

STARTING LEFT SIDE OF FILE

SCANNED
MAR 05 2008

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 29-07847

Priority: April 20, 1988

Maximum Diversion Rate: 0.06 CFS
Maximum Diversion Volume: 0.2 AF

It is hereby certified that CRAIG LYON
273 NORTH 2400 WEST
BRIGHAM CITY UT 83402

And

VICKIE LYON
273 NORTH 2400 WEST
BRIGHAM CITY UT 83402 has complied with the terms and

conditions of the permit, issued pursuant to Application for Permit dated April 20, 1988; and has submitted Proof of Beneficial Use on February 23, 1990. An examination indicates that the works have a diversion capacity of 0.09 cfs of water from:

SOURCE

WASTE WATER

Tributary: PORTNEUF RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
DIVERSION TO STORAGE	1/01 to 12/31	0.06 CFS	
RECREATION STORAGE	1/01 to 12/31		0.2 AF

LOCATION OF POINT(S) OF DIVERSION:

WASTE WATER L7 (NW¼SE¼) Sec. 21, Twp 09S, Rge 38E, B.M. BANNOCK County

PLACE OF USE: RECREATION STORAGE

Twp Rge Sec	NE	NW	SW	SE	Totals
09S 38E 21	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	X L 6

CONDITIONS OF APPROVAL

1. Use of water under this right shall be non-consumptive.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 29 Portneuf River.

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 29-07847

CONDITIONS OF APPROVAL

3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. The source of water diverted under this right is waste water and is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
5. Recreation storage is for a fish pond.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 19th day of March, 2009.


DAVID R. TUTHILL, JR.
Director

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 29-07847

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = \$0⁰⁰ Received by Joe # 0035483 Date 5/7/96

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, DAVID R. TUTHILL, JR., of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 29-07847 with the following:

CONDITIONS OF APPROVAL

1. Use of water under this right shall be non-consumptive.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District 29 Portneuf River.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
4. The source of water diverted under this right is waste water and is subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place of use or manner of wasting it, or to recapture it.
5. Recreation storage is for a fish pond.

Witness my hand this 19th day of March, 2009.


for DAVID R. TUTHILL, JR.
Director

RECEIVED

MAY 7 - 1996

State of Idaho
Department of Water Resources

Department of Water Resources

APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 29-07847**Date of Priority:** April 20, 1988**Maximum Diversion Rate:**

0.06 CFS

Maximum Diversion Volume:

0.2 AF

Comes now

THAYNE E VARGASON

KAREN VARGASON

PO BOX 728 *268*~~BOCATELLO ID 83204-0728~~*LAVA HOT SPRINGS, ID 83244*

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 29-07847, and requests that the permit be changed as follows:

Source: WASTE WATER

tributary to PORTNEUF RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
RECREATION STORAGE	01/01 to 12/31		0.2 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.06 CFS	
	Totals	0.06 CFS	0.2 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 7(NWSE), Sec. 21, Township 09S, Range 38E
BANNOCK County

PLACE OF USE: RECREATION STORAGE**TWN RGE SEC**

09S 38E 21 Lot 6(NESW)

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at BOCATELLO, this 3 day of May, 19 96.

Thayne Vargason
Karen Vargason
(Signature)

11/99

For Office Use Only
\$25 filing fee CR
Receipt # 000733
Date 7/24/08

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ASSIGNMENT OF PERMIT
To change the ownership of a permit

RECEIVED

JUL 24 2008

DEPARTMENT OF
WATER RESOURCES

We, Thayne Vargason & Karen Vargason hereby assign to Craig and Vickie Lyon
of, 272 North 2400 West, Brigham City, Utah 83402 (801) 391-2883
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. 29-7847 to
appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to for
Permit No. _____ to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre
subdivision, point of diversion location, and amount of the water in cubic feet per second.)

Made this 18 day of July, 20 08.

Permit Holder(s) Thayne Vargason

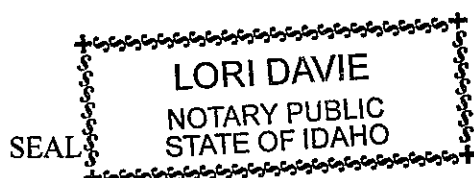
Permit Holder(s) Karen Vargason

State of Idaho)

)ss

County of Bannock

On this 18 day of July, 20 08, personally appeared before me the signer(s) of the above
instrument, who duly acknowledged to me that he (she) (they) executed the same.



Lion Darni
Notary Public residing at Pocatello

My commission expires: 11/21/2013



FEB 23 1990

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

For Office Use Only
Amt. of Fee \$ 50.00
Date FEB 21, 1990
Receipt No. E012111
Received by EMC

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. 29-07847 Telephone No. 233-3718

Name(s) of Permit Holder(s): Thayne E. Vargason and/or Karen Vargason ✓

Post Office Address: P.O. Box 758, Paratello, ID 83204

Source of Water: Portneuf River ✓

If ground water, well driller's name: _____ Date drilled: _____

Extent of Use:
Domestic _____ (No. of households) Irrigation _____ (No. of acres)
Stockwater _____ (No. and type of stock) Other Recreation Storage ✓

Total rate and/or volume for which proof is submitted 0.06 cfs .13 acre/feet

Show date water was first diverted and beneficially used under this permit: April, 1989 ✓

One of the following may be a condition of approval of your permit:

Measuring device: Required? Yes ☒ No Installed? Yes ☒ No

OR

Flow Measurement Port: Required? Yes ☒ No Installed? Yes ☒ No

Fee Enclosed: \$ 50.00 (See License Examination Fee Schedule)

Person to contact to accompany the Department representative during the field examination:

Same as above.
Name Telephone No.

Address

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

MICROFILMED

APR 17 1990

FEB 21, 1990
Date

Thayne E. Vargason
Signature (and title if on behalf of a company or organization)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Thayne E. Vargason and/or Karen Vargason Phone 233-8011
Post office address Box 728, Pocatello, ID 83204
2. Source of water supply Portneuf River which is a tributary of Snake River
3. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Govt. Lot 6
Sec. 21 Township 9S Range 38E B.M. Bannock County; additional
points of diversion if any: point of reinjection same
4. Water will be used for the following purposes:
Amount 0.06 for Diversion to Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 0.13 for Storage for Recreation purposes from 1/1 to 12/31 (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)
5. Total quantity to be appropriated is (a) 0.06 and/or (b) 0.13*
cubic feet per second acre feet per annum
6. Proposed diverting works: *kw 6/10/1988
 - a. Description of ditches, flumes, pumps, headgates, etc. pump will be placed in river to fill pond, (see diagram of system - attachment A). pond is excavated pit.
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is 2 years (minimum 1 year).

RECORDED

SEP 20 1988

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

- a. Hydropower; show total feet of head and proposed capacity in KW.
- b. Stockwatering; list number and kind of livestock.
- c. Municipal; show name of municipality.
- d. Domestic; show number of households.
- e. Other; describe fully. recreation pond; applicant plans to stock pond with fish and
will operate as in-flow/out-flow; needs continuous fill to keep fish alive.

9. 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 the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	38E	21									R L6								

Total number of acres to be irrigated

10. Describe any other water rights used for the same purposes as described above. None

11. 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.

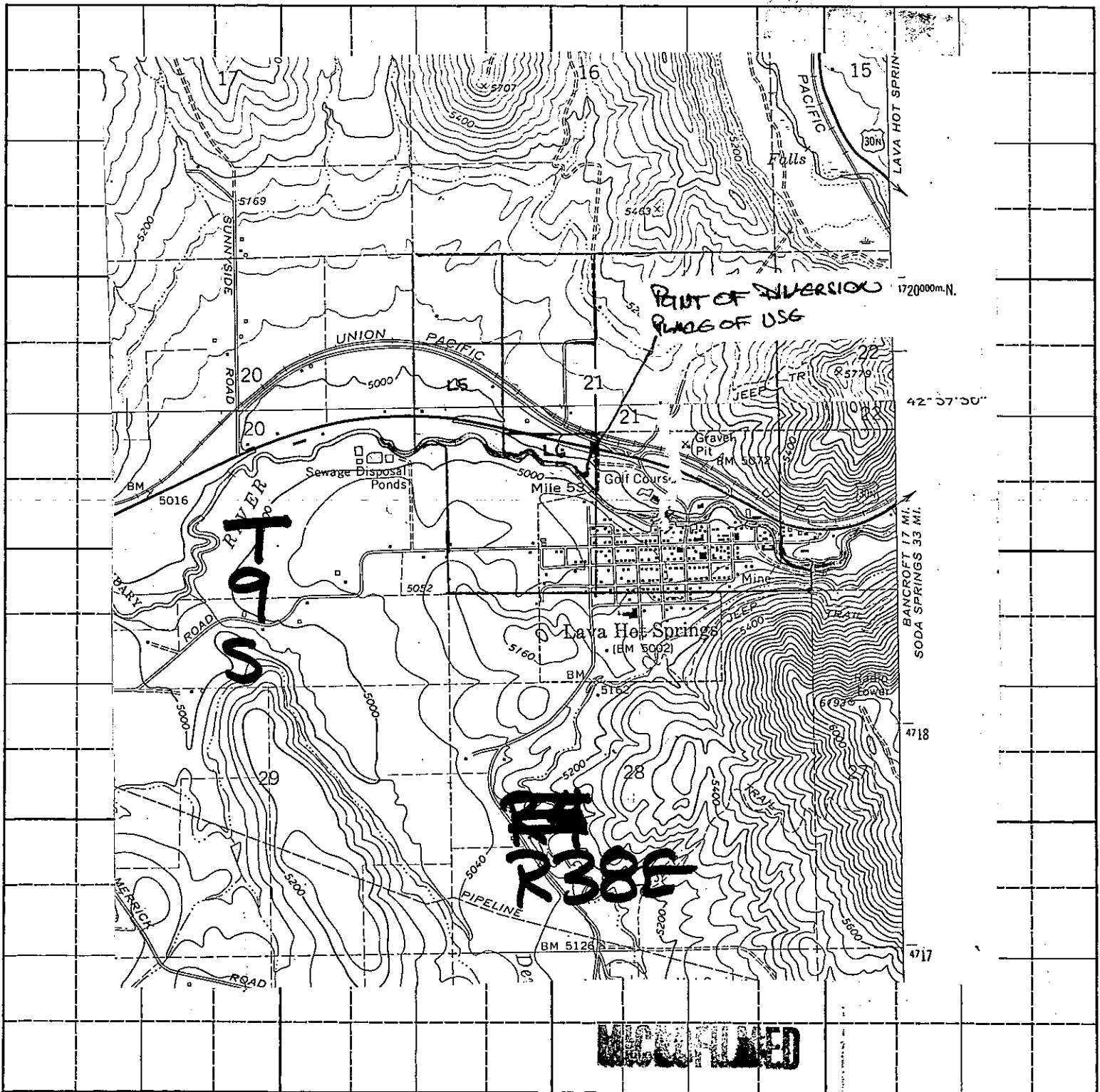
12. Remarks: see attached letter from applicant - Attachment B

RECEIVED
REGISTERED

53.3831

20 1988

13. 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.

SEP 20 1988

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.

[Signature]
(Applicant)

Assisted by ZSV

Received by dg Date 4-20-88 Time 10:48 Proposed Priority 4/20/88
Preliminary check by HWJ
Fee \$ 30.00 Received by dg # E000130 Date 4-20-88
Publication prepared by dg Date 4-27-88 Published in ID State Jnl
Publication approved dg Date 5-17-88

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. 29-7847, 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 July 1, 1990.

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. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

A lockable device, subject to the approval of the Department, shall be installed on the diverting works in a manner that will provide the watermaster suitable control of the diversion prior to diversion of water under this permit.

Use of water under this permit is subject to control by the watermaster of State Water District No. 29, Portneuf River.

Prior to placing water to beneficial use under this permit, the permit holder must determine the rate of loss within his facilities using a procedure approved by the Director of the Department of Water Resources, and provide a source of augmentation water to mitigate all losses.

Use of water under this permit shall be non-consumptive.

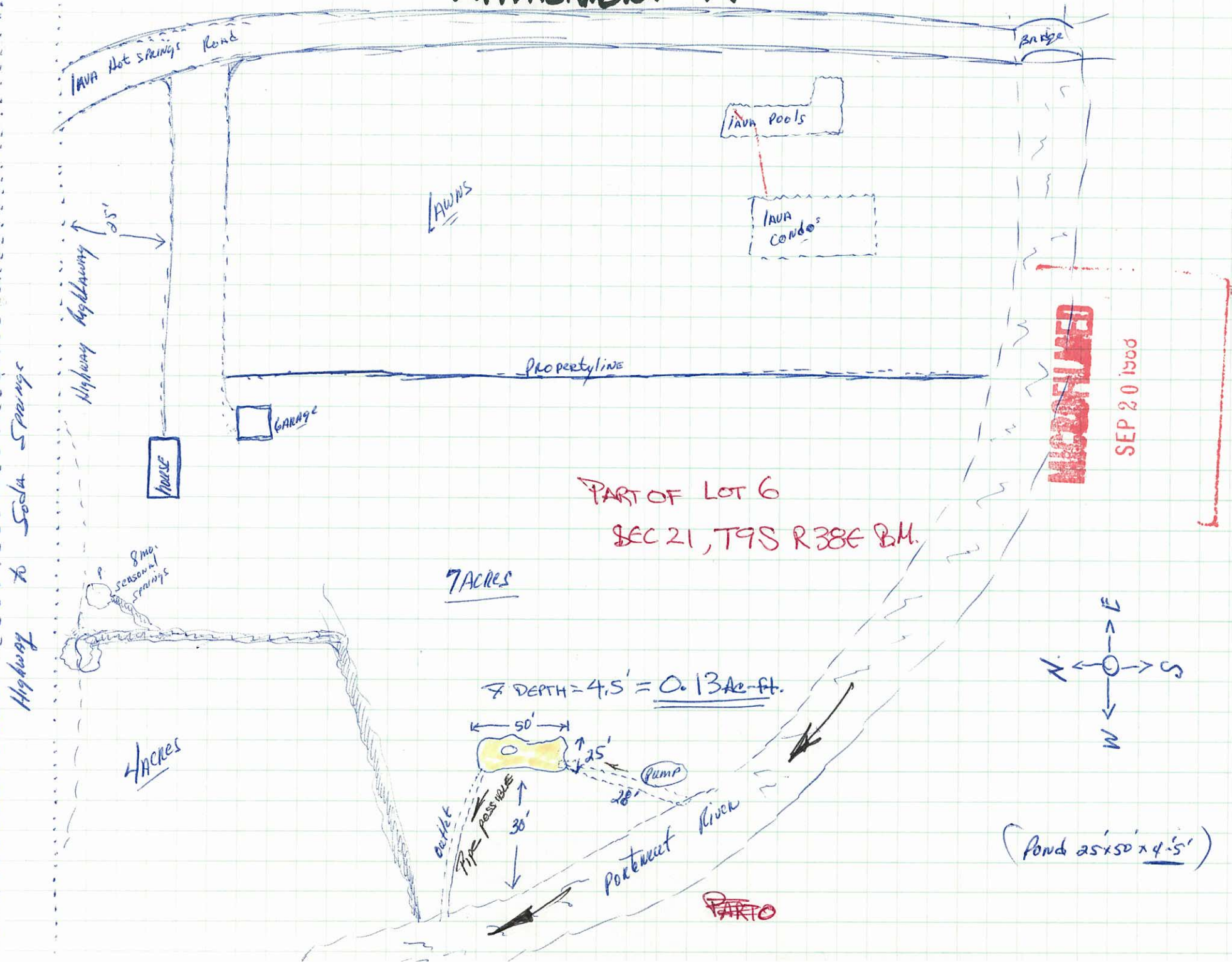
Witness my hand this 3rd day of August, 1988.

Director

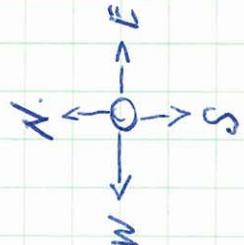
RECEIVED

SEP 20 1988

ATTACHMENT 'A'



PART OF LOT 6
SEC 21, T9S R38E BM.



(Pond 25' x 50' x 4.5')

A, ATTACHMENT B

Butcher Block Wholesale Meats

758 South Main, Pocatello, Idaho 83201 - (208) 233-8464

April 20, 1988

Land and Water Use Statement

TO WHOM IT MAY CONCERN:

The acreage in question was purchased August, 1988 from Margaret Anne Katsilometes of Pocatello, Idaho, (see attached legal description). The purpose of purchasing said property was for recreational and pursuit of carpentry and rural experience.

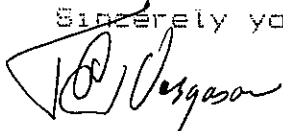
The property was totally overgrazed and stream banks were solid mud from cattle and horses. All livestock is now gone and stream banks are now starting to grass up. Tires and old car bodies were removed from the Portneuf River.

Ground cover was total thistle covered, and we have now harrowed and tamed the ground. The pond was put in to channel all sub water to one area, but the pond has never filled to be of any use. We are asking for permission to pump water from Portneuf river into one end of the pond and gravity flow it out the other end back into the Portneuf with minimal loss of water. The only loss would be evaporation as the water would travel 30' to pond 50' through the pond and the 30' back into the Portneuf. The pond will be stocked with approximately 50 head of trout if possible.

We are very conservation minded and hope to have area back in total repair in a period of 24 months. We feel that this will be something that the State of Idaho and the Water Resource Board can be happy with. With this in mind, we hope the Water Resource Board will grant us the permission requested.

Thank you.

Sincerely yours,



Thayne E. Vargason

MICROFILMED

SEP 20 1988

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

Linda Briggs

she

being first duly sworn on oath deposes and says: That _____
was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

May 5, 19 88

May 12, 19 88

NOTICE OF APPLICATION FOR WATER RIGHT

The following applications have been filed to appropriate the public waters of the State of Idaho:

29-7847

VARGASON, THAYNE E. &/or KAREN
BOX 728, POCATELLO, ID 83204
Source: PORTNEUF RIVER trib. to
SNAKE RIVER
Diversion Pt: LOT 06 (NENSW) Sec 21 T
09S R 38E
Use: RECREATION STORAGE
(0.13AF)

DIVERSION TO STORAGE

(0.060CFS)

Date Filed: 04-20-1988

In: LOT 06 (NESW) Sec 21 T 09S R 38E

29-7846

KELLY, CLARK &/or TAMARA L.
9685 WEST HEATHER ROAD, POCATELLO, ID 83204

Source: GROUNDWATER

Diversion Pt: LOT 04 (SWSW) Sec 18 T
07S R 35E

Use: IRRIGATION (0.090 CFS)

DOMESTIC (0.040 CFS)

Date Filed: 04-01-1988

In: Lot 04 (SWSW) Sec 18 T 07S R 35E
FOR 3 ACRES

29-7845

MORRISON, KIP

1829 EAST BIG HOLLOW ROAD, DOWNEY, ID 83234

Source: SPRING trib. to MARSH CREEK
Diversion Pt: LOT 02 (NENWNE) Sec 01
T 12S R 36E

Use: RECREATION STORAGE (5.0AF)

Date Filed: 04-19-1988

In: LOT 02 (NWNE) Sec 01 T 12S R 36E

The permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before May 23, 1988.

S/R. Keith Higginson

Director

May 5, 12, 1988

No. 706

Subscribed and sworn to before me this 12th

day of May, 19 88.

Jeri A. Larson

Notary Public, State of Idaho

Residence: Pocatello, Idaho

NOT RECORDED

SEP 20 1988

RECEIVED

MAY 13 1988

Department of Water Resources
Eastern District Office

**STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

March 24, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

CRAIG LYON
VICKIE LYON
273 NORTH 2400 WEST
BRIGHAM CITY UT 83402

RE: License No. 29-7847

Issuance of License

Dear Water Right Holders:

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license. Also enclosed is a copy of the approved application for amendment.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4947.

Sincerely,

Shelley W. Keen, Manager
Water Right Permits Section

Enclosure(s)

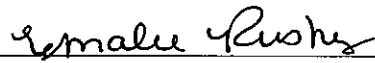
CERTIFICATE OF SERVICE

I hereby certify that on March 25, 2009 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Amendment & License) to the person(s) listed below:

RE: WATER RIGHT NO.

29-7847

**CRAIG LYON
VICKIE LYON
273 NORTH 2400 WEST
BRIGHAM CITY UT 83402**

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

**Emalee Rushing
Office Services Supervisor**

Statement of Available Procedures and Applicable Time Limits

RESPONDING TO PRELIMINARY ORDERS ISSUED BY THE IDAHO DEPARTMENT OF WATER RESOURCES (To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

Date: March 09, 2009
To: Water Right File 29-7847
From: cpadilla
Re: Licensing Memo

Mitigation is not required for the licensing of the permit because the amount of loss is de minimus.

The original applicant submitted an Application for Amendment as suggested by the field examination. The source is not really the Portneuf River, but rather wastewater. The amendment is not changing the source, rather it is clarifying the POD because the effect on the Portneuf River will be the same either way.

The storage volume as permitted was 0.13 af, however current direction as provided by in Application Processing Memo #6 is to round to the tenth when working with volume. Therefore, the volume licensed under this right will be 0.2 af (the field examiner found that the pond capacity is 0.5 af). Permit 29-8162 is for additional volume and rate at the same location as this license.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

July 25, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

CRAIG AND VICKI LYON
273 NORTH 2400 WEST
BRIGHAM CITY UT 83402

RE: Change of Ownership for Water Right nos. 29-8162, 29-8164 and 29-7847

Dear Water Right Holder(s):

The department acknowledges receipt of an Assignment of Applications for Permit nos. 29-8162 and 29-8164, and an Assignment of Permit no. 29-7847 changing ownership of these water rights to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports for each water right application and permit for your records.

Be advised that Section 42-248, Idaho Code requires the owners of water rights to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

Deborah Gibson
Administrative Assistant
Water Allocation Bureau

Enclosures

cc: Jack H. Robison, Jones Chartered

LAW OFFICES
JONES, CHARTERED
203 SOUTH GARFIELD
P.O. BOX 967
POCATELLO, IDAHO 83204-0967

LAMONT JONES
JACK H. ROBISON
THOMAS J. HOLMES

TELEPHONE: (208) 232-5911
FAX: (208) 232-5962
E-MAIL: jackrobison@qwest.net

July 18, 2008

RECEIVED

JUL 24 2008

DEPARTMENT OF
WATER RESOURCES

Idaho Dept. Of Water Resources
Attn: Gary Spackman
P.O. Bo 83720
Boise, ID 83720-0098

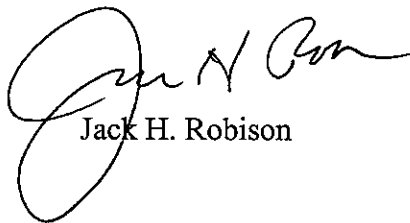
RE: Lazy V Ranches, Inc.

Dear Gary:

In response to your letter dated June 19, 2008 to Craig and Vickie Lyon and our conversation, enclosed please find Assignment of Application for Permit and Assignment of Permit. Also enclosed is our check in the amount of \$25.00 for the filing fee.

If you have any questions, please advise.

Yours very truly,



Jack H. Robison

JHRld
Enclosures
cc: client
c:\my files\july08\lyon(vargason)0718081



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

June 19, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

CRAIG & VICKY LYON
273 NORTH 2400 WEST
BRIGHAM CITY UT 83402

Re: Water rights for property in Lava Hot Springs area

Dear Mr. and Mrs. Lyon:

I understand that you are owners of property in or near Lava Hot Springs that was once owned by Thayne and Karen Vargason ("Vargasons"). The property in question is located just west of Lava Hot Springs Foundation property owned by the State of Idaho.

In 1988, Vargasons filed application to appropriate water no. 29-7847 with the Idaho Department of Water Resources ("IDWR"). IDWR approved a permit for the proposed appropriation of water. The permit authorized the diversion of 0.06 cfs from the Portneuf River for filling of a small pond for recreational purposes. The pond was not large, approximately 50 feet by 25 feet in surface area. In 1990, Vargasons filed a proof of beneficial use with the IDWR.

In 1995, Vargasons filed, in the name of Lazy V Ranch, applications to appropriate water nos. 29-8162 and 29-8164. The applications proposed diversion of low temperature geothermal water from springs and from waste water for the rearing of warm water fish. The springs and wastewater sought for appropriation originates on Lava Hot Springs Foundation lands. Vargasons proposed to transport the water to their property through the Foundation's delivery works. I understand a pond was constructed to store the water and that warm water fish were reared in the pond during the time Vargasons owned the property.

The applications to appropriate water were protested by several residents of Lava Hot Springs. A hearing was conducted for the protests in September of 1997.

In May 1998, the hearing officer for the contested case issued an order approving permits for applications 29-8162 and 29-8164. The protestants pursued appeals with IDWR that finally required preparation and issuance of a Final Order by the Director of IDWR. The final order was never issued.

I have been told by IDWR staff that you no longer raise warm water fish on your property for commercial purposes. I have also been told that the delivery of water from the Foundation property is no longer occurring. The purpose of this letter is to inquire about your

continued interest in the three water right filings that are now pending before IDWR. First, do you presently have a diversion from the Portneuf River to store water in a pond on your property? If so, the Department should examine the use, and proceed to possible issuance of a license.

Second, do you have an interest in pursuing the water use proposed by applications nos. 29-8162 and 29-8164? Because these rights have never been approved or perfected, they are the personal property of Lazy V Ranch or the Vargasons. As a result, unless you received an assignment of these applications associated with the real estate transaction, IDWR will consider the applications to remain the personal property of Vargasons. If the filings have been assigned to you, and you have a continued interest in developing the beneficial use proposed by the applications, you need to file a document that assigns the applications to you from Vargasons. Once the applications are assigned, IDWR will issue a final order regarding the applications.

Alternatively, if you are not interested in pursuing further development under these applications, would you please inform me of your disinterest?

If you have not expressly stated your disinterest in the applications or have not submitted a proper assignment, within 30-days of the date of this letter, I will send a show cause order to Vargasons asking them to show cause why the Department should not void the applications. Based on the response from Vargasons, the Department may dispose of the applications from its records.

Thank you for your assistance in this matter.

Sincerely,



Gary Spackman

cc: IDWR – Eastern Region

RECEIVED

10/30/2007

DEPARTMENT OF
WATER RESOURCES

Memorandum

TO: Gary Spackman
FROM: Cindy Bird *CB*
DATE: October 30, 2007

REF: Ownership of property in Lava
Applications 29-8162 & 29-8164
CC: Ernest Carlsen

In response to your request for assistance to locate the current owner of property located near Lava Hot Springs in L-6 NESW of section 21 within township 9 south and range 38 east of the B.M. According to the Lava Hot Springs city clerk the property was purchased about 3 years ago by Craig and Vicky Lyon. Their contact information is as follows.

Craig and Vicky Lyon
299 N Center St.
Lava Hot Springs, ID 83246
776-5079

Mailing address:
273 N 2400 W
Brigham City, UT 83402

Memorandum

To: Cindy Bird

Copy: Ernest Carlsen

From: Gary Spackman 

Date: October 16, 2007

Re: Applications to Appropriate Water nos. 29-8162 & 29-8164
Permit No. 29-7847 – Request for Assistance

I need your assistance to locate the current owner of property located near Lava Hot Springs previously owned by Thayne E. and Karen Vargason, doing business as Lazy V Ranch.

In November, 1995, Lazy V Ranch filed application to appropriate water no. 29-8162. In January 1996, Lazy V Ranch filed application to appropriate water no. 29-8164. The applications were protested, and IDWR held a hearing. IDWR issued a preliminary order on May 14, 1998. IDWR also denied a petition for reconsideration on July 1, 1998. Parties filed exceptions to the preliminary order. A final order was prepared for the director's signature, but was never signed.

In addition, at the time applications no. 29-8162 and 29-8164 were filed, Thayne and Karen Vargason held water right permit no. 29-7847. Vargasons had filed proof of beneficial use, and IDWR had conducted a beneficial use exam. The water delivery system and beneficial use under permit no. 29-7847 were related to the use of water proposed by applications nos. 29-8162 and 29-8164. The Vargasons applied for an amendment of permit no. 29-7847 in May 1996. Because of the contested case for applications nos. 29-8162 and 29-8164, IDWR delayed consideration of the application for amendment to and issuance of the license for permit no. 29-7847.

I've heard rumors that Vargasons do not currently own the place of use described by the water right filings. Vargasons have not contacted the department about the permits in several years. IDWR finish the administrative process for the applications and the permit. Would you please research the ownership and send us documentation of the ownership. A good place to start might be visiting with the director of the Lava Hot Springs Foundation because Lazy V Ranch was located adjacent to the west property boundary of the Lava Hot Springs Foundation property.

The legal description for the point of diversion is: Lot 7 (NWSE), Sec. 21, T09S, R38E, Bannock County.

Thanks.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

a COPY

PHILIP E. BATT
GOVERNOR

July 11, 1996

KARL J. DREHER
DIRECTOR

Jack H. Robison, Attorney at Law
Jones Chartered
P.O. Box 967
Pocatello, ID 83204-0967

Re: Rearing of Fish by Lazy V. Ranch; Application for Permit nos. 29-08162 & 29-08164, Permit No. 29-07847.

Dear Mr. Robison:

NOTICE OF PENDING CEASE AND DESIST ORDER

An Order Vacating Hearing and Scheduling Discovery related to protested application for permits nos. 29-08162 & 29-08164 was issued on May 15, 1996. A portion of the order stated "that additional diversion of water proposed by application for permit nos. 29-08162 & 29-08164 is prohibited until the applications for permit are approved." In a subsequent letter, dated June 6, 1996, the hearing officer elaborated on the condition:

The meaning of this restriction is that no more water can be diverted to the location proposed by the applications than is otherwise authorized. If no water rights authorize diversion of water to the pond at its present location, the water must flow naturally to the Portneuf River after use by Lava Hot Springs Foundation.

Thayne E. and Karen Vargason, who are apparently principals in Lazy V Ranch, own permit no. 29-07847, which authorizes diversion of water from the Portneuf River for storage and recreational purposes. When the application for permit was filed in 1988, Vargason's represented that the proposed pond would be stocked with about 50 trout.

Proof of beneficial use for permit no. 29-07847 was filed in 1990. The beneficial use was examined by a Department employee in 1995. The examiner found that geothermal water was being diverted from the outlet of the Lava Hot Springs Foundation facilities rather than from the Portneuf River. He recommended that the Department amend the source to wastewater. The amendment was advertised without protest. Because issues raised by protests to the applications for permit may also apply to the change in source for the existing permit, the Department decided to hold the application for amendment of permit no. 29-07847 until the Department is convinced

Jack H. Robison
July 11, 1996
Page 2

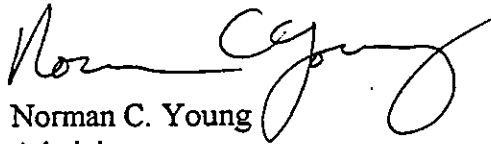
that the amendment should be considered independently. At present, permit no. 29-07847 only authorizes diversion from the Portneuf River.

The records of the Department do not reveal any right to divert and use the geothermal water now being diverted by Lazy V Ranch or Vargasons. Idaho law and Department orders prohibit the diversion of water without a valid water right. Department correspondence further explained the law and the intent of the order to Lazy V Ranch.

The Department has received a report that geothermal water continues to be diverted from the Lava Hot Springs Foundation outlet to a pond for the rearing of warm water fish. Without a water right, the continued diversion is a violation of Idaho law and the Department's order.

This letter is notice that the Department will shortly issue a Notice of Violation and Cease and Desist Order requiring that Lazy V Ranch/Vargasons cease diverting water without a valid water right. The Department does not want to cause a large fish kill, but Lazy V Ranch/Vargasons have had sufficient notice and time to either move the fish to another location or attempt to show some right to continue diverting the geothermal water.

Respectfully,

A handwritten signature in cursive script, appearing to read "Norman C. Young".

Norman C. Young
Administrator

cc. George Katsilometes
Evelee Hill-Rush
John Melhauf
Thayne Vargason

PROOF OF PUBLICATION

RECEIVED

MAY 24 1996

Department of Water Resources

STATE OF IDAHO }
County of Bannock } ss.

IRIS F. MASON

NOTICE OF
AMENDMENT OF
WATER PERMIT
Notice is hereby given
that THAYNE E. &/OR
KAREN VARGASON,
PO BOX 268, LAVA
HOT SPRINGS, ID,
83246, have applied to
the Department of Wa-
ter Resources to
change the point of di-
version and source for
the following described
water right.
WATER RIGHT AS
RECORDED:
Permit No. 29-07847
Source: Portneuf River
tributary to Snake River
Priority: 4/20/1988
Amount: 0.06 cfs
Use: Diversion to Stor-
age, Storage for Re-
creation
Point of Div: Lot 6
(NESW), S21, T9S,
R38E; Bannock County
Place of Use: Lot 6
(NESW), S21, T9S,
R38E
WATER RIGHT TO BE
CHANGED AS FOL-
LOWS:
Source: waste water
tributary to Portneuf
River
Point of Div: Lot 7
(NESW), S21, T9S,
R38E
Amount: Diversion to
Storage (0.06 cfs)
Storage for Recreation
(0.2 af)
Any protest against ap-
proval of the proposed
amendment must be
filed with the Director,
Idaho Department of
Water Resources, 1301
N. Orchard, Boise, ID
83706 together with a
protest fee of \$25.00 on
or before June 3, 1996.
The protestant must
also send a copy of the
protest to the applicant.
Karl J. Dreher, Director
May 15, 22, 1996
LN1480

being first duly sworn on oath deposes and says: That SHE
was at all times herein mentioned a citizen of the United States of
America, more than 21 years of age, and the Principal Clerk of THE
IDAHO STATE JOURNAL, a daily newspaper, printed and published at
Pocatello, Bannock County, Idaho, and having a general circulation
therein.

That the document or notice, a true copy of which is attached, was
published in the said IDAHO STATE JOURNAL, on the following dates,
to-wit:

MAY 15	19 96	19
MAY 22	19 96	19
	19	19
	19	19
	19	19

That said paper has been continuously and uninterruptedly published
in said County for a period of seventy-eight weeks prior to the publication
of said notice or advertisement and is a newspaper within the meaning of
the laws of Idaho.

IRIS F. MASON

STATE OF IDAHO

COUNTY OF BANNOCK

On this 22ND day of MAY in the year of 1996,
before me, a Notary Public, personally appeared

IRIS F. MASON, known or identified to me
to be the person whose name subscribed to the within instrument, and
being by me first duly sworn, declared that the statements therein are
true, and acknowledged to me that he executed the same.

[Signature]
Notary Public for Idaho

Residing at POCATELLO

My commission expires JULY 1997

05/08/96

10:14

81 208 327 7866

ID WATER RESOURS

001

*** ACTIVITY REPORT ***

TRANSMISSION OK

TX/RX NO.	1591
CONNECTION TEL	6p912082338007
CONNECTION ID	ID STATE JOURNAL
START TIME	05/08 10:13
USAGE TIME	01'05
PAGES	2
RESULT	OK



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

file copy

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 8, 1996

*SENT BY FAX 5/8
233-8007*

Idaho State Journal
PO Box 431
Pocatello, ID 83204

Gentlemen:

Enclosed you will find a legal notice which we wish to have published in your newspaper. We have inserted the required publication dates. If you cannot publish the notice on the proposed dates, please contact me immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill on or before June 3, 1996. PLEASE DIRECT THE AFFIDAVIT OF PUBLICATION AND BILL TO MY ATTENTION.

Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script that reads 'Sharla'.

SHARLA CURTIS
Secretary

Enclosure

NOTICE OF AMENDMENT OF WATER PERMIT

Notice is hereby given that THAYNE E. &/OR KAREN VARGASON, PO BOX 268, LAVA HOT SPRINGS, ID, 83246, have applied to the Department of Water Resources to change the point of diversion and source for the following described water right.

WATER RIGHT AS RECORDED:

Permit No. 29-07847
Source: Portneuf River tributary to Snake River
Priority: 4/20/1988
Amount: 0.06 cfs
Use: Diversion to Storage, Storage for Recreation
Point of Div: Lot 6 (NESW), S21, T9S, R38E; Bannock County
Place of Use: Lot 6 (NESW), S21, T9S, R38E

WATER RIGHT TO BE CHANGED AS FOLLOWS:

Source: waste water tributary to Portneuf River
Point of Div: Lot 7 (NWSE), S21, T9S, R38E
Amount: Diversion to Storage (0.06 cfs)
Storage for Recreation (0.2 af)

Any protest against approval of the proposed amendment must be filed with the Director, Idaho Department of Water Resources, 1301 N. Orchard, Boise, ID 83706 together with a protest fee of \$25.00 on or before June 3, 1996. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Idaho State Journal on 5/15 and 5/22/96.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 30, 1996

THAYNE E VARGASON
KAREN VARGASON
PO BOX 728
POCATELLO ID 832040728

RE: WATER RIGHT NO. 29-07847

Dear Water Right Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to depict your water right as it has been actually developed.

As of this date, I have not received the amendment. If I do not receive it within fourteen (14) days, I will assume you no longer have any interest in the permit and cancellation proceedings will begin. Enclosed for your convenience is another amendment form in the event the first one was misplaced. Please note that the filing fee for this amendment is \$50.00.

If you have any questions, please call me at (208) 327-7946

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen".

Shelley W. Keen
Water Rights Supervisor

SK:rl

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

March 29, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

THAYNE E VARGASON
KAREN VARGASON
PO BOX 728
POCATELLO ID 83204-0728

RE: Water Right No. 29-07847

Dear Water Right Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to depict your water right as it has actually been developed.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the source and in the location of the point(s) of diversion. Please review carefully and if you concur, sign the amendment and return with the \$50.00 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of CONDITIONS/REMARKS proposed for the license when it is issued. These conditions/remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:cz

Enclosure

WR0749NP
No. L29-07847

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/29/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	THAYNE E VARGASON	04/20/1988	RECREATION STORAGE	01/01 12/31		0.20 AFA
C	KAREN VARGASON		DIVERSION TO STORAGE	01/01 12/31	0.060 CFS	
	PO BOX 728					
	POCATELLO ID 83204-0728			TOTAL DIVERSION:	0.060 CFS	0.20 AFA
	(208) 233-8011					

Water Source: WASTE WATER

Tributary to: PORTNEUF RIVER

Stage: LICENSE

Point(s) of Diversion Capacity: 0.09 AFA

Point(s) of Diversion: T09S R38E S21 Lot 07(NWSE)

BANNOCK County

Place of use Legal Description for: RECREATION STORAGE

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 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 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 Lt Ac
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09S	38E	21	:	:	:	:	:	06-R	:	:	:	:	:	:	:

Pou County: BANNOCK

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 29.
- R02 - A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
- 027 - Use of water under this right shall be non-consumptive.

Dates: App. Received: 04/20/1988 Priority Date: 04/20/1988
Proof Due Date: 07/01/1990 Proof Made Date: 02/23/1990
Exam Made Date: 11/14/1995 Exam Sent to S.O.: 03/21/1996
Licensed Date:

Misc: Water District Number: 29 Field Exam Fee: R (Received)

Audit: 03/29/96 CZIMMERH

B/U FIELD EXAM REVIEW
Cindy Zimmerman

01/96

Permit #: 29-7847 Name: Vargason Date: 3/29/96 ✓ Lots ✓
Chng Same

NAME ✓ Or Address Change? PO Box 268

SOURCE ✓ change clarify source to Wastewater Twp to Portneuf R.
Prelim. Order to Void - Source change.

P/D ✓ Amendment Needed? Lt 7 (NWSE) P39
Overlap(s) none

P/U ✓ Amendment Needed? LT 6 P41
Overlap(s) none
(Gov't special #'s) *P/D & P/U Amend? P37

RATE ✓ Permit/fee limits 0.13 / 0.13
✓ Measured Q= 0.09 cfs/Theoretical Q= cfs
Polysonic measurement.
Permit limits flow to 0.06 cfs.

 ✓ Recommended capacity 0.09 cfs
✓ Recommended rate 0.06 cfs

VOLUME ✓ Season: (/) 1/1 - 12/31 = 365 days
Calculations: pond (51x175) ÷ 43560 x 5 x .4 = 0.4 AF
permit limits volume to 0.13 AF

 ✓ Flow limit: 0.06 x 365 x 1.9835 = 43.4 AF
Recommended volume 0.13 AF

USES ✓ Same Nature of Use? P46
 Amendment Needed?

REMARKS ✓ Multiple p/d's in 1/4? W32

CONDITIONS R02 Measuring (R01)/Locking (R02) Devices
R04 Watermaster Control (R04) - WD # 29
 Irrigation rate/volume overlap
 GW irrigation replaces surface water (050)
 GW irrigation supplants surface water (065)
 Water Quality
✓ Other 027

PRIORITY App Rcd 4/20/88 Due 1/1/90 Rc'd 2/21/90
Receipt# ED12111 Fee OK? (Yes) No
Order to Reinstate Needed? Yes (No) Done?
If Yes, Advanced? Yes/No to:
Priority 4/20/88 Examined 9/14/95

COMMENTS: Amend PD & Source.

USE	CFS	DIV VOL	SRBA Overlap
<u>Div to Stor</u>	<u>0.06</u>	<u> </u>	<u>none</u>
<u>Rec Stor</u>	<u> </u>	<u>-0.13 0.2+</u>	<u>Adjustment Memo</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>TOTAL</u>	<u>0.06</u>	<u>-0.13 0.2+</u>	<u> </u>

* per Jim

LICENSE LTR: P49
#1 AMEND LTR: P39/P38 + Source
#2 AMEND LTR: P42/P47

INTER-DEPARTMENT MEMO

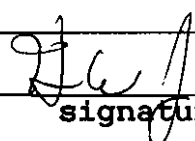
TO: Jim Johnson - BoiseSUBJECT: Advertise Source ChangeFROM: H. W. JONES - EasternDATE: 3-12-1996

We need to have source change (wastewater) advertised in The Idaho State Journal in Pocatello. Since this is a licensing amendment your group needs to advise applicant by letter & collect amendment fee. At that point it would then be reasonable to send in advertising from Boise. We feel there will be a protest as we have had discussions along this line.

RECEIVED

MAR 2 1996

Department of Water Resources

☒ For your information☐ Response required
signature

RECEIVED

MAR 25 1996

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 29-07847

1. Owner: Thayne E. or Karen Vargason

Phone No. 233-8011 (w)
776-5409

Current Address: P.O. Box 268, Lava Hot Springs Id 83246

2. Accompanied by: Milce Hanson

EXAM DATE: 14 Nov 1995

Address: _____

Phone No. _____

Relationship to Permit Holder: Brother in law

3. Source: Wastewater tributary to PORTNEUF RIVER

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE

2. Other water rights with the same point of diversion: NONE

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

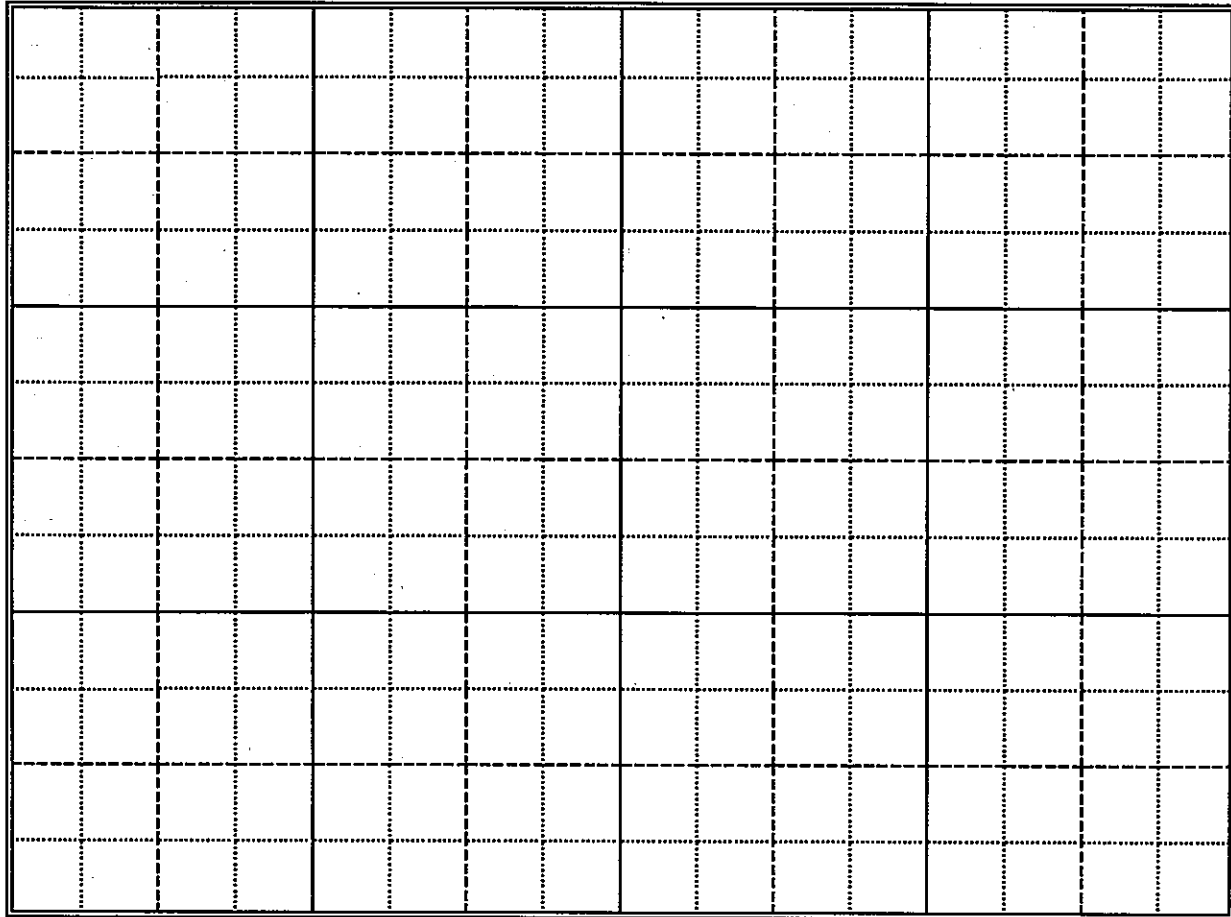
[illegible]

2. Place(s) of Use:

Indicate Method of Determination

[illegible]

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

_____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

_____ Aerial Photo Attached (required for irrigation of 10+ acres)

_____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: Timed Volumetric displacement (2.5gal)

$$1 \ (2.5 \text{ gal} / 32.71 \text{ sec}) = 1(4.58 \text{ gpm}), 3 \ (2.5 \text{ gal} / 30.37 \text{ sec}) = 3(4.94 \text{ gpm})$$

$$22 \ (2.5 \text{ gal} / 155.43 \text{ sec}) = 22(0.96 \text{ gpm}) =$$

E. NARRATIVE/REMARKS/COMMENTS

GEOHERMAL WATER IS COLLECTED BY COLLECTION PIPES UNDER THE OLD SWIMMING POOL AND DIVERTS THE WATER INTO A SYSTEM THAT EITHER DISCHARGES INTO THE PORTNEUF RIVER OR IS PUMPED INTO A MAINLINE TO HEAT EXCHANGERS FOR THE "OLYMPIC SWIMMING POOL." THE WASTEWATER DISCHARGE LINE FROM THE HEAT EXCHANGERS THEN CARRIES THE WATER TO A VALVE WHERE THE APPLICANTS DIVERT A SMALL PORTION OF THE FLOW FORTHIS PERMIT. THE REMAINING PORTION OF THE WASTEWATER IS THEN DISCHARGED INTO THE PORTNEUF RIVER.

FROM THE VALVE THE APPLICANTS DIVERT THE WASTEWATER THRU A MAINLINE TO A SMALL POND (0.5 af.). THE WATER IS COOLED BY SPRAYING IT INTO THE AIR JUST AS IT IS DISCHARGED INTO THE POND. THE POND SPILLS ANY OVERFLOW INTO THE PORTNEUF RIVER.

POND SIZE (51' x 175' x 5' deep)

THE LAVA HOT SPRINGS FOUNDATION OWNS AND OPERATES THE SYSTEM USED TO DIVERT THE WATER FOR GEOHERMAL HEATING OF THE "OLYMPIC SWIMMING POOL"

Have conditions of permit approval been met? ☒ yes ☐ no

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method: $1(2.5 \text{ gal} / 32.71 \text{ sec}) = 1(4.58 \text{ gpm}) = 4.58 \text{ gpm}$
 $22(2.5 \text{ gal} / 155.43 \text{ sec}) = 22(0.97 \text{ gpm}) = 21.34 \text{ gpm}$
 $3(2.5 \text{ gal} / 30.37 \text{ sec}) = 3(4.94 \text{ gpm}) = 14.82 \text{ gpm}$
 $40.74 \text{ gpm} = 0.09 \text{ cfs}$

G. VOLUME CALCULATIONS**1. Volume Calculations for Irrigation:**

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

$$\text{POND Volume}_{\text{rec}} = 59' \times 175' \times 5' \text{ deep}$$

$$\text{Capacity} = \text{Surface Area} \times \text{Max depth} \times 0.4 = \underline{\hspace{2cm}}$$

$$10,325 \text{ ft}^2 \times 5' \times 0.4 = 20,650 \text{ ft}^3 = 0.47 \text{ af} = 0.5 \text{ af}$$

H. RECOMMENDATIONS**1. Recommended Amounts**

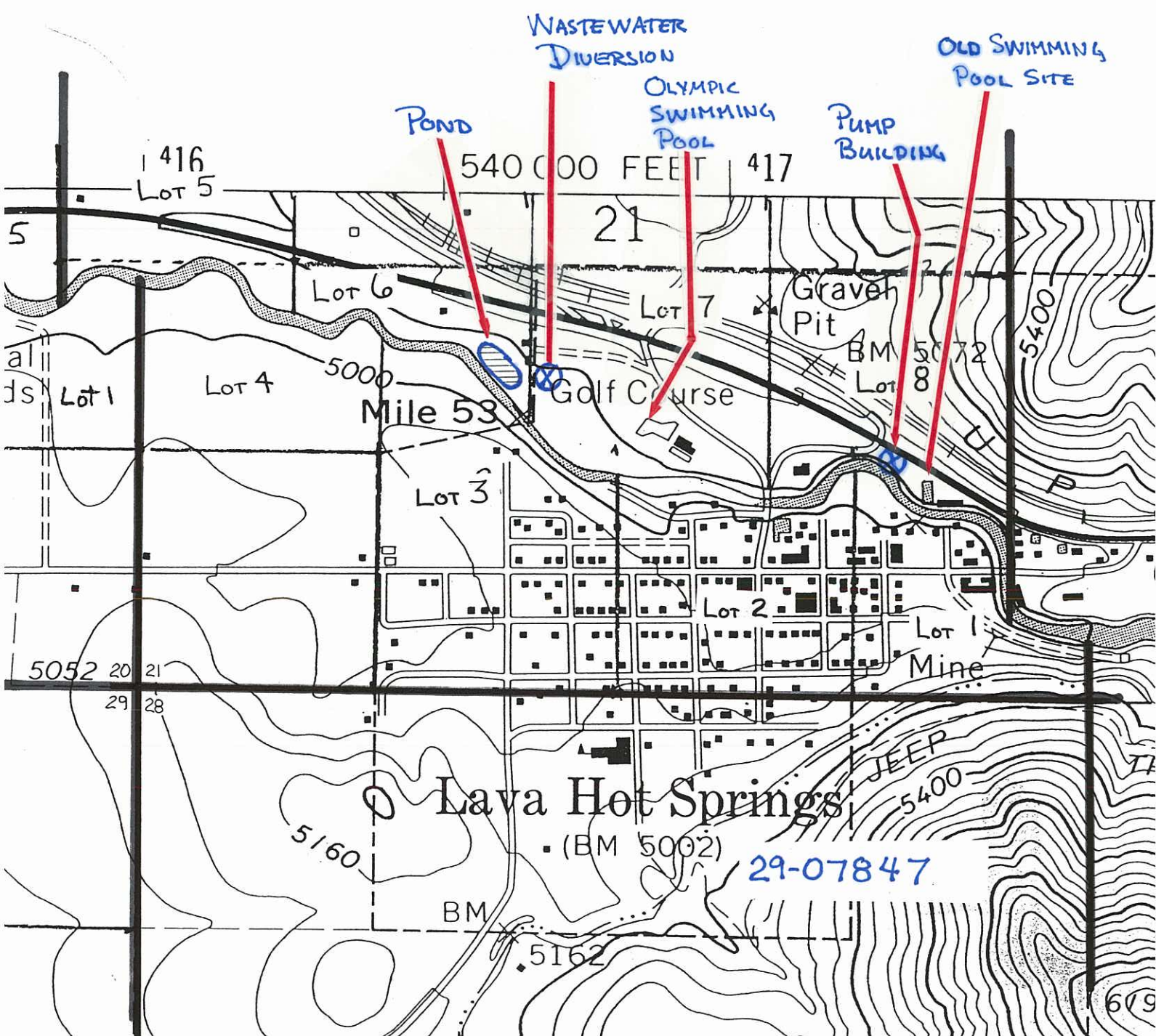
Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>DIVERSION TO STORAGE</u>	<u>1/1</u>	<u>12/31</u>	<u>0.06 cfs</u>	<u>-</u>
<u>STORAGE FOR RECREATION</u>	<u>1/1</u>	<u>12/31</u>	<u>-</u>	<u>0.13 af</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Totals:			<u>0.06 cfs</u>	<u>0.13 af</u>

2. Recommended Amendments

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☒ Other CHANGE SOURCE

I. AUTHENTICATIONField Examiner's Name KEITH C. WILSON Date 14 Nov 1995Reviewer [Signature] Date 3-12-96

SEAL



WASTE WATER
DIVERSION

416

Lot 5

POND

540 000 FEET

417

PUMP BUILDING

21

Lot 6

Grave
Pit

BM 5072

Lot 1

Lot 4

5000

Mile 53

Lot 7 course

OLYMPIC
POOL

Lot 8

OLD SWIMMING
POOL SITE

Lot 3

Lot 2

Lot 1
Mine

5052 20 21
29 28

21 22

28 27

29-07847

Lava Hot Springs

(BM 5002)

5/60

TRAIL

FLOW 488.585 GPM
 NET 3923X1 GAL
 FLOW 491.695 GPM
 NET 4013X1 GAL
 DIF CNT= 1012
 DELTA T= 158.56
 DIF CNT= 1009
 DELTA T= 157.30
 DIF CNT= 1001
 DELTA T= 157.18
 DIF CNT= 1000
 DELTA T= 158.07
 FLOW 489.543 GPM
 3.035 F/S

SETUP NO. 1

PIPE O.D 8.625 IN
 PIPE WALL THICKNESS 0.254 IN
 PIPE I.D 8.117 IN
 PIPE MATERIAL CARBON STEEL
 PIPE SOUND VELOCITY 10597.129 F/S
 LINER MATERIAL NONE
 LINER SOUND VELOCITY 0.000 F/S
 LINER THICKNESS 0.000 IN
 INSIDE ABS ROUGHNESS 0.00015000
 FLUID MATERIAL WATER
 FLUID SOUND VELOCITY 4863.330 F/S
 FLUID VISCOSITY 1.132 Cst
 TRANSDUCER TYPE STANDARD
 TRANSDUCER MOUNTING U
 TRANSDUCER SPACING 6.854 IN

FLOW 490.169 GPM
 3.039 F/S

13:59:53 11-21-95

SCALE FACTOR = 0.990
 OFFSET(GPM) = 0.000
 nsec OFFSET = 8.16
 usec OFFSET = -0.46
 XMT_DET_DLY = 23.53
 AERATION FAC. = 1.00
 XDUCER: STANDARD/U

WIN_DLY = 295.56 295.56
 SE>R = 1.92 1.96
 BIAS = 1.76 1.76
 AGC = 2.00 2.02
 SIG.STG = 6.08 5.92
 MISSED = 0 0
 TIME(us) = 294.9 294.7
 DEL TIME(ns) = 158.3
 DIFF COUNT = 976
 P2X = 118
 SPS = 13.10
 AERATION = 0.000

FLUID (F/S) = 5041.15
 REYNOLDS NO. = 168856
 PROFILE FACTOR = 0.9366
 FLOW: = 491.262 GPM
 3.046 F/S

FLOW 497.182 GPM
 3.083 F/S

FLOW 510.188 GPM
 3.163 F/S

FLOW 515.311 GPM
 3.195 F/S

SETUP NO. 1

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 PIPE WALL THICKNESS 0.254 IN
 PIPE I.D 8.117 IN
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 LINER MATERIAL NONE
 LINER SOUND VELOCITY 0.000 F/S
 LINER THICKNESS 0.000 IN
 INSIDE ABS ROUGHNESS 0.00015000

FLUID MATERIAL WATER

FLUID SOUND VELOCITY 4863.330 F/S

FLUID VISCOSITY 1.132 Cst

TRANSDUCER TYPE STANDARD

TRANSDUCER MOUNTING U

TRANSDUCER SPACING 6.854 IN

FLOW 513.662 GPM
 3.185 F/S

14:05:29 11-21-95

SCALE FACTOR = 0.990
 OFFSET(GPM) = -17.446
 nsec OFFSET = 8.16
 usec OFFSET = -0.46
 XMT_DET_DLY = 23.53
 AERATION FAC. = 1.00
 XDUCER: STANDARD/U

WIN_DLY = 295.56 295.56
 SE>R = 1.94 1.96
 BIAS = 1.80 1.82
 AGC = 1.96 2.00
 SIG.STG = 6.12 6.00
 MISSED = 0 0
 TIME(us) = 294.9 294.8
 DEL TIME(ns) = 159.8
 DIFF COUNT = 1017
 P2X = 120
 SPS = 12.08
 AERATION = 0.000

FLUID (F/S) = 4863.33
 REYNOLDS NO. = 176360
 PROFILE FACTOR = 0.9382

FLOW: = 513.159 GPM
 3.182 F/S

FLOW 517.374 GPM
 3.208 F/S

FLOW 520.245 GPM
 3.226 F/S

FLOW 521.295 GPM
 3.232 F/S

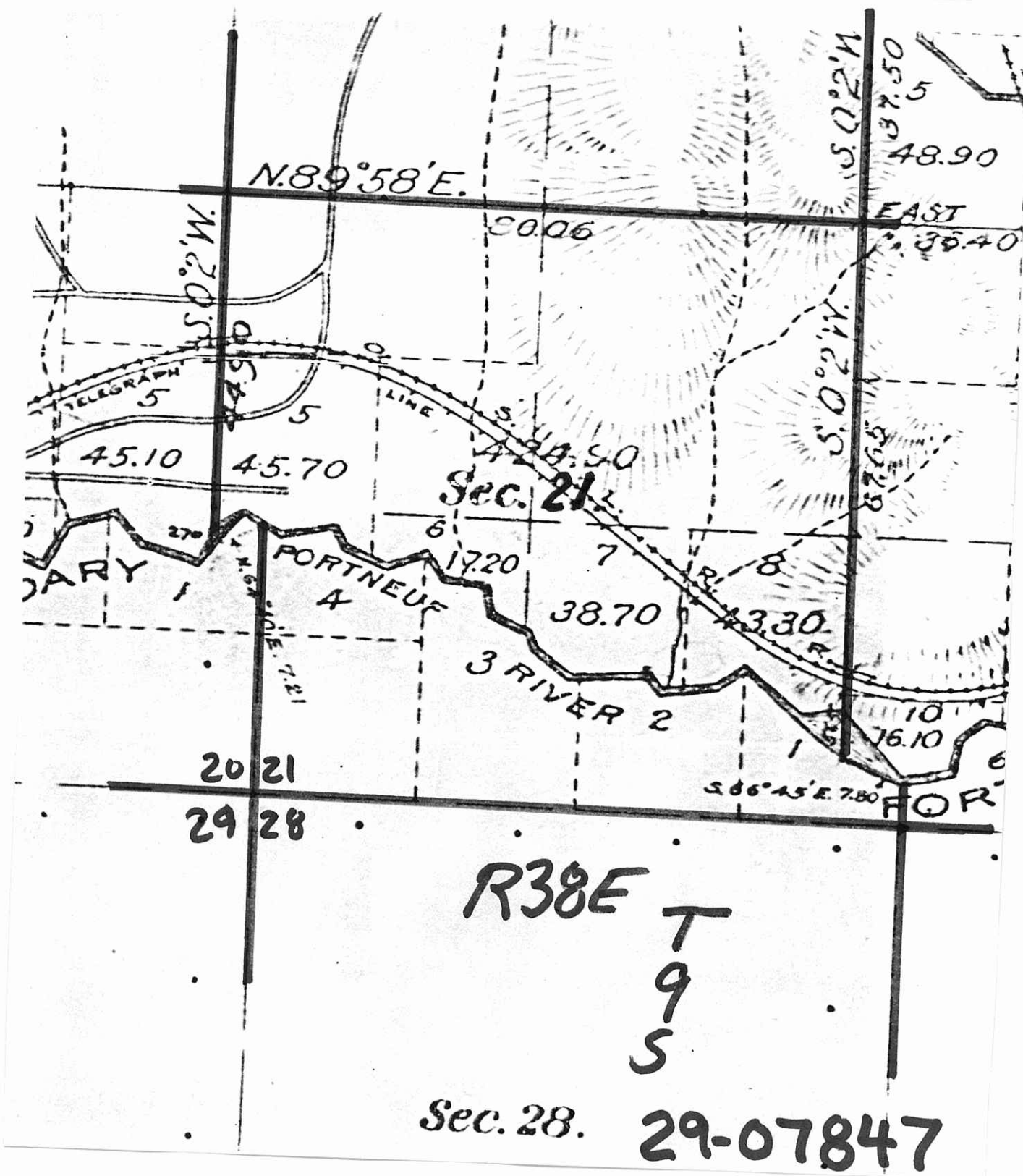
FLOW 518.201 GPM
 3.213 F/S

Flow BEING PUMPED INTO
 LINE FEEDING OLYMPIC HEAT
 EXCHANGERS. WASTE WATER
 TAKEN FROM THIS LINE AFTER
 IN HAS GONE THRU HEAT
 EXCHANGERS.

29-07847

Polysonic
FLOW MEASUREMENT TAPE

29-7847



August 20, 1990

Mr. T. E. Vargason
P. O. Box 758
Pocatello, ID 83204-0758

Dear Mr. Vargason:

Re: Permit No. 29-7847

In your letter dated April 17, 1990, you discuss the condition of approval requiring a lockable water measuring device. Enclosed with your letter was a copy of the proof of beneficial use form, receipt No. E012111, and the proof acknowledgement letter.

Since the permit is located in an area which experiences water shortages each year, installation of a lockable device is a necessary condition to provide the watermaster control over junior rights. Note, however, that the condition reads as requiring a "lockable device" not the installation of a "lockable measuring device".

You have discuseed this matter with Ernest Carlsen of the department's Eastern Regional office who advised you that an electrical control box with lockable capabilities at the pump will fulfill the condition of approval.

If you still have questions, please contact the department.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

c: Eastern Region - Ernest Carlsen

MICROFILMED

SEP 04 1990

INTER-DEPARTMENT
M E M O

TO: Rita Fleck
FROM: Ernest Carlsen *EC*
RE: Proof of Beneficial Use on Permit 29-07847
DATE: 15-Aug-1990

On February 21, 1990, I assisted Thayne Vargason with filing Proof of Beneficial Use on Permit 29-07847. Mr. Vargason indicated the diversion works consisted of a portable pump & electric motor which pumped water from the Portneuf River into a small pond adjacent to the river. The overflow from the pond emptied back into the river. He was concerned about the permit condition requiring a lockable device at the diversion. After discussing the matter with Harold Jones, Water Rights Supervisor, I advised Mr. Vargason that installation of an electrical control box, with locking capabilities at the pump, would be suitable. Realistically, because the diversion is portable in nature, it could be difficult for the watermaster to control the diversion. However, with the pond being adjacent to the river, any losses to the system are likely to be negligible.

MICROFILMED

SEP 14 1990

Butcher Block Wholesale Meats

758 South Main, Pocatello, Idaho 83204 • (208) 233-8464

April 17, 1990

State of Idaho
Department of Water Resources
1301 N. Orchard Street
Boise, ID 83706-2237

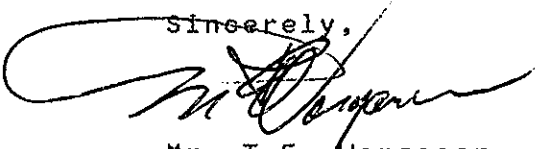
ATTENTION: Rita Fleck

Dear Rita:

This letter is in regard to our telephone conversation today at 12:45 p.m., concerning Water Resource Permit #29-07847 needing a lockable water measuring device. Please see the attached Beneficial Use Permit from Mr. Ernst Carlsen from your Eastern Regional office. (copy of proof form)

I hope this is everything you need. If at any time I can be of assistance to you or your department, please feel free to contact me.

Sincerely,


Mr. T.E. Vargason
P.O. Box 758
Pocatello, ID 83204-0758

RECEIVED

APR 18 1990

Department of Water Resources

MICROFILMED

SEP 14 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 13, 1990

THAYNE E. VARGASON
KAREN VARGASON
P.O. BOX 728
POCATELLO, ID 832040000

RECEIVED
APR 18 1990

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 29-07847

Department of Water Resources

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

I note that the permit issued to you by the department requires the installation of a lockable device to allow the department to determine the rate of diversion. The proof which you submitted does not show that you have installed this equipment.

The installation of the lockable device must be complete by the time the department representative conducts the examination of your system unless the department has rescinded the requirement prior to the field examination. In some cases, the equipment requirement can be rescinded because the equipment cannot be physically installed, is not appropriate or can be accommodated with other measuring methods.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Rita Fleck

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

327-7900

MICROFILMED

SEP 14 1990

Dept W Resour
1301 NW Orchard
Boise, Idaho
83706
att Rita

April 13, 1990

THAYNE E. VARGASON
KAREN VARGASON
P.O. BOX 728
POCATELLO, ID 832040000

PROOF ACKNOWLEDGMENT LETTER

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If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

RECEIVED

APR 17 1990

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 334-7900
August 8, 1988

THAYNE E. VARGASON
KAREN VARGASON
BOX 728
POCATELLO, ID 832040000

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. 29-07847

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct you attention to the conditions of approval on the final page.

Be sure to note the special condition requiring you to install a lockable device that will provide the watermaster control on your diversion.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

Gary Spackman
Supervisor, Water Allocation Section

GS: SC
Enclosures

RECEIVED

SEP 20 1988



Region 5
5205 S. 5th Avenue
Pocatello, Idaho 83204
Telephone: (208) 232-4703

May 10, 1988

Department of Water Resources
150 Shoup
Idaho Falls, Idaho 83402

RE: Application Number 29-7847 For Fishing Pond, Portneuf River.

Dear Sir,

We have reviewed the above referenced application and because of the small amount of water involved feel this will not significantly effect fish and wildlife resources.

Sincerely,

David Neider
Regional Supervisor

DN/ch

MICROFILMED

SEP 20 1988

RECEIVED

MAY 12 1988

Department of Water Resources
Eastern District Office

EQUAL OPPORTUNITY EMPLOYER



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 28, 1988

State of Idaho
Dept. of Fish & Game
1515 Lincoln Road
Idaho Falls, Idaho 83401

RE: Application for Permit No. 29-7847, Vargason

Dear Sirs:

This office is currently in the process of publishing notices that the above application was filed with the Department of Water Resources. Since the application may be of interest to you, a copy is enclosed for your examination. Comments concerning the application should be addressed to the applicant with a copy forwarded to this office. Protests objecting to granting the permit should be directed to this Department and received no later than May 23, 1988. Final action will be taken by this office shortly after this date, provided there are no protests lodged against the application.

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor

EC/dg
Enclosure

RECEIVED

SEP 20 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address: -
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 28, 1988

Thomas Bloxham,
Watermaster
Route 1
Downey, Idaho 83234

RE: Application for Permit No. 29-7847, Vargason

Dear Sir:

This office is currently in the process of publishing notices that the above application was filed with the Department of Water Resources. Since the application may be of interest to you, a copy is enclosed for your examination. Comments concerning the application should be addressed to the applicant with a copy forwarded to this office. Protests objecting to granting the permit should be directed to this Department and received no later than May 23, 1988. Final action will be taken by this office shortly after this date, provided there are no protests lodged against the application.

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor

EC/dg
Enclosure

RECEIVED

SEP 20 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

April 28, 1988

Thayne &/or Karen Vargason
Box 728
Pocatello, Idaho 83204

RE: Application for Permit No. 29-7847

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned identification No. 29-7847. Please refer to this number in all further correspondence.

This office is currently in the process of advertising the application in the Idaho State Journal. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Ernest Carlsen
Water Rights Supervisor

EC/dg

MICROFILMED

SEP 20 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

150 Shoup Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

APRIL 27, 1988

Idaho State Journal
P. O. Box 431
Pocatello, Idaho 83201

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billings to this office before MAY 23, 1988.

Yours truly,

Deena Green
Office Secretary

Encl.

MICROFILMED

SEP 20 1988

NOTICE OF APPLICATION

FOR WATER RIGHT

The following applications have been filed to appropriate the public waters of the State of Idaho:

The permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before May 23, 1988.

R. Keith Higginson

Director

Published May 5 and 12, 1988.

MICROFILMED

SEP 20 1988

29-7847

VARGASON, THAYNE E. &/or KAREN

BOX 728, POCA TELLO, ID 83204

Source: PORTNEUF RIVER trib. to SNAKE RIVER

Diversion Pt: LOT 06 (NENESW) Sec 21 T 09S R 38E

Use: RECREATION STORAGE (0.13 AF)
DIVERSION TO STORAGE (0.060 CFS)

Date Filed: 04/20/1988

In: LOT 06 (NESW) Sec 21 T 09S R 38E

RECEIVED

SEP 20 1988