

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/19/2020

Water Application 47-7546

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	REYWAL TRUST NO 4 , ID

Status: Closed

Source

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
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Source and Point(s) of Diversion

Place Of Use

Conditions of Approval:

Comments:

Dates and Other Information

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

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

LA
RECEIVED

BEFORE THE DEPARTMENT OF WATER RESOURCES

APR 20 1987

OF THE

STATE OF IDAHO

Department of Water Resources
Southern Region Office

IN THE MATTER OF PERMIT NO. 47-7546)

IN THE NAME OF REYWAL TRUST #4,)

A PARTNERSHIP)

CANCELLATION ORDER

FINDINGS OF FACT

1. 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.

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

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

4. 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.

5. No response was received from Reywal Trust #4, the holder of Permit No. 47-7546.

6. On July 11, 1986, the Director issued an order to show cause on or before August 1, 1986 why the permit should not be cancelled for lack of diligence.

7. No response was received from the permit holder.

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.

47-7546

2. 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.

3. Permit No. 47-7564 should be cancelled for failure of the permit holder to show due diligence toward the completion of the project proposed by this permit.

ORDER

IT IS THEREFORE HEREBY ORDERD THAT Permit No. 47-7564 is CANCELLED for lack of diligence in project development.

Dated this 6th day of April, 1987.


A. KENNETH DUNN
Director

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JUL 16 1986

Department of Water Resources
Southern District Office

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

Handwritten initials

IN THE MATTER OF PERMIT NO. 47-7546

REYWAL TRUST #4, A PARTNERSHIP
Permit Holder.

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 Reywal Trust #4, the holder of Permit No. 47-7546.

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.

47-7546

Order

The permit holder, therefore, is ordered to show cause on or before August 1, 1986 why Permit No. 47-7546 should not be CANCELLED for lack of diligence.

Dated this 11th day of July, 1986.


A. KENNETH DUNN
Director

BDF

RECEIVED

JUL 16 1986

Department of Water Resources
Southern District Office

July 14, 1986

Reywall Trust No. 4, PTR
c/o Wm. L. Nungester
P. O. Box 589
Buhl, ID 83316

Dear Mr. Nungester:

Re: Permit No. 47-7546

Enclosed is a copy of an Order to Show Cause why Permit No. 4707546 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

47-7546



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

Reywal Trust No. 4, PTR.
c/o Wm. L. Nungester
P.O. Box 589
Buhl, ID 83316

RE: Water Right Permit No. 47-7546

Dear Mr. Nungester:

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 for

L. GLEN SAXTON, Chief
Operations Bureau

LGS:ldt (Pl-1.53)

Enclosures

CC: IDWR - Southern Region

47-7546

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)
AREA, TWIN FALLS COUNTY.)
_____)

ORDER

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 4th day of December, 1985.


A. KENNETH DUNN
Director

RECEIVED

JUN 14 1984

RECEIVED

JUL 24 1984

For Office Use Only	
Fee Received	15.00
Date	7-24-84
Receipt #	34940

STATE OF IDAHO
Department of Water Resources
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME
To provide additional time in which to submit
proof of beneficial use on a water right permit

AUG 28 1984

Department of Water Resources
Southern District Office

Wm. L. Nungester, a partner on behalf of
Reywal Trust #4, A Partnership,
_____ of _____
(Name) (Address)

State of IDAHO, deposes and says:

That he is a partner of
the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of
the State of Idaho No. 47-7546.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before
August 1, 19 84.

That he has heretofore performed the following work described under said permit: _____
(This must be filled out! If no work has been completed put none.)
Constructed roads for ingress and egress from the property over BLM
lands after acquiring right of way across BLM land.

Costing \$ 45,000.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit:
After application was filed we found we had a problem on access to the
property. Our grantor filed a lawsuit in District Court in Twin Falls
County. This was dismissed as a result of a Stipulation entered into on
May 27, 1981. We received a right of way from the BLM on May 1, 1979 which
was amended on May 20, 1981. This delay caused us about 2 years delay.
Then the Idaho Power suit was filed against the world. We are a defendant
in that case which again has caused further delay and uncertainty.

Wherefore, he asks that the Department of Water Resources extend the time for the completion of obligations
under said permit to August 1, 19 89.
(1 yr. minimum, 5 yrs. maximum)

NOTE
AS OF JULY 1, 1980,
THERE IS A \$15.00
CHARGE FOR REQUESTS
FOR EXTENSION OF
TIME

Reywal Trust #4
Wm. L. Nungester
(Signature)* Partner
*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within
which to submit the statement of beneficial use is extended to August 1, 1989.

The Department reserves jurisdiction of the permit for the purpose of adding any
applicable conditions to protect the public interest.

Signed this 17th day of August, 19 84.

A. Glen Sayton
Chief, Operations Bureau

47-7546

JUN 14 1984

RECEIVED
JUL 24 1984

For Office Use Only	
Fee Received	15.00
Date	7-24-84
Receipt #	34940

STATE OF IDAHO
Department of Water Resources DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit
proof of beneficial use on a water right permit

AUG 20 1984

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P. O. Box 589, Buhl, ID 83316

(Name)

(Address)

State of IDAHO, deposes and says:

a partner of
That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of
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CHARGE FOR REQUESTS
FOR EXTENSION OF
TIME.

Reywal Trust #4

(Signature)* Partner

*IF OTHER THAN HOLDER, Power of Attorney must be supplied.

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IT IS HEREBY ORDERED that the above application for extension of time be APPROVED and the time within
which to submit the statement of beneficial use is extended to August 1, 1989.

Signed this 17th day of August, 19 84.


Chief, Operations Bureau

47-7546

RECEIVED

AUG 20 1979

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

Ident. No. 47-7546

RECEIVED

MAY 1979

APPROVED

Department of Water Resources
Southern District Office

To appropriate the public waters of the State of Idaho

1. Name of applicant Reywal Trust #4, a partnership Phone 543-4368

Post office address 1020 Main St. Buhl, Idaho

2. Source of water supply Underground Aquifer which is a tributary of _____

3. Location of point of diversion is NW 1/4 of NW 1/4 of Section 29 Township 8 S

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

Diversion may possibly occur in Lot 7 (SW 1/4 SW 1/4) of Section 20, Township 8, South Range 14, E, B.M. Twin Falls County

4. Water will be used for the following purposes:

2-0 cfs heating hot baths, swimming facilities and other

Amount 2.0 for domestic uses purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 2.0 for Fish propagation purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 2.0 1.5 for irrigation purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)

* Per conversation w/applicant 5-29-79 gs
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 2.0 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Water to be removed from sub-surface
by means of a well and pump.

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 12 inches; proposed depth of well is 700 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: Lot 7, Section 20, Lot 2, Section 29 per telecon 8-13-79 J.J.

(1) Give the place of use of water: NW 1/4 of NW 1/4 of Section 29 Township 8S

Range 14 E 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 65 per telecon 8-13-79 J.J.

(5) If water is to be used for other purposes describe: Thermo quality of water will be used to heat green houses, homes, hot baths and swimming facilities and will be used for other customary domestic purposes. After water has been cooled it will be used to raise fish and or irrigation.

47-7546

47-7546

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
8	14	20					GOVERNMENT LOT 7 (SW¼SW¼) & SE½SW½						X	X					10
8	12 ¹⁴	29		X			X												25
8	14	29						X											40
Total number of acres to be irrigated																			75

c. Describe any other water rights used for the same purposes as described above. NONE

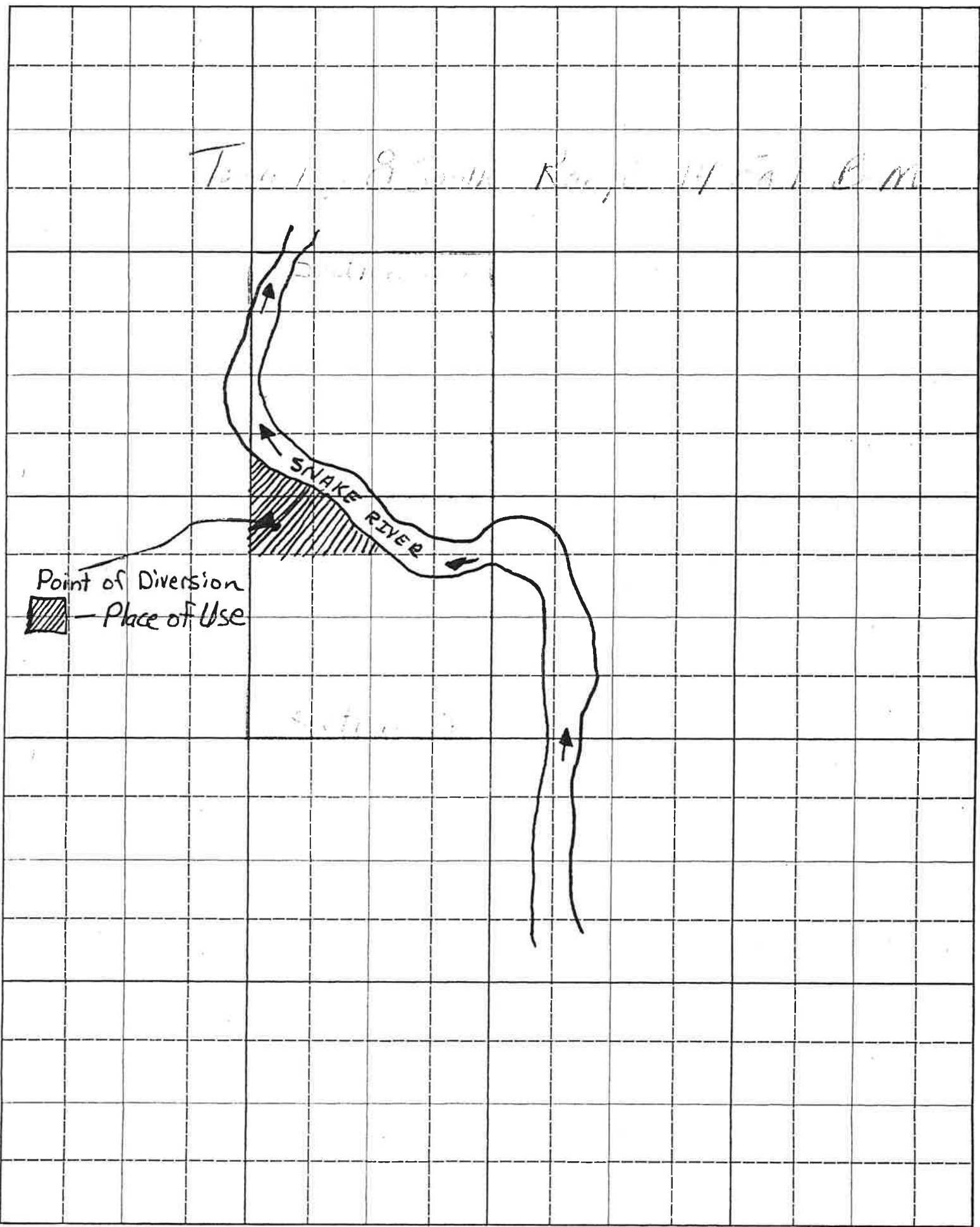
9. a. Who owns the property at the point of diversion APPLICANT

b. Who owns the land to be irrigated or place of use APPLICANT

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. N/A

10. Remarks A total of 2 cfs is applied for. Water will be first applied to domestic related use, after which it may be used for fish propagation and/or irrigation.

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.

Reynal Trust #4
by [Signature]
(Applicant) partner

Proposed Priority

5/24/79

Received by maria Date 5/24/79 Time 4:30 pm

Preliminary check by JD Fee \$ 45.00 # 13203

Received by multiple Date 5-25-79

Publication prepared by ADM Date 6/6/79

Published in Times news

Publication dates 6/21 & 6/28/79

Publication approved maria Date 7/10/79

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by JH J.S.

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. 47-7546, 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 August 1, 19 84.
- 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: (1) The issuance of this permit in no way grants any right-of-way or easement across the land of another. (2) 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. (3) Return water shall be treated to insure that the effluent meets intrastate stream water quality standards.

Witness my hand this 14th day of August, 19 79.

J. Glen Saxton
Chief, Operations Bureau