IDAHO DEPARTMENT OF WATER RESOURCES Proof Report

Water Application 47-7546

Owner Type	Name and Address
Current Owner	REYWAL TRUST NO 4
	. ID

Status: Closed

Source <u>Tributary</u> Beneficial Use <u>From</u> <u>To</u>

Diversion Rate

Volume

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



6/19/2020



BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

Department of Water Resources Southern Region Office

APR 20 1987

IN THE MATTER OF PERMIT NO. 47-7546 IN THE NAME OF REYWAL TRUST #4, A PARTNERSHIP

CANCELLATION ORDER

FINDINGS OF FACT

12 Jac 1975

 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

47-7546

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 holder is required by Sec. 42-204, <u>Idaho Code</u> 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 6 H day of April, 1987.

KENNETH DUNN A. Director

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JUL 16 1986

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

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Opportantia of White Hosourial Sakalanta Gitalai Citika

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

7546

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, <u>Idaho Code</u> 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. 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 _____ day of July, 1986.

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A. KENNETH DUNN Director BDF

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JUL 16 1986

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July 14, 1986

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

Dear Mr. Mungester:

Re: Permit No. 47-7546

Enclosed is a copy of an Order to Show Cause why Permit No. 4797546 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 Burees

Enclosure

X

cc: Southern Region



State of Idaho DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS Governor

A. KENNETH DUNN Director

DEC 13 1985

Department of Water Resources Southern District Office

RECEIVEN

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

December 12, 1985

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, <u>Idaho Code</u>, 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, Joh EBeat

L. GLEN SAXTON, Chief Operations Bureau

LGS:1dt (P1-1.53)

Enclosures

47-7540

CC: IDWR - Southern Region

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:

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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, <u>Idaho Code</u>.

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. <u>Idaho Code</u> § 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. <u>Idaho Code</u> § 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. <u>Idaho Code</u> § 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 <u>Idaho Code</u> §§ 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.

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Α. KENNETH DUNN

Director

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That he is the holder, or the duly authorized agent of the holder*, of Permit to Appropriate the Public Water of e State of Idaho No		, deposes and says:	
That under the terms and conditions of said permit, work thereunder was required to be completed on or before ugust 1		rized agent of the holder*, of Permit to Appropriate the Pr	ublic Water of
ugust 1	ne State of Idaho No47-7546		
That he has heretofore performed the following work described under said permit:	That under the terms and conditions of s	aid permit, work thereunder was required to be complete	d on or before
(This must be filled out? If no work has been completed put none.) Onstructed roads for ingress and egress from the property over BLM ands after acquiring right of way across BLM land. Costings 45,000.00 That he is unable to complete the remainder of the work within the required time for the following reasons, to wit: fter application was filed we found we had a problem on access to the roperty. Our grantor filed a lawsuit in District Court in Twin Falls ounty. This was dismissed as a result of a Stipulation entered into on ay 27, 1981. We received a right of way from the BLM on May 1, 1979 whi as 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 defendar n 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 nder said permit to	ugust 1, 19	84.	
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gned this day of August, 19 $\frac{84}{2}$.			
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Chief, Operations Bureau

47-7546

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orm 202 [*]	EGEIVE	11 11	STATE OF I		OURCES	Ident. No. <u>+</u>	17 <u>-7546</u>
	AUG 20 1979		ATION F			MapaC	NEW
Departe	ment of Water Redo	appropriate t	he public wate	ers of the S	State of Ide	the of Name	13
							fice
		Reywal Trust					
		020 Main St					
		Underground					
	148	iversion is					
Range	\underline{SE} $\beta.M.$	Twin Falls		County, addi	itional points	of diversion if an	y:
E, B.M. Water	M., Twin Fall will be used for 2-0 cfs h	sibly occur in s County the following pur eating hot bat	poses: .hs, swimming	facilities	and other	nship 8, South (both dates in	
(cfs or ac	cre-feet per annum)	domestic uses					
Amou (cfs or a	nt <u>2.0</u> for cre-feet per angum)	Fish propogat	<u>-i</u> @yrposes from	_1/1	12/31	(both dates in	
Amoui (cfs or ac	nt for cre-feet per annum)	irrigation * Per conver	_ purposes from sation w/appl: _ purposes from	<u>4/1</u> icant 5-29-	to <u>11/1</u> 79 ¢ to	(both dates in	
i. Total c	quantity to be a	opropriated:					
a	2.0	cubic feet pe	er second and/or l	o		acre-feet per	annum,
by	means of a w	ell and pump.					
		lam					
		acre-feet, mate					
Per c. Pro	riod of year whe oposed well dian	n water will be div neter is 12	verted to storage inches; propose	(Month/Day ed depth of w	ell is	(Month/Day) 100_feet.	nclusive.
. Time ı	required for the	completion of t	he works and ap	plication of	the water to	the proposed b	eneficial
use is	5 vea	rs (minimum 1 y	ear — maximum	5 years).			
3. Descrij a. If v	ption of propose water is not for i		ot 7, Section	20, Lot 2,	Section 2 tion29	9 per telecon _ Township <u>85</u>	8-13-79 j
	Range <u>14 E</u>	B.M.					
(2)	Amount of po	wer to be generate	ed:	horsepow	wer under	feet	of head.
(3)	List number of	each kind of lives			<u>8</u> 1		
(4)	⊷Name of munic	cipality to be serve			×		
	supplied with o	domestic water	<u>65 per tele</u> c	on 8-13-79	J.J.		2
(5)	If water is to b	e used for other p	urposes describe:	Thermo o	puality of	water will be	used
	<u>to heat gre</u>	en_houses, hom	es, hot baths	and swimmi	ing facilit	ies and will l	oe_used
	for other a	istomary domes	tic purposes.	After wat	er has bee	n cooled it w	ill be
	used to rais	se fish and or	irrigation.			1	

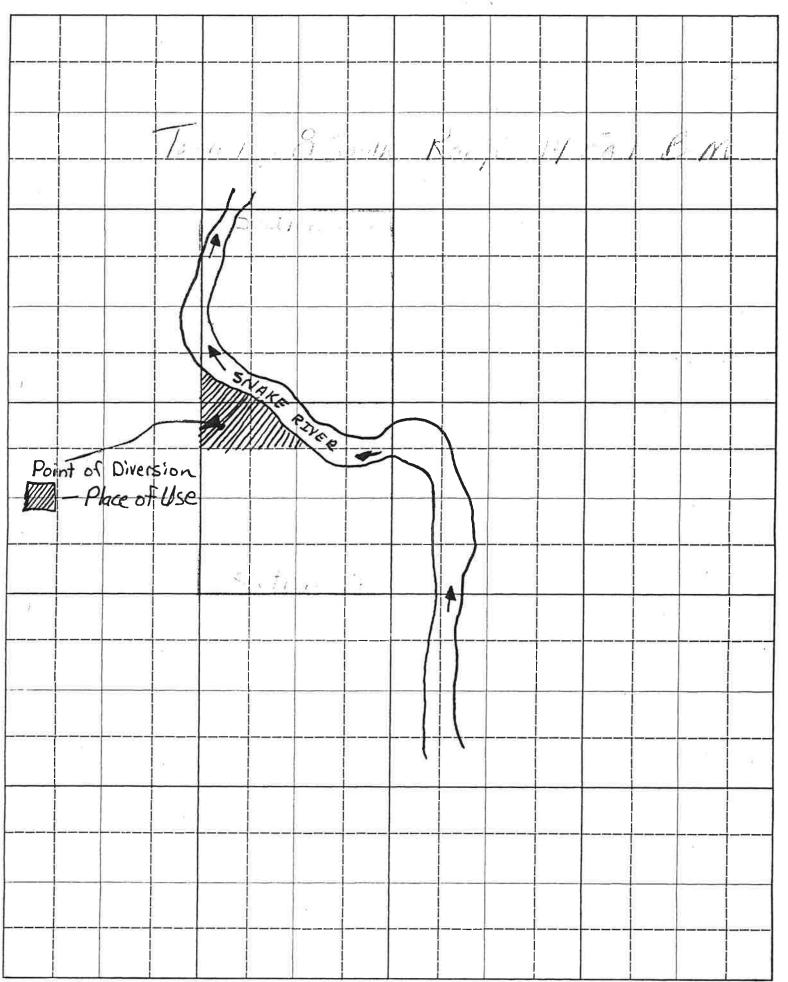
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9H2J-LH

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

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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.

Reywal Trust #4 (Applicar partner

Marin Indonesia Referencesia Referencesia	Received by marija Date 5/24/29 Time 4:30 fm
	Received by mary Date 5/24/29 Time 4:30 fm Preliminary check by Fee \$ 45.00 # 13203
	Accepted by 25 to the ball
	Publication prepared by <u>ADM</u> Date <u>6/6/79</u>
	Published in times never
	Publication dates 1/21 + 1/2F/79
	Publication approved mary Date 7/10/29
	Protests filed by:
a	Copies of protests forwarded by
	Hearing held by Date
	Recommended for approval denial by Lat J.J.

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. <u>47-7546</u>, and said application is hereby <u>approved</u>.

- 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 be-

fore ______, 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.

_____, 19<u>_79</u>. day of Witness my hand this August

J. Blen

Chief, Operationa Bureau