 AF

Date Filed: 07-21-2021

Place Of Use: DOMESTIC

T10S R38E S17

L3(NENW),NESW,NESE,L2(NWNE),L4(NWNW),SWNE,SWNW,SENE,NWSW,SESW,NWSE,SWSE,SESE

Place Of Use: DOMESTIC

T10S R38E S18

L1(NENE),NESE,L2(NWNE),SWNE,SENE,NWSE,SWSE,SESE

Place Of Use: DOMESTIC

T10S R38E S19

NENE,NWNE,NENW,NESW,NESE,L3(NWSW),SWNE,NWSE,L2(SWNW),SENE,SENE,SESW,SWSE,SESE

Place Of Use: DOMESTIC

T10S R38E S20

NENE,NWNE,SWNE,SENE,NENW,NWNW,SWNW,SENE,NESW,NWSW,SWSW,SESW,NESE,NWSE,SWSE,SESE

Place Of Use: DOMESTIC

T10S R38E S29

NENE,NWNE,SWNE,SENE,NENW,NWNW,SWNW,SENE,NESW,NESE,NWSE

Place Of Use: DOMESTIC

T10S R38E S30

NENE,NWNE,SWNE,SENE,NENW,SENE,NESW,SESW,NESE,NWSE,SWSE,SESE

Place Of Use: DOMESTIC

T10S R38E S5

SWSW,SESW

Place Of Use: DOMESTIC

T10S R38E S7

SESW,NESE,NWSE,SWSE,SESE

Place Of Use: DOMESTIC

T10S R38E S8

NENW,NWNW,SWNW,SENE,NWSW

29-14402

LAVA RANCH PROPERTY OWNERS ASSN

PO BOX 131

LAVA HOT SPGS, ID 83246-0131

Point of Diversion NWNE S19 T10S R38E BANNOCK County

Source GROUND WATER Tributary

Use: DOMESTIC

01/01 to 12/31

0.02 CFS

12 AF

Total Diversion:

0.02 CFS

12 AF

Date Filed: 07-21-2021

Place Of Use: DOMESTIC

T10S R38E S17
L3(NENW),NESW,NESE,L2(NWNE),L4(NWNW),SWNE,SWNW,SESW,NWSW,SESW,NWSE,SWSE,SESE
Place Of Use: DOMESTIC

T10S R38E S18
L1(NENE),NESE,L2(NWNE),SWNE,SENE,NWSE,SWSE,SESE
Place Of Use: DOMESTIC

T10S R38E S19
NENE,NWNE,NENW,NESW,NESE,L3(NWSW),SWNE,NWSE,L2(SWNW),SENE,NWNE,SESW,SWSE,SESE
Place Of Use: DOMESTIC

T10S R38E S20
NENE,NWNE,SWNE,SENE,NENW,NWNW,SWNW,SESW,NESW,NWSW,SWSW,SESW,NESE,NWSE,SWSE,SESE
Place Of Use: DOMESTIC

T10S R38E S29
NENE,NWNE,SWNE,SENE,NENW,NWNW,SWNW,SESW,NESW,NESE,NWSE
Place Of Use: DOMESTIC

T10S R38E S30
NENE,NWNE,SWNE,SENE,NENW,SESW,NESW,SESW,NESE,NWSE,SWSE,SESE
Place Of Use: DOMESTIC

T10S R38E S5
SWSW,SESW
Place Of Use: DOMESTIC

T10S R38E S7
SESW,NESE,NWSE,SWSE,SESE
Place Of Use: DOMESTIC

T10S R38E S8
NENW,NWNW,SWNW,SESW,NWSW

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Eastern office at (208)525-7161; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 8/23/2021. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 8/4/2021 and 8/11/2021