

## 7/21/2020

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STEVEN R DAVIS 1032 E 17TH ST BURLEY, ID 83318 (208) 678-3733

**Status:** Closed

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
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### Place Of Use

**Comments:**

Number of Protests: 0  
Water District Number: TBD  
Application Type: New Appropriation  
Mitigation Plan: False

N/A

N/A

N/A



2A  
RECEIVED

APR 20 1987

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

Department of Water Resources  
Southern Region Office

IN THE MATTER OF PERMIT NO. 47-7754 )

IN THE NAME OF STEVEN R. DAVIS AND/OR )

GENEVIEVE DAVIS )

CANCELLATION ORDER

Findings of Fact

1. The Banbury Hot Springs Ground Water Management Area (BHSWGMA) was created by order of the Director of the Department of Water Resources on April 12, 1983.
2. The point of diversion on this permit is within the boundary of the BHSWGMA.
3. The pressure in the wells in the BHSWGMA has continued to decline.
4. On December 4, 1985, the Director issued an order to all permit holders within the BHSWGMA to cease further development and to submit proof of beneficial use showing the extent of their development.
5. No response was received from the holders of Permit No. 47-7754.
6. On July 11, 1986, the Department issued an Order to Show Cause why the permit should not be cancelled for lack of diligence.
7. The department did not receive a proof of beneficial use form nor a request for extension of time.
8. On July 21, 1986, the department received a letter from Steven R. Davis requesting that the source of this permit be changed from ground water to Deep Creek. He was advised that this change would require a new application.

47-7754

Conclusions of Law

1. The failure to submit proof of beneficial use on the extent of development could indicate that no development has taken place.

2. The permit holders are required by Section 42-204, Idaho Code to commence construction of the project within one (1) year from the date the permit was issued and to work diligently to complete the project.

3. The permit holders were required to response to an order to show cause by submitting a proof of beneficial use in order to keep the permit in good standing.

Order

1. Permit No. 47-7754 is CANCELLED for lack of diligence.

Dated this 14<sup>th</sup> day of April, 1987.

  
A. KENNETH DUNN  
Director



State of Idaho  
**DEPARTMENT OF WATER RESOURCES**  
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS  
Governor

A. KENNETH DUNN  
Director

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

July 14, 1986

CERTIFIED MAIL  
138933

RECEIVED  
JUL 16 1986  
Department of Water Resources  
Southern District Office

Steven R. Davis  
Genevieve Davis  
936 Katherine St.  
Buhl, ID 83316

Dear Mr. and Mrs. Davis:

Re: Permit No. 47-7754

Enclosed is a copy of an Order to Show Cause why Permit No. 47-7754 should not be cancelled.

Please provide any information you wish the department to consider on or before August 1, 1986 to keep the permit in good standing.

If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

BOBBY D. FLEENOR  
Chief, Regional Offices Bureau

Enclosure

cc: Southern Region

47-7754

RECEIVED

JUL 16 1986

Department of Water Resources  
Southern District Office

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 47-7754

STEVEN R. DAVIS &/OR GENEVIEVE DAVIS  
Permit Holders.

COUNTY: TWIN FALLS

SOURCE: GROUND WATER IN  
BANBURY HOT SPRINGS  
GROUND WATER MANAGEMENT AREA

ORDER TO SHOW CAUSE

Findings of Fact

The Banbury Hot Springs Ground Water Management Area (BHSGWMA) was created by order of the Director of the Department of Water Resources on April 12, 1983.

The point of diversion on this permit is within the boundary of the BHSGWMA.

The pressure in the wells in the BHSGWMA has continued to decline.

On December 4, 1985, the Director issued an order to all permit holders within the BHSGWMA to cease further development and to submit proof of beneficial use showing the extent of their development.

No response was received from Steven R. and/or Genevieve Davis, the holders of Permit No. 47-7754.

Conclusions of Law

The failure to submit proof of beneficial use on the extent of development could indicate that no development has taken place.

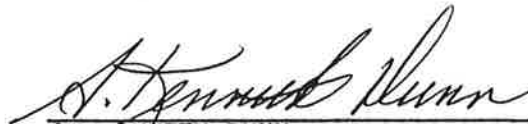
The permit holder is required by Sec. 42-204, Idaho Code to commence construction of the project within one (1) year from the date the permit was issued and to work diligently to complete the project.

47-7754

Order

The permit holder, therefore, is ordered to show cause on or before August 1, 1986 why Permit No. 47-7754 should not be CANCELLED for lack of diligence.

Dated this 11<sup>th</sup> day of July, 1986.

A handwritten signature in cursive script, appearing to read "A. Kenneth Dunn", is written over a horizontal line.

A. KENNETH DUNN  
Director

BDA



State of Idaho  
DEPARTMENT OF WATER RESOURCES  
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS  
Governor

A. KENNETH DUNN  
Director

RECEIVED

DEC 13 1985

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

December 12, 1985

Department of Water Resources  
Southern District Office

CERTIFIED MAIL

Steven R. Davis  
Genevieve Davis  
936 Katherine St.  
Buhl, ID 83316

RE: Water Right Permit No. 47-7754

Dear Mr. & Mrs. Davis:

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

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

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

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

Sincerely,

*L. Glen Saxton*

L. GLEN SAXTON, Chief  
Operations Bureau

LGS:ldt (Pl-1.53)

Enclosures

CC: IDWR - Southern Region

47-7754

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE  
STATE OF IDAHO

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

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

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

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

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

CONCLUSIONS OF LAW

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

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



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

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

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

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

. . . .

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

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

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

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

ORDER

IT IS, THEREFORE, HEREBY ORDERED as follows:

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


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

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

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

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

DATED this 4<sup>th</sup> day of December, 1985.

  
A. KENNETH DUNN  
Director

RECEIVED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
APPLICATION FOR PERMIT

RECEIVED

DEC 10 1981

APPROVED OCT 21 1981

To appropriate the public waters of the State of Idaho

Department of Water Resources  
Southern District Office

Department of Water Resources

1. Name of applicant Steven R. Davis and/or Genevieve Davis Phone (208) 543-8053

Post office address 936 Katherine Street, Buhl, Idaho 83316

2. Source of water supply ground water which is a tributary of \_\_\_\_\_

3. Location of point of diversion is SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Section 10 Township 9S

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

SE  $\frac{1}{4}$  of SE  $\frac{1}{4}$  of Section 9 Township 9S Range 14E B.M.

4. Water will be used for the following purposes:

Fish Propagation RC 11/9/81

Amount 5 for aquaculture purposes from Jan. 1 to Dec. 31 (both dates inclusive)  
(cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 5 <sup>2,245 cfs</sup> cubic feet per second and/or b. \_\_\_\_\_ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. control head for artesian well; cooling and aeration pond; concrete or earthen ditch

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

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

c. Proposed well diameter is 8 inches; proposed depth of well is 900 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial

use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

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

Range 14E B.M.

(2) Amount of power to be generated: \_\_\_\_\_ horsepower under \_\_\_\_\_ feet of head.

(3) List number of each kind of livestock to be watered \_\_\_\_\_

(4) Name of municipality to be served \_\_\_\_\_, or number of families to be supplied with domestic water \_\_\_\_\_

(5) If water is to be used for other purposes describe: It is to be used for aquaculture — especially, if not solely, for the culture of catfish.

47-7754

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

[illegible]

Total number of acres to be irrigated

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

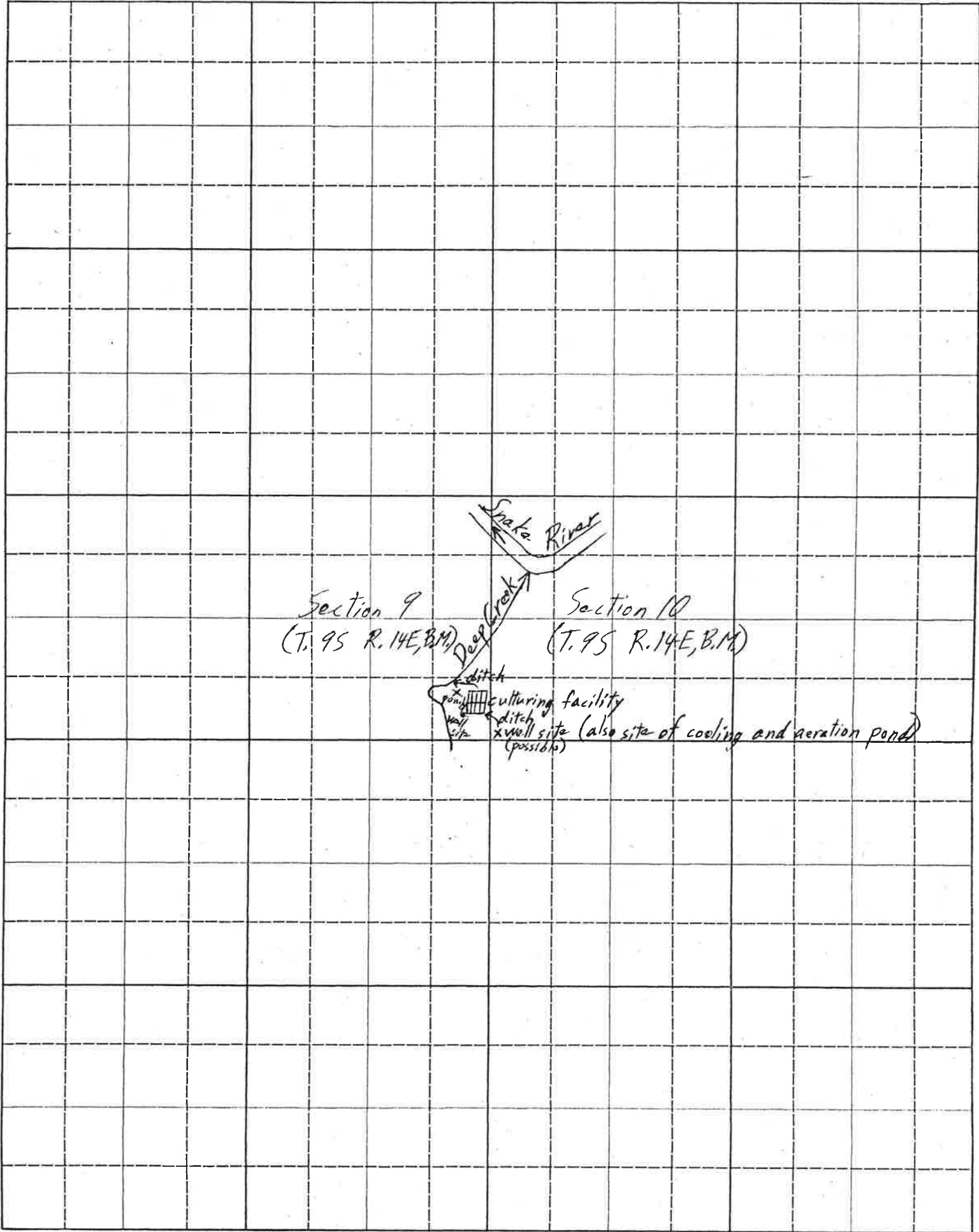
9. a. Who owns the property at the point of diversion Ganaviera Davis

b. Who owns the land to be irrigated or place of use *Genevieve Davis*

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing The owner is my mother and fully supports the project.

10. Remarks

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Steven R. Davis  
(Applicant)

9/16/1981

Received by JP Date 9-16-81 Time 11:45 am  
Preliminary check by \_\_\_\_\_ Fee \$ 125.00  
Receipted by JP Date 9-16-81 # 18763  
Publication prepared by maria Date 9/17/81  
Published in times news  
Publication dates 9/24 + 10/1/81  
Publication approved maria Date 9/22/81  
Protests filed by: None

Copies of protests forwarded by \_\_\_\_\_  
Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Recommended for (approval) denial by ADN RC

#### ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 47-7754, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before November 1, 19 86.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.  
Measuring devices of a type approved by the Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.  
The permit shall not be assigned or sold without first securing the written approval of the Department of Water Resources.  
Water used under this permit if discharged into a natural channel shall meet Idaho Water Quality Standards.

Witness my hand this 20<sup>th</sup> day of November, 1981.

A. Glen Saylor  
Chief, Operations Bureau