



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

August 17, 2007

Kent Kohring
28924 Davis Road
Bruneau, ID 83604

RE: Drilling Permit Application, Water Right 51-2214

Dear Mr. Kohring:

I have received your letter requesting consideration to authorize deepening of your well in the SWNW of Section 25, T6S, R4E, Owyhee County. The Department has reviewed the information you submitted and the well drilling and water right files associated with your well in Section 25. Deepening your well to obtain the flow authorized under your water right would likely intercept the low temperature geothermal resource in the area. This raises some concerns about the potential increased impacts to that resource.

Section 42-230(1), *Idaho Code*, defines all ground water having a temperature of greater than 85 degrees F and less than 212 degrees F in the bottom of a well as a low temperature geothermal resource. Section 42-233, *Idaho Code*, provides that "...low temperature geothermal resources shall be utilized primarily for heat value and secondarily for the value as water." The code also provides that "[u]sage of a low temperature geothermal resource primarily for reasons other than heat value is not a beneficial use of the resource, unless the director of the department of water resources exempts the proposed use." The use must satisfy the following criteria to be considered for exemption: (1) no feasible alternative use of the resource, (2) no economically viable source of water available in a cold water well (bottom hole temperature of 85 degrees F or less), or (3) exemption is in the public interest. Lastly, the code provides that these requirements shall not be applicable to rights to the use of low temperature geothermal resources issued or proclaimed prior to July 1, 1987.

The original license (issued in 1983) confirming your water right no. 51-2214 authorized diversion from a single well located in Section 25. Department records indicate that the well was not developed as a low temperature geothermal resource. Your water right was decreed in the Snake River Basin Adjudication (SRBA) in 2004 authorizing diversion from three wells; two in Section 36 and one in the SWNW of Section 25. Records of the Department indicate that at least one of your wells in Section 36 was developed as a low temperature geothermal resource. In 2005, the Department approved a transfer authorizing an additional point of diversion in the NWNW of Section 25 for right 51-2214.

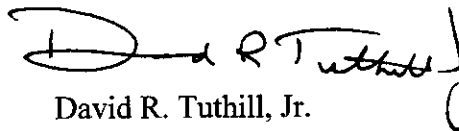
The Bruneau-Grandview Ground Water Management Area (GWMA) was established by order of the Department in 1982 to protect the geothermal resource. To support your proposal, you submitted a copy of a conservation plan for the Bruneau Hot Springs Snail (conservation plan) and highlighted the portion indicating that "[w]ater right holders may take all reasonable actions, including deepening or otherwise modifying their well, to obtain the amount of water that can be legally put to beneficial use according to their right." From a broader perspective, the conservation plan also recommends strategies to reduce withdrawals from the low-temperature geothermal resource through conservation and/or replacement water sources.

The Department acknowledges that you are entitled to seek to fulfill the entire rate authorized under your water right to provide for your irrigation use. However, the Department must consider the potential impacts to the resource and review possible alternatives that may be available to increase your water supply.

Due to concerns about additional development into the geothermal resource, I do not believe it is in the public interest to authorize further development into the resource by deepening your well. Further consideration of your request may be warranted if you will (1) conduct an economic analysis of costs associated with alternatives to increase your water supply through other existing wells or new wells in the cold-water aquifer and, (2) propose specific measures for well construction and water use intended to protect the resource if well modifications are approved.

If you have any further questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "D R Tuthill Jr", with a stylized flourish at the end.

David R. Tuthill, Jr.
Director

c: John Westra – Western Region, IDWR

Kent Kohring WR 57-2214 (Well)

History:

In 1951 my father took up a Desert Land Entry in Sec.25T6SR4E of Owyhee County, Idaho. The reason for selection of that parcel was because we believed that free-flow artesian water could be obtained and the land could be gravity irrigated. This was important, because at that time there was no electricity in the area which would have been needed for pumping and pressurizing. After much difficulty he completed an artesian well that was 2000 feet deep with enough flowing water to prove his 320 acre DLE in 1956. My mother had also applied for a DLE adjacent to my father's, but because of time and difficulty, was not able to prove her filing. I then refiled on that DLE in 1965 and proved the DLE in 1974.

The point of this brief history is to establish that we intended to find free-flow artesian water for both entries, and to irrigate with gravity flow, because when we started there was no electricity in the area.

My well (WR57-2214) also proved difficult to complete in the required time. We had broken off a stem and bit while drilling in solid rock at 1900 feet. There was some water flowing, but not enough to prove the DLE. By that time, electricity was available, so I decided to put a pump on the well and take what was available. This was enough for the WR57-2214 for 4.04 cfs with a priority of 1965, and enough to prove my DLE.

I continued to work on the well when I could. We knew we were close to the artesian aquifer. We worked on the well in the winters of 1978 through 1981 and 2002 through 2003. I did not work on the well during the late 1980s and 1990s because the farm was being flooded out by 2500 acres of surrounding new development. It took all the money we could put together to dig 5 miles of large drain ditches. From 1995 to 2002 the land containing the well was tied up in litigation. Once settled (2002), I again began working on the well and continued through 2003. Since then I have not been able to obtain a drilling permit from IDWR.

The reason given by IDWR for denying the permit was that "the well was completed as a cold water well". This of course is not correct, as the above history relates.

Since the original H2O measurement in 1982, the well has lost nearly half its original amount.

Correspondence with IDWR also states that according to Idaho Code, deepening or modifying the well to obtain more geothermal water is not allowed. This too is not entirely correct. I believe Idaho Code §42-233 could be interpreted that wells with WR prior to July 1, 1987 could be deepened for the purpose of meeting their WR. Also, this WR for ground water does not differentiate between cold water and geothermal water.

The IDWR does not deny that I have a WR of 4.04 cts. from that well, but I cannot obtain it by deepening into the geothermal aquifer. They do say that I can make up the needed difference from a geothermal well, that I have half interest in, that is located 2 miles south. This makes absolutely no sense! I have no guarantee that the well would provide the extra water. It would be water from the same geothermal aquifer. I would have to increase pump size (hp) and delivery system (ditch/pipe) at great expense. My driller Sam Johnson estimates that it would take only another 150-250 feet of drilling to complete the well to the depth needed.

The reason that I contacted ex-Governor Phil Batt was that during his administration, a conservation plan to protect and conserve the Bruneau Hot Springsnail, was sent out under his name by John Chatburn. It was forwarded to the Idaho Congressional delegation and the Bruneau Hot Springsnail Committee for use in appropriation discussions. The State applied for a grant from the Federal Government and received approximately one and a half million dollars. This was split and distributed to various parties, which included; U.S. Fish and Wildlife, BLM, IDWR, Idaho State University, J.R. Simplot, and U.S. Geological Survey-Water Resources. They all took money from this appropriation.

The importance of this is that the appropriation was justified by the Conservation Plan sent out by Governor Batt. On page 8 of that plan, it states that "water right holders may take all reasonable actions, including deepening or otherwise modifying their well to obtain the amount of water that can be legally put to beneficial use according to their WR." The money recipients may not have agreed, but they all took the money. Later drafts of the plan by the U.S. Fish and Wildlife service omitted that paragraph. On page 8 it also states, "Idaho Water Statutes do not provide for curtailment of use of water rights to protect the habitat of wildlife species." U.S. Fish and Wildlife Service publications get around that by saying IDWR may curtail further geothermal use by moratoriums and denying permits. This is exactly what they have done in my case. The IDWR is in bed with the U.S. Fish and Wildlife Service and is not looking out for my legal rights as an Idaho WR holder.

I believe that the IDWR is over-managing my case to satisfy an unwritten agreement with the U.S. Fish and Wildlife Service. In a letter to John Westra, IDWR Western Region, dated September 7, 2004, I stated that my request for a drilling permit was legally "grandfathered" in. Anyone or parties questioning a favorable decision could be thus assured I had a legal right. The IDWR could easily accommodate my permit, but I believe that they continue to reject my drilling permit by over-management by person or parties within the IDWR who have personal agenda not in Idaho's lawful interest.

Kent Kohring

Draft Plan
for Appropriation
Consideration
from Governor's Office



STATE OF IDAHO
OFFICE OF THE GOVERNOR

PHILIP E. BATT
GOVERNOR

June 17, 1998

MEMORANDUM

TO: Bruneau Hot Springsnail Conservation Committee Members

FROM: John Chatburn

SUBJECT: **Conservation Plan for the Endangered Hot Springsnail**

Enclosed you will find a copy of the Endangered Bruneau Hot Springsnail Conservation Plan that was forwarded to the Idaho congressional delegation for use in appropriation discussions. Also, enclosed are comments regarding the plan from the Idaho Conservation League.

erl

6205.1151

RECEIVED
BLM ISO MR
JUN 19 1998
8:00 A.M.

P.O. BOX 83720
BOISE, IDAHO 83720-0034
(208) 334-2100

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JUN 19 1998

SNAKE RIVER BASIN OFFICE
U.S. FWS



STATE OF IDAHO
OFFICE OF THE GOVERNOR

PHILIP E. BATT
GOVERNOR

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~~Don Roberts~~
John Robinson

Ex 13

Pub Land Dir: 245-6942
Zoe Fisher

Gift Cons Spec.

6th St, Franklin
210 N. 6th

CONSERVATION PLAN
FOR THE ENDANGERED BRUNEAU HOT SPRINGSNAIL
(Pyrgulopsis bruneauensis) ALONG THE
BRUNEAU RIVER, SOUTHWESTERN IDAHO

I. INTRODUCTION

A. Legal Status

The Bruneau Hot Springsnail (Pyrgulopsis bruneauensis) is a small Springsnail of the family Hydrobiidae. It was Federally listed as endangered on January 25, 1993 (58 FR 5938). The United States Fish and Wildlife Service is currently conducting a court ordered review of the listing.

Known populations are restricted to a small geographic area along the Bruneau River in southwestern Idaho. The Fish and Wildlife Service has determined that the Bruneau Hot Springsnail is: 1) taxonomically, a species; 2) facing a moderate degree of threat because the species does not face immediate extinction; and 3) rated high in terms of recovery potential. Critical habitat was not designated for the species at the time it was listed.

B. General Description

The Bruneau Hot Springsnail was first collected in spring flows at the Indian Bathtub in upper Hot Creek along the Bruneau River in 1952. In 1953, J. P. E. Morrison determined that it represented a previously unknown genus and species of Springsnail of the family Hydrobiidae. Dwight Taylor (1982) pursued subsequent field and laboratory studies of this snail from 1959 through 1982. Based on these studies, Taylor prepared a brief physiological and biological description of the species and suggested the common name of the Bruneau Hot Spring Snail. The species was formally described from type specimens collected from the Indian Bathtub in Hot Creek and named Pyrgulopsis bruneauensis, with a new common name of Bruneau Hot Springsnail, by Robert Hershler (1990).

Adult Bruneau Hot Springsnails have a small, globose to low-conic shell reaching a length of 5.5

millimeters (.22 inch) with 3.75 - 4.25 whorls. Fresh shells are thin, transparent, white-clear, appearing black due to pigmentation (Hershler 1990). In addition to its small size (<2.8 millimeter (.11 inch) shell height), distinguishing features include a verge (penis) with a small lobe bearing a single distal glandular ridge and elongate, muscular filament.

C. Present Distribution and Abundance

The Bruneau Hot Springsnail is a totally aquatic species that breathes through modified structures called ctenidium. Known populations are currently found in the spring flows of Hot Creek and 116 small, flowing thermal springs and seeps along an approximately 8 kilometer (5 mile) length of the Bruneau River in southwestern Idaho (Mladenka 1996). These spring sites are located primarily above the high-water mark of the Bruneau River (Mladenka 1992).

Bruneau Hot Springsnail abundance generally fluctuates seasonally; abundance is influenced primarily by water temperature, spring discharge and food availability. The Indian Bathtub area (the type locality, now covered with sediment) and most of the springs along the Bruneau River upstream of Hot Creek are on lands administered by the Bureau of Land Management (Bureau), while most Springsnail habitats downstream of the Indian Bathtub and Hot Creek are on private land.

D. Habitat Preference

1. Temperature

The species has been found in flowing thermal springs and seeps with temperatures ranging from 15.7° C to 35.7° C, with highest densities (>1000 per m²) of snails noted at temperatures ranging from 24.8° C to 35.7° C (Mladenka 1992).

2. Substrate/Current Velocity

Bruneau Hot Springsnails are found in thermal spring habitats on the exposed surfaces of various substrates, including rocks, gravel, sand, mud and algal film. However, during the winter period of cold ambient temperatures and icing, the species is most often located on the underside of

outflow substrates; habitats least exposed to cold temperatures. In madicolous habitats (thin sheets of water flowing over rock faces), the Bruneau Hot Springsnail has been found in water depths less than 1 centimeter. Current velocity is not considered a significant factor limiting the species distribution, since they have been observed to inhabit nearly 100% of the available current regimes.

E. Life History

1. Reproduction

Sexual maturity can occur at two months, with a sex ratio approximating 1:1. Reproduction occurs throughout the year except when inhibited by high or low temperatures (Mladenka 1992). Mladenka (1992) noted that reproduction occurs at temperatures between 24° -- 35°C. At sites affected by high ambient temperatures during summer and early fall months, recruitment was seasonal, corresponding with cooler periods. Likewise, sites with cooler ambient temperatures would likely exhibit recruitment during the summer months. Bruneau Hot Springsnails use "hard" surfaces such as rock substrates to deposit their eggs, they may deposit eggs on other snails' shells when other hard surfaces are unavailable.

Current literature does not document the life span of the Bruneau Hot Springsnail.

2. Food and Feeding Habits

The species appears to be opportunistic grazers, feeding primarily on algae and diatoms. Bruneau Hot Springsnail densities are lowest in areas of bright green algal mats, while higher densities occur where periphyton communities are dominated by diatoms (Mladenka 1992).

II. Bruneau Hot Springsnail Conservation

The United States Fish and Wildlife Service has concluded that Conservation of the Bruneau Hot Springsnail is contingent upon conserving thermal spring flows along the Bruneau River and Hot Creek containing snail populations, while acknowledging that thermal ground water can continue to be managed to fulfill beneficial uses.

A. Threats

The original 1993 listing indicated that livestock grazing, sedimentation in Hot Creek, recreation access, and habitat loss were all threats to the Bruneau Hot Springsnail.

Through the efforts of the Bureau of Land Management, ranchers and private landowners, fencing has been installed that excludes livestock from Hot Creek and the west side of the Bruneau River. The BLM plans to install additional fencing on the east side of the Bruneau River in the future. If these fencing projects are completed and properly maintained, livestock grazing is no longer considered a threat to Bruneau Hot Springsnails.

Flash flood storm events during 1990-92 delivered sediment quantities that filled the Indian Bathtub and covered Springsnail habitat for approximately 492 feet in Upper Hot Creek below the Bathtub. While flash floods occurred historically, the decreased flushing effects caused by declining spring flows have allowed this sediment to remain in Upper Hot Creek. These events have eliminated Springsnails and their habitat in this area. Sedimentation has not been documented in other spring sites containing Bruneau Hot Springsnails. Therefore, sedimentation outside of the Hot Creek watershed is not considered a significant threat.

Recreational bathers sometimes construct small dams to form thermal pools for bathing. These pools can alter or destroy habitats preferred by the Bruneau Hot Springsnail. This activity occurred primarily at the Indian Bathtub and in Upper Hot Creek. Due to the sedimentation and reduced spring flows in these areas, this activity has creased. The areas where recreational bathing now occurs have not been documented as habitat for Bruneau Hot Springsnails. Recreational access is no longer considered a significant threat to Bruneau Hot Springsnails.

The two remaining threats to Bruneau Hot Springsnails are:

1. Habitat Loss

The available data indicate that spring flows have decreased, and in some cases stopped, along

Hot Creek and the Bruneau River. Reductions in flow restrict the amount of wetted surface available as Springsnail habitat.

Indian Bathtub Spring provides the best long-term record of spring flow in the area. Single discharge measurements in 1922 and 1954 were followed by more regular measurements from 1961 through 1966. Single measurements were made in 1972, 1978, and 1981. Regular measurements have been made since 1988, except for federal fiscal year 1997 when no funds were available for the measurement program. Prior to 1966, discharge from Indian Bathtub Spring ranged from about 1,700 to 2,500 gallons per minute. Spring flow declined from a peak of 2,500 gallons per minute in 1964 to a measured flow of 200 gallons per minute in April 1981. In 1989 discharge ranged from approximately 80 gallons per minute to zero (Berenbrock, 1993). The spring has been dry for part of every year since.

A single discharge measurement of approximately 1,100 gallons per minute was made at Pence Hot Spring in 1922. Since regular measurements began in 1988, flows have fluctuated between 700 and 1,000 gallons per minute. These two springs are part of the eight spring discharges measured by the U.S. Geological Survey as part of the U.S. Fish and Wildlife Service funded monitoring program begun in 1988.

Mladenka and Minshall (1996) resurveyed the snail habitat area that had been examined in 1991 and 1993. Twenty-eight discharge points were recorded as dry and 10 others were not found in the 1996 inventory when compared to earlier data.

The declines in spring flow have been attributed to ground-water withdrawals for irrigated agriculture, drought and uncontrolled leakage from the artesian system. The thermal springs are natural discharge points for the geothermal, artesian aquifer. As pressures in the aquifer decline so do the spring discharges. When pressure levels in an aquifer approach the elevation of a spring mouth, the flows decline rapidly and stop when the aquifer pressure head is below the elevation of the spring. The discharge elevation for the Indian Bathtub Spring is about 2670 feet,

while that for Pence Hot Spring is approximately 2585 feet (Berenbrock, 1993).

Long-term well measurements begun in the 1950's show a general decline in aquifer levels until very recently. The annual rate of decline and the net change in head varies among areas depending on rock type and pumping distribution. Some areas show little or no decline while declines of 30 feet or more have occurred over much of the area (Berenbrock, 1993). Measurements in the fall of 1994 represent low points for most wells and spring flows. After a series of years with below normal precipitation starting in 1987, water years 1993, 1995, 1996, and 1997 had precipitation totals above normal amounts.

Recharge to the aquifer system has been estimated to be approximately 57,000 acre-feet/year (Berenbrock, 1993). Estimates for ground-water withdrawals from 1978 through 1996 are based on power records and range from a high of 49,900 to a low of 33,200 acre-feet/year. Spring discharge and underflow to the north are the other components of the water equation (recharge = use + natural discharge).

Stable spring flows, accompanied by higher-pressure heads in the aquifer, indicate that recharge has increased (a likely consequence of normal or above average precipitation) or that water use and/or underflow have decreased.

Recharge to the aquifer is believed to take place in the mountains 60 to 80 miles south of the Springsnail area. Because the system is artesian, pressure effects may occur rapidly so recharge effects on aquifer levels, spring discharge, and underflow may occur quickly. A more likely scenario is that decreased withdrawals from the aquifer during periods of normal or above average precipitation result in stable or increasing aquifer levels and spring discharges. Whether it is a function of recharge, reduced withdrawals, or some combination of the two, if this general relationship persists at current levels of ground-water use, the aquifer should remain stable or recover during future periods of normal or above average precipitation. Another sequence of dry years, or other factors that would result in an increase in withdrawals would likely cause the

aquifer levels to resume their decline.

2. Exotics

The presence of a large wild population of guppies in Hot Creek and several of the other small thermal springs downstream along the west bank of the Bruneau River is a potential threat to the Bruneau Hot Springsnail. Mladenka (1992) observed guppies feeding upon the species in the laboratory. In addition to guppies, a species of Tilapia has ascended into and reproduced in Hot Creek (Bowler 1992). The presence of this new, potential predator may also constitute a threat to the Bruneau Hot Springsnail by restricting repopulation of the species into Hot Creek and at other thermal spring sites (Varricchione and Minshall 1997).

Recent studies by Varricchione et al. (1998) indicate that Springsnails are not a preferred food item for exotic fish in Hot Creek and may only be incidentally ingested. Based on this information, the United States Fish and Wildlife Service does not consider eradication of exotics as a high priority for recovery of the Bruneau Hot Springsnail.

B. Ongoing Conservation Efforts

At least four measures or efforts that may help achieve conservation objectives are ongoing:

1. Ground Water Management

A. Ground Water Management Area

In 1982, the IDWR established the Bruneau-Grandview Ground Water Management area, an administrative tool which allows the Department to receive and retain, without action, applications for water permits until it can be demonstrated that a new appropriation will not adversely impact other water rights in the management area. Due to the declining water levels and pressures in the area, only applications for domestic use have been approved since the management area designation. Because periodic monitoring of the area has not indicated a significant recovery of water levels in the area, there is no intent to modify the designation (personal communication, Norman C. Young, IDWR Administrator, October 21, 1997). Actions

taken by the Department as part of the ground water management area designation are intended to protect existing water rights. [Idaho water statutes do not provide for curtailment of use of existing water rights to protect the habitat of wildlife species.]

Water right holders may take all reasonable actions, including deepening or otherwise modifying their well, to obtain the amount of water that can be legally put to beneficial use according to their right. According to Idaho Code (42-230) the water in the aquifer is considered to be a low temperature geothermal resource. Anyone deepening or modifying a low temperature geothermal well becomes subject to a bonding requirement and stringent well construction standards (Idaho Code 42-233).

B. Ground Water Management Districts

Recent changes to Idaho Code provide that citizens of the state may petition IDWR for the creation of a ground water management district. These special districts provide borrowing and assessment authority for financing the repair or abandonment of wells in aquifers which have experienced declines in water level or pressure because of flow, leakage, and waste from improper construction, maintenance, and operation of wells drilled into the aquifer. Creation of these management districts is limited to critical ground water areas and ground water management areas.

Residents of the Bruneau area have initiated phase one of this process. They are currently circulating a petition that asks the Idaho Department of Water Resources to form a Water Management District for the area encompassing the Springsnail habitat.

C. Water Measurement Districts

In 1995 the Idaho Legislature authorized the creation of Water Measurement Districts. The director of the Department of Water Resources may create measurement districts in order to more efficiently measure water use, stream flow, and aquifer levels in the designated area. All water users in the area must participate in district activities, except that appropriators or users of

water for hydropower, instream flow, aquaculture, and established irrigation districts may petition to be excluded upon a showing that they are currently making and recording measurements that satisfy the director. Domestic and stock-water users have been excluded from existing districts because of the relatively small amounts of water they use.

The districts must employ a qualified hydrographer to make measurements and report water right violations to the Department of Water Resources. The costs for the district are apportioned among the water users. Failure to pay an assessment may lead to civil action or a halt in water deliveries. Critical and ground water management areas are high priority areas for the formation of measurement districts. Initial application of these authorities has been on the Eastern Snake River Plain Aquifer to help solve water rights problems involved in ongoing litigation.

2. Controlling Leaking Artesian Wells

Wells tapping the geothermal aquifer were first constructed in 1896, however withdrawals were probably less than 10,000 acre-feet per year until 1950. Approximately 125 irrigation wells had been drilled in the area by the early 1950's. About 51 of them were in use in 1954. Seventy-three additional irrigation wells were drilled between 1954 and 1982. Annual withdrawals increased from 1952, and reached a maximum of 49,900 acre-feet in 1981 (Berenbrock, 1993). Since then withdrawals have been as low as 33,200 acre-feet in 1987, averaging about 39,500 acre-feet per year.

Idaho Law provides that any person owning or controlling an artesian well shall maintain the well to prevent waste or contamination. In the Bruneau area waste could occur as surface leakage or as inter-aquifer flow. In either case, water pressure decreases in the deep aquifer system.

In 1993, the IDWR knew of 13 wells in the aquifer, which either leaked at the surface or flowed without restriction. The Department worked with the owners of the wells and brought the wells into compliance with state law. Conceivably, wells that were constructed poorly or were

constructed under earlier less rigorous requirements may be so flawed as to preclude closure. No such wells have been identified in the immediate area of Bruneau Springsnail habitat. Some wells in the Bruneau-Grandview area are allowed to flow year-round upon a determination by the Department that the water is being put to a beneficial use under an existing water right.

A much more complicated problem is the question of interaquifer leakage. The Springsnail area is a discharge area for the geothermal aquifer, which means hydraulic head increases with depth. Depending on well construction and casing deterioration, leakage through well bores from the deep artesian system into shallower units may occur when the well is closed. In some of the area a thin, cold, water table aquifer overlies the geothermal aquifer; in other areas the first water encountered is thermal. There is no clear demarcation between wells used for domestic and other uses. Many users have no option other than thermal water for domestic purposes. Based on data sets of approximately 70 wells, water rights for domestic or domestic and irrigation are associated with wells ranging from 35 to 2420 feet deep. Roughly half are over 300 feet deep. The data show that irrigation is a claimed use for wells ranging from 20 to 3100 feet in depth. Most of them (approximately 55 percent) are believed to be between 800 to 1500 feet deep. There are approximately 290 wells used for domestic purposes and 170 used for irrigation in the area (IDWR, 1992).

Interaquifer leakage through well bores cannot be quantified without expensive borehole investigations. IDWR estimated that a realistic cost to examine and repair an irrigation well with subsurface leakage was \$100,000. It suggested (IDWR, 1992) that the rehabilitation of a domestic well might require \$50,000 per well.

The U.S. Fish and Wildlife Service has funded efforts by the Idaho Water Resources Research Institute to quantify interaquifer leakage. Unfortunately the study has had timing and access problems, but still has potential. Based on the number of deep wells in the area and their casing records, shut-in pressure differences may not have a major effect on aquifer pressure; however if large amounts of interaquifer leakage could be demonstrated, additional efforts to curtail such

leakage might be warranted.

3. Springsnail Habitat and Population Monitoring

In late 1989, researchers from ISU initiated a comprehensive ecological life history study of the Bruneau Hot Springsnail, funded by the Service. Objectives were to describe the life history of the species, characterize physical habitat requirements and examine regional distribution in Hot Creek and nearby thermal springs (Mladenka 1992). Three monitoring sites established by Mladenka have been monitored continuously through funding provided by the BLM (Robinson et al. 1992, Royer and Minshall 1993, Varricchione and Minshall 1994, Varricchione and Minshall 1995, Varricchione and Minshall 1996, and Varricchione et al. 1998). Site 1, in Hot Creek itself has been lost due to flash flooding events in May 1990, September 1991, and July 1992 (Mladenka 1992; Robinson et al. 1992). Snails have not been found in the Hot Creek site since 1993, and are likely extirpated from the site (Varricchione et al. 1998). Springsnail densities at site 2 fell within the range of data from previous years (Varricchione et al. 1998). Site number 3 was divided into 2 separate sites due to an apparent separation of 4 meters between two seeps with distinct spring flows (Royer and Minshall 1993). At site 3-OS (Lower Spring Rockface), Springsnail densities, with the exception of 1992 and 1996, are within the range of data from previous years. The snail densities at site 3-NS (New Seep) have been within the range of values estimated in previous years (Varricchione et al. 1998). Site 3-NS generally has the lowest density of Springsnails between the three sites measured (Varricchione et al. 1998).

Through a Cooperative Challenge Cost Share Project with the BLM, ISU is continuing to monitor key habitat variables (Hot Creek discharge, temperature and water chemistry), the species abundance and population structure at the three study sites described above on a monthly basis. Additional range-wide surveys in 1993 and 1996, funded by the Service, have shown a general continued decline in the number of thermal springs and the number of occupied springs (Mladenka 1993, 1996).

4. Conservation Reserve Program

As of October 1, 1997 the Owyhee County Farm Service Agency (FSA) had 5,889 acres enrolled in the Conservation Reserve Program (CRP). Only 1,333.3 acres are within 15 miles of the Indian Bathtub hot spring. There were CRP contracts on an additional 5,527.4 acres within the 15-mile radius but those contracts expired on September 30, 1997. As of May 1, 1998 none of these acres has been rebid or accepted into the CRP.

The principal impediment to enrolling or re-enrolling acres is that the rental rate for CRP in Owyhee County has dropped from \$50 per acre to an average of \$20 per acre. The rental rates are based on the relative productivity of the soil type and the pre-established dry land cash rental rate estimate, rather than the potential as irrigated acreage.

Every acre of CRP ground represents 2.0 to 2.5 acre-feet per year of water conserved. This is based on the presumption that producers are not using the water to increase irrigation on other acres. Prior to 1994, there was no prohibition against the transfer of water from CRP ground to other acreage.

C. Conservation Strategy

1. Governor's Bruneau Hot Springsnail Conservation Committee

Governor Batt appointed the Bruneau Hot Springsnail Conservation Committee in 1997. This committee is composed of representatives from the following entities: United States Fish and Wildlife Service, Natural Resources Conservation Service, Bureau of Land Management, Idaho Department of Fish and Game, Idaho Division of Environmental Quality, Idaho Department of Water Resources, Idaho Department of Agriculture, University of Idaho Cooperative Extension Service, Owyhee County Commission, Owyhee County Land Use Planning Committee, Idaho Conservation League, Idaho Farm Bureau, Local Interest.

The Governor has submitted a request to the Idaho Congressional delegation to secure funding in the amount of \$3 million for FY 1999, 2000, and 2001. If appropriated, these funds will be used

to develop conservation projects approved and prioritized by the Governor's Bruneau Hot Springsnail Conservation Committee.

In light of the fact that the United States Fish and Wildlife Service has determined that irrigation withdrawals from the geothermal aquifer are the primary threat to the BHS, the BHSCC will conduct a concerted effort to:

1. Acquire conservation easements that reduce the amount of irrigation water withdrawn from the geothermal aquifer. These easements may encompass a variety of terms including but not limited to:
 - Duration from a minimum of fifteen (15) years to perpetuity.
 - All of the water from a particular well or just a portion.
 - In order to accurately account for water conserved in the geothermal aquifer, wells with a partial reduction easement will have meters installed and will be monitored. Wells with an easement that eliminates withdrawal will have the pump pulled and they will be capped.
 - Regardless of the terms, the guiding principle must always be reduction of water withdrawn from the geothermal aquifer.
2. Explore with the Director of the Idaho Department of Water Resources avenues to prevent the forfeiture or abandonment of water rights tied to conservation easements with time certain provisions. This will ensure that individuals who participate in conservation programs do not lose their water rights.
3. Explore with the Director of the Idaho Department of Water Resources the possibility of a moratorium preventing new well construction within the area influencing existing snail habitat. This would negate efforts that might be taken under the Ground Water

Management Area designation to attempt to show that additional withdrawals would not adversely impact existing water rights in the designated area. Also, a moratorium would ensure that any water conserved in the geothermal aquifer as a result of the conservation measures would not be available for irrigation appropriation.

4. Develop additional water conservation measures to maximize the efficiency of irrigation systems thereby reducing the amount of water pumped from the geothermal aquifer. These efforts would include meters on the wells to document the reduction in water withdrawn from the geothermal aquifer.
5. Secure alternate water supply to replace deep well pumping from the geothermal aquifer. There is the possibility that some irrigation could be shifted to the cold water aquifer from the geothermal aquifer. Additionally, attempts should be made to acquire surface water rights on a willing seller willing buyer basis. These water rights could then be exchanged for water withdrawn from the geothermal aquifer.
6. Investigate the possibility of having the Idaho Water Resource Board seek a minimum flow on key springs as a mechanism to establish a priority date under Idaho State law.
7. Explore additional avenues for the conservation and monitoring of Bruneau Hot Springsnail habitat, populations, and ground water.

2. Ground Water Monitoring

Continued ground water monitoring is necessary to assess the effects of ground water withdrawals on water levels in the regional geothermal aquifer that supplies water to the springs containing Springsnails. According to the USGS, ground water withdrawals (i.e.- pumping) can vary seasonally due to the availability of precipitation and surface water runoff. The monitoring program should include: (1) measuring water levels in the geothermal aquifer at several wells distributed throughout the Bruneau area; (2) measuring discharge from 5 to 6 springs containing

Springsnails; and (3) computing annual ground water pumpage from approximately 100 wells distributed throughout the area, to compare changes in water use and water availability with trends in ground water levels and thermal spring discharges (USGS 1992). The Service has funded and will continue to fund USGS monitoring efforts based on the availability of appropriated funds.

3. Springsnail Population and Habitat Monitoring

Bruneau Hot Springsnail population and habitat monitoring programs must run concurrently with ground water monitoring. This should include continued monitoring of key habitat variables such as Hot Creek discharge and water temperature. This information will be essential to better understand Bruneau Hot Springsnail population dynamics and allow resource managers to evaluate the effectiveness of conservation measures. To date, the Bureau of Land Management has funded continuous population monitoring. Future funding of habitat and population monitoring by the Bureau will be dependent on the availability of funds.



IDAHO CONSERVATION LEAGUE

June 1, 1998

Mr. John Chatburn
Special Assistant
Office of the Governor
P.O. Box 83720
Boise, ID 83720-0034

Dear Mr. Chatburn:

These comments on Idaho's draft Bruneau Hot Springsnail Conservation Plan are provided on behalf of the 3,000 members of the Idaho Conservation League. As a participant in the Governor's Bruneau Hot Springsnail Committee (the Committee), ICL believes that there is indeed some benefit to having land managers, affected parties and conservationists sitting down together. However, a meaningful conservation plan must include specific commitments that assure protection of the species in question.

The key to recovery of the snail is in balancing water withdrawals with recharge at a sustainable level and one conducive to snail recovery. As Idaho's Bruneau Hot Springsnail Conservation Plan (The Plan) notes, trend data indicate a decline in aquifer levels over much of the area. Any recovery plan needs an active and workable strategy for cutting back on withdrawals until the sustainable balance can be struck.

Unfortunately, is utterly lacking a clear, workable water management plan. One cannot even fault the Plan for failing to have an implementation schedule because there is nothing concrete to implement! This Plan would protect only the interests of water users at the expense of snail recovery and we therefore find the Plan totally unacceptable as a conservation strategy for the snail. Specific concerns are enumerated below.

Threats

We believe that it is inappropriate to write off livestock grazing as a threat to snail recovery. It flies in the face of common sense, let alone basic principles of ecology, that healthy riparian areas and overall ecosystem health are unimportant to snail populations and their ultimate recovery. The Plan itself points out that additional fencing needs have been identified and that proper and ongoing maintenance of fencelines are necessary.

The Plan inappropriately writes off the Upper Hot Creek area in terms of recovery, noting that since the snails and their habitat have been eliminated in this area due to sedimentation, sedimentation is no longer a problem. Clearly, this is circular reasoning. Restoration of the Upper Hot Creek area must a vital part component of the recovery effort.

Ongoing Conservation Efforts

1. Water Management and Water Measurement Districts

The Plan discusses the formation of water management and water measurement districts but the real-world (political) prospects of these appear dim in the timeframe needed for snail recovery. These are, therefore, not ongoing conservation efforts.

2. Population Monitoring

With the exception of the BLM/ISU collaboration, this section discusses only past monitoring activity. Continued monitoring of snails populations is essential and the future of federally funded monitoring is, as always, uncertain at best. The Plan makes no financial commitment to monitoring snail populations or groundwater.

3. Conservation Reserve Program

The potential impact of the Conservation Reserve Program is unknown but could be small. In terms of snail recovery, the lack of a prohibition on transfer of water from CRP ground to other acreage is a significant shortcoming.

Conservation Strategy

1. Funding

The Plan requests \$3 million for three years from Congress. It would seem reasonable however, that if the snail drops off the ESA list and Idaho assumes lead authority for recovery, then Idaho should be willing to pay for recovery efforts. Federal control comes with federal money, state control should come with state money. The fact is, Congress would be ill-advised to fund a Plan so grossly lacking in specifics and active recovery ideas and goals. This is especially true given Governor Batt's letter to the editor of the Idaho Statesman newspaper, which soundly belittled the snail and the recovery effort: "It has no food or recreational value," etc. etc.

How can Idaho be taken seriously on recovery when such an obvious bias exists at the highest levels of leadership?

2. Conservation Easements

Here again, the potential impact is unknown but could be minimal with the lack of a prohibition on transfer of water from easement ground to other acreage. Unless water rights are abdicated along with easements, this option is not the great hope that it is wished to be.

3. Moratorium on New Wells and Minimum Flow on Springs

The possibility of a moratorium on new well construction and establishing minimum flows on key springs are good examples of where firm, clear commitments to do something immediately beneficial for the snails would have been nice to see. "Exploring" the possibility of a moratorium has no doubt already been done. Ditto for "investigating" the possibility of minimum flows. If the political will were stronger Idaho could have already made commitments to do these things.

4. Water Conservation

The act of putting meters on wells, in and of itself, does not constitute water conservation.

5. Shifting the Problem to Another Aquifer

Seeking replacement water from the cold water aquifer, comes complete with its own set of political and environmental problems and cannot be viewed as a realistic solution.

6. Additional Measures

The Plan states: "Explore additional measures for the conservation of Bruneau Hot Springs snail habitat and populations." Just how much money should come out of federal coffers for that one, especially in light of Governor Batt's anti-snail letter?

7. Monitoring

The Plan fails to emphasize that it is the federal agencies that have been solely responsible for funding the monitoring of both snail populations and

groundwater levels. The Plan makes no commitment to continued funding for these vital activities.

Lastly, we feel it only fair that the ICL's adamant public opposition to the Plan be incorporated in the state's formal communications regarding the Plan. We request that any correspondence to members of Congress, the Administration and its federal agencies, and the public at large include an honest characterization of the concerns of the Committee's sole conservation voice. This gesture should be extended to any other dissenters on the Committee as well. The Governor, in his letter to the editor stated that: "The whole committee" supported the Plan's fiscal approach. The ICL has never approved of this approach. If basic requirements of fair play are not adhered to, we will have little recourse but to resign from the Committee.

Sincerely,



Scott Brown
State Issues Director

cc: Robert Ruesink
Laird Lucas

Water Rights

History

51-02214

51-12977

51-12976

Am, civil hearing - Doug Spackman
+ John

Attorney has talked (Bruce Smith)

- Norm Young - Recan

More Smith
button

Didn't have the right
to keep them from drilling & digging

Small recovery plan - Paragraph
well known to obtain true legal
water rights. Conservation people

5/25/07

Aspect with rights (Hot or Cold)
that may be a legal point
113 area where the mail will do fine

Off Foss

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 51-2214 Priority April 11, 1966 Amount 4.04 cfs

THIS IS TO CERTIFY, that Kent G. Kohring
of Bruneau, Idaho, has complied with the terms and conditions of Permit
No. 51-2214 issued pursuant to Application for Permit dated April 11, 1966,
and has submitted proof to the Department of Water Resources on October 14, 1974,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 4.04 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>March 15</u> to <u>November 15</u>	at <u>4.04</u> cfs and	<u>1560.0</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 4.04 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1560.0 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, Twp.
6S, Rge 4E in the County of Owyhee

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6S	4E	24																38	38
		25	39	38			37												114
6S	5E	30					40	40	40	40									160

Total number of acres irrigated 312

This right when combined with all other rights shall provide no more than 0.02
cfs per acre nor more than 5.0 afa per acre for the lands above.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

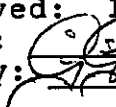
Witness the seal and signature of the Director, affixed at Boise, Idaho, this 4th day of
December, 19 83.

Director

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A51-02214
Date Received: 1/17/1989
Receipt No: C005138
Received By: 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KOHRING FARMS
Address: H C 85 BOX 140
BRUNEAU, ID 83604 208-845-2106
2. Date of Priority: APR 11, 1966
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 06S | 04E | 25 | SW | SW | NW | | OWYHEE |
5. Description of diverting works:
WELL, PUMP, STORAGE POND, DITCHES
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 4.040 | | |
7. Total Quantity Appropriated is:
4.040 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 1092.0 Acre Feet Per Annum.
9. Non-irrigation uses:
INCIDENTAL YEAR AROUND STOCKWATER USE
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	04E	24	SE	SE		IRR	38.0
Section Acres							38.0

A51-02214

Page 1

Date: 01/17/89

MICROFILMED

AUG 10 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	04E	25	NE	NE		IRR	39.0
			NW	NE		IRR	38.0
			NE	NW		IRR	37.0
						Section Acres	114.0
	05E	30	NE	NW		IRR	40.0
NW			NW		IRR	40.0	
SW			NW		IRR	40.0	
SE			NW		IRR	40.0	
						Section Acres	160.0
						Total Acres	312.0

11. Place of use in counties: OWYHEE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 32826

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 51-2214

WATER RIGHT NUMBER: 51-2214

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	KOHRING FARMS H C 85 BOX 140 BRUNEAU, ID 83604 (208)845-2106
Directors Report Owner	TRI-VIAL INC HC 85 BOX 139E BRUNEAU, ID 83604 (208)845-2106
Current Owner	KENT KOHRING 28924 DAVIS RD BRUNEAU, ID 83604 (208)845-2926
Current Owner	VIRGINIA KOHRING 28924 DAVIS RD BRUNEAU, ID 83604 (208)845-2926

Priority Date: 04/11/1966

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	4.040 CFS	1,560.00 AF
	<u>Total Diversion:</u>	4.040 CFS	1,560.00 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SW1/4NW1/4	Sec. 25, Twp 06S, Rge 04E, B.M.
OWYHEE County		
GROUND WATER	SW1/4SW1/4SW1/4	Sec. 36, Twp 06S, Rge 04E, B.M.
OWYHEE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	04E	24																38.0	38.0
06S	04E	25	38.0	36.0			38.0	39.0	40.0	40.0	40.0								271.0
06S	05E	30					40.0	40.0	40.0	42.0									162.0
								L 1	L 2										

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 51-2214

Total Acres: 471

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

1. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 312 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 471 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 51-12977
2. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3. Point of Diversion TWO POINTS OF DIVERSION LOCATED IN T06S, R04E, S36, SWSW.
4. Explanatory WATER TEMPERATURE MEASURED AT 105 DEGREES F. FROM POINT OF DIVERSION IN SWSW, S36, T06S, R04E.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE: 51-12976 AND 51-12977.

Comments:

1. rbrown 5/28/2003 SF5

Comment: created this date to correct volume

2. cfritsch 8/5/2003 Explanatory Remark Update

Comment: Replaced 51-04000A with 51-12976 and 51-12977 in Explanatory Remark stating other rights from the same points of diversion.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

2003 JUL -3 PM 4:07

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 51-02214

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: KENT KOHRING
VIRGINIA KOHRING
HC 85 BOX 140
BRUNEAU, ID 83604

SOURCE: GROUNDWATER

QUANTITY: 4.04 CFS
1560.00 AFY

PRIORITY DATE: 04/11/1966

POINT OF DIVERSION: T06S R04E S25 SWSWN Within Owyhee County
S36 SWSWSW

TWO POINTS OF DIVERSION LOCATED IN T06S, R04E, S36, SWSW.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-15 TO 11-15	4.04 CFS 1560.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL
WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE
AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS
ENTERED FOR THIS RIGHT.

PLACE OF USE:	Irrigation	Within Owyhee County
T06S R04E S24	SESE 38.0	
S25	NENE 38.0	NWNE 36.0
	NENW 38.0	NWNW 39.0
	SWNW 40.0	SENW 40.0
	NESW 40.0	
R05E S30	NENW 40.0	LOT 1 (NWNW) 40.0
LOT 2	(SWNW) 40.0	SENW 42.0
471.0 Acres Total		

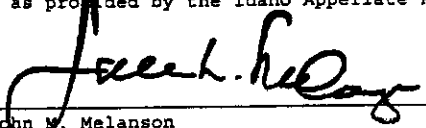
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 312 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 471 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 51-12977.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John W. Melanson
Presiding Judge of the
Snake River Basin Adjudication

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 51-2214

Total Acres: 471

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

1. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 3 12 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 471 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 51-12977
2. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
3. Point of Diversion TWO POINTS OF DIVERSION LOCATED IN T06S, R04E, S36, SWSW.
4. Explanatory WATER TEMPERATURE MEASURED AT 105 DEGREES F. FROM POINT OF DIVERSION IN SWSW, S36, T06S, R04E.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE: 51-12976 AND 51-12977.

Comments:

1. rbrown 5/28/2003 SF5
Comment: created this date to correct volume
2. cfritsch 8/5/2003 Explanatory Remark Update
Comment: Replaced 51-04000A with 51-12976 and 51-12977 in Explanatory Remark stating other rights from the same points of diversion.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 51-12977

2004 MAY 21 PM 2:32
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED *mm*

NAME AND ADDRESS: KENT KOHRING
VIRGINIA KOHRING
HC 85 BOX 140
BRUNEAU, ID 83604

SOURCE: GROUNDWATER

QUANTITY: 3.295 CFS
636.00 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 03/15/1956

POINT OF DIVERSION: T06S R04E S25 SWSWN Within Owyhee County
S36 SWSWSW

TWO POINTS OF DIVERSION LOCATED IN T06S, R04E, S36, SWSW.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	3.18 CFS
	Stockwater	01-01 TO 12-31	0.115 CFS

PLACE OF USE:	Irrigation	SESE 38.0	Within Owyhee County
	T06S R04E S24	NENE 38.0	NWNE 36.0
	S25	NENW 38.0	NWNW 39.0
		SWNW 40.0	SENE 40.0
		NESW 40.0	
	R05E S30	NENW 40.0	LOT 1 (NWNW) 40.0
	LOT 2	(SWNW) 40.0	SENE 42.0
	471.0 Acres Total		
	Stockwater		Within Owyhee County
	Same as Irrigation		

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 159 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 471 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 51-02214.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 51-12976

2004 MAY 21 PM 2:32
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED *jm*

NAME AND ADDRESS: EUGENE F ROBERTSON
SUSAN G ROBERTSON
HC 85 BOX 139E
BRUNEAU, ID 83604

SOURCE: GROUNDWATER

QUANTITY: 3.175 CFS
612.00 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.
THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 03/15/1956

POINT OF DIVERSION: T06S R04E S25 SWSNW Within Owyhee County
S36 SWSWSW

TWO POINTS OF DIVERSION LOCATED IN T06S, R04E, S36, SWSW.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	3.06 CFS 612.00 AFY
	Stockwater	01-01 TO 12-31	0.115 CFS

PLACE OF USE:	Irrigation	Within Owyhee County
	T06S R04E S25	SWNE 40.0 SENE 40.0 NESE 39.0 NWSE 34.0
	153.0 Acres Total	
	Stockwater	Within Owyhee County
	Same as Irrigation	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER
USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

History of
Kohring Wells.

See. 25

WR 57-2214

SW Cor
NW 1/4
S 25

Kohruing #2

0-90 Lilt. Clay
90-95 sand. water Br.
95-145 Blue Clay
145-150 sand, water static level 36ft
150-247 Blue clay
247-255 Rock stringer water
255-720 clay & silt.
720 sand Gray
720-830 clay. Blue sticky
830-835 sand.
835-905 ? shale
905-915 sand.
915-1000 clay 1000-1030 sd. imbedded in sand at 1030
1030-1040 conglomerate thin form.
1040-1200 Grey Clay & shale static level 34ft
1200-1430 " " "
1430-1435 too streak.
1435-1460 Clay
1460-1470 White power ash had to mud hole
1470-1480 Clay with lignite between 1460-1480 static 27ft
1480-1535 clay shale
1535-1560 5ft. strata ss. co. static level 20ft
1560-1610 section very fine, more sandy
1610-1650 clay streak & shale find 3ft
1650-1900 Hard. Brake stone & soft bit.
Water flowing about 20 inches

Casing original

151 ft 10 in I.D. Top 820 - 991
99 ft 14 in I.D. " 738 - 835 3/8" well 3/4" Band.
40 ft 16 in I.D. " 700 - 740.
20 in. Top of hole. 200 ft.

← something here.

675 Top 10 some here 7815 Top 10

30 ft off bottom
and line
mud
27731

151
966
21
997

28" Casing?

300'-20" Casing
440'-16" "
99'-14" "
151'-10" "

Present.

0-200
300-440
738-835
820-991

695
40
715
91
812

1 string
#244

WELL DRILLER'S REPORT

State law requires that this report be filed with the State Reclamation Engineer
within 30 days after completion or abandonment of the well.

WELL OWNER

Name Kenel Kohning

Address _____

Owner's Permit No. _____

7. WATER LEVEL

Static water level _____ feet below land surface

Flowing? ☐ Yes ☐ No G.P.M. flow _____

Temperature _____ ° F. Quality _____

Artesian closed-in pressure _____ p.s.i.

Controlled by ☐ Valve ☐ Cap ☐ Plug

NATURE OF WORK

☒ New well ☐ Deepened ☐ Replacement☐ Abandoned (describe method of abandoning) _____

PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Test☐ Municipal ☐ Industrial ☐ Stock

METHOD DRILLED

☒ Cable ☐ Rotary ☐ Dug ☐ OtherWELL CONSTRUCTION 1974Diameter of hole _____ inches Total depth 1900 feetCasing schedule: ☒ Steel ☐ Concrete

Feet	Diameter	From	To
200 ft	2.0 inches	0	200 feet
440 ft	2.5 inches	200	640 feet
94 ft	3.0 inches	640	734 feet
151 ft	3.5 inches	734	885 feet

Was a packer or seal used? ☐ Yes ☒ NoPerforated? ☐ Yes ☒ NoHow perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation _____ inches by _____ inches

Number	From	To
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet
_____ perforations	_____ feet	_____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

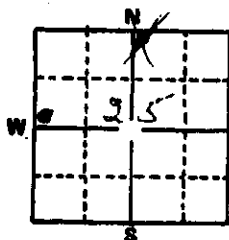
Gravel packed? ☐ Yes ☒ No Size of gravel _____

Placed from _____ feet to _____ feet

Surface seal? ☒ Yes ☐ No To what depth 200 feetMaterial used in seal ☐ Cement grout ☒ Puddling clay

LOCATION OF WELL

Sketch map location must agree with written location.

County Payette Idaho

S. W. 1/4 N. W. 1/4 Sec. 25, T. 6 N. S. R. 4 E. W.

8. WELL TEST DATA

☐ Pump ☐ Bailer ☐ Other

Discharge G.P.M.	Draw Down	Hours Pumped

9. LITHOLOGIC LOG

Hole Diam.	Depth		Material	Water	
	From	To		Yes	No
24	0	40	Light clay		✓
34	40	145	Blue clay		✓
24	145	150	Sand		✓
16	150	244	Blue clay		✓
16	244	255	Rock stratum	✓	34
16	255	270	Clay & shale		
16	270	280	Sand streak		
16	280	330	Blue clay streak		
10	330	835	Sand		
10	835	905	Shale		
10	905	915	Sand		
10	915	1000	Clay		
8	1000	1030	Reddish sand & shale		
8	1030	1430	Sand		
8	1430	1435	Blue clay & shale		
8	1435	1460	Sand streak		
8	1460	1490	Clay		
8	1490	1495	White power line cable	✓	24
8	1495	1535	Hard mud hole		
8	1535	1535	Clay & shale		
8	1535	1560	Hard shale	✓	20
8	1560	1610	Sedimentary formation	✓	20
8	1610	1850	Clay & shale streak	✓	3
8	1850	1900	Hard sand & rock	✓	10
			Broken string at 1 1/2" bit, in hole about 4 ft long.		

10.

Work started _____ finished _____

11. DRILLER'S CERTIFICATION

This well was drilled under my supervision and this report is
true to the best of my knowledge.

Driller's or Firm's Name _____ Number _____

Address _____

Signed By _____ Date _____

IDAHO DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

RECEIVED

SEP 27 2002

WATER RESOURCES
WESTERN REGION

Office Use Only			
Well ID No.			
Inspected by			
Twp	Rge	Sec	
1/4	1/4	1/4	
Lat:	:	Long:	:

1. WELL TAG NO. D _____
DRILLING PERMIT NO. _____
Water Right or Injection Well No. _____

2. OWNER:

Name KENT KOHRING
Address _____
City BROWN State ID Zip 83604

3. LOCATION OF WELL by legal description:

You must provide address or Lot, Blk, Sub. or Directions to well.

Twp. 6 North ☐ or South ☒
Rge. 4 East ☒ or West ☐
Sec. 25 1/4 SW 1/4 NW 1/4
Gov't Lot _____ County OWYHEE

Lat: _____ Long: _____
Address of Well Site 2 3/4 miles south of Highway 78 on
MORMON BLVD. City BROWN
(Give at least some of road + Distance to Road or Landmark)
Lt. _____ Blk. _____ Sub. Name _____

4. USE:

☐ Domestic ☐ Municipal ☐ Monitor ☒ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)

☒ New Well ☒ Modify ☐ Abandonment ☐ Other _____

6. DRILL METHOD:

☐ Air Rotary ☒ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

Seal Material	From	To	Weight / Volume	Seal Placement Method
<u>DON'T KNOW</u>				

Was drive shoe used? ☐ Y ☐ N Shoe Depth(s) SEE SCHEDULEWas drive shoe seal tested? ☐ Y ☐ N How? _____8. CASING/LINER: SEE ATTACHED SCHEDULE

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
<u>20</u>	<u>0</u>	<u>200</u>	<u>1/4</u>	<u>STEEL</u>	☒	☐	☒	☐
<u>16</u>	<u>300</u>	<u>498</u>	<u>1/4</u>	<u>STEEL</u>	☐	☒	☒	☐
<u>16</u>					☐	☐	☐	☐

Length of Headpipe 20 Length of Tailpipe 20Packer ☐ Y ☒ N Type _____

9. PERFORATIONS/SCREENS PACKER TYPE

Perforation Method ROTARY-MACHINE CUT PERFORATIONS

Screen Type & Method of Installation _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
<u>1600</u>	<u>1620</u>	<u>1/8</u>	<u>26</u>	<u>10"</u>	<u>STEEL</u>	☐	☒
<u>1640</u>	<u>1660</u>	<u>1/8</u>	<u>28</u>	<u>10"</u>	<u>STEEL</u>	☐	☒
<u>1700</u>	<u>1720</u>	<u>1/8</u>	<u>20</u>	<u>10"</u>	<u>STEEL</u>	☐	☒

10. FILTER PACK

Filter Material	From	To	Weight / Volume	Placement Method
<u>None</u>				

11. STATIC WATER LEVEL OR ARTESIAN PRESSURE:

UNKNOWN ft. below ground Artesian pressure _____ lb.
Depth flow encountered UNK ft. Describe access port or control devices: _____

12. WELL TESTS:

☐ Pump ☐ Bailor ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time

Water Temp. UNKNOWN Bottom hole temp. UNKWater Quality test or comments: UNKNOWN

Depth first Water Encounter _____

13. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Water
<u>24</u>	<u>0</u>	<u>90</u>	<u>SILT - CLAY</u>	
	<u>90</u>	<u>95</u>	<u>SAND</u>	☒
	<u>95</u>	<u>145</u>	<u>BLUE CLAY</u>	
	<u>145</u>	<u>150</u>	<u>SAND</u>	☒
<u>24</u>	<u>150</u>	<u>200</u>	<u>BLUE CLAY</u>	
<u>20</u>	<u>200</u>	<u>247</u>	<u>BLUE CLAY</u>	
	<u>247</u>	<u>255</u>	<u>ROCK STRINGER</u>	☒
	<u>255</u>	<u>720</u>	<u>SILT & CLAY</u>	
<u>20</u>	<u>720</u>	<u>738</u>	<u>BLUE CLAY</u>	
<u>14</u>	<u>738</u>	<u>830</u>	<u>BLUE CLAY</u>	
<u>14</u>	<u>830</u>	<u>835</u>	<u>SAND</u>	☒
<u>12</u>	<u>835</u>	<u>905</u>	<u>SAND</u>	
	<u>905</u>	<u>915</u>	<u>SAND</u>	☒
	<u>915</u>	<u>1000</u>	<u>CLAY</u>	
	<u>1000</u>	<u>1030</u>	<u>CONGLOMERATE</u>	
	<u>1030</u>	<u>1040</u>	<u>GRAVEL - BLACK SAND</u>	☒
	<u>1040</u>	<u>1430</u>	<u>CLAY SHALE</u>	
	<u>1430</u>	<u>1435</u>	<u>BOSOM BLACK</u>	
	<u>1435</u>	<u>1460</u>	<u>CLAY</u>	
	<u>1460</u>	<u>1470</u>	<u>WHITE CHALK</u>	
	<u>1470</u>	<u>1555</u>	<u>STICKY CLAY</u>	
	<u>1555</u>	<u>1560</u>	<u>CINDER LAYER</u>	☒
	<u>1560</u>	<u>1610</u>	<u>SEDIMENTARY</u>	
	<u>1610</u>	<u>1620</u>	<u>CLAY</u>	
	<u>1620</u>	<u>1640</u>	<u>SANDY SEDIMENTARY</u>	
	<u>1640</u>	<u>1660</u>	<u>SAND</u>	☒
	<u>1660</u>	<u>1625</u>	<u>TUFF SOFT</u>	
	<u>1625</u>	<u>1665</u>	<u>TUFF - SAND</u>	
	<u>1665</u>	<u>1700</u>	<u>CLAY</u>	
	<u>1700</u>	<u>1715</u>	<u>SEDIMENTARY - CLAY</u>	
	<u>1715</u>	<u>1720</u>	<u>SAND</u>	
<u>12</u>	<u>1720</u>	<u>1730</u>	<u>CLAY</u>	

Completed Depth 1900 (Measurable)Date: Started 1966 Completed 1967

14. DRILLER'S CERTIFICATION

I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name DRILLED BY GAR KOHRING Firm No. _____Filed out by Sam Johnston JOHNSON DRILLING # 9

Principal Driller _____ Date _____

and Driller or Operator II _____ Date _____

Operator I _____ Date _____

Principal Driller and Rio Operator Required.

IDAHO DEPARTMENT OF WATER RESOURCES WELL DRILLER'S REPORT

1. WELL TAG NO. D 0025650
 DRILLING PERMIT NO. 874942-789409
 Water Right or Injection Well No. 51-2214

2. OWNER:
 Name Kent Kohring
 Address HC 85 BOX 140
 City BRUNEAU State ID Zip 83604

3. LOCATION OF WELL by legal description:
 You must provide address or Lot, Blk, Sub. or Directions to well.
 Twp. 6 North ☐ or South ☒
 Rge. 4 East ☒ or West ☐
 Sec. 25 SW 1/4 SW 1/4 NW 1/4
 Gov't Lot _____ County OWYHEE
 Lat: 45:56:23.41 Long: 115:52:38.4
 Address of Well Site MORRIS RD 2 3/4 mi S-
of 78 City BRUNEAU
 (Give at least name of road or landmark)
 Lt. _____ Blk. _____ Sub. Name _____

4. USE:
☐ Domestic ☐ Municipal ☐ Monitor ☒ Irrigation
☐ Thermal ☐ Injection ☐ Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)
☐ New Well ☒ Modify ☐ Abandonment ☐ Other _____
DEEPEN

6. DRILL METHOD:
☐ Air Rotary ☒ Cable ☐ Mud Rotary ☐ Other _____

7. SEALING PROCEDURES

Seal Material	From	To	Weight / Volume	Seal Placement Method
<u>N/A</u>				

Was drive shoe used? ☒ Y ☐ N Shoe Depth(s) 250' 1089, 1640,
 Was drive shoe seal tested? ☐ Y ☒ N How? 1759

8. CASING/LINER:

Diameter	From	To	Gauge	Material	Casing	Liner	Welded	Threaded
<u>18</u>	<u>1</u>	<u>250</u>	<u>1/4</u>	<u>steel</u>	☒	☐	☒	☐
<u>16</u>	<u>300</u>	<u>738</u>	<u>1/4</u>	<u>steel</u>	☐	☒	☐	☐
<u>12</u>	<u>686</u>	<u>1089</u>	<u>1/4</u>	<u>steel</u>	☐	☒	☒	☐

Length of Headpipe _____ Length of Tailpipe _____
 Packer ☐ Y ☐ N Type _____

9. PERFORATIONS/SCREENS PACKER TYPE
 Perforation Method Backguy slots
 Screen Type & Method of Installation _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
<u>1500</u>	<u>1560</u>	<u>1/8</u>	<u>1200</u>	<u>10"</u>	<u>steel</u>	☐	☒

10. FILTER PACK

Filter Material	From	To	Weight / Volume	Placement Method
<u>N/A</u>				

11. STATIC WATER LEVEL OR ARTESIAN PRESSURE:
38 ft. below ground Artesian pressure _____ lb.
 Depth flow encountered 130 ft. Describe access port or control devices: access
through pump base
10-1491 1640 1/4 steel liner

Office Use Only
 Well ID No. _____
 Inspected by _____
 Twp _____ Rge _____ Sec _____
 1/4 1/4 1/4
 Lat: : : Long: : :

12. WELL TESTS:
☐ Pump ☐ Bailor ☐ Air ☐ Flowing Artesian

Yield gal./min.	Drawdown	Pumping Level	Time
<u>N/A TESTED</u>			

Water Temp. 83 Bottom hole temp. 82

Water Quality test or comments: GOOD

Depth first Water Encounter 31

13. LITHOLOGIC LOG: (Describe repairs or abandonment) Water

Bore Dia.	From	To	Remarks: Lithology, Water Quality & Temperature	Y
			<u>SEE EARLIER LOGS FOR FIRST 1900'</u>	
	<u>8</u>	<u>1900</u>	<u>HARD BLACK BASALT</u>	
	<u>1906</u>	<u>1912</u>	<u>REG BASALT</u>	☒
	<u>1912</u>	<u>1931</u>	<u>BLACK BASALT</u>	
	<u>1931</u>	<u>1938</u>	<u>BLACK CRACKED BASALT - CLAY</u>	☒
	<u>1938</u>	<u>1941</u>	<u>CRACKING BASALT GREEN TUFF</u>	☒
	<u>1941</u>	<u>1969</u>	<u>HARD BLACK BASALT</u>	☒
	<u>1969</u>	<u>1970</u>	<u>GREEN TUFF - black pebbles</u>	☒
	<u>1970</u>	<u>1977</u>	<u>BLACK HARD</u>	
	<u>1977</u>	<u>1982</u>	<u>BLACK CLAY REG ROCK</u>	☒
	<u>1982</u>	<u>1990</u>	<u>BLACK BASALT</u>	☒
	<u>1990</u>	<u>1999</u>	<u>BLACK BASALT HARD</u>	
	<u>1999</u>	<u>2003</u>	<u>CRACKING BASALT</u>	
	<u>2003</u>	<u>2012</u>	<u>SOFT AND HARD BASALT LAYERS</u>	
	<u>2012</u>	<u>2017</u>	<u>BLACK BASALT HARD</u>	
	<u>2017</u>	<u>2042</u>	<u>BLACK BASALT VERY HARD</u>	

RECEIVED

MAR 21 2003

WATER RESOURCES
WESTERN REGION

Completed Depth 2042 (Measurable)

Date: Started DEC 17 2002 Completed FEB 20 20

14. DRILLER'S CERTIFICATION

We certify that all minimum well construction standards were complied with at the time the rig was removed.

Company Name Johnston Drilling Firm No. 92

Principal Driller Sam Johnston Date MAR 19 2

and Driller or Operator II Sam Johnston Date MAR 19 2

Operator I _____ Date _____

Principal Driller and Rig Operator Required.

Kohring well
RECEIVED

SEP 27 2002

WATER RESOURCES
WESTERN REGION

Rob, here's the well log for Kent Kohring. I made the log as close as I could using Gar Kohring's old records. I've attached an explanation of what I did to it 20 years ago also. I didn't deepen it, only moved some liners around and fished out some lost tools.

Since it is in a hard basalt bottom at 1900 ft., what I plan to do is simply continue on drilling an open rock hole with 8 in. tools to approximately 2300.

The well was originally drilled by Gar Kohring in 1966-1967. He broke the drilling stem off at 1900 ft. leaving an 8 in. bit and 2 ft. stem and did not work on it anymore.

I worked on it in the winter when it was not being pumped.

Winter of 1978-1979:

There was a bad sand cave at 1630 ft. that I couldn't get through. I tried to pull an 8 in. liner that was set from 1000 to 1120 so I could ream the lower part of the hole and case out the 1630 ft. cave. I couldn't put a smaller liner in because of the lost 8 in. bit. Sand from above caved in on top of the fishing tools locking them in. I cut the cable and tried pulling the casing with a sand lock and big jacks. The casing pulled apart above the tools leaving them and the lower half of the casing.

Winter of 1979-1980:

I put in 400 ft. of 12 in. OD X 1/4 wall casing and drove it over the lost fishing tools and 8 in. casing. After fishing out the tools and 8 in. casing I placed the 12 in. from 800 to 1200 ft. I then reamed a 12 hole to the 1630 ft. cave and placed perforated 10 in. casing from 1580 to 1740 ft. The sand came through the perforations and couldn't be stopped. Since the 10 in. casing with a bell on top was 11 1/4 in. and the 12 OD above was 11 1/2 in. I didn't think I could pull the 10 in. through the bottom of the 12 in. I put in a blank 8 in. casing inside the 10 to stop the sand but I couldn't get the bottom of the 8 to seal thus sand kept running around the bottom.

Winter of 1980-1981:

I had planned on pulling the 8 in. and adding to it and setting it deeper but during the summer pumping season either the sand was pumped out or the bottom of the casing bridged off with clay caving outside the casing. The sand stopped coming in allowing me to clean the well to 1900 ft. and fish out the lost bit and stem. This was the last time I worked on the well.

Sam

Talked to Sam on 12-6-02
BHT (1890') 70°F

Rob, here's the well log for Kent Kohring. I made the log as close as I could using Gar Kohrings old records. I've attached an explanation of what I did to it 20 years ago also. I didn't deepen it, only moved some liners around and fished out some lost tools.

Since it is in a hard basalt bottom at 1900 ft., what I plan to do is simply continue on drilling an open rock hole with 8 in. tools to approximately 2300.

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Temperature and drill log for Kent Kohring well.

Date	depth	temp	static	remarks
Dec 18 2002	1900	70	47	started drill hard black basalt
Dec 19 2002	1903	70	47	slow hard
Dec 20 2002	1907	no cuttings	46 6	slow bad caving basalt
Dec 23 2002	1910	70	46	black basalt
Dec 24 2002	1919	70	46	getting harder
Dec 27 2002	1925	65	45	soft spot-turning hard
Dec 28 2002	1931	no cuttings	45	hard-soft basalt layers
Jan 2 2003	1936	no cuttings	45	caving slow going-black clay and basalt
Jan 3 2003	1939	no cuttings	44 6	caving
Jan 4 2003	1949	no cuttings	44 6	more solid hard
Jan 7 2003	1943	no cuttings	44	extreme hard-breaking bit
Jan 8 2003	1959	no cuttings	43 6	soft hard layers
Jan 13 2003	1954	70	42 6	hard
Jan 14 2003	1956	71	42 6	hard
Jan 16 2003	1960	71	42	hard
Jan 17 2003	1965	71	42	hard
Jan 19 2003	1969	70	41 6	hard-black pebbles
Jan 20 2003	1974	70	41	sticky clay
Jan 22 2003	1979	70	41	mud turning red
Jan 26 2003	1990	73	41	turning black harder
Jan 27 2003	1999	-	40	harder black specks of water talc
Jan 28 2003	2006	71	40	faster drilling thin red mud
Jan 29 2003	2016	71	40	black hard
Jan 30 2003	2024	76	39 6	black basalt
Feb 3 2003	2028	79	39	black hard
Feb 5 2003	2033	79	39	black hard
Feb 6 2003	2038	81	39	black hard--Called Rob Whitney about continuing
Feb 7 2003	2041	83	39	extreme hard
Feb 8 2003	2042	79	38	Broke drilling line.

Water Right
measurements



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

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

January 15, 1981

Kent G. Kohring
Star Rt. B, Box 140
Bruneau, Idaho 83604

Dear Mr. Kohring,

A representative of this Department has made an examination of the works covered by your Permit No. 51-2214, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 3.85 cfs Source: groundwater

The maximum quantity diverted shall not exceed 1560 acre feet
per year.

Point(s) of diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, Twp. 6S, Rge. 4E, B.M.

Beneficial use: Irrigation of 37 acres within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24; 115 acres
within the N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, Twp. 6S, Rge. 4E; 160 acres
within the NW $\frac{1}{4}$, Sec. 30, Twp. 6S, Rge. 5E.

Priority date established: April 11, 1966

Conditions (if any):

If you do not concur with these findings please contact us within 10 days,
otherwise a water license will be issued as set forth above.

Sincerely,

Jim Johnson

JIM JOHNSON
Water Rights Supervisor

*1981
Called Jan 24 th. Asked
Jim Johnson if possible to get
another measurement. He affirmed, said he
would contact regional office*



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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

December 9, 1982

RE: Permit No. 51-2214

Kent G. Kohring
Star Route B, Box 140
Bruneau, ID 83604

Dear Mr. Kohring:

A representative of this Department has made an examination of the works covered by your Permit No. 51-2214, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 4.04 cfs Source: groundwater

The maximum quantity diverted shall not exceed 1560.0 acre feet
per year.

Point(s) of diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, Twp. 6S, Rge. 4E, Owyhee County

Beneficial use: Irrigation of 312 acres within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24; N $\frac{1}{2}$ NE $\frac{1}{4}$,
NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25; Twp. 6S, Rge. 4E, NW $\frac{1}{4}$, Sec. 30, Twp. 6S, Rge. 5E

Priority date established: April 11, 1966

Conditions (if any):

If you do not concur with these findings please contact us within 10 days, otherwise
a water license will be issued as set forth above.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:kw



**IDAHO
POWER**

P.O. Box 70
BOISE, IDAHO 83709
An IDACORP Company

IDAHO POWER COMPANY
P.O. BOX 70
BOISE, IDAHO 83707



REX WINN CID
AGRICULTURAL REPRESENTATIVE
(208) 388-6366

September 23, 2003

Korhing Farms
% Kent Korhing
Main - 28924 Davis Rd
Bruneau, ID 83604

Subject: Pump flow check on pump # 06S04E2501

Dear Kent,

Following are my comments and the results of the flow check on pump # 06S04E2501 on 09/18/03.

The flow check shows that the pump was delivering 1,459 Gpm at approximately 127 ft. of TDH and was approximately 52% efficient. The pumping water lift was 122 ft. and I believe this to be an accurate measurement after several repeated checks. Attached is a copy of the system evaluation for your record. As this pump is fairly new the efficiency seems low and you may wish to check with your pump dealer.

Call me a few days before you would like your other deep well checked for flow and efficiency. If you have any questions please call.

S. 130
L. 937

1167 - design

Sincerely,

Rex A. Winn
Idaho Power

1459 Id P. mes 9/03

1167

292 dropped

Initial 1982

4.0K CFS = 1809 gal/min

9/03 1459 Id power mes.

2005 less 1167 design

Drilling Permit
Correspondence

Drilling Permit No. 874942-789409
Drilling Permit Tag No. D0025650
Water Right Permit No. 51-2214
Injection Permit NO. _____

RECEIVED

SEP 10 2002

WATER RESOURCES
WESTERN REGION

State of Idaho Department of Water Resources
APPLICATION FOR DRILLING PERMIT
(FOR THE CONSTRUCTION OF A WELL)

1. Owner (please print): Kent Kohring
2. Mailing Address: HC 85 Box 140
City: Bruneau State: Id Zip Code: 83604 Telephone 845-2926
3. Proposed Well Location: Twp: 6S Rge: 4E Sec: 25 SW 1/4 SW 1/4 NW 1/4
Gov't Lot No. _____ County Owyhee Lat. _____ : _____ : _____ Long. _____ : _____ : _____
Street Address of Well Site Mormon Blvd. City: Bruneau
Give at least the name of Road and Distance to Road or Landmark
Lot, block and subdivision _____

4. Proposed Use of Well:

☐ Domestic: The use of water for homes, organization camps, public campgrounds, livestock (1,000 head or less) and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

NON-DOMESTIC: ☒ Irrigation ☐ Municipal ☐ Industrial
☒ Stock ☐ Test ☐ Other _____
(Over 1,000 Head) (Describe)

☐ INJECTION

☐ MONITORING: A well bore schematic and map is required for each blanket permit.
Number of proposed wells: _____

5. Well Construction Information:

- A. ☐ New well ☒ Modify ☐ Replace
- B. Proposed Casing Diameter 16-20 Proposed Maximum Depth 2500
- C. Anticipated bottom hole temperature:
☒ 85°F or less ☒ 85°F to 212° ☐ 212° F or more
(Cold water well) (Low temp. geo. well) (Geothermal well)

6. Construction Start Date: Oct. 15, 2002
7. Anticipated Well Driller: Sam Johnson Driller's Lic. No. 92
NOTE: The actual well driller must be identified prior to drilling.
8. Applicant's Signature: Kent Kohring Date: _____
Address (if different than owner): Same
City: _____ State: _____ Zip Code: _____ Telephone: _____
Title: _____

(Owner, Firm Representative, Other)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

September 7, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Kent Kohring
28924 Davis Rd
Bruneau, ID 83604

RE: Application for Permits ---51-7357, 51-7358, 51-12990-Protested
Drilling Permit Application—51-2214

Dear Mr. Kohring:

The purpose of this letter is to address issues and provide you with information related to the following topics:

Applications for Permit #51-7357 & #51-7358 (Waste Water)

These applications are at the State Office, and Gary Spackman continues to process them.

Drilling Permit Application -deepen a well in the SW of SW of Sec 25, T. 6S R.4E #51-2214

The Department has reviewed the drilling permit application that was submitted several weeks ago. The deepening well log of March 2003 states a bottom water temperature of 83 degrees, which is very close to the 85 degree maximum for cold water classification. Under water right #51-2214, only cold water (Bottom Hole Temp. of 85 degrees F or less) is authorized for diversion. The Department requests you submit the following information before the drilling permit application will be considered:

-An accurate temperature survey of the well including bottom hole temperature (BHT).
Temperature should be recorded at 10 ft intervals.

-A "down hole" survey to determine internal mixing or commingling of waters within the well by impeller or heat pulse flow meter instruments.

Application for Permit #51-12990- (protested)

During your last office visit, you requested a hearing be scheduled for the contested application. Please have your attorney forward November and December calendars for available dates. Schedules will then be coordinated with the appointed hearing officer and protestant's attorney.

Should you have any questions please contact me at the Western Regional Office. (334-2190)

Sincerely,

A handwritten signature in cursive script that reads "John Westra".

John Westra
Western Regional Manager

cc: Amy Chestnut, Esq.

September 18, 2004

State of Idaho Department of Water Resources
Western Region 2735 Airport Way
Boise, ID 83705-5082
Attn: John Westra

RE: Department's letter September 7, 2004
Application for Permits – 51-7357, 51-7358, 51-12990 (protested)
Drilling Permit Application 51-2214

Dear Mr. Westra:

T. G. S. RAE.
I believe you have misinterpreted my application for a drilling permit to deepen a well in SW of NW of Sec. 25, T. 65R. 4E #51-2214. If you will re-examine the application you will see that I definitely intended to deepen beyond the 85* bottom hole temperatures, if necessary, to obtain my full water right. This WR (51-2214) was partially decreed in SRBA as ground water with a priority date of 4/11/1966, with two points of diversion, i.e. Sec 25 and Sec 36. The Sec 36 well is Geothermal (WR 51-12977) low temperature 105*) with a priority date of 3/15/1956. Both were decreed as "ground water" without restrictions as to temperature. Diversion from the well in Sec 25 will be less competitive with both Junior and Senior Geothermal WR holders, concentrated in Little Valley, since it is a full 3 1/2 miles to the North and 13 miles from the crucial Bruneau Hot Springs area. I understand the full sensitivity with regards to the "snail" issue; however, one correspondence to IDWR from the US Wildlife Service (that I enclosed with the drilling permit application) clearly states that I should be able to deepen my well to obtain my full water right. I believe I am legally "grandfathered in." Anyone or parties questioning a favorable decision on the drilling permit could thus be assured ~~in~~ certain there would be no bias in doing this since you represent me equally.

I would be willing to post a moderate bond if requested, however, I have spent 20 years upgrading this well and it is in excellent condition. The last 120 feet was in solid rock with anticipation that it will continue as such until completed in the next 200 to 250 feet. My driller is available this fall and I would appreciate your favorable action on my drilling application.

Secondly, regarding Permits #51-7357 and #51-7358, I would be happy to work with Gary Spackman if he has any questions. Since 3D Cattle Co. or Davis representatives failed to show for hearing, I assume they have forfeited.

As to the application for Permit #51-12990 (protested) I requested time to acquire professional representation (as you suggested) in this matter and the department gave me until January 1, 2005 to obtain them. To date I have had several parties, both Hydrologist and Water Attorneys who were interested, but because of the huge and complex water

issues in the State, [which they were connected with] they felt there possibly could be conflicts of interests. I can engage Dana Hostelter, Attorney, after the first of the year, preferably sometime in February or March of 2005. Also, Ms Hostelter said she could possibly be available for informal proceedings under Rule 101 of 37.01.01 IDWR before January 1, 2005.

I would certainly like to try this. Get all parties present and all material "on the table" before the necessity of Formal Proceedings. The protesters could possibly be convinced to drop their protest, leaving the IDWR to act on the merits of the application.

John, I want to thank you for your consideration and help. Where there is necessity to act within Department Policy and State Code, we can comply favorably.

Sincerely,

Kent Kohring
28924 Davis Rd
Bruneau, ID 83604



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

October 18, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Kent Kohring
28924 Davis RD
Bruneau, ID 83604

RE: Kohring Letter of September 18, 2004
Department Letter 9/7/04- Drilling Permit Application WR #51-2214

Dear Mr. Kohring:

The Department has received your letter of September 18th regarding well modifications under water right #51-2214, and would like to respond.

Water right #51-2214 has two points of diversions which are wells in sec 25 & 36 in T6S-R4E of your farm. Historically, the well in section 36 has been identified as low temperature geothermal as evidenced by Department well records and water right documents. Temperatures above 100 degrees were recorded through the years. However, the well in section 25 historically has been considered a cold water well (under 85 degrees F.). Temperature measurements taken in 2002 basically confirm this history.

The Department does not dispute that you may be entitled to your full water right flow of 4.04 cfs. However, you are limited to utilize geothermal water from the well in section 36 only. Your proposal to deepen the cold well in section 25, and obtain additional low temperature geothermal water for irrigation is not authorized by water right #51-2214. The Department is not aware of any "grandfather provisions" as described in your letter allowing such a geothermal expansion for irrigation use.

The modification/deepening of the section 25 well for additional low temperature geothermal water is contrary to Idaho's geothermal statutes and the Department's administrative rules. Therefore, your pending drilling permit application can not be approved.

Should you have any questions, please contact me at the Western Regional Office, phone 334-2190.

Sincerely,

John Westra
Western Regional Manager

*Re: Well Const 37-03.09.04
IC-42-233*

Legal

Basis

Id. Code

42-233

Sec. to sec. ref. This section is referred to in §§ 42-111, 42-242, 42-243 and 42-1604.
Cited in: State ex rel. Tappan v. Smith, 92 Idaho 451, 444 P.2d 412 (1968).

Water From Mining Activity.

Water emanating from a mine portal falls

clearly within the definition of public ground water which is subject to appropriation; the water is from an underground source which has been brought to the surface through the excavation of the mine. Branson v. Miracle, 107 Idaho 221, 687 P.2d 1348 (1984).

42-231. Duties of the director of the department of water resources. — In addition to other duties prescribed by law, it shall be the duty of the director of the department of water resources to conduct investigations, surveys and studies relative to the extent, nature and location of the ground water resources of this state; and to this end, the director of the department of water resources may, on behalf of the state of Idaho enter into cooperative investigations, researches, and studies with any agency or department of the government of the United States, or any other state or public authority of this state, or private agencies or individuals. It shall likewise be the duty of the director of the department of water resources to control the appropriation and use of the ground water of this state as in this act provided and to do all things reasonably necessary or appropriate to protect the people of the state from depletion of ground water resources contrary to the public policy expressed in this act. [1951, ch. 200, § 6, p. 423; am. 1953, ch. 182, § 2, p. 277.]

Compiler's notes. Section 1 of S.L. 1953, ch. 182, is compiled herein as § 42-226.

The name of the director of the department of water administration (formerly the state reclamation engineer) has been changed to

the director of the department of water resources on the authority of S.L. 1974, ch. 286, § 1 and S.L. 1974, ch. 20, § 28 (§ 42-1801a).
Cited in: State ex rel. Tappan v. Smith, 92 Idaho 451, 444 P.2d 412 (1968).

42-232. Ground water recharge program — Negotiations with bureau of reclamation. — The director of the department of water resources is hereby authorized and directed to institute negotiations with the United States bureau of reclamation and the senators and representatives representing the state of Idaho in the congress of the United States for purposes of examining the possibility of incorporating an artificial ground water recharge program or project into those water projects for withdrawal of waters from ground water basins in the Coltman area of Bonneville County, the Menan Buttes area in Madison county, or any other area contemplated by the bureau of reclamation, which have been authorized by congress as a part of the Salmon Falls Creek irrigation project located in Twin Falls county. [I.C., § 42-232, as added by 1978, ch. 366, § 3, p. 955.]

Compiler's notes. A former § 42-232, which comprised S.L. 1951, ch. 200, § 7, p. 423; am. 1953, ch. 182, § 3, p. 277, was repealed by S.L. 1967, ch. 374, § 13.

Section 2 of S.L. 1978, ch. 366 is compiled as § 42-233a.

42-233. Low temperature geothermal resource. — (1) The right to the use of low temperature geothermal resources of this state shall be acquired by appropriation. The appropriation may be perfected by means of the application, permit and license procedure as provided in this chapter for

ground water, provided that low temperature geothermal resources shall be utilized primarily for heat value and secondarily for the value as water. Usage of a low temperature geothermal resource primarily for reasons other than heat value is not a beneficial use of the resource, unless the director of the department of water resources exempts the proposed use.

X The director may exempt a proposed use if the director finds that the proposed use satisfies the following criteria: (i) there is no feasible alternative use of the resource; (ii) there is no economically viable source of water having a bottom hole temperature of eighty-five (85) degrees or less in a well available; (iii) the exemption is in the public interest.

X (2) Any owner of a well who engages in the drilling, redrilling, modifying or deepening of any low temperature geothermal well shall file with the director of the department of water resources a surety bond or cash bond in the penal sum of not less than five thousand dollars (\$5,000) or more than twenty thousand dollars (\$20,000) as determined by the director of the department of water resources based on the temperature, depth and pressure of the resource, the size and depth of the well, and any other relevant factors. The surety or cash bond shall be conditioned upon the proper compliance with the provisions of this chapter and chapter 40, title 42, Idaho Code, and rules and regulations promulgated pursuant thereto. The bond shall remain in effect for one (1) year following completion of drilling, redrilling, modifying or deepening of the well or until released in writing by the director, whichever occurs first.

X (3) All permits, licenses, decreed rights and valid claims to a right to the use of ground water which would be classified as a low temperature geothermal resource having a priority date prior to July 1, 1987, remain valid and the bond provisions of subsection (2) of this section are not applicable unless the well from which the right diverts water is modified or deepened. The provisions of this section shall not be applicable to all permits, licenses and rights to the use of geothermal resources as defined in chapter 40, title 42, Idaho Code, which would be classified as a low temperature geothermal resource under this section, issued or proclaimed prior to July 1, 1987, and the bond provisions of subsection (2) of this section are not applicable to such wells. [I.C., § 42-233, as added by 1987, ch. 347, § 3, p. 741; am. 1988, ch. 311, § 1, p. 967.]

Compiler's notes. A former § 42-233, which comprised S.L. 1951, ch. 200, § 8, p. 423; am. 1953, ch. 182, § 4, p. 277, was repealed by S.L. 1967, ch. 374, § 14.

Section 2 of S.L. 1987, ch. 347 is compiled as § 42-230 and § 4 is compiled as § 42-235. Sec. to sec. ref. This section is referred to in §§ 42-230 and 42-238.

42-233a. "Critical ground water area" defined — Public hearings — Publication of notice — Granting or denial of application — Appeal. — "Critical ground water area" is defined as any ground water basin, or designated part thereof, not having sufficient ground water to provide a reasonably safe supply for irrigation of cultivated lands, or other uses in the basin at the then current rates of withdrawal, or rates of withdrawal projected by consideration of valid and outstanding applications and per-

Stan Isaac
28624 Juniper Rd.
Bruneau, ID 83604

November 2, 2004

Department of Water Resources
Western Region
2735 Airport Way
Boise, ID 83705

To Whom It May Concern:

My neighbor, Mr. Kent Korning, has made me aware of his need to further develop his irrigation well to increase the amount of water available to his farm. My farmland is within one to two miles of this irrigation well. I personally am not opposed to him trying to get the needed water from this well. I feel that it could possibly be a benefit to the area and local economy by creating various jobs and opportunities, as he is able to bring more of his ground back into production.

Yours truly,

A handwritten signature in black ink, appearing to read "Stan Isaac", with a long, sweeping horizontal line extending from the end of the signature.

Stan Isaac