

**STARTING
LEFT
SIDE OF
FILE**

BEFORE THE DEPARTMENT OF WATER RESOURCES
FOR THE STATE OF IDAHO

IN THE MATTER OF APPLICATION)
FOR PERMIT NOS. 65-13912 and)
65-13913 IN THE NAME OF CAROL LYNN)
MACGREGOR)

**ORDER APPOINTING
HEARING OFFICER**

This matter having come before the Idaho Department of Water Resources (department), as a result of protests filed against the referenced applications, the department makes the following Order:

ORDER

IT IS THEREFORE, HEREBY ORDERED that Peter R. Anderson is appointed effectively November 22, 2004 to serve as hearing officer, and is authorized to hear this matter on behalf of the Idaho Department of Water Resources pursuant to IDAPA Rules 37.01.01.410-413 and the provisions of chapter 52, title 67, Idaho Code.

Dated this 24th day of November, 2004.



Karl D. Dreher
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of November, 2004, the above and foregoing document was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Scott L. Campbell
MOFFATT THOMAS
PO Box 829
Boise, Idaho 83701

Julie Fischer
WHITE PETERSON
5700 E. Franklin Road, Suite 200
Nampa, Idaho 83687

Sherl Chapman
ERO Resources
1106 N. Cole Road, Suite C
Boise, Idaho 83704-8661

Terry Scanlan
SPF Water Engineering
600 E. River Park Lane, Suite 105
Boise, Idaho 83706



Victoria Wigle
Administrative Assistant to the Director
Idaho Department of Water Resources

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

Postage \$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total

Name **DARWIN PANCHERI**
Street **9325 MISSOURI AVE**
City **NAMPA ID 83686**

PS Form 3800, July 1999

See Reverse for Instructions

Postmark
Here

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

Postage \$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total

Name **DUANE PANCHERI**
Street **19010 S CAN-ADA RD**
City **MELBA ID 3641**

PS Form 3800, July 1999

See Reverse for Instructions

Postmark
Here

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

Postage \$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total

Name **SHERL CHAPMAN**
Street **410 S ORCHARD STE 144**
City **BOISE ID 83705**

PS Form 3800, July 1999

See Reverse for Instructions

Postmark
Here

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

Postage \$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total

Name **JO BEEMAN**
Street **BEEMAN & HOFSTETTER**
City **608 W FRANKLIN ST**
BOISE ID 83702-5509

PS Form 3800, July 1999

See Reverse for Instructions

Postmark
Here

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

Postage \$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total

Name **TERRY SCANLIN**
Street **SCANLIN ENGINEERING**
City **600 E RIVER PARK LN STE 105**
BOISE ID 83706

PS Form 3800, July 1999

See Reverse for Instructions

Postmark
Here

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

Postage \$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total

Name **CAROL LYNN MACGREGOR**
Street **1109 WARM SPRINGS AVE**
City **BOISE ID 83712**

PS Form 3800, July 1999

See Reverse for Instructions

Postmark
Here

65-13912 65-12913

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DARWIN PANCHERI
9325 MISSOURI AVE
NAMPA ID 83686

2. Article Number (Copy from service label)

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X

☒ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

65-13912 65-12913

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BEEMAN
EMAN & HOFSTETTER
W FRANKLIN ST
ISE ID 83702-5509

2. Article Number (Copy from service label)

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X

☒ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

TERRY SCANLIN
SCANLIN ENGINEERING
600 E RIVER PARK LN STE 105
BOISE ID 83706

4a. Article Number

4b. Service Type

- ☐ Registered ☐ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

9-24-00

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X Terry M Scanlin

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

RECEIVED

SEP 22 2000

WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

06



UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

RECEIVED

SEP 25 2000

WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705

JO
BE
608
BO

83705+5082



UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

RECEIVED

SEP 25 2000

WATER RESOURCES
WESTERN REGION

DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705-5082

06



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

SHERL CHAPMAN
410 S ORCHARD STE 144
BOISE ID 83705

2. Article Number (Copy from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) *Sherl Chapman* B. Date of Delivery **SEP 25 2001**C. Signature *X Sherl Chapman*
☐ Agent
☐ Addressee
D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

65-13912 65-12913

65-12913 65-13912

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

DUANE PANCHERI
19010 S CAN-ADA RD
MELBA ID 3641

4a. Article Number

7099-3225006224

4b. Service Type

☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

9-27-01

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X Duane Pancheri

Thank you for using Return Receipt Service.

PS Form 3811, December 1994

102595-98-B-0229

Domestic Return Receipt

Is your RETURN ADDRESS completed on the reverse side?

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RECEIVED

• Sender: Please print your name, address, and ZIP+4 in this box •

SEP 26 2000

WATER RESOURCES
WESTERN REGION

**DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83706**

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

RECEIVED

SEP 28 2000

WATER RESOURCES
WESTERN REGION

**DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOISE, IDAHO 83705-5082**

83705+5082



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

AUG 02 1999

WATER RESOURCES
WESTERN REGION

1. Name of Applicant Carol Lynn MacGregor Phone 208-386-9494
Mailing address 1109 Warm Springs Avenue, Boise, ID 83712

2. Source of water supply Belvidere Hot Springs which is a tributary of Moore's Creek

3. Location of point of diversion is Township 13N Range 3E Sec. 13 in the NE 1/4,
SE 1/4, NE 1/4, Govt. Lot _____, B.M., _____ Valley _____ County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.50 for heating purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.50 for commercial purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

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

5. Total quantity to be appropriated is (a) 0.50 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source baths at hot spring source
and pumps and pipelines to place of use _____

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet

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

d. Is ground water with a temperature of greater than 85° F being sought? _____

e. If well is already drilled, when? _____; Drilling firm _____;

Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)

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

a. Hydropower; show total feet of head and proposed capacity in KW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. heating - space heating of commercial, office, and residential
structures. commercial - resort w/spa, swimming pool, and recreation facilities

9. Description of place of use:

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

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	3E	13				C									C				
13N	4E	18							L2				L3						
									C	C			C	C					

place of use for heating is the same as
for commercial

Total number of acres to be irrigated _____

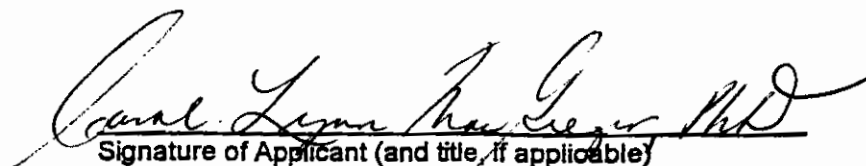
10. Describe any other water rights used for the same purposes as described above. 65-01972, 65-01973 are domestic rights for private baths at Belvidere Hot Springs

11. a. Who owns the property at the point of diversion? applicant
b. Who owns the land to be irrigated or place of use? applicant
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

12. Remarks: Applicant agrees to mitigate consumptive use in the future as needed. DAN 11-8-99

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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


Signature of Applicant (and title, if applicable)

Received by Rdh Date 8/2/99 Time 14:59 Preliminary check by Dan
Fee \$ 100.00 Receipted by Rdh # W025535 Date 8/2/99
Publication prepared by df Date 12-15-22-99 Published in _____
Publication approved lm Date 2-23-00 LONG VALLEY ADVOCATE

SD-0420-2
MODIFY RECORD

Idaho Department of Water Resources
Modify Comment

Date: 11/24/99
Time: 10:21:34

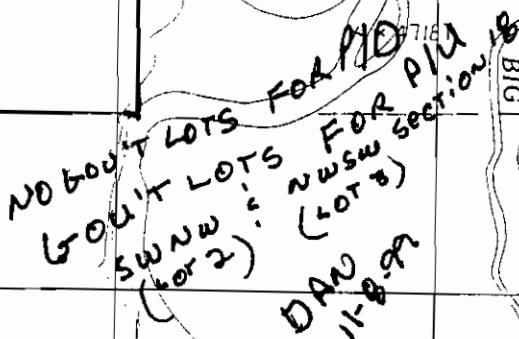
Water Right Number: 65-13912

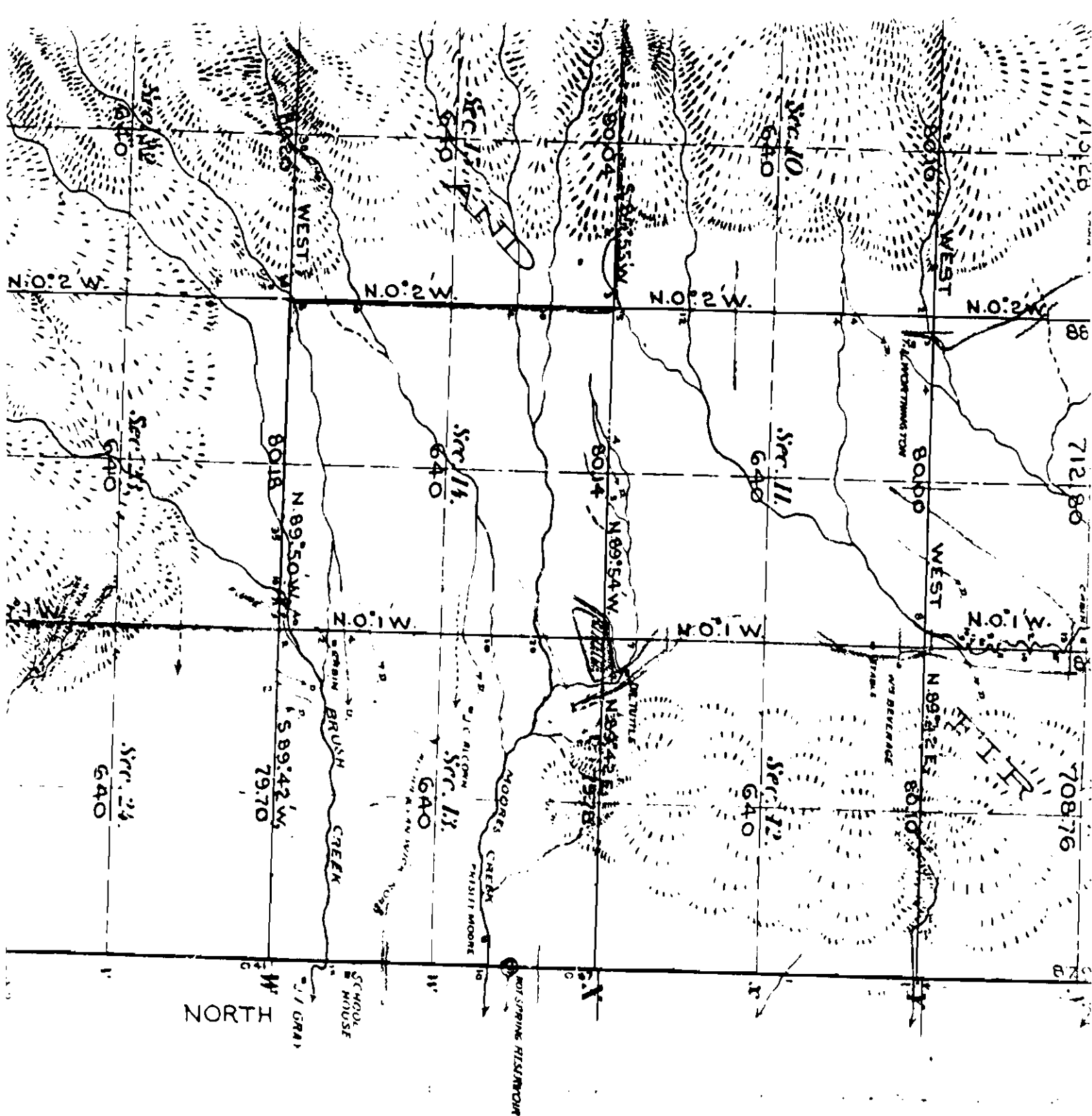
Comment Date: 11/24/1999 User ID: DNELSON

Subject: ADDITIONAL INFORMATION

APPLICANT: Spring also known as Belvidere Hot Springs. Heating_ is for space heating of commercial, office, and residential_ structures. Commercial is for resort with spa, swimming pool and recreation facilities. Applicant also holds 2 domestic rights_ on spring. These rights are 65-01972 and 65-01973._____
IDWR: Review shows that Duane and Darwing Pancheri hold rights_ 65-12891, 65-13332, and 65-13458 which utilizes the same spring._ Applicant state she is aware of these rights and that the_ property line goes through middle of spring. The heating and_ commercial use is the same as application for permit 65-13913._____

(Enter=Continue/Exit) (Gold2=Update) (Gold3=Delete) (Gold4=Prev) (Gold5=Next)

$$116^{\circ} 00' - 44^{\circ} 30' =$$




REQUEST TO PROCESS

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING ONE OF THE
THREE ALTERNATIVES BELOW

Name of Applicant Carol Lynn MacGregor

Mailing Address 1109 Warm springs Avenue

Boise, ID 83712

Application No(s):
(if known) _____

☐ IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

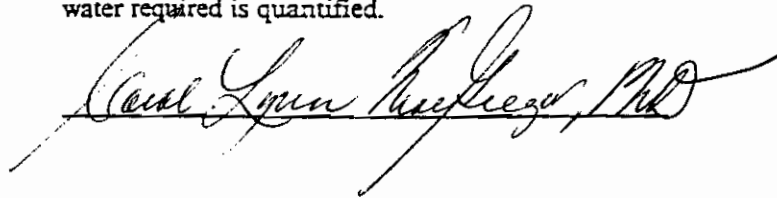
☐ PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions to flows in the Snake River during the periods of anadromous fish migration.

☒ WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature



Date

Please return this form to:

Idaho Dept. of Water Resources
State Office
1301 N. Orchard Rd.
Boise ID 83706

**NOW
STARTING
RIGHT
SIDE OF
FILE**

**PLEASE REFER TO FILE
FOLDER NO. 2**

**FOR THE
CONTINUATION OF THIS
WATER RIGHT FILE**

No. 65-13912

Boise
Idaho Falls
Pocatello

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
Robert E. Bakes
John S. Simko
John C. Ward
D. James Manning
Gary T. Dance
Larry C. Hunter
Morgan W. Richards
Mark A. Ellison
Randall A. Peterman
Mark S. Prusynski

Stephen R. Thomas
Glenna M. Christensen
Gerald T. Husch
Scott I. Campbell
Robert B. Burns
James C. Dale
Michael E. Thomas
Patricia M. Olsson
James C. deGlee
Bradley J. Williams
Lee Radford
Michael O. Roe
David S. Jensen
James I. Martin

C. Clayton Gill
David P. Gardner
Julian E. Gabiola
Angela Schaer Kaufmann
Benjamin H. Schwartz
Jon A. Stenquist
Bradley J. Dixon
Mark C. Peterson
Andrew J. Waldera
Shawn C. Nunley

Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

January 2, 2004

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

RECEIVED

JAN 05 2004

WATER RESOURCES
WESTERN REGION

John Westra
Manager, Western Regional Office
Idaho Department of Water Resources Western
Region Office
2735 Airport Way
Boise, ID 83705

Re: Application for Permit No. 65-13913 in the Name of Carol Lynn MacGregor
MTBR&F File No. 19136.0

Dear John:

I am enclosing a revised calendar indicating my unavailable dates to attend a prehearing conference on the above referenced matter.

If you have any questions or concerns, please contact me.

Very truly yours,


Scott L. Campbell

SLC/dll

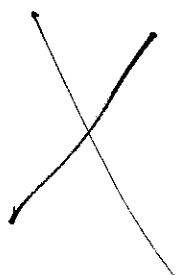
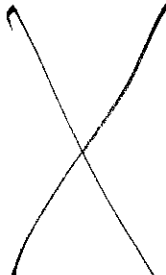
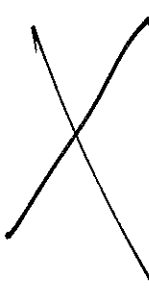
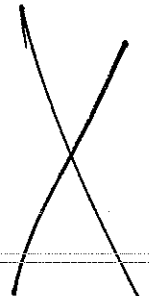
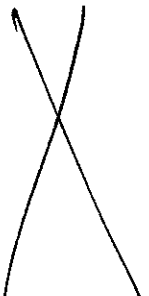
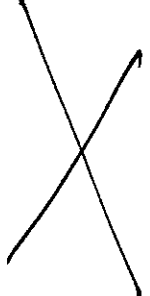
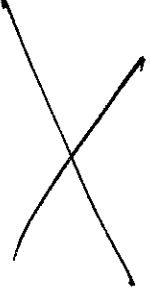
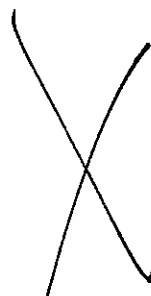
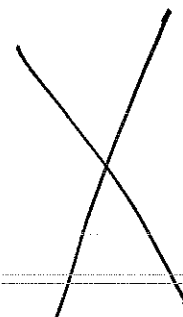
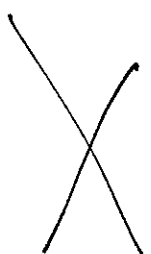
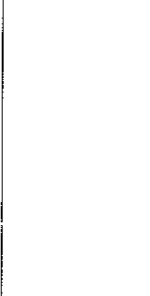
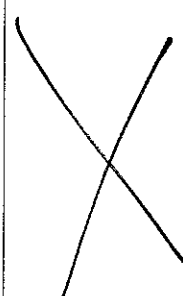
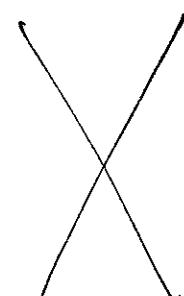
Enclosure

cc: Darwin & Joan Pancheri

Duane & Laura Pancheri

Josephine P. Beeman

January 2004

Monday		Tuesday	Wednesday	Thursday	Friday
				1 	2 
5 	6 	7 	8 	15 	16 
12	13 	14			
19	20 	21 	22 		23 
26	27	28 	29		30

[illegible]

BEEMAN & ASSOCIATES, P.C.

Counselors and Attorneys at Law
409 West Jefferson Street
Boise, Idaho 83702-6049

Josephine P. Beeman
jo.beeman@beemanlaw.com
Dana H. Rose
dana.rose@beemanlaw.com

Phone (208) 331-0950
Fax (208) 331-0954
office@beemanlaw.com

December 29, 2003

Via Fax 334-2348

John Westra
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

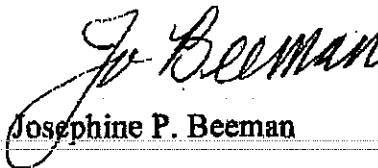
Re: Application for Permit No 65-13913 (Carol Lynn MacGregor)

Dear John:

Enclosed are the calendars for January and February 2004 showing my unavailable dates for January and February and Carol MacGregor's unavailable dates for January for the meeting you plan to schedule in the above matter. I will forward to you a copy of Dr. MacGregor's unavailable dates for February in the near future.

Sincerely,

BEEMAN & ASSOCIATES, P.C.


Josephine P. Beeman

JPB:ja
cc: Carol MacGregor
Terry Scanlan
Scott Campbell, Counsel for Pancheris
Gary Spackman, IDWR State Office
Sheri Chapman
Z:\2102\6053

January**2004**

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
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February

Sun	Mon	Tue	Wed	Thu	Fri	Sat
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8	9	10	11	12	13	14
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29						

2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 16, 2003

TO: Parties on the Attached List

Re: Application for Permit No. 65-13913 in the Name of Carol Lynn MacGregor

Dear Parties:

RECEIVED

DEC 19 2003

WATER RESOURCES
WESTERN REGION

On August 2, 1999 Carol Lynn MacGregor filed application for permit no. 65-13913. The application was protested by Duane and Darwin Pancheri. The prehearing conference held on June 20, 2000 did not resolve the matter of protest.

I will schedule a meeting to be held after the first of the year. Enclosed are calendars for the months of January and February 2004. Please mark dates you are unavailable and return to IDWR by December 29, 2003.

Sincerely,

JOHN WESTRA
Western Regional Manager

JW:st

Encl.

CAROL LYNN MACGREGOR
1109 WARM SPRINGS AVE
BOISE ID 83712

DUANE PANCHERI
19010 S CAN-ADA RD
MELBA ID 3641

SHERL CHAPMAN
1106 N COLE RD STE C
BOISE ID 83705

JO BEEMAN
BEEMAN & HOFSTETTER
608 W FRANKLIN ST
BOISE ID 83702-5509

TERRY SCANLIN
SCANLIN ENGINEERING
600 E RIVER PARK LN
STE 105
BOISE ID 83706

DARWIN PANCHERI
9325 MISSOURI AVE
NAMPA ID 83686

SCOTT CAMPBELL
MOFFATT THOMAS
PO BOX 829
BOISE ID 83701-0829

January

Terry Scanlon

Sun

Mon

Tue

Wed

Thu

Fri

RECEIVED
DEC 19 2003
WATER RESOURCES
SOUTHERN REGION

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2004

February

Terry Scanlan

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2004

Boise
Idaho Falls
Pocatello

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
Robert E. Bakes
John S. Simko
John C. Ward
D. James Manning
Gary T. Dance
Larry C. Hunter
Morgan W. Richards
Mark A. Ellison
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Stephen R. Thomas
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Scott I. Campbell
Robert B. Burns
James C. Dale
Michael E. Thomas
Patricia M. Olsson
James C. deGlee
Bradley J. Williams
Lee Radford
Michael O. Roe
David S. Jensen
James I. Martin

C. Clayton Gill
David P. Gardner
Julian E. Gabiola
Angela Schaer Kaufmann
Benjamin H. Schwartz
Jon A. Stenquist
Bradley J. Dixon
Mark C. Peterson
Andrew J. Waldera
Shawn C. Nunley

Willis C. Moffatt, 1907-1980
Kirk R. Helvie 1956-2003

December 18, 2003

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

John Westra
Manager, Western Regional Office
Idaho Department of Water Resources Western
Region Office
2735 Airport Way
Boise, ID 83705

RECEIVED
DEC 19 2003
WATER RESOURCES
WESTERN REGION

Re: Application for Permit No. 65-13913 in the Name of Carol Lynn MacGregor
MTBR&F File No. 19136.0

Dear John:

I am enclosing the calendar indicating the dates which I am not available to attend a prehearing conference on the above referenced matter.

If you have any questions or concerns, please contact me.

Very truly yours,


Scott L. Campbell

SLC/dll

Enclosure

cc: Darwin & Joan Pancheri
Duane & Laura Pancheri

January

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
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2004

RECEIVED

DEC 19 2003
WATER RESOURCES
WESTERN REGION

February

2004

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 16, 2003

RECEIVED
DEC 26 2003
WATER RESOURCES
WESTERN REGION

TO: Parties on the Attached List

Re: Application for Permit No. 65-13913 in the Name of Carol Lynn MacGregor

Dear Parties:

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Sincerely,

JOHN WESTRA
Western Regional Manager

JW:st

Encl.

CAROL LYNN MACGREGOR
1109 WARM SPRINGS AVE
BOISE ID 83712

DUANE PANCHERI
19010 S CAN-ADA RD
MELBA ID 3641

SHERL CHAPMAN
1106 N COLE RD STE C
BOISE ID 83705

JO BEEMAN
BEEMAN & HOFSTETTER
608 W FRANKLIN ST
BOISE ID 83702-5509

TERRY SCANLIN
SCANLIN ENGINEERING
600 E RIVER PARK LN
STE 105
BOISE ID 83706

DARWIN PANCHERI
9325 MISSOURI AVE
NAMPA ID 83686

SCOTT CAMPBELL
MOFFATT THOMAS
PO BOX 829
BOISE ID 83701-0829

January

2004

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1 ~~X~~	2 ~~X~~	3 ~~X~~
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18	19	20	21	22	~~23~~	24
25	26	27	28	29	30	31

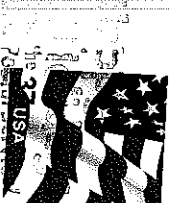
February

2004

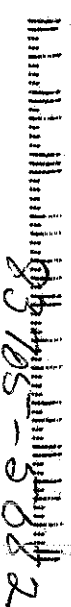
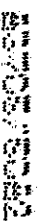
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2 ~~X~~	3	4	5	6	7
8	9	10	11	12	13	14 ~~X~~
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29						

P

.....
Mt. Darwin Rancheri
J-D Cattle
9325 Missouri Ave.
Nampa, ID 83686



Dept. of Water Resources
2735 Airport Way
Boise, ID





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 16, 2003

RECEIVED
DEC 26 2003
WATER RESOURCES
WESTERN REGION

TO: Parties on the Attached List

Re: Application for Permit No 65-13913 in the Name of Carol Lynn MacGregor

Dear Parties:

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I will schedule a meeting to be held after the first of the year. Enclosed are calendars for the months of January and February 2004. Please mark dates you are unavailable and return to IDWR by December 29, 2003.

Sincerely,

JOHN WESTRA
Western Regional Manager

JW:st

Encl.

~~CAROL LYNN MACGREGOR
1109 WARM SPRINGS AVE
BOISE ID 83712~~

~~DUANE PANCHERI
19010 S CAN-ADA RD
MELBA ID 3641~~

~~SHERL CHAPMAN
1106 N COLE RD STE C
BOISE ID 83705~~

~~JO BEEMAN
BEEMAN & HOFSTETTER
608 W FRANKLIN ST
BOISE ID 83702-5509~~

~~TERRY SCANLIN
SCANLIN ENGINEERING
600 E RIVER PARK LN
STE 105
BOISE ID 83706~~

~~DARWIN PANCHERI
9325 MISSOURI AVE
NAMPA ID 83686~~

~~SCOTT CAMPBELL
MOFFATT THOMAS
PO BOX 829
BOISE ID 83701-0829~~

January

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
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18	19	20	21	22	23	24
25	26	27	28	29	30	31

2004

February

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29						

Shm on (celebration)

2004

January

To: John Woshra, IDWR
 From: Carol MacGregor
 Date: Dec 21, 2003

RECEIVED

DEC 23 2003

WATER RESOURCES
 WESTERN REGION

Sun	Mon	Tue	Wed	Thu	Fri	
				1	2	3
4 (family) not available	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21 (conference)	22	23	24
25	26	27	28	29	30	31

I will be out of Idaho during
 the dates crossed out.

2004

February

Sun	Mon	Tue	Wed	Thurs	Fri	Sat
1	2	3	4	5 <i>10-12 class</i>	6	7
8	9	10 <i>/</i>	11	12 <i>10-12 class</i>	13	14
15	16	17	18	19 <i>10-12 class</i>	20	21
22	23	24	25	26 <i>10-12 class</i>	27	28
29						

I will be in Idaho all month.

2004

Telephone.
CONVERSATION MEMORANDUM

DATE 12/10/03

FILE 65-13913

NAME OF PARTY Jo-Beeman

McGregor

EMPLOYEE J. Westra, Western.

RE: MacGregor Application # 65-13913

Go ahead a set up meeting with both sides for mid-late January. Include Attorneys, consultants, applicants & protestants.

- Bring specific questions to be addressed.

Discussed using question meeting format. (Be productive)

Jo felt is was good approach.

- Ask Terry who from the Dept. he would want to attend. (technical)

- Sue will send out Calendars.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 12, 2003

JOSEPHINE BEEMAN
ATTORNEY AT LAW
BEEMAN & ASSOCIATES
409 W JEFFERSON
BOISE ID 83702

SCOTT CAMPBELL
ATTORNEY AT LAW
MOFFATT THOMAS
PO BOX 829
BOISE ID 83701-829

RE: McGregor Application #65-13913 (Protested); Test Well Proposal

Dear Ms. Beeman and Mr. Campbell:

On 1/30/2003 the Idaho Department of Water Resources (Department) received a proposal for construction of a geothermal test well at Belvidere Springs relating to the McGregor Application for Permit #65-13913. Additional information was received from Scanlan Engineering addressing specific questions on 9/4/2003. The Department also received correspondence from Sherl Chapman of ERO Resources presenting analysis and concerns from the protestant's position on 10/07/03.

Pursuant to Idaho Code Sections 42-235 & 42-237a, the Director is charged with protecting the environment, preventing the mixture of water from different aquifers, and protecting the resource from damage and depletion. In addition, IDAPA 37, Chapter 9, Rule 45.01.d states that

"[d]rilling permits will not be issued for construction of a well which requires another separate approval from the department, such as a water right permit . . . until the other separate approval has been given by the department." The Director may grant a waiver "if the public interest will be served by the expedited approval." Finally, Idaho Code § 42-1805 grants the Director the authority to "conduct surveys, tests, investigations, research, examinations, studies . . . relating to availability of unappropriated water . . ." The need for additional information, the public interest in gathering the information, and the risk of injury to other water users should be considered in determining whether to approve a drilling permit.

J. Beeman and S. Campbell
Application #65-13913
Page 2.

The Department has reviewed the proposal submitted by Scanlan Engineering and analysis from Sherl Chapman of ERO Resources. In consideration of State Law, Administrative Rules, and information presented by the parties, the Department concludes the following:

Drilling into the low temperature geothermal system at Belvidere presents a substantial risk for permanent damage to the resource, and additionally subjects the Pancheri water right to possible injury. MacGregor can attempt to establish proof of water sufficiency at the location by other means. The Department will not consider approval of a drilling permit at the proposed location until the following has occurred:

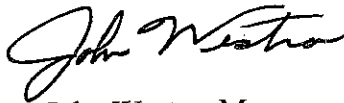
Application for permit #65-13913 is approved, and a drilling permit can be considered.

OR

An agreement to compensate for possible damages is executed by the applicant and protestant

Should you have any questions, please feel free to contact me or Rob Whitney at the Western Regional Office, phone 334-2190.

Sincerely,



John Westra, Manager
Western Region

cc: Sherl Chapman, ERO
Terry Scanlan, Scanlan Engineering

Boise
Idaho Falls
Pocatello

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
Robert E. Bakes
John S. Simko
John C. Ward
D. James Manning
Gary T. Dance
Larry C. Hunter
Morgan W. Richards
Mark A. Ellison
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas

Glenna M. Christensen
Gerald T. Husch
Scott I. Campbell
Robert B. Burns
James C. Dale
Michael E. Thomas
Patricia M. Olsson
James C. deGlee
Bradley J. Williams
Lee Radford
Michael O. Roe
David S. Jensen
James L. Martin
C. Clayton Gill
David P. Gardner

Julian E. Gabiola
Angela Schaer Kaufmann
Benjamin H. Schwartz
Jon A. Stenquist
Peter Benjamin McLaughlin
Bradley J. Dixon
Mark C. Peterson
Andrew J. Waldera
Shawn C. Nunley

Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

October 23, 2003

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

John Westra
Manager, Western Regional Office
Idaho Department of Water Resources Western
Region Office
2735 Airport Way
Boise, ID 83705

RECEIVED

OCT 24 2003

WATER RESOURCES
WESTERN REGION

**Re: Water Right Applications 65-13992 and 65-13993 and Associated Test Well
Proposal at Belvidere Hot Springs (Carol MacGregor) – License 65-12891 (Darwin
and Duane Pancheri), and Permit 65-13332 (Darwin and Joan Pancheri)**
MITBR&F File No. 19136.0

Dear John:

I am responding to the correspondence identified above, a copy of which was provided to me. On behalf of the Pancheris, I request that any meeting concerning the issues set forth in Ms. Beeman's letter also include Sherl Chapman and me. The requested test drilling and measurements have generated considerable controversy, concern, and upset. The Pancheris should have an opportunity to address any comments or information provided to the Department by the applicant at the same time. Any effort by the applicant to exclude participation by the Pancheris and their representatives would be construed by a reviewing court as improper ex parte contact since this matter is a contested case proceeding before the Department and the test drilling and measurements sought by the applicant directly pertain to substantive issues in the pending case proceeding.

Consequently, I repeat my request that the Department refuse to schedule any meetings with the applicant or her representatives concerning these matters unless the Pancheris and their representatives are available and allowed to attend. I request that you provide me with a written response explaining the Department's position on this issue prior to scheduling any meetings resulting from the request of the applicant, as identified in Ms. Beeman's correspondence.

John Westra
October 23, 2003
Page 2

Thank you for your anticipated cooperation and attention to this matter.

Very truly yours,


Scott L. Campbell

SLC/dll

cc: Gary Spackman
Rob Whitney
Darwin & Joan Pancheri
Duane & Laura Pancheri

BEE MAN & ASSOCIATES, P.C.

Counselors and Attorneys at Law
409 West Jefferson Street
Boise, Idaho 83702-6049

Josephine P. Beeman
jo.beeman@beemanlaw.com
Dana H. Rose
dana.rose@beemanlaw.com

RECEIVED

OCT 23 2003

Moffatt Thomas, Barrett, Peck and Fields

Phone (208) 331-0950
Fax (208) 331-0954
office@beemanlaw.com

October 22, 2003

E*MAILED

John Westra
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

Re: Water Right Applications 65-13992 and 65-13993 and Associated
Test Well Proposal at Belvidere Hot Springs (Carol MacGregor) –
License 65-12891 (Darwin and Duane Pancheri), and
Permit 65-13332 (Darwin and Joan Pancheri)

Dear John:

Terry Scanlan and Carol MacGregor would like to meet with the Idaho Department of Water Resources (IDWR) to complete the necessary technical review and comment on the September 2 test well proposal submitted by Scanlan Engineering. Terry will call you to set up a meeting.

The installation of a totalizing flow meter needs immediate attention. There have been no measurements for the last year. Both the water right applications and the associated test well proposal continue to need adequate monitoring of spring discharge as well as diversions under the Pancheri water rights. A totalizing flow meter will also address Pancheri's compliance with the authorized diverted volume for license 65-12891.

Gary Spackman and Rob Whitney have been closely involved so we are providing them copies of this letter and we understand that you, Gary and Rob are meeting on Thursday October 23 to review the MacGregor test well proposal. This should include the Pancheri October 6 response to the MacGregor proposal.

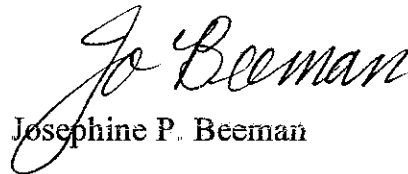
FILE COPY

John Westra
Re: 65-12891 and 65-13332
October 22, 2003
Page 2

Thank you.

Sincerely,

BEEMAN & ASSOCIATES, P.C.

A handwritten signature in cursive script, reading "Jo Beeman". The signature is written in black ink and is positioned above the printed name "Josephine P. Beeman".

Josephine P. Beeman

JPB:ja
cc: Carol MacGregor
Terry Scanlan
Scott Campbell, Counsel for Pancheris
Gary Spackman, IDWR State Office
Rob Whitney, IDWR Western
Z:\2102\5972

Westra, John

From: Joyce Angell [joyce.angell@beemanlaw.com]
Sent: Wednesday, October 22, 2003 4:49 PM
To: John Westra (IDWR State)
Cc: Carol MacGregor; Terry Scanlan; Scott Campbell; Gary Spackman (IDWR State); Rob Whitney (IDWR Western)
Subject: MacGregor/Pancheri 65-12891, 65-13332

BEEMAN & ASSOCIATES, P.C.

Counselors and Attorneys at Law
409 West Jefferson Street
Boise, Idaho 83702-6049

Josephine P. Beeman
jo.beeman@beemanlaw.com
Dana H. Rose
dana.rose@beemanlaw.com

Phone (208) 331-0950
Fax (208) 331-0954
office@beemanlaw.com

October 22, 2003

John Westra
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

Re: Water Right Applications 65-13992 and 65-13993 and Associated
Test Well Proposal at Belvidere Hot Springs (Carol MacGregor) –
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Gary Spackman and Rob Whitney have been closely involved so we are providing them copies of this letter and we understand that you, Gary and Rob are meeting on Thursday October 23 to review the MacGregor test well proposal. This should include the Pancheri October 6

10/23/2003

response to the MacGregor proposal.

Thank you.

Sincerely,

BEEMAN & ASSOCIATES, P.C.

/s/ Jo Beeman

Josephine P. Beeman

JPB:ja

cc: Carol MacGregor
Terry Scanlan
Scott Campbell, Counsel for Pancheris
Gary Spackman, IDWR State Office
Rob Whitney, IDWR Western
ZA 2102\5972

10/23/2003

BEE MAN & ASSOCIATES, P.C.

Counselors and Attorneys at Law
409 West Jefferson Street
Boise, Idaho 83702-6049

Josephine P. Beeman
jo.beeman@beemanlaw.com
Dana H. Rose
dana.rose@beemanlaw.com

RECEIVED

OCT 23 2003

Department of Water Resources

Phone (208) 331-0950
Fax (208) 331-0954
office@beemanlaw.com

October 22, 2003

E*MAILED

John Westra
Idaho Department of Water Resources
1301 North Orchard Street
Boise, ID 83706

RECEIVED

OCT 24 2003

WATER RESOURCES
WESTERN REGION

Re: Water Right Applications 65-13992 and 65-13993 and Associated
Test Well Proposal at Belvidere Hot Springs (Carol MacGregor) –
License 65-12891 (Darwin and Duane Pancheri), and
Permit 65-13332 (Darwin and Joan Pancheri)

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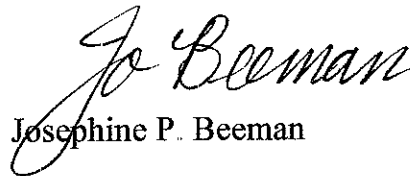
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John Westra
Re: 65-12891 and 65-13332
October 22, 2003
Page 2

Thank you..

Sincerely,

BEEMAN & ASSOCIATES, P.C.



Josephine P. Beeman

JPB:ja
cc: Carol MacGregor
Terry Scanlan
Scott Campbell, Counsel for Pancheris
Gary Spackman, IDWR State Office
Rob Whitney, IDWR Western
Z:\2102\5972

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

RECEIVED

OCT 14 2003

Boise
Idaho Falls
Pocatello

Department of Water Resources

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
Robert E. Bakes
John S. Simko
John C. Ward
D. James Manning
Gary T. Dance
Larry C. Hunter
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Mark A. Ellison
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Mark S. Prusynski
Stephen R. Thomas

Glenna M. Christensen
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C. Clayton Gill
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Julian E. Gabiola
Angela Schaer Kaufmann
Benjamin H. Schwartz
Jon A. Stenquist
Peter Benjamin McLaughlin
Bradley J. Dixon
Mark C. Peterson
Andrew J. Waldera
Shawn C. Nunley

Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

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PO Box 829
Boise, Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

October 6, 2003

John Westra
Western Regional Manager
Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705

Re: MacGregor Test Well Proposal
MTBR&F File No. 19136.0

Dear John:

I am writing to you as the attorney for Darwin and Duane Pancheri, and their respective wives. This situation is a new matter to you, but has a fairly extended history. I am providing a written response to the correspondence from Terry Scanlan, dated September 2, 2003, to Rob Whitney, which sets forth the additional information related to Carol MacGregor's proposal for a test well drilling at the Belvedere Hot Springs.

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I request you to carefully review Mr. Chapman's correspondence of October 1, 2003, to me. His letter sets forth the technical observations and reactions to the proposal in Mr. Scanlan's correspondence to Rob Whitney.

In addition to Mr. Chapman's comments, I must reiterate that the Pancheris are extremely concerned about any test well drilling which does not include a condition imposed by the Department for complete and total protection of the sensitive geothermal aquifer from which the Pancheris divert their water rights. As Gary Spackman indicated in his June 5, 2003 correspondence, a bond of a substantial nature would need to be obtained in order for any drilling to be allowed. Since it is impossible for me to assess the size of a bond which would protect the Pancheris' interest, I believe it would be necessary to engage in serious evaluation of the value of the Pancheris' water right in order to assess the level of a bond for protection of

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John Westra
October 6, 2003
Page 2

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Please continue to keep me advised of the Department's decision making process in this matter. The Department's fair consideration of the Pancheris' rights is deeply appreciated.

Very truly yours,


Scott L. Campbell

SLC/dll

Enclosures

cc: Sheri L. Chapman
Darwin & Joan Pancheri
Duane & Laura Pancheri
Rob Whitney
Josephine P. Beeman

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MAY 21 2003

Moffatt Thomas, Barrett Rock and Fields

May 20, 2003

Scott Campbell
Moffatt Thomas Barrett Rock & Fields
P.O. Box 829
Boise, ID 83701-0829

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OCT 14 2003

Department of Water Resources

Dear Mr. Campbell:

Based on our previous conversations, this letter is to provide you with my thoughts regarding a potential test-drilling program by Ms. Carol MacGregor near the Belvidere Springs in the NE1/4, SE1/4, NE1/4, Section 13, Township 13 North, Range 3 East. As I understand it, Ms. MacGregor has proposed to drill test wells at this location, which is immediately adjacent to Belvidere Springs. I have reviewed the geologic and hydrologic data collected from this area over the past year and a half and the proposed drilling prospectus provided by Terry Scanlan of Scanlan Engineering in June 2000 with the assumption that the new proposal is about the same as their previous prospectus.

The north trending Cascade valley fault from which Belvidere Springs, Cabarton Springs, and the warm wells near Cascade all appear to issue from has been previously mapped and is clearly a source of hot water to the springs in the Cascade / Long Valley area. However, numerous efforts have been initiated over the years to further exploit thermal water from the springs and fault. At least four wells have been drilled between Belvidere Springs and Cabarton Springs in an effort to withdraw additional geothermal water and at least two wells have been drilled north of Belvidere Springs along the Payette River in an effort to develop geothermal water for space heating. All of these wells have been unsuccessful with regard to the exploitation of thermal water. The fault appears to cut significant areas of granitic rocks of the Idaho batholith and is capped by a shallow veneer of valley fill. Since several wells have attempted to develop hot water from the fault and have been unsuccessful, it is clear that the fault is only vented to the surface at a few locations, which creates a highly sensitive geothermal system. Generally, geothermal systems are artesian in nature since they discharge water to the surface from great depths and are very sensitive to exploitation and withdrawal.

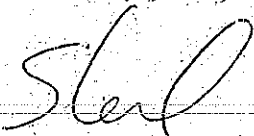
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Ms. MacGregor suggests that test drilling will provide her an opportunity to determine the viability of development of the springs, while at the same time protecting the Pancheri's water rights. This assumption I believe to be incorrect. In order for Ms. MacGregor to determine the viability of development of her application for water right from the springs, test wells would have to be pumped to determine their potential yield. This in itself could significantly alter the flow pattern in the springs and dry up the surface discharge from Belvidere Springs or decrease the temperature thus injuring the Pancheri's water rights. Additionally, drilling in and of itself is an invasive, violent procedure. If drilling is allowed to penetrate the "plumbing system" of the springs in the granitic rocks it could collapse some of the fractures that are providing water to the surface, provide a cross connection to other fractures that are presently dry and divert the water in the subsurface away from the surface discharge, or modify the entire vent system due to the drilling activity. Additionally, if caving zones are found in the granitic rocks and the driller needed to provide drilling mud to hold the hole open or put casing in the hole, fractures presently providing water to the surface discharge could be cut off or filled by drilling mud permanently. Even if test drilling were to occur and the wells were abandoned, consistent with existing well abandonment procedures, fractures could be filled with cement, mud, bentonite, or other materials that could permanently alter the vent complex. Since Ms. MacGregor's intent is to penetrate the vent complex, the potential for damage and injury to the Pancheri water rights is extremely high. Ms. MacGregor has repeatedly rejected any proposal that would indemnify the Pancheri's against injury and seems to assume that she has a "right" to conduct test drilling. Given the history of geothermal systems as I have worked with them over the last 30 years throughout the state and their typical sensitivity, it is my opinion that the potential for economic and water right injury to the Pancheri's is extremely high if Ms. MacGregor is allowed to test drill into the Belvidere Springs system. At the present time the springs discharge less than the amount of the Pancheri's water rights and any effort to intercept geothermal water before it gets to the Pancheri systems will create significant injury. If you have any questions or need additional information please don't hesitate to call me.

Sincerely yours,



Sheri L. Chapman

SLC:sw

cc: Duane Pancheri
Darwin Pancheri

Boise
Idaho Falls
Pocatello

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD

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Willis C. Moffatt, 1907-1980
Kirk R. Helvie 1956-2003

October 6, 2003

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John Westra
Western Regional Manager
Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705

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OCT 07 2003
WATER RESOURCES
WESTERN REGION

Re: MacGregor Test Well Proposal
MTBR&F File No. 19136.0

Dear John:

I am writing to you as the attorney for Darwin and Duane Pancheri, and their respective wives. This situation is a new matter to you, but has a fairly extended history. I am providing a written response to the correspondence from Terry Scanlan, dated September 2, 2003, to Rob Whitney, which sets forth the additional information related to Carol MacGregor's proposal for a test well drilling at the Belvedere Hot Springs.

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John Westra
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Enclosures

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Darwin & Joan Pancheri
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WATER RESOURCES
WESTERN REGION

Moffatt, Thomas, Barrett Rock and Fields

May 20, 2003

Scott Campbell
Moffatt Thomas Barrett Rock & Fields
P.O. Box 829
Boise, ID 83701-0829

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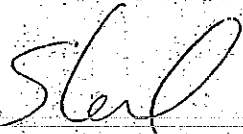
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Sheri L. Chapman

SLC:sw

cc: Duane Pancheri
Darwin Pancheri

Boise
Idaho Falls
Pocatello

Moffatt Thomas

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May 22, 2003
U.S. Mail

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Gary Spackman
Regional Manager
Western Region Office
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

Re: Carol MacGregor vs. Duane and Darwin Pancheri
MTBR&F File No. 19-136.0

Dear Gary:

I have enclosed a copy of correspondence I received from Sherl Chapman, dated May 20, 2003. As you will see from reviewing Mr. Chapman's correspondence, he articulates the scientific basis for the substantial concerns which the Pancheris' have regarding the potential authorization of drilling test wells by Ms. Carol MacGregor. Based upon these substantial concerns, I must reemphasize the position previously articulated to protect my clients' interests, as set forth in my correspondence to you April 9, 2003. In view of Mr. Chapman's opinions and conclusions, I cannot conceive of any circumstance under which drilling a test well should be approved unless Ms. MacGregor agrees to fully indemnify and protect Pancheris' against any of the potential impacts of such drilling. Since she has refused to do so, her request to drill test wells should be denied.

Again, as I requested in my prior correspondence, please provide me with written notice prior to the final decision by the Department concerning the authorization to proceed with Ms. MacGregor's request for drilling a test well.

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Gary Spackman
May 22, 2003
Page 2

Thank you for your cooperation in this regard.

Very truly yours,


Scott L. Campbell

SLC/cjl
Enclosure

cc: Duane and Laura Pancheri (w/encl)
Sherl Chapman (w/encl)
Josephine P. Beeman (w/encl.)

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

September 2, 2003

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SEP 04 2003

Mr. Rob Whitney
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Moffatt, Thomas, Barrett, Peck and Fields

Subject: MacGregor Test Well Proposal

Dear Rob:

In response to your email of July 1, 2003, and Gary Spackman's letter of June 5, 2003, this letter provides additional information related to Carol MacGregor's proposal for test well drilling at Belvidere.

The following items were requested

1. Data gathered from well logs, interviews with driller's in the area, and geological surveying in the area that will better describe the formations that will be encountered, and the nature of the low temperature geothermal aquifer sought to be appropriated including the venting system through which the aquifer is discharging. The data should be summarized and conclusions about the data should be written.
2. A detailed description of the method of construction that will protect the low temperature geothermal system and minimize risk of injury to other water rights. The description should contain both a diagram of the proposed well and a narrative of the proposed construction.
3. A detailed description of the test that will be performed on the well and any other water sources, and what data will be gathered. The detail must include methods and timing of measurement and data gathering.
4. Provide monitoring information collected to date, and an indication of whether the parties intend to collect any additional flow and temperature measurement and/or install flow and totalizing meters.
5. A proposed monitoring plan for the well and springs if the well is completed as a production well.
6. A proposed bond amount and mitigation plan sufficient enough to insure proper abandonment of the well or test hole and to protect existing water right holders from injury due to losses in temperature, pressure, or quantity.

These items are addressed below. A map of the project area is provided as Figure 1.

SPRING CHARACTERIZATION

Description of Belvidere Spring. Belvidere Hot Spring consists of an area of approximately one acre in size with diffuse geothermal discharge. The spring area is concentrated within a fenced area approximately 120 feet by 75 feet on the MacGregor property, although evidence of geothermal discharge also is visible outside of the fenced area on both the MacGregor and Pancheri properties. The spring area trends in a North 60 East direction, suggesting the possible presence of a geologic structure (i.e., fault) or other subsurface feature trending N60E.

Within the fenced portion of the MacGregor property, two main areas of discharge are visible. Both of these spring vents historically had been developed with bathhouses (65-1972 and 65-1973), although only remnants of these structures are currently visible.

- The measured temperature at the upper bathhouse pool has ranged from 93 to 105 degrees F over the past few years. A seep adjacent to the upper pool has a temperature of 110 to 113 degrees F. The discharge rate from the upper pool vicinity is probably 10 to 20 gpm.
- The maximum surface temperature at the lower bathhouse pool has ranged from 116 to 121 degrees F over the past few years. Estimated discharge rate from the lower pool area is 10 to 30 gpm.

Combined flow rate from the upper and lower bathhouse areas is probably about 60 gpm, based on weir measured flows of approximately 50 gpm east of the bathhouses, plus approximately 10 gpm of unmeasured flow that discharges toward the Pancheri property.

On the Darwin Pancheri property, geothermal discharge from the spring has been developed with an infiltration gallery. According to the field examination for water right 65-12891, the infiltration gallery discharges by gravity flow through a buried 10-inch diameter PVC pipe that extends eastward for 2100 feet. The 10-inch pipe then reduces to 4-inch diameter and extends 3000 feet to the south to the Duane Pancheri house and shop (water right 65-12891). A pump station near the infiltration gallery diverts water from the 10-inch pipe to the Darwin Pancheri home (water right 65-13332). Flow rate in the pipeline (as measured at the Duane Pancheri home with the Darwin Pancheri pump off) has ranged from 60 to 80 gpm in five measurements since May 2001. Note that a measurement of 114 gpm (i.e., 17 gpm pumped to Darwin Pancheri plus 97 gpm by gravity flow through the pipeline) was made on January 27, 2001. The bucket used for volumetric measurement on January 27, 2001 was reportedly marked for a 4-gallon capacity, but this calibration was not verified by Scanlan Engineering. Measured temperature at the upper end of the pipeline has ranged from 109 to 113 degrees F, with temperatures typically of about 112 to 113 degrees F.

Based on flow monitoring since 2001, the combined surface discharge from the spring vicinity on both the MacGregor and Pancheri properties is probably in the range of 110 to 180 gpm, with an estimated average temperature of approximately 112 degrees F.

Monitoring Data Collected at Belvidere Hot Spring. Monitoring data collected by Scanlan and/or Chapman are provided as Attachment A. In order to adequately monitor spring discharge, a totalizing flow meter on the Pancheri pipeline is needed. The flow meter should be installed as soon as possible. A meter location near the lower end of the 4-inch diameter portion of the pipeline is proposed in order to provide an easily accessible location. Any assistance that your Department can provide to expedite installation of this meter would be appreciated.

Published Data Related to the Hot Spring. Data for Belvidere Hot Spring is found in several publications. Excerpts are copied and attached.

Perhaps the most detailed published description of the springs is found in "Geothermal Investigation of the Cascade Area", July 1976, by Monte Wilson, James Applegate, Sheri Chapman, and Paul Donaldson (Boise State University). The report indicates that the Belvidere Hot Spring is located along the north-trending Cascade Valley Fault. A series of hot springs are found along this fault, including (from south to north) Cabarton, Belvidere, Cascade, Flat Creek, and Gold Fork. The discharge temperature for Belvidere hot springs was reported to be 121 degrees F. Based on silica concentration in the water and a mixing model, the authors estimated that the temperature of the hot spring source could be as high as 325 degrees F. See Attachment B.

A chemical analysis in USGS Water Resources Investigations Open File Report 80-1020 (Lewis, R.E., and H.W. Young, 1980, Thermal Springs in the Payette River Basin, West Central Idaho) indicates that the spring has a temperature of 120 degrees F and a discharge of 20 gpm. The water is a sodium bicarbonate type with total dissolved solids of 256 mg/l. Based on various geochemical methods, the USGS report estimated that the temperature of the aquifer source ranges from 117 to 232 degree F. See Attachment C.

Geologic mapping of the local area is provided in USGS Bulletin 1311-A (Schmidt, D.L. and J.H. Mackin, 1970, Quaternary Geology of Long and Bear Valleys, West-Central Idaho). The mapping shows the spring site as overlain by glacial outwash. Cretaceous bedrock of the Idaho Batholith is present in the high elevation areas on the westerly side of Cabarton Road. The bedrock is part of the upthrown Cascade fault block. The fault block is bounded on the east by the Cascade Valley fault. The geologic map shows the fault approximately 2000 feet east of the spring. See Attachment D.

Unpublished Reports. An investigation of the Belvidere Hot Spring was commissioned by a previous property owner (Eastern Western Corporation) in the mid 1990s for purposes of selecting a geothermal test well site. The investigation apparently included surface geologic mapping and resistivity survey. The mapping located a fault scarp 150 yards to the west of the hot spring, and suggested that a fault zone striking N70E extended close to the spring area. The resistivity investigation suggested drilling at a location 400 to 450 feet southeast of the bathhouses. The geologist that directed the study estimated that the depth to the fault zone was 800 feet in that area. A copy of the report and related correspondence from that study are provided as Attachment E.

Well Driller's Reports. Well driller's reports on file at the Idaho Department of Water Resources were collected for the area surrounding the spring. The search area consisted of Section 18, T13N, R4E and Section 13, T13N, R3E. No logs were located in Section 19. The well driller's reports are compiled in Attachment F.

Summary and Conclusions Related to Spring Geology and Hydrology. Based on personal observations and a review of published and unpublished data, the following conclusions are provided related to the geology and hydrology of Belvidere Hot Spring.

1. The source of hot water is probably upward flow through fractures in the granitic rock of the Idaho Batholith. It is possible that Belvidere Hot Spring is located at or near the intersection of the north-trending Cascade Valley Fault and an unmapped fault trending in a northeasterly direction.
2. The spring area is overlain by alluvial and glacial deposits. Depth to bedrock in the vicinity of the spring vents is unknown. Bedrock is found at the surface within a few hundred feet to the west of the spring vents.
3. It is unknown whether a significant portion of the geothermal water moving upward through the fractured rock is lost as subsurface flow through the valley fill, or if the majority of the geothermal flow reaches the surface and discharges from the spring.
4. The temperature of the geothermal water at depth is probably greater than the temperature at the discharge point. Maximum surface temperature is approximately 121 degrees F.

DRILLING PROSPECTUS

Given the unknown subsurface conditions in the vicinity of the spring, it is difficult to prepare a definitive drilling plan.

Anticipated geologic conditions in the near vicinity of the hot springs consist of between 10 and 150 feet of sand, gravel, and clay sediments overlying granitic bedrock. Depth to bedrock likely increases to the south and east. Shallow groundwater with a temperature in the range of 45 to 120 degrees F is anticipated in the overburden materials above the bedrock. Water temperatures of 45 to 180 degrees are anticipated in the bedrock.

Two well sites are initially proposed. One well site will be at the location suggested by the resistivity survey, approximately 450 feet southeast of the MacGregor spring vents. The other well will probably be located approximately 200 feet south from the MacGregor spring vents. These sites are approximately 300 to 600 feet from Pancheri spring source. The actual well sites will be staked prior to drilling contractor mobilization.

Well Construction. Drilling depths and casing lengths will be adjusted based on subsurface conditions. The drilling method utilized will probably be air rotary, although mud rotary will be

used for open-hole drilling through unconsolidated or unstable materials. Initially, we anticipate that well construction will include the following.

1. A 12.25-inch I.D. surface casing (0.250-inch wall, 12.75-inch O.D.) shall be set and sealed to a depth of approximately 40 feet, unless bedrock or a substantial clay layer are encountered first. The 12-inch casing will be installed within a minimum 15-inch diameter hole. The casing shall be sealed with neat cement installed from the bottom of the annular space to the surface. The top of the 12-inch casing shall be equipped with a flange.
2. Below the surface casing, a nominal 12-inch diameter borehole will be drilled to bedrock using open hole drilling techniques appropriate for the formation. Following drilling, geophysical surveys (resistivity, natural gamma, temperature) will be run to document stratigraphy and temperature. If drilling characteristics and temperatures suggest the presence of geothermal aquifer zones, then an attempt will be made to develop a well for test purposes. If there are no indications of significant geothermal water-bearing zones, a 7.981-inch I.D. (0.322-inch wall, 8.625-inch O.D.) well casing shall be set and sealed a minimum of 20 feet into bedrock. The casing shall be sealed with neat cement installed from the bottom to the surface. The top of the 8-inch casing shall be equipped with a flanged tee.
3. Below the 8-inch casing, an open borehole (nominal 7.5-inch) will be advanced. If caving conditions are encountered, the borehole may be lined with 6-inch (0.250-inch wall) perforated liner pipe. Target depth for the each shall be 500 feet, but actual well depth may be adjusted up or down depending on conditions encountered.

A conceptual well design is provided as Figure 2. Note that bentonite chips may be used for well seals if warranted by formation conditions (the presence of open fractures) or borehole conditions (large annulus). Based on the results of the first test well, additional wells may be drilled as necessary to (1) better assess the geothermal resource, (2) develop the resource, and (3) assure continued delivery of the resource to senior water rights.

The proposed drilling contractor is Gestrin Drilling. Mr. Gestrin has drilled many of the existing wells in the local area, including wells on the Panheri property both north and south of the MacGregor property. He has reviewed the proposed well design.

Drilling Oversight. Scanlan Engineering will provide oversight of drilling activities, including final design placement of casings and seals. The Department of Water Resources will be notified in the event of a significant change from the design contemplated by this drilling prospectus.

The drilling contractor will collect drill cuttings at 10-foot intervals and at each formation change. Bottom-hole temperatures will be measured using a maximum reading thermometer whenever drilling tools are removed from the borehole.

TESTING AND MONITORING PLAN

Monitoring. Discharge rate and temperature at the MacGregor spring vents and from the Pancheri infiltration gallery will be monitored before, during, and after drilling and testing. Flow will be monitored with V-notch weirs set in the stream channels below the springs. A totalizing flow meter on the Duane Pancheri pipeline will also be monitored. Monitoring of the totalizing flow meter on the Pancheri pipeline should be conducted for several weeks or months prior to drilling and testing in order to document any trends in flow rate. The flow meter should be installed as soon as possible.

Temperature should be monitored at the existing measuring points (upper bathhouse vent, lower bathhouse vent, MacGregor weir, Pancheri weir, Pancheri pipeline vent, Pancheri pump sump).

Monitoring frequency shall vary depending on the type of activity that is taking place. For instance, monitoring of flow and temperature is recommended on a weekly basis for at least four weeks prior to and following drilling. During active drilling periods, monitoring should take place on a daily basis.

Monitoring frequency following development of a successful well shall be at monthly intervals for the first year of operation, and quarterly intervals thereafter during the permit period.

Testing. The test well, if successful, will be tested by pumping or by artesian flow. Temperatures and flows from the spring will be monitored during any well tests.

We anticipate that the test pumping or artesian flow testing would be conducted for a minimum of 24 hours, and potentially as long as several weeks. A definitive test plan is difficult to prepare until the well is drilled and estimates of production rate and temperature are obtained. However, for purposes of this plan, we propose the following test procedure.

1. Shut the well in (if flowing artesian) or allow water level to stabilize (if not flowing) for a minimum of 24 hours before pump testing or flow testing. During this period, monitor both temperature and flow at the existing monitoring locations described above.
2. Flow or test pump the well using typical well testing protocol. For instance, water level, pressure, or well flow rate measurements should be collected on a log-time scale during constant rate (or constant flow), with measurement intervals of approximately 1 minute for the first 10 minutes, 5 minutes from 10 to 100 minutes, 20 minutes from 100 to 500 minutes, and one hour intervals from 500 to 1500 minutes, 6-hour intervals from 1500 to 3000 minutes, and 12 or 24-hour intervals after 3000 minutes.
3. Temperature measurements and spring flow measurements at the existing monitoring locations should be taken on minimum two-hour intervals during the first day of the test, and at the same intervals as pressure or well flow measurements after the first day of the test.

MITIGATION AND BONDING

Bond. A bond of \$20,000 will be posted prior to drilling in order to provide funding for well abandonment. The \$20,000 amount is based on IDAPA 37 03 09.030.02, and assumes that a bottom hole temperature in excess of 150 degree F is possible.

Mitigation. Mitigation for impacts to existing water rights will depend on the type of impact. For instance, a temporary impact during test pumping can potentially be mitigated (if necessary) by pumping hot water from the test well to the water users.

If exploration or water development activities by MacGregor reduce geothermal water supply below the amount that historically has been both legally and physically available to the Pancheris, then MacGregor would mitigate impacts for material injury to the Pancheri water rights pursuant to Idaho law. Potential mitigation methods to address material injury to the beneficial use of the Pancheri water rights could include:

1. Provide well water of a temperature and rate (within water right volume limitations) to address material injury to the Pancheri water rights. The water would be delivered to the Pancheris at the MacGregor/Pancheri property line or other mutually acceptable location.
2. Supply an alternate heat source to Pancheris (electric, natural gas, etc.) to the extent necessary to address material injury to the beneficial use of the Pancheri water rights.
3. Increase the efficiency of the Pancheri delivery or heating system in order to address material injury to the beneficial use of the Pancheri water rights.

Please contact me with any questions or comments. We look forward to your response.

Sincerely,



Terry M. Scanlan, P E., P G.

Cc: Carol MacGregor
Jo Beeman
Sheri Chapman
Scott Campbell

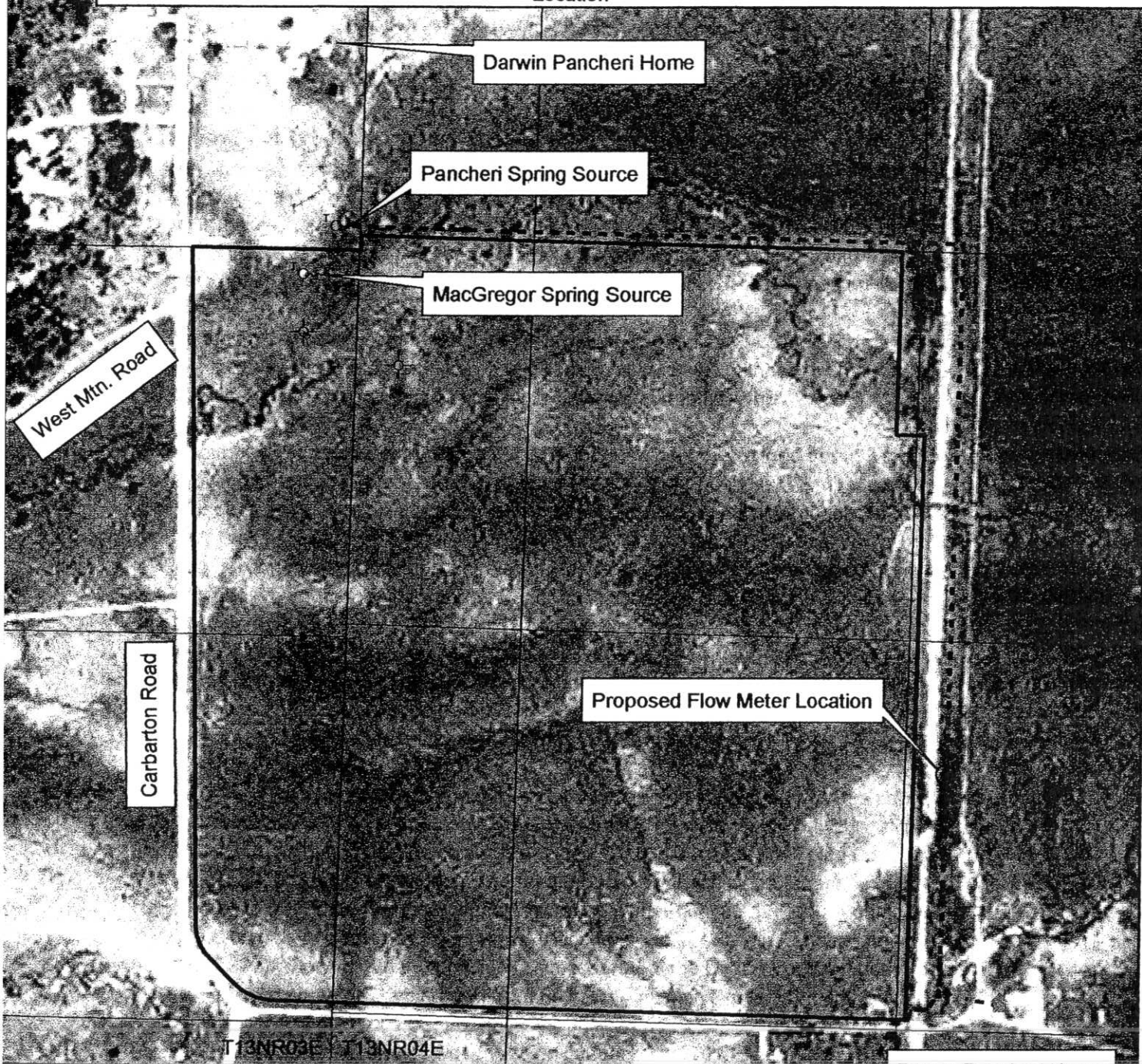
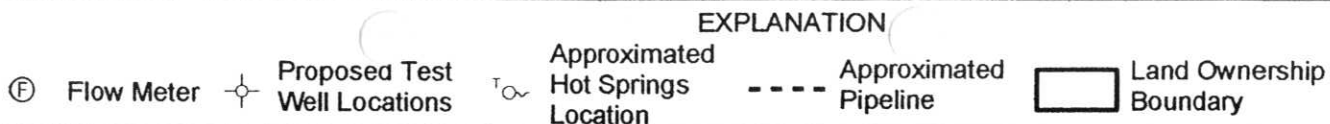


Figure 1: Belvidere Hot Spring Vicinity Map.

0 500 1,000 Feet



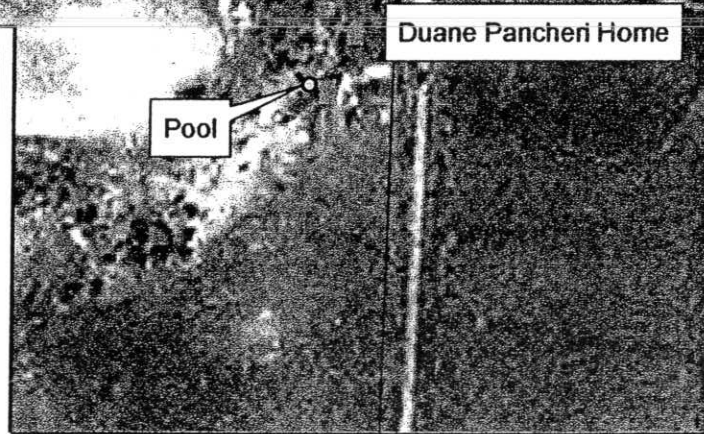
Projection System: IDTM

Data Sources: USGS, BLM

Date: September 2, 2003

Scanlan Engineering

600 E. River Park Lane
Suite 105
Boise, ID 83706



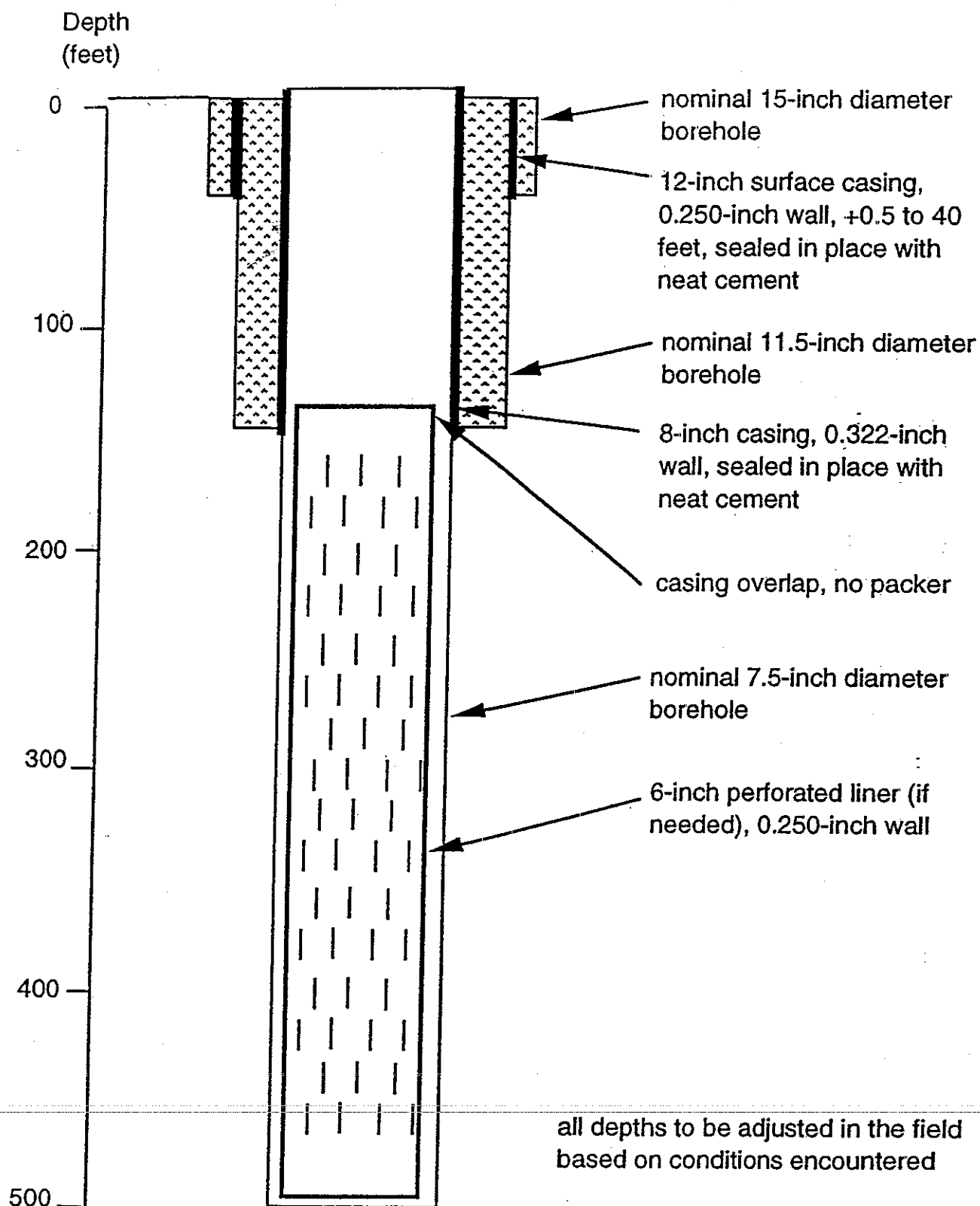


FIGURE 2
MACGREGOR GEOTHERMAL TEST WELL CONCEPT

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Fax: 373-7985



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oise@eroresources.com

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OCT 02 2003

Moffatt, Thomas, Barrett Rock and Fields

October 1, 2003

Scott Campbell
Moffatt Thomas Barrett Rock & Fields
P.O. Box 829
Boise, ID 83701-0829

Dear Scott:

Pursuant to our previous discussions, I am providing you with my analysis and suggestions relating to the September 2, 2003 letter and document prepared by Terry Scanlan. This document apparently is in response to an information request by IDWR relating to the MacGregor proposal to drill test wells into the heart of Belvidere Springs. The following is a summary of my opinions and recommendations regarding the proposal:

Page 2

Mr. Scanlan suggests in his opening paragraph that the spring trends in a N60E direction and because of that surface trend there is a possible subsurface fault trending in the same direction. He appears to be trying to make the case that Belvidere Springs may be on a fault separate from the rest of the hot springs in the valley. No evidence exists of this fault and the spring trend is probably the result of directional deposition and reworking of sediments by earlier stream drainage. The existing stream flow pattern in this area parallels the N60E trend pointed out by Scanlan. This directional deposition could also explain the resistivity anomaly referenced later in his document.

The January 27, 2001 measurement was made in a bucket marked for a 4 gallon capacity. Scanlan did not check the calibration, but I did. The January 27, 2001 measurement was higher than later ones but we were just heading into a day cycle and thermal systems generally react more slowly than cold water systems, which could explain the later, lower measurements.

Page 3

Scanlan proposes a totalizing flow meter on the Duane Pancheri pipeline. We agreed to installation of the meter months ago and volunteered to use Duane's equipment for the excavation and backfill. It was my understanding that MacGregor had agreed to pay for the meter and its maintenance. Apparently MacGregor had second thoughts because the next I heard she had reneged. I believe Duane is still willing to allow the flow meter under the original agreement. However, since he feels MacGregor is attacking his water right for her financial gain, he feels it would be inappropriate to require him to pay the cost.

Scanlan refers to the Cascade Valley fault and states it lies 2000 feet east of Belvidere Springs, again I believe to suggest somehow the spring is not associated with the other hot springs and structure in the valley. The map referred to, Figure D, from USGS Bulletin 1311-A shows the fault on the map east of the spring. However, for several

FILE COPY

Consultants in
Natural Resources
and the Environment

miles both north and south of Belvidere Springs, the fault is shown as "inferred" which means that its location, dip and strike are unknown but only estimated using professional judgment. Typically, these estimates are made when the surface trace of a fault or structure is so obscured that only a few points can be found.

Scanlan refers to "mapping" done under contract by Eastern-Western Corporation. The document provided does not include any maps but only references by a Mr. Smith that "the actual number of faults is unknown but surface conditions indicate that at least two are present, both more or less parallel to a larger fault near the county road intersection located a short distance to the northwest." This statement was included in a letter to Eastern-Western Corporation urging them to hire a geographical team from Boise State University to locate a drilling site. No mention was made of any study, report or mapping. If such mapping exists we should be allowed to review it and its background database.

The resistivity survey commissioned by Eastern-Western Corporation identified an anomaly of low resistivity about 300 feet wide south of Belvidere Springs. The report states "It should be noted that the anomalies are quite subtle and do not suggest a strong contrast in resistivity with the surrounding material. Best judgment based on these results would be to recommend exploratory drilling within this trend, if such is planned."

These statements suggest to me that the research personnel were unsure of the geologic reason for the anomaly. As mentioned earlier, it could be nothing more than sedimentation from earlier streams and it certainly does not confirm the presence of a fault structure carrying thermal water.

Page 4

Scanlan's supposition in paragraph 1 about the location of Belvidere Spring at the intersection of the Cascade Valley fault and an "unmapped" fault is not supported by existing data or the material provided. It appears to me that he is trying to make the case that the intersection might produce large amounts of water as opposed to just being located on the Cascade Valley fault from which it has been difficult to produce high yields to wells.

The drilling techniques proposed could cause significant problems. Air rotary or clean water fluid drilling pose the least threat to the spring matrix. Mud rotary drilling, proposed by Scanlan, does carry a high risk. Unless drilling fluid (mud) composition and balance are carefully calculated and monitored baking, intrusion and other destruction actions can occur in the aquifer. All of these have the potential to permanently alter the flow and temperature of the springs and cause injury to the Pancheri's.

Page 5

While Scanlan Engineering should have oversight of the project, no allowance is made for the Pancheri's representative if the project is authorized. If the test drilling program is allowed the Pancheri's or their representative should have access to the site and all data as it is obtained. Otherwise, severe problems could occur without disclosure.

Page 6

Monitoring of spring discharge with v notch weirs has been tried and failed. No monitoring program should be approved without a demonstrated successful way of monitoring surface water outflow.

Nothing in the monitoring plan provides for a cessation of testing if the flow or temperature of water being delivered to the Pancheri's is affected. If allowed to test, the procedure must immediately cease if any deleterious impact occurs. To continue could permanently damage the Pancheri's.

Page 7

The mitigation portion of the proposal is unacceptable. Pancheri's have already told MacGregor what level of bonding is necessary to protect the value of their property should there be a long term or permanent impact to spring flows and their water rights. Pancheri's are not willing to trust the largess and good will of the applicant or her heirs with the value of their property. Even potentially short term impact causes grave concern.

In summary, it appears that the entire proposal seeks to convince the Department that there has been significant study of the geology and hydrology of the area and that Belvidere Spring lies at the intersection of two or more faults. No confirmation of this scenario has been made. The proposal lays out a drilling program that could possibly have long term adverse affects to spring flow and temperature without providing any real protection to the Pancheri's property values or water rights. Thermal springs are notorious for their sensitivity to outside stresses and it is inconceivable that MacGregor believes that drilling into the central matrix of the spring will not have major adverse consequences. The test drilling program should not be allowed.

Sincerely,



Sheri L. Chapman

SLC:sw

cc: Duane Pancheri
Darwin Pancheri



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 5, 2003

SCOTT CAMPBELL
ATTORNEY AT LAW
MOFFATT THOMAS
PO BOX 829
BOISE ID 83701-0829

JOSEPHINE BEEMAN
ATTORNEY AT LAW
409 W JEFFERSON
BOISE ID 83702

Re: MacGregor's Proposal to Drill a Test Well; Application to Appropriate Water
No. 63-13913

Dear Scott & Jo:

I have received two letters from Scott Campbell inquiring about Carol MacGregor's proposal to drill a test well for geothermal water. Mr. Campbell's letters specifically request that the Idaho Department of Water Resources (IDWR) provide an opportunity for critical scientific scrutiny of the final proposal for a test well. IDWR will not grant a drilling permit to drill a well to test for the geothermal resource until Pancheris and their technical consultants have had a full opportunity to review the proposal and provide meaningful input.

Rob Whitney of this office has asked Terry Scanlan to arrange an onsite visit to pinpoint the location of the test well. I anticipate that Rob Whitney and at least one other IDWR employee with well drilling expertise will attend. The attorneys, the parties, and their technical consultants should be invited. During the onsite visit, the technical consultants can express their concerns in an open discussion with IDWR personnel.

IDWR staff has already voiced some of the same concerns expressed by Mr. Chapman in his letter. Drilling very near or in vents through which the geothermal water flows may alter the artesian flow of the water to the Pancheri's point of diversion. There is also a possibility of temperature change caused by commingling or by flow reduction. If the test well must be abandoned after it is drilled and tested, the materials used to fill and seal the well may also fill and seal the natural water passages, reducing flow and perhaps pressure.

If IDWR approves the drilling of a test well, IDWR will almost certainly require that MacGregor post a bond in an amount necessary to insure proper abandonment and to protect existing water right holders from injury. IDWR recently required a \$20,000 bond for drilling a cold water test well in Round Valley, Idaho. A bond for the drilling of a low temperature geothermal test well could be significantly larger than \$20,000.

Campbell, Beeman
June 5, 2003
Page -2-

In addition to a site visit, IDWR will require the following additional information to accompany a proposal for a test well:

1. Data gathered from well logs, interviews with drillers in the area, and geological surveying in the area that will better describe the formations that will be encountered, and the nature of the low temperature geothermal aquifer sought to be appropriated included the venting system through which the aquifer is discharging.
2. The data should be summarized and conclusions about the data should be written.
3. A detailed description of the method of construction that will protect the low temperature geothermal system and minimize the risk of injury to other water rights. The description should contain both a diagram of the proposed well and a narrative of the proposed construction.
4. A detailed description of the tests that will be performed on the well and any other water sources, and what data will be gathered. The detail must include methods and timing of measurement and data gathering.

MacGregor should distribute the above information to Pancheris and to IDWR.

IDWR will grant a period of time for technical review and comment following submittal. IDWR will then determine whether drilling a test well is appropriate.

Sincerely,



Gary Spackman

CC: Terry Scanlan
Sherl Chapman
Rob Whitney
Mark Slifka

ERO Resources Corp.
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MAY 21 2003

Moffatt, Thomas, Barrett Rock and Fields

May 20, 2003

Scott Campbell
Moffatt Thomas Barrett Rock & Fields
P.O. Box 829
Boise, ID 83701-0829

Dear Mr. Campbell:

Based on our previous conversations, this letter is to provide you with my thoughts regarding a potential test-drilling program by Ms. Carol MacGregor near the Belvidere Springs in the NE1/4, SE1/4, NE1/4, Section 13, Township 13 North, Range 3 East. As I understand it, Ms. MacGregor has proposed to drill test wells at this location, which is immediately adjacent to Belvidere Springs. I have reviewed the geologic and hydrologic data collected from this area over the past year and a half and the proposed drilling prospectus provided by Terry Scanlan of Scanlan Engineering in June 2000 with the assumption that the new proposal is about the same as their previous prospectus.

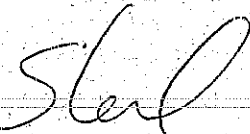
The north trending Cascade valley fault from which Belvidere Springs, Cabarton Springs, and the warm wells near Cascade all appear to issue from has been previously mapped and is clearly a source of hot water to the springs in the Cascade / Long Valley area. However, numerous efforts have been initiated over the years to further exploit thermal water from the springs and fault. At least four wells have been drilled between Belvidere Springs and Cabarton Springs in an effort to withdraw additional geothermal water and at least two wells have been drilled north of Belvidere Springs along the Payette River in an effort to develop geothermal water for space heating. All of these wells have been unsuccessful with regard to the exploitation of thermal water. The fault appears to cut significant areas of granitic rocks of the Idaho batholith and is capped by a shallow veneer of valley fill. Since several wells have attempted to develop hot water from the fault and have been unsuccessful, it is clear that the fault is only vented to the surface at a few locations, which creates a highly sensitive geothermal system. Generally, geothermal systems are artesian in nature since they discharge water to the surface from great depths and are very sensitive to exploitation and withdrawal.

Examples of the sensitivity of thermal systems and their reaction to stress through withdrawal are evident along the Boise front, at Ingram hot springs near Challis, the Foreman well/Backman hot springs issue in Owyhee County, and the geothermal system along the Mount Bennett Hills north and east of Mountain Home (Walker-Hall issue). All of these systems have been subject to exploitation and have reacted with significant drawdowns, drying up of springs, and other adverse impacts. As you are aware, Belvidere hot springs has been developed by Duane and Darwin Pancheri and both have licensed water rights for the geothermal water. This water is developed at a fairly shallow depth and is delivered to the homes through either a pumping system or

gravity flow with the source of water the near surface discharge from Belvidere Springs and development of an infiltration gallery

Ms. MacGregor suggests that test drilling will provide her an opportunity to determine the viability of development of the springs, while at the same time protecting the Pancheri's water rights. This assumption I believe to be incorrect. In order for Ms. MacGregor to determine the viability of development of her application for water right from the springs, test wells would have to be pumped to determine their potential yield. This in itself could significantly alter the flow pattern in the springs and dry up the surface discharge from Belvidere Springs or decrease the temperature thus injuring the Pancheri's water rights. Additionally, drilling in and of itself is an invasive, violent procedure. If drilling is allowed to penetrate the "plumbing system" of the springs in the granitic rocks it could collapse some of the fractures that are providing water to the surface, provide a cross connection to other fractures that are presently dry and divert the water in the subsurface away from the surface discharge, or modify the entire vent system due to the drilling activity. Additionally, if caving zones are found in the granitic rocks and the driller needed to provide drilling mud to hold the hole open or put casing in the hole, fractures presently providing water to the surface discharge could be cut off or filled by drilling mud permanently. Even if test drilling were to occur and the wells were abandoned, consistent with existing well abandonment procedures, fractures could be filled with cement, mud, bentonite, or other materials that could permanently alter the vent complex. Since Ms. MacGregor's intent is to penetrate the vent complex, the potential for damage and injury to the Pancheri water rights is extremely high. Ms. MacGregor has repeatedly rejected any proposal that would indemnify the Pancheri's against injury and seems to assume that she has a "right" to conduct test drilling. Given the history of geothermal systems as I have worked with them over the last 30 years throughout the state and their typical sensitivity, it is my opinion that the potential for economic and water right injury to the Pancheri's is extremely high if Ms. MacGregor is allowed to test drill into the Belvidere Springs system. At the present time the springs discharge less than the amount of the Pancheri's water rights and any effort to intercept geothermal water before it gets to the Pancheri systems will create significant injury. If you have any questions or need additional information please don't hesitate to call me.

Sincerely yours,



Sheri L. Chapman

SLC:sw

cc: Duane Pancheri
Darwin Pancheri

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MAY 23 2003

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Idaho Falls
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R. B. Rock
Richard C. Fields
Robert E. Bakes
John S. Simko
John C. Ward
D. James Manning
Gary T. Dance
Larry C. Hunter
Morgan W. Richards
Mark A. Ellison
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas

Glenna M. Christensen
Gerald T. Husch
Scott L. Campbell
Michael G. McPeck
Robert B. Burns
James C. Dale
Michael E. Thomas
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Bradley J. Williams
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James L. Martin
C. Clayton Gill

David P. Gardner
Casey C. Robertson
Julian E. Gabiola
Angela Schaefer Kaufmann
Benjamin H. Schwartz
Jon A. Stenquist
Bradley J. Dixon
Keasa I. Hollister
Mark C. Peterson
Andrew J. Waldera
Shawn C. Nunley

Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

May 22, 2003
U.S. Mail

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Gary Spackman
Regional Manager
Western Region Office
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

Re: Carol MacGregor vs. Duane and Darwin Pancheri
MTBR&F File No. 19-136.0

Dear Gary:

I have enclosed a copy of correspondence I received from Sherl Chapman, dated May 20, 2003. As you will see from reviewing Mr. Chapman's correspondence, he articulates the scientific basis for the substantial concerns which the Pancheris' have regarding the potential authorization of drilling test wells by Ms. Carol MacGregor. Based upon these substantial concerns, I must reemphasize the position previously articulated to protect my clients' interests, as set forth in my correspondence to you April 9, 2003. In view of Mr. Chapman's opinions and conclusions, I cannot conceive of any circumstance under which drilling a test well should be approved unless Ms. MacGregor agrees to fully indemnify and protect Pancheris' against any of the potential impacts of such drilling. Since she has refused to do so, her request to drill test wells should be denied.

Again, as I requested in my prior correspondence, please provide me with written notice prior to the final decision by the Department concerning the authorization to proceed with Ms. MacGregor's request for drilling a test well.

Gary Spackman
May 22, 2003
Page 2

Thank you for your cooperation in this regard.

Very truly yours,



Scott L. Campbell

SLC/cjl
Enclosure

cc: Duane and Laura Pancheri (w/encl.)
Sherl Chapman (w/encl.)
Josephine P Beeman (w/encl)

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APR 10 2003

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Morgan W. Richards	Lee Radford	
Mark A. Ellison	Michael O. Roe	<i>Willis C. Moffatt, 1907-1980</i>
Randall A. Peterman	David S. Jensen	<i>Kirk R. Helvie, 1956-2003</i>
Mark S. Prusynski	James I. Martin	
Stephen R. Thomas	C. Clayton Gill	

April 9, 2003

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Gary Spackman, Regional Manager
Western Region Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

**Re: Applications to Appropriate Water Nos. 65-13992 and 65-13993 in the Name of
Carol Lynn MacGregor**
MTBR&F File No. 19136 0

Dear Gary:

Thank you for your correspondence of March 25, 2003. I would like to address the first full paragraph of page two of your correspondence.

On behalf of my clients, I request a sufficient period of time following service of "all the details of the proposed drilling of a test well and the associate test ... submitted to IDWR" so that my clients' consultant, Sherl Chapman, will have an opportunity to review the technical information and provide a response to the Idaho Department of Water Resources before review of the proposal and determination by the Department concerning construction and testing of the proposed test well. As you know, the concerns which have been expressed throughout this proceeding focus directly upon the potential injury to my clients' water rights which may result from the construction of a test well in such close proximity to the geothermal water source which supplies my clients' rights. Given that substantial concern, I believe that it is essential that the Department of Water Resources have the perspective of my clients' consultant before it undertakes a review and determination of the appropriateness of construction of such a test well.

I appreciate the desire of the Department of Water Resources to reasonably accommodate the request of the applicant, however, that request must not adversely impact my clients' established property rights.

Gary Spackman, Regional Manager
Western Region Office
Idaho Department of Water Resources
April 9, 2003
Page 2

Thank you for your consideration of this issue. I would appreciate a written response to this request.

Very truly yours,



Scott L. Campbell

SLC/dll

Enclosure

cc (with enclosure):

Clients

Sherl Chapman

Josephine Beeman

Rob Whitney

Terry Scanlan



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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Director

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APR 10 2003

WATER RESOURCES
WESTERN REGION

March 25, 2002

Josephine P. Beeman
Attorney at Law
409 West Jefferson Street
Boise, ID 83702

Scott L. Campbell
Attorney at Law
P.O. Box 829
Boise, ID 83701 0829

Re: Application to Appropriate Water Nos. 65-13992 & 65-13993 in the name of Carol Lynn MacGregor

Dear Jo and Scott:

I received a letter from Jo Beeman on January 30, 2003 on behalf of Carol Lynn MacGregor, asserting that Duane & Darwin Pancheri are diverting water in excess of their water rights, and asking the Idaho Department of Water Resources (IDWR) to require installation of measuring devices and reporting of measurements to IDWR. I also received a letter from Scott Campbell on February 19, 2003, representing protestants Duane & Darwin Pancheri, disputing the alleged over-diversion of water and objecting to the requested measurement and reporting. These letters were written because of earlier letters sent to me by two consultants who are working for the parties. Sherl Chapman (employed by Pancheri) initially wrote a letter requesting discontinuation of a joint measuring program. Terry Scanlan (employed by MacGregor) responded by stating that the measuring program should continue and requested that Pancheris install measuring devices, read the measurements, and annually report the measured flows to IDWR.

IDWR issued an amended order authorizing discovery on January 25, 2002. The order granted a period of one year for discovery. The order also granted a time period of approximately one month for the parties to negotiate an agreement for water flow data gathering. To insure that MacGregor would be able to gather the information necessary for hearing preparation, IDWR would have required Pancheris to measure and report water diversion if the parties had not agreed to gather data. The parties agreed to a measuring plan, and IDWR did not require measuring and reporting.

The request for additional flow measurement and monitoring is related to a proposal to drill a test well. The drilling of a test well, test pumping (or discharge if water flows from the well because of artesian pressure), and measurement of impacts to other related waters has not yet been approved. Because of the proposed location of the test well and the possibility that the drilling of the well may negatively impact other water rights, the proposal for construction of the test well is being reviewed internally within IDWR. After brief discussions with staff about the test well, I am confident that IDWR will expect significantly more detail about the proposed

Jo Beeman & Scott Campbell
March 25, 2003
Page 2

construction of the test well and the plan for testing. These additional information will be requested shortly.

When all the details of the proposed drilling of a test well and the associated test are submitted to IDWR and served on the protestants, IDWR will review the proposal to determine whether IDWR should allow the construction and test to proceed. If IDWR determines a test is appropriate, MacGregor should attempt to negotiate access for the measurements. If MacGregor is unsuccessful, the request that Pancheris install measuring devices and measure and report may be renewed.

IDWR will not initiate any action against Pancheris at the present time for diversion of more volume of water than is authorized by the water rights. There is insufficient proof at the present time that the total volume authorized for diversion is being exceeded.

Sincerely,


Gary Spackman

cc. Rob Whitney
Terry Scanlan
Sherl Chapman

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

January 26, 2003

RECEIVED
JAN 30 2003

WATER RESOURCES
WESTERN REGION

Jo Beeman
Beeman and Associates
409 West Jefferson Street
Boise, ID 83702

Subject: Estimated Annual Diversion Volume – License 65-12891

Dear Jo:

At our meeting last week you asked me to calculate an estimate of the annual volume of geothermal water diverted from Belvidere Hot Spring through the pipeline to the Duane Pancheri property. The water is used for space heating purposes and discharges into a swimming pool. Water is diverted under license 65-12891, with a diversion rate limit of 0.44 cfs (197 gpm) and an annual volume limit of 51.3 acre feet.

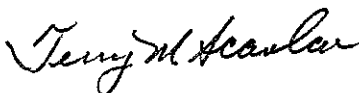
Measurements of discharge have been collected periodically since January 27, 2001 and are listed below

Date	Approximate Diversion Rate (gpm)
1/27/01	97
5/5/01	79
8/8/01	60
11/2/01	76
2001 average	78
6/1/02	80
10/9/02	68
2002 average	74

My understanding is that the water flows through the pipeline on a year-around basis. Based on the calculated annual averages, the estimated diversion volumes are 126 acre feet in 2001 and 119 acre feet in 2002.

Please contact me with any questions.

Sincerely,



Terry M. Scanlan, P.E.

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

January 26, 2003

Jo Beeman
Beeman and Associates
409 West Jefferson Street
Boise, ID 83702

RECEIVED

JAN 30 2003

WATER RESOURCES
WESTERN REGION

Subject: Drilling Prospectus for MacGregor Geothermal Test Well No. 1

Dear Jo:

In response to Gary Spackman's letter of January 3, 2003, this letter presents a proposal for construction of a geothermal test well on the Carol MacGregor property near Belvidere

*Plz Provide
MacF (USGS)
w/ springs & faults
well location nearby*

Well Site. A well site has not been staked, but we anticipate that drilling will take place southwest of the existing spring vents on the MacGregor property (NESENE Section 13, T13N, R3E). The spring vents are suspected to be associated with an unmapped fault that trends in a northeasterly direction and intersects the north-trending Cascade Valley fault in close proximity to the springs. These faults are probably steeply dipping structures. Dip directions are assumed to be east and southeast. The well will be sited in an attempt to intersect fractures in the granite bedrock associated with these faults. The well site will be within 200 feet of the existing spring vents.

5

Geologic Conditions. Anticipated geologic conditions consist of between 10 and 150 feet of sand, gravel, and clay sediments overlying granitic bedrock. Shallow groundwater with a temperature in the range of 60 to 120 degrees F is anticipated in the overburden materials above the bedrock. Water temperatures of 80 to 180 degrees are anticipated in the bedrock.

Well Construction. Drilling depths and casing lengths will be adjusted based on subsurface conditions. The drilling method utilized will probably be air rotary. Initially, we anticipate that well construction will include the following

- 1 A 12.25-inch I.D. surface casing (0.250-inch wall, 12.75-inch O.D.) shall be set and sealed to a depth of 40 feet, or to bedrock, or to a substantial clay layer, whichever is encountered first. The 12-inch casing will be installed within a minimum 15-inch diameter hole. The casing shall be sealed with neat cement installed from the bottom of the annular space to the surface. The top of the 12-inch casing shall be equipped with a flange.
- 2 Below the surface casing, a 7.981-inch I.D. (0.322-inch wall, 8.625-inch O.D.) well casing shall be set and sealed a minimum of 20 feet into bedrock. The 8-inch casing will be installed within a nominal 11-inch diameter open hole. The casing shall be sealed with

neat cement installed from the bottom to the surface. The top of the 8-inch casing shall be equipped with a flanged tee.

3. The well will be drilled as an open borehole (nominal 7 5/8-inch) below the well casing to a target depth of 500 feet. If caving conditions are encountered, the borehole may be lined with 6-inch (0.250-inch wall) perforated liner pipe. Target depth shall be 500 feet, but may be adjusted up or down depending on conditions encountered.

Drilling Oversight. Terry Scanlan will provide oversight of drilling activities, including final design placement of casings and seals. The Department of Water Resources will be notified in the event of a significant change from the design contemplated by this drilling prospectus.

The drilling contractor will collect drill cuttings at 10-foot intervals and at each formation change. Bottom-hole temperatures will be measured using a maximum reading thermometer whenever drilling tools are removed from the borehole.

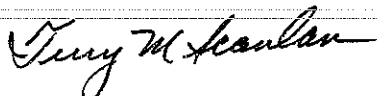
Monitoring. Discharge rate and temperature at the MacGregor spring vents and from the Pancheri infiltration gallery will be monitored during the drilling and testing. Flow will be monitored with V-notch weirs or suppressed rectangular weirs set in the stream channels below the springs. A totalizing flow meter on the Duane Pancheri pipeline will also be monitored. Monitoring of the totalizing flow meter on the Pancheri pipeline should be conducted for several months prior to drilling and testing in order to document any trends in flow rate.

Testing. The test well, if successful, will be tested by pumping or by artesian flow. Temperatures and flows from the spring will be monitored during any well tests.

Schedule. We propose drilling the test well in August or September 2003. This schedule will allow time for equipping the Pancheri pipeline with a totalizing flow meter this winter, so that several months of monitoring data can be collected. Testing of the completed well will likely take place during late summer or early fall when heating demands are low, so that any temporary decline in spring flow that might occur during testing is unlikely to injure existing water rights.

Please contact me with any questions concerning this proposed test well plan.

Sincerely,



Terry M. Scanlan, P.E., P.G.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J DREHER
Director

January 3, 2003 ²

SHERL L CHAPMAN
1106 N COLE RD STE C
BOISE ID 83704-8661

TERRY M SCANLAN
600 E RIVER PARK LN STE 105
BOISE ID 83706

Re: Applications to Appropriate Water nos. 65-13912 and 65-13913 in the Name of
Carol Lynn MacGregor

Gentlemen:

I received letters from both of you related to the ongoing measurements of the flow of Belvidere Hot Springs and the water diverted from the hot springs by Pancheris. Mr. Chapman refers to an earlier order requiring discovery and monitoring. Mr. Chapman argues that the one-year period of the order has expired and that IDWR terminate the monitoring program and discovery.

In response, Mr. Scanlan argues that additional data gathering is necessary, and requests that totalizing flow meters be installed on the Pancheri pipelines and that diverted flows be reported monthly to IDWR.

IDWR records show that Carol MacGregor is represented in this matter by Josephine Beeman, Attorney at Law. The records also show that Pancheris are represented by Scott Campbell, Attorney at Law. The letter from Mr. Chapman requests procedural action by IDWR in the contested case. The appropriate person to file this request is the attorney of record. The request by Mr. Scanlan also attempts to address legal matters more appropriately left to legal counsel.

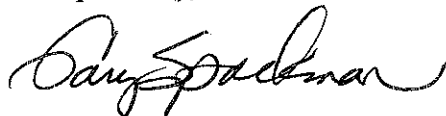
The time periods described in the last amended order authorizing discovery and in the agreement between the parties has expired. I am ready to set this matter for hearing unless there is additional discovery or data gathering that needs to occur. One of the data gathering activities might be the test well drilling and pumping suggested by Terry Scanlan in his letter.

Sherl Chapman & Terry Scanlan
January 3, 2003
Page 2

Mr. Scanlan asked whether IDWR would approve drilling permits for one or more test wells. IDWR will consider a request to conduct a pump test and drill a well. The proposal for the test must describe what methods of drilling will be employed and how the construction and diversion will insure that prior water rights will not be injured. The proposal must be submitted to the parties for review and comment. IDWR will review the plan and determine whether the plan can be approved.

By this letter, I ask the parties to determine what additional time periods are necessary for any data gathering. Responses should be prepared by the attorneys of record. Should I not receive a response within thirty (30) days justifying additional delay, I will schedule this matter for hearing.

Respectfully,



Gary Spackman

GS/st

CC: Duane and Darwin Pancheri
Carol MacGregor
Scott Campbell
Josephine Beeman

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

November 28, 2002

Mr. Gary Spackman
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

RECEIVED

DEC 02 2002

Subject: Applications for Permit 65-13992 and 65-13993

Dear Gary:

Carol MacGregor and I have reviewed Sheri Chapman's letter of November 5, 2002, requesting termination of baseline monitoring associated with Applications 65-13992 and 65-13993. As described in Sheri's letter, significant and valuable data have been collected in an attempt to characterize (1) the discharge from the geothermal resource in this area and (2) the diversion of geothermal water under the Pancheri water rights (65-12891 and 65-13332). A copy of the data summary is attached for your information.

Although the discovery period has ended, we believe that continued monitoring of diversion under the Pancheri water rights is warranted. The Pancheris have indicated that they will oppose any depletion to the discharge from the springs that might impact their water rights. In such a situation, accurate flow monitoring is necessary to protect both parties from allegations of hydraulic impacts or over diversion. We feel that accurate diversion data can only be obtained through flow metering. Therefore, please consider this letter as a request for the Department to order the immediate installation of totalizing flow meters on the pipelines that supply these water rights. Furthermore, we request that totalized flows be reported to the Department on a monthly basis until further notice. It is important for data collection to begin prior to the end of December so that totalized flows can be collected for calendar year 2003.

The totalizing flow meters are needed to document spring diversions both before and after test well drilling. Carol would like to conduct test drilling in the summer of 2003. Will the Department issue drilling permits for one or more test wells at that time?

We look forward to your response regarding our request for installation of flow meters, monthly flow metering, and issuance of test well permits. We are available to meet with you and the protestants for further discussions if necessary.

Sincerely,



Terry M. Scanlan, P.E., P.G.

Cc: Carol MacGregor
Sheri Chapman
Duane Pancheri
Darwin Pancheri

Date	Duane Pancheri									
	Shop temp	House temp	Pool temp	Shop flow	House flow	Can In flow	Pool flow	Shop flow	House flow	Can Out flow
06/07/1999										
08/03/2000										
09/01/2000										
10/18/2000										
01/27/2001	88		95	7.6				1	89	97
05/05/2001	87.3	87.4	97.9	6.2	4.1	62.5		5.2	1	73.1
07/07/2001										
07/21/2001										
08/08/2001	92.5		101.8					5.4	0.5	54
09/26/2001										
11/02/2001	88.0	88.7	98.6	6.0	3.7	58.9		<1	70.2	76+/-
02/16/2002										
03/09/2002	80.8			6.2						
06/01/2002	88.9	89.2	95.9	6.3	4.6	63.5		5.0	<1	74
07/18/2002										
10/09/2002	90.3	86	101.5	5.2	2.1	60.6		1	62.3	68

Flow is gallons per minute
Temperature is degrees F

ERO Resources Corp.
1106 N. Cole Rd., Suite C
Boise, ID 83704-8661
(208) 373-7983
Fax: 373-7985



Denver • Boise

www.eroresources.com
eroboise@eroresources.com

November 5, 2002

RECEIVED

NOV 06 2002

WATER RESOURCES
WESTERN REGION

Gary Spackman
Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

Dear Mr. Spackman:

The Department of Water Resources issued an order dated January 25, 2001 which ordered the parties involved in the matter of the Application for Permit Nos. 65-13992 and 65-13993 requiring discovery and monitoring for a period of one year or until two weeks prior to a scheduled hearing, whichever is earlier. As of October 2002 monitoring of Belvidere Springs and the Pancheri's facilities had occurred since May 5, 2001. Since this is well in excess of the one year requirement and the Pancheri's feel that they are incurring significant unnecessary expense, they have requested that I submit this request to you to terminate the monitoring program and discovery at this time. Significant data have been collected by both parties and shared by the respective consultants and principals. The Pancheri's feel that additional data will unnecessarily cause additional expense without adding significantly to the resource base. I would appreciate your response at your earliest convenience.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Sheri L. Chapman". The signature is fluid and cursive, with the last name "Chapman" being more legible than the first name.

Sheri L. Chapman

SLC:sw

cc: Duane Pancheri
Darwin Pancheri
Terry Scanlan
Carol MacGregor

Date	MacGregor			Darwin Pancheri				
	Upper Pool temp	Seep S. of Upper Pool temp	Lower Pool temp flow	MacGregor Weir temp flow	pipe vent temp DTW (ft)	Pancheri Weir temp flow	Sump temp	Pump Sump Overflow pump return temp temp flow
06/07/1999	104		121					
08/03/2000	102.4		119.5 10					
09/01/2000	92.0		116.0 10					
10/18/2000			15					
01/27/2001								
05/05/2001	102.7		116.6	100.2	111.9 2.96		104.0	88 16.6
07/07/2001	100.8		118.0		112.6 3.19		103.3	106.5 0
07/21/2001	104.5		118.9	106.2 54	112.6 3.18	99.7 7		108.1 0
08/08/2001	100.0		119.1	104.2 45	113.5 2.56	91.4+/- 8	106.3	104.4 0
09/26/2001	101.5	111.8	118.4	106.3 45	112.8 3.3	93.8 13	107.4	107.1 0
11/02/2001	98.8	112.1	117.1	flooded	111.9 3.05	86+/- 13	104.7	108.1 0
02/16/2002	95.9	112.6	117.5	96.6 54	111.0 2.72	88+/- 13	105.3	106.9 86.2 7.3
03/09/2002	93.2	112.6	117.3	88 54	110.8 2.75	80+/- 15	104.5	85.6 7.2

Flow is gallons per minute
Temperature is degrees F

Duane Pancheri						
Date	Shop House Pool		Tomato Can In		Tomato Can Out	
	temp	temp	flow	flow	flow	flow
06/07/1999						
08/03/2000						
09/01/2000						
10/18/2000						
01/27/2001	88.0		7.6		1	89 97
05/05/2001	87.3	87.4	6.2	4.1 62.5	5.2 1	73.1 79.3
07/07/2001						
07/21/2001						
08/08/2001	92.5				5.4 0.5	54 59.9
09/26/2001		101.8				
11/02/2001	88.0	88.7	6	3.7 58.9	<1	70.2 76+/-
02/16/2002						
03/09/2002	80.8		6.2			

Flow is g
Tempera

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

**IN THE MATTER OF APPLICATION)
FOR PERMIT NOS. 65-13912 AND)
65-13913 IN THE NAME OF CAROL)
LYNN MACGREGOR.)**

**SECOND AMENDED ORDER
AUTHORIZING DISCOVERY**

An Order Authorizing Discovery was issued on January 3, 2001. A subsequent Amended Order Authorizing Discovery was executed on January 25, 2001. The Amended Order Authorizing Discovery stated that if the parties did not reach an agreement regarding entry, inspection, and measurements, the Idaho Department of Water Resources (IDWR) would issue an order on or before March 15, 2001, requiring measurement and reporting by the protestants.

In response, the consultants for the parties executed a document on behalf of the parties titled "Proposed Geothermal Monitoring Plan – Belvidere Hot Springs Area." The monitoring plan was the agreement regarding entry, inspection and measurement discussed in the Amended Order Authorizing Discovery. This third order authorizing discovery is issued confirming that an order requiring measurement and reporting is not necessary at the present time.

ORDER

IT IS HEREBY ORDERED that all parties may engage in discovery for a period of one year or until two weeks prior to a scheduled hearing, whichever is earlier. When a hearing is scheduled, further orders for discovery may be necessary.

IT IS FURTHER ORDERED that previous deadlines for negotiating an agreement for entry, inspection and measurement are no longer necessary because the parties have negotiated an agreement for measurement and inspection. IDWR will not require the protestants to measure and report diversions of water provided the parties fulfill the agreement for monitoring and inspection.

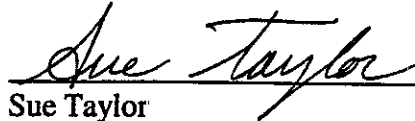
Dated this 6th day of June 2001.



Gary Spackman
Hearing Officer

CERTIFICATE OF MAILING

I hereby certify that on this 8th day of June 2001, I mailed a true and correct copy, postage prepaid, of this Second Amended Order Authorizing Discovery to those listed below:


Sue Taylor
Senior Secretary

CAROL LYNN MACGREGOR
1109 WARM SPRINGS AVE
BOISE ID 83712

DUANE &/OR DARWIN PANCHERI
19010 S CAN-ADA RD
MELBA ID 83641

SHERL CHAPMAN
ERO RESOURCES CORP.
1106 N COLE RD STE C
BOISE ID 83704

TERRY SCANLAN
SCANLAN ENGINEERING
600 E RIVER PARK LN STE 105
BOISE ID 83706

JO BEEMAN
BEEMAN & HOFFSTETTER
608 W FRANKLIN ST
BOISE ID 83702-5509

SCOTT CAMPBELL
ELAM & BURKE
PO BOX 1539
BOISE ID 83701

ERO Resources Corp.
1106 N. Cole Rd., Suite C
Boise ID 83704-8661
(208) 373-7983
Fax: 373-7985



Denver • Boise

www.eroresources.com
eroboise@eroresources.com

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APR 23 2001

WATER RESOURCES
WESTERN REGION

April 17, 2001

Gary Spackman
Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

Dear Gary:

I have enclosed a copy of the final geothermal monitoring plan agreed to by Terry Scanlan and myself in behalf of our respective clients. According to my information, it was faxed to you on March 12, 2001 from our office. The copy I have is quite legible but apparently in the electronic transmission between our office and yours, your copy became garbled and somewhat illegible as we discussed on Monday, April 16, 2001. Therefore, I am mailing you this copy so you will have a legible copy for your records. If you need any additional information or clarification please do not hesitate to give me a call.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Sherl L. Chapman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Sherl L. Chapman

SLC:sw

Encl.

cc: Darwin Pancheri
Duane Pancheri
Scott Campbell
Josephine Beeman

03/12/2001 11:14 208-884115

SCANLAN ENGINEERING

PAGE 02

Proposed Geothermal Monitoring Plan - Belvidere Hot Spring Area March 12, 2001

A geothermal monitoring program is proposed to provide data related to pending Applications for Permit 65-13912 65-13913, 65-13986. The applications have been submitted by Carol Lynn MacGregor and have been protested by Duane and Laura Pancheri and Darwin and Joan Pancheri. The Pancheris divert water from the hot spring under water rights 65-13332 and 65-12981.

The purpose of the monitoring program is to document (1) existing discharge rates and temperatures at the springs and (2) existing diversion rates and source temperatures under water rights 65-13332 and 65-12981. The proposed monitoring program will supplement initial monitoring conducted on January 27, 2001. Monitoring should take place for a one-year period beginning in the spring of 2001.

This plan has been jointly prepared by Terry Scanlan (consultant to MacGregor) and Sheri Chapman (consultant to the Pancheris). Data shall be collected jointly by Scanlan and Chapman (unless otherwise agreed to by the parties). As part of this plan, Chapman shall be allowed to enter the MacGregor property for scheduled monitoring events or with pre-notification to (and approval by) MacGregor or MacGregor's representatives. Similarly, Scanlan shall be allowed to enter the Pancheri property for scheduled monitoring events or with pre-notification to (and approval by) the Pancheris or their representatives.

Monitoring Locations and Methods

Darwin Pancheri System (Water Right Permit No. 65-13332) Darwin Pancheri's system is very simple and additional flow measurements might not be necessary. However, monthly spot checks of source temperatures are recommended as part of the monitoring discussed below. Since pumping rate is easily monitored (with bucket and stopwatch) at the point where the water discharges back to the creek, the pumping rate should be measured occasionally for additional verification. Temperatures shall be measured at the pump intake.

Duane Pancheri System (Water Right License No. 65-12891) Flow measurements and temperature measurements at Duane Pancheri's system are recommended. Measurements should be collected quarterly, beginning in the spring of 2001. Measurements, using a bucket and stopwatch, should be as follows:

1. The pool should be partially drained to allow access to the 4-inch pipe.
2. With the tomato can in place, flow rate should be measured at (1) the 4-inch pipe that discharges to the pool, (2) the pipe that discharges to the pool from the two homes, and (3) the pipe that discharges into Brush Creek from the home and shop.
3. The can should then be removed from the 4-inch pipe, flows should be allowed to reach equilibrium, and flow rates should be re-measured at all three locations.

03/12/2001 10:07 AM 2083834165

GEOMATICS ENGINEERING

14.1 111

Geothermal Monitoring Plan

-2-

March 12, 2001

Note that in the non-heating season, steps 2 and 3 would probably be reversed (i.e., measure initially with tomato can out and then with tomato can in).

In addition to the flow monitoring, source temperature should be measured on a monthly basis for a one-year period. Measurements should be made through the pipeline vent using a thermometer with a probe that can be lowered through the vent into the pipe. Water level in the vent pipe should also be measured to determine if pipe pressure (and therefore, flow rate) varies. If significant variations in flow rate are detected, then installation of a totalizing flow meter in the 4-inch pipeline should be considered.

Spring Discharge Monitoring (Pancheri Stockwater Source). The discharge from the MacGregor spring area and the overflow from the Pancheri spring source (if any) are combined approximately 50 feet southwest of Darwin Pancheri's pump. Since the Pancheri's utilize this surface water for irrigation and stockwater purposes, monitoring is recommended to document existing conditions. Monitoring can best be conducted using a v-notch weir and staff gage. Recommended weir location is a few feet north of the MacGregor-Pancheri fence. This weir area should be fenced from livestock. Measurements of flow and temperature should be collected on a monthly basis for a period of one year.

In addition to the main weir on the Pancheri side of the fence, an additional weir that measures the flow from the MacGregor springs only is proposed. The MacGregor weir measurement could be subtracted from the Pancheri weir measurement to estimate the surface discharge from the springs on the Pancheri property. The MacGregor weir and spring area shall be fenced from livestock.

Temperatures should be monitored at the two MacGregor bathhouse sites on a monthly basis.

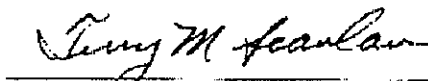
Baseline Monitoring Report

Following the completion of one-year of baseline monitoring, a summary report of the monitoring results shall be prepared. The report will provide a summary of monitoring methodology and results. The report shall be prepared jointly by Chapman and Scanlan, and shall be submitted to the parties.

Monitoring Costs. The parties agree to pay costs for their respective consultants. MacGregor shall pay costs for installation of weirs. Scanlan and Chapman shall participate in weir installation. If data are collected by one consultant or an outside third party for the benefit of both parties, the cost of that acquisition shall be shared equally by both parties.

By signing below, Scanlan and Chapman agree that the above-described methodology will provide accurate data for the purposes described.


Short L. Chapman


Terry M. Scanlan

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

**IN THE MATTER OF APPLICATION)
FOR PERMIT NOS. 65-13912 AND)
65-13913 IN THE NAME OF CAROL)
LYNN MACGREGOR.)**

**AMENDED ORDER
AUTHORIZING DISCOVERY**

The applicant, Carol Lynn MacGregor ("MacGregor"), petitioned the Idaho Department of Water Resources ("IDWR") for an order authorizing discovery, and specifically requested an order authorizing inspection of real property. The real property is described in water right license no. 65-12891, permit no. 65-13332, and permit no. 65-13458. IDWR records show that license no. 65-12891 is owned by Darwin and Duane Pancheri. IDWR records also show that permit nos. 65-13332 and 65-13458 are owned by Darwin and Joan Pancheri. Darwin and Duane Pancheri (the "Pancheris") protested MacGregor's applications.

The request for authorization to conduct discovery is reasonable.

In reviewing IDWR's Rules of Procedure, the Administrative Procedure Act, and the briefs filed by the parties, I do not find specific authority for IDWR to order entry by MacGregor and/or her agents onto lands owned by Pancheris for measurement, data gathering, and general observation. I also do not find authority to shift the burden of proof to Pancheris as requested by MacGregor if entry for inspection is not allowed.

It is important, however, that IDWR have the information necessary to determine the effect of MacGregor's proposed diversion and use of water on other uses of water in the area and whether there is sufficient water for the purpose sought by the application. Idaho Code § 42-701 grants IDWR the authority to require water users to install measuring devices and to report the diversions to IDWR. The cost of the measurement and reporting is borne by the water user. IDWR will exercise the authority of Idaho Code § 42-701 to facilitate measurement and data gathering for hearing preparation if the parties do not reach an independent agreement for measurement and inspection.

An order authorizing discovery was issued on January 3, 2001. The attorney for the protestants was not served. This order amends the deadlines for action to allow time for service and response.

ORDER

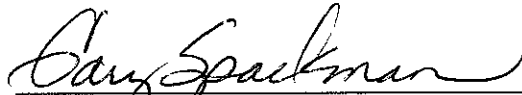
IT IS HEREBY ORDERED that all parties may engage in discovery for a period of one year or until two weeks prior to a scheduled hearing, whichever is earlier. When a hearing is scheduled, further orders for discovery may be necessary.

IT IS FURTHER ORDERED that the parties are granted until March 5, 2001, to negotiate an agreement for entry, inspection, and measurement, and submit the written agreement to IDWR.

IT IS FURTHER ORDERED that if the parties do not reach an agreement regarding entry, inspection, and measurement, IDWR will issue an order on or before March 15, 2001, requiring measurement and reporting as authorized by Idaho Code § 42-701. The order will generally require measurement that will satisfy IDWR standards, data gathering and reporting needs.

IT IS FURTHER ORDERED that the parties may suggest the methods, frequency, and verification of measurement. Suggestions may be submitted from the date of this order until ten (10) days after issuance of a general order requiring measurement. Because MacGregor bears the burden of proof, she should describe, in detail, what information is sought, and how the information could best be gathered.

Dated this 25th of January 2001.



Gary Spackman
Hearing Officer

CERTIFICATE OF MAILING

I hereby certify that on this 26th day of January 2001, I mailed a true and correct copy, postage prepaid, of this Amended Order Authorizing Discovery to those listed below:

CAROL LYNN MACGREGOR
1109 WARM SPRINGS AVE
BOISE ID 83712

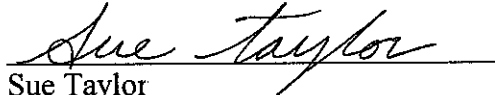
DUANE &/OR DARWIN PANCHERI
19010 S CAN-ADA RD
MELBA ID 83641

SHERL CHAPMAN
ERO RESOURCES CORP.
1106 N COLE RD, SUITE C
BOISE ID 83704

TERRY SCANLAN
SCANLAN ENGINEERING
600 E RIVER PARK LN STE 105
BOISE ID 83706

JO BEEMAN
BEEMAN & HOFFSTETTER
608 W FRANKLIN ST
BOISE ID 83702-5509

SCOTT CAMPBELL
ELAM & BURKE
PO BOX 1539
BOISE ID 83701


Sue Taylor
Senior Secretary

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

**IN THE MATTER OF APPLICATION)
FOR PERMIT NOS. 65-13992 AND)
65-13993 IN THE NAME OF CAROL)
LYNN MACGREGOR.)**

**ORDER AUTHORIZING
DISCOVERY**

The applicant, Carol Lynn MacGregor ("MacGregor"), petitioned the Idaho Department of Water Resources ("IDWR") for an order authorizing discovery, and specifically requested an order authorizing inspection of real property. The real property is described in water right license no. 65-12891, permit no. 65-13332, and permit no. 65-13458. IDWR records show that license no. 65-12891 is owned by Darwin and Duane Pancheri. IDWR records also show that permit nos. 65-13332 and 65-13458 are owned by Darwin and Joan Pancheri. Darwin and Duane Pancheri (the "Pancheris") protested MacGregor's applications.

The request for authorization to conduct discovery is reasonable.

In reviewing IDWR's Rules of Procedure, the Administrative Procedure Act, and the briefs filed by the parties, I do not find specific authority for IDWR to order entry by MacGregor and/or her agents onto lands owned by Pancheris for measurement, data gathering, and general observation. I also do not find authority to shift the burden of proof to Pancheris as requested by MacGregor if entry for inspection is not allowed.

It is important, however, that IDWR have the information necessary to determine the effect of MacGregor's proposed diversion and use of water on other uses of water in the area. Idaho Code § 42-701 grants IDWR the authority to require water users to install measuring devices and to report the diversions to IDWR. The cost of the measurement and reporting is borne by the water user. IDWR will exercise the authority of Idaho Code § 42-701 to facilitate measurement and data gathering for hearing preparation if the parties do not reach an independent agreement for measurement and inspection.

ORDER

IT IS HEREBY ORDERED that all parties may engage in discovery for a period of one year or until two weeks prior to a scheduled hearing, whichever is earlier. When a hearing is scheduled, further orders for discovery may be necessary.

IT IS FURTHER ORDERED that the parties are granted until January 31, 2001, to negotiate an agreement for entry, inspection, and measurement.

IT IS FURTHER ORDERED that if the parties do not reach an agreement regarding entry, inspection, and measurement, IDWR will issue an order prior to March 15, 2001, requiring measurement and reporting as authorized by Idaho Code § 42-701.

IT IS FURTHER ORDERED that the parties may suggest, on or before February 16, 2001, the methods, frequency, and verification of measurement. Because MacGregor bears the burden of proof, she should describe, in detail, what information is sought, and how the information could best be gathered.

Dated this 3rd of January 2001.



Gary Spackman
Hearing Officer

CERTIFICATE OF MAILING

I hereby certify that on this 4th day of January 2001, I mailed a true and correct copy, postage prepaid, of this Order Authorizing Discovery to those listed below:

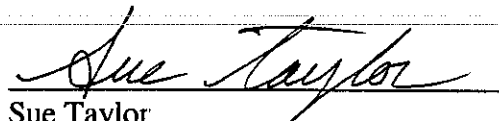
CAROL LYNN MACGREGOR
1109 WARM SPRINGS AVE
BOISE AVE 83712

DUANE &/OR DARWIN PANCHERI
19010 S CAN-ADA RD
MELBA ID 83641

SHERL CHAPMAN
ERO RESOURCES CORP.
1106 N COLE RD, SUITE C
BOISE ID 83704

TERRY SCANLAN
SCANLAN ENGINEERING
600 E RIVER PARK LN STE 105
BOISE ID 83706

JO BEEMAN
BEEMAN & HOFFSTETTER
608 W FRANKLIN ST
BOISE ID 83702-5509



Sue Taylor
Senior Secretary

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION	)	
FOR PERMIT NO. 65-13992 AND	)	ORDER INTERRUPTING PROCESSING
65-13993 IN THE NAME OF CAROL	)	OF APPLICATION AND
LYNN MACGREGOR.	)	SUSPENDING HEARING
	)	

Carol Lynn MacGregor moved to suspend a hearing scheduled for November 14 and 15, 2000 to allow discovery to take place. Rule 40.01 d. of the Water Appropriation Rules authorizes interruption of processing for a period not to exceed six (6) months. Additional periods of interruption may be approved upon request. Requests for interruption of processing may be granted if delay will not compromise the positions of non-requesting parties with respect to the factors the Idaho Department of Water Resources (IDWR) must consider.

ORDER

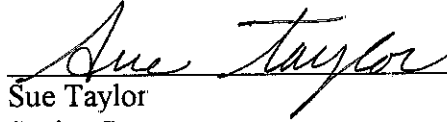
IT IS HEREBY ORDERED that processing of application for permit nos 65-13912 and 65-13913 is **INTERRUPTED** until May 1, 2001 and the hearing scheduled for November 14 and 15, 2000 is **SUSPENDED**. If a further request for interruption has not been received, IDWR will schedule the contested applications for hearing.



Gary Spackman

CERTIFICATE OF MAILING

I hereby certify that on this 3rd day of November, 2000, I mailed a true and correct copy, postage prepaid, of this Order Interrupting Processing of Application and Suspending Hearing to those listed below:


Sue Taylor
Senior Secretary

CAROL LYNN MACGREGOR
1109 WARM SPRINGS AVE
BOISE AVE 83712

DUANE &/OR DARWIN PANCHERI
19010 S CAN-ADA RD
MELBA ID 83641

SHERL CHAPMAN
1106 N COLE RD STE C
BOISE ID 83704-8661

TERRY SCANLAN
SCANLAN ENGINEERING
600 E RIVER PARK LN STE 105
BOISE ID 83706

JO BEEMAN
BEEMAN & HOFFSTETTER
608 W FRANKLIN ST
BOISE ID 83702-5509

SCOTT CAMPBELL
ELAM & BURKE
PO BOX 1539
BOISE ID 83701

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST**

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains all necessary information.

1. Matter being protested # 65-13912
2. Name of protestant Duane & Darwin Pancheri
3. Protestant's representative for service (If different than protestant)

4. Service mailing address 19010 So Cam - Ada Rd Melba 83641
5. Service telephone no. 495-2513
6. Basis of protest (including statement of facts and law upon which the protest is based) _____
Protest our ^{Senior} Water Rights

(additional pages may be attached to describe the nature of the protest)
7. What would resolve your protest? _____

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 20 day of Dec., 19 99

Darwin Pancheri
PROTESTANT

PROTESTANT'S REPRESENTATIVE

NOTE:

- a) Not more than two (2) representatives for service of documents may be designated on a protest. If this protest is signed by more than one person without identifying the representative(s) for service of documents, the hearing officer may select the person(s) upon whom documents will be served.
- b) A protestant is required to timely file a protest with the department together with a \$25.00 protest fee in order for the protest to be considered by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
2. Show the name of the protestant.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by SL Date 12/20/99 Time 11:30

\$25.00 fee Receipted by SL # W026007 Date 12/20/99

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

**IN THE MATTER OF APPLICATION)
FOR PERMIT OF WATER RIGHT)
NO. 65-13912 AND 65-12913 IN THE)
NAME OF CAROL LYNN)
MACGREGOR.)**

NOTICE OF HEARING

On August 2, 2000, Carol Lynn MacGregor filed with the Idaho Department of Water Resources (IDWR) application for permit nos. 65-13912 and 65-13913. The applications were protested by Duane &/or Darwin Pancheri. The pre-hearing conference held by IDWR on Thursday, June 20, 2000 did not resolve the matter of protest.

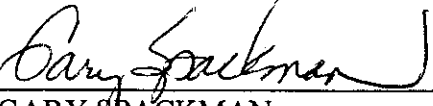
The Department has scheduled the matter for hearing on **Tuesday and Wednesday, November 14 and 15, 2000, at 9:00 a.m. at the Department of Water Resources, 1301 N. Orchard, conference rooms A & B, Boise, Idaho 83706.** The hearing will be held in accordance with provisions of Chapters 2 and 17, Title 42 and Chapter 52, Title 67, Idaho Code and the adopted Rules of Procedure of the Department. A copy of the rules may be obtained from the IDWR upon request. The presiding officer at the hearing will be Gary Spackman.

If you plan to offer exhibits for the record, note that IDAPA Rule of Procedure 37.01.01.606 requires that you provide a copy of exhibits to each party and to the presiding officer.

The hearing will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing, please advise the department within ten (10) days prior to the hearing.

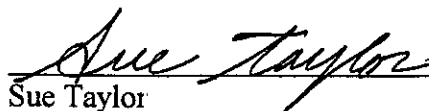
All parties to the matter will have the opportunity to respond and present information and argument on all issues involved.

Dated this 18th day of September 2000.



GARY SPACKMAN

I hereby certify that on the 19th day of September 2000, I mailed a true and correct copy, postage prepaid, of this Notice of Hearing to the applicant(s) and protestant(s) listed:



Sue Taylor
Senior Secretary

CERTIFIED MAIL

CAROL LYNN MACGREGOR
1109 WARM SPRINGS AVE
BOISE AVE 83712

DUANE &/OR DARWIN PANCHERI
19010 S CAN-ADA RD
MELBA ID 83641

SHERL CHAPMAN
410 S ORCHARD
BOISE ID 83705

TERRY SCANLAN
SCANLAN ENGINEERING
600 E RIVER PARK LN STE 105
BOISE ID 83706

JO BEEMAN
BEEMAN & HOFFSTETTER
608 W FRANKLIN ST
BOISE ID 83702-5509

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter.

At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

PREHEARING CONFERENCE MEMORANDUM

Application Nos. 65-13912 & 65-13913

Applicant- Carol McGregor

Protestants: Darwin/Duane Pancheri

Date: 6/20/00

From: J. Westra

Attendees: see attachment

Reference: Belvidere/Raspberry Ranches Report—Scanlan Engineering 6/99

Application

The conference began with Mr. Scanlan presenting the applications and general project plan. Application #65-13912 is for expanded use of the existing spring (Belvidere Hot Springs) which is currently being utilized by the Pancheris, (WR's 65-12891, 65-13458, & 65-13332). Surface outflow of the existing spring is fairly random, so a system would be developed to further develop/collect outflow. A report developed by Mr. Scanlan in July of 1999 discusses the spring location, and prior studies that have been completed. Although the Scanlan Report outlines water temperature, and flows that were found from prior studies, there is no ongoing monitoring records of the spring. The Pancheris do not collect any data from their use, so present water temperature, and spring flow are unknown.

Application #65-13913 involves the drilling of 1 or more geothermal wells in the immediate area. The applicant would like to drill an 8 in. dia monitoring well to evaluate the potential of the resource, and then proceed with the project as feasible.

The applicant and protestants discussed the local history and stories associated with the spring. Under 65-01972 & 65-01973 (.05 cfs total) McGregor has domestic use for private baths from the spring, which are senior to Pancheris, 1901 priority.

Protest

The Pancheris are concerned about maintaining their existing rights, and injury by the applicant disturbing the spring. Drilling in the area could also effect/cease flow from the spring, the resource could be jepordized. They question, how would the applicant would mitigate damages?

Discussion

A draft agreement previously had been developed by the parties, but Ms. McGregor stated, that is was not acceptable to her. The agreement required a bond, and had tresspassing language that she could not accept. The consultants for both parties felt the project should be approached by a stage process, and possibly consist of the following:

- Plan/negotiating—develop a detailed plan for construction of a monitoring well for project feasibility.
- Negotiate an agreement with the parties
- Submit monitoring well plans/application to IDWR

Monitoring--- develop a monitoring plan for the spring, so that a datum can be established, and ongoing monitoring continue.

Processing/Production--- Final project development plans are completed
IDWR completes processing of the application, and
permit approval is made.

Results

Although previous attempts at an agreement have been unproductive, it was agreed Mr. Scanlan and Mr. Chapman would develop a new protest agreement by **July 7th** for the parties to review. The agreement would contain plans/specs. for drilling an 8in. monitoring well. A deadline of **August 1st** was set for the signed agreement to be submitted to IDWR. If an agreement could not be met at that deadline, IDWR would set a hearing date.

Comments

-At present, there is little detail of the actual quantity of water that will be required for the project, and there is no data available to document additional flow available from the existing spring. Is there enough resource available as it exists to meet the needs of the project, without drilling a well? A monitoring program needs to be implemented to provide data.

-The applicant has indicated a willingness to mitigate any injury to the Pancheris, but there was a lack specifics presented. Little was accomplished toward an agreement with the parties.

-Tried to emphasize the Department will need specific project information to further process the application, under IC 42-4004. Reference Department Letters requesting information 11/9/99, 11/24/99, 12/7/99, (by Dan Nelson).

ROSTER OF ATTENDANCE

IDAHO DEPARTMENT OF WATER RESOURCES 2735 AIRPORT WAY, BOISE, IDAHO 83705

Re: Application for Permit Nos. 65-13912 and 65-13913 in the Name of the Carol Lynn MacGregor

Place: IDWR Western Region, 2735 Airport Wy, Boise, Idaho 83705

Date: June 20, 2000

Conducted by: John Westra

NAME

ADDRESS

Terry Scanlan	600 E. River Park Lane #105 83706
Sheri Chapman	4105 Orchard Knite 144 Boise 83705
Kuan Panchei	19010 South Can-ada Mulla 83641
Laura Panchei	19010 So Can-ada Mulla 83641
Jan Panchei	9325 Missouri Ave. Nampa 83686
Darwin Panchei	9325 Missouri Ave Nampa 83686
Carol MacGregor	1109 Farm Springs Ave, Boise 83712

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

**IN THE MATTER OF APPLICATION)
FOR PERMIT NOS. 65-13912 AND)
65-13913 IN THE NAME OF CAROL)
LYNN MACGREGOR.)**

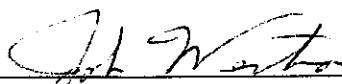
**NOTICE OF
PREHEARING PROTEST
CONFERENCE**

On August 2, 1999, Carol Lynn MacGregor filed with the Department of Water Resources (IDWR) applications for permit nos 65-13912 and 65-13913 to appropriate the public waters of the State of Idaho. The applications were protested by Duane &/or Darwin Pancheri.

IDWR has rescheduled a conference for the protest to be held on **Tuesday, June 20th 2000 at 10:00 a.m. at the Idaho Department of Water Resources, Western Region Office, 2735 Airport Way, Boise Idaho.** The conference will be held in accordance with provision of Chapters 2 and 17, Title 42, and Chapter 52, Title 67 of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

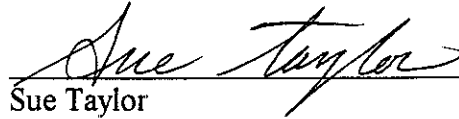
The conference will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in, or understand the conference, please advise IDWR within (10) days prior to the conference.

Dated this 10th day of May, 2000.


JOHN WESTRA

CERTIFICATE OF MAILING

I hereby certify that on the 12th day of May, 2000, I mailed a true and correct copy, postage prepaid, of the Notice of Prehearing Conference to the applicant(s) and protestant(s) listed:



Sue Taylor
Senior Secretary

CAROL LYNN MACGREGOR
1109 WARM SPRINGS AVE
BOISE ID 83712

DUANE PANCHERI
19010 S CAN-ADA RD
MELBA ID 83641

SHERAL CHAPMAN
410 S ORCHARD, Suite 144
BOISE, ID 83705

JO BEEMAN
BEEMAN & HOFSTETTER
608 WEST FRANKLIN ST
BOISE, ID 83702-5509

TERRY SCANLIN
SCANLIN ENGINEERING
600 E. RIVER PARK LANE, SUITE 105
BOISE, ID 83706

DARWIN PANCHERI
9325 MISSOURI AVE
NAMPA, ID 83686

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria.

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter.

At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

Westra, John

From: TMSANLAN@aol.com
Sent: Tuesday, May 09, 2000 12:58 PM
To: jwestra@idwr.state.id.us
Cc: beehof@micron.net; geotherm@cyberhighway.net
Subject: MacGregor & Pancheri

1. Jo Beeman called me to find out about the prehearing conference scheduled for Thursday of this week. I told her I understood it has been canceled. She asked if there has been any official notification that it has been canceled. Can you send us an e-mail to verify the status.

2. I also spoke with Carol MacGregor this morning about the status of her protested water right application. On one hand, she is frustrated with the delay in receiving a draft agreement/stipulation from the Pancheris. On the other hand, she feels that it is premature to be focusing on water right impacts before knowing if there is a geothermal resource there that can be developed.

Carol would like to drill in late June or early July to determine if hot groundwater can be developed at the site. However, I would not expect water right approval by that time even if the protest was withdrawn today. Can the Department issue drilling permits for test wells prior to water right issuance (and maybe even prior to protest withdrawal)? She would like to drill up to three exploration wells. I can see her point in wanting to determine the extent of the resource (if any) prior to expending significant effort on a water right protest. Can you give us any direction on this issue?

3. I mentioned to Jo that you and I had discussed a prehearing conference date of June 20 with Sheri Chapman. Jo is available in the morning on that day. Carol is also available for that day.

Westra, John

From: Westra, John
Sent: Monday, April 03, 2000 10:00 AM
To: 'TMSCANLAN@aol.com'; Westra, John
Cc: geotherm@cyberhighway.net; beehof@micron.net; chapmaninc@rmci.net
Subject: RE: Prehearing Conference w/ Pancheris and MacGregor

Terry
I appreciate the parties working on an agreement. Even though there is no agreement at this point, we need to proceed with the conference scheduled on April 4th @ 1:00 PM. Western Region.
Will see you all on Tuesday!
JOHN

-----Original Message-----

From: TMSCANLAN@aol.com [mailto:TMSCANLAN@aol.com]
Sent: Friday, March 31, 2000 4:50 PM
To: jwestra@idwr.state.id.us
Cc: geotherm@cyberhighway.net; beehof@micron.net; chapmaninc@rmci.net
Subject: Re: Prehearing Conference w/ Pancheris and MacGregor

John -

Sherl and the Pancheris have been unable to meet and work out a proposal yet. They are scheduled to meet on Monday April 3, but they will likely not have an agreement for Carol to review until later in that week. Sherl has proposed postponing the pre-hearing conference until the week of April 17th (he will be in D.C. the week of April 10). I think that would be a good idea since we don't have an agreement to discuss yet. Sherl and I are both available the 17th, 19th, and 20th. Can we reschedule for one of those days?

Jo and Carol - do you have any conflicts on those days? If so, let us know.

Terry

Westra, John

From: TMSANLAN@aol.com
Sent: Friday, March 31, 2000 4:50 PM
To: jwestra@idwr.state.id.us
Cc: geotherm@cyberhighway.net; beehof@micron.net; chapmaninc@rmci.net
Subject: Re: Prehearing Conference w/ Pancheris and MacGregor

John -

Sherl and the Pancheris have been unable to meet and work out a proposal yet. They are scheduled to meet on Monday April 3, but they will likely not have an agreement for Carol to review until later in that week. Sherl has proposed postponing the pre-hearing conference until the week of April 17th (he will be in D.C. the week of April 10). I think that would be a good idea since we don't have an agreement to discuss yet. Sherl and I are both available the 17th, 19th, and 20th. Can we reschedule for one of those days?

Jo and Carol - do you have any conflicts on those days? If so, let us know.

Terry

Westra, John

From: TMSCANLAN@aol.com
Sent: Monday, April 03, 2000 8:49 AM
To: jwestra@idwr.state.id.us
Cc: geotherm@cyberhighway.net; beehof@micron.net; chapmaninc@rmci.net
Subject: Re: Prehearing Conference w/ Pancheris and MacGregor

John -

Carol MacGregor has a conflict the week of the 17th. She said that Wednesday April 26 is OK for her. I. Sherl is available on that date. I am available (except for 10:00 to 11:00)

Terry

Westra, John

From: Beeman & Hofstetter, P.C. [beehof@micron.net]
Sent: Tuesday, February 29, 2000 11:50 AM
To: Westra, John
Cc: 'TMSCANLAN@aol.com'; geotherm@cyberhighway.net; chapmaninc@rmci.net
Subject: Re: Prehearing Conference w/ Pancheris and MacGregor

April 4 at 1 pm is fine.

Jo Beeman

Westra, John wrote:

>
> It looks like April 4th @1:00 PM will work with everyone for
> the prehearing conference if an agreement can not be reached
> prior I will send out conference notices again on March 10th
>
> Sheral, I talked with Mrs. Pancheri by telephone, and April 4th
> is ok with them.
>
> Jo, I haven't heard from you, assume this date will work for
> you
>
> Terry and Sheral, Thank you for your input!
> JOHN WESTRA
>
> -----Original Message-----
> From: TMSCANLAN@aol.com [mailto:TMSCANLAN@aol.com]
> Sent: Friday, February 25, 2000 4:14 PM
> To: geotherm@cyberhighway.net; beehof@micron.net;
> jwestra@idwr.state.id.us; chapmaninc@rmci.net
> Subject: Prehearing Conference w/ Pancheris and MacGregor
>
> I spoke by telephone with Sherl Chapman today regarding Carol's protested
> applications for water right permit. He and I plan to meet on March 8 to
> come up with a plan to satisfy the Pancheri's concerns and allow permit
> approval and test drilling
>
> Sherl said that there is another prehearing conference tentatively scheduled
>
> for March 15, but that he will be in Washington DC at that time. Hopefully,
>
> we can come up with an agreement to withdraw the protest so that we can
> avoid
> another conference. However, in the event that we can't, we should
> reschedule the conference for a time when Sherl will be available. Sherl
> and
> I are both available for a prehearing conference the first week of April
> (ideally the 4th, 5th, or 6th)
>
> John - Can you propose a date and time for another conference?
>
> Jo and Carol - Please e-mail John your available dates
>
> Sherl - Can you check with Pancheris to confirm that they will be available?

65-13912

MAC GREGOR, CAROL LYNN
1109 WARM SPRINGS AVENUE
BOISE, ID 83712

Source: SPRING

Tributary: MOORES CREEK

Diversion Pt: NESENE Sec 13 T 13N R 03E in VALLEY County.

Use: COMMERCIAL	(	0.500 CFS)
HEATING	(	0.500 CFS)
Total Diversion:	(	0.500 CFS)

Date Filed: 8/ 2/1999

In: VALLEY County						
T13N R03E S13	SENE	NESE				
R04E S18 Lot 2 (SWNW)	SENE	SENW	NESW	Lot 3 (NWSW)		

Applicant agrees to mitigate consumptive use in the future as needed.

Westra, John

From: TMSCANLAN@aol.com
Sent: Friday, February 25, 2000 4:14 PM
To: geotherm@cyberhighway.net; beehof@micron.net; jwestra@idwr.state.id.us;
chapmaninc@rmci.net
Subject: Prehearing Conference w/ Pancheris and MacGregor

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John - Can you propose a date and time for another conference?

Jo and Carol - Please e-mail John your available dates.

Sherl - Can you check with Pancheris to confirm that they will be available?

Westra, John

From: Westra, John
Sent: Tuesday, February 29, 2000 10:38 AM
To: 'TMSCANLAN@aol.com'; geotherm@cyberhighway.net; beehof@micron.net; Westra, John; chapmaninc@rmci.net
Cc: Westra, John
Subject: RE: Prehearing Conference w/ Pancheris and MacGregor

It looks like April 4th @1:00 PM will work with everyone for the prehearing conference if an agreement can not be reached prior. I will send out conference notices again on March 10th

Sheral, I talked with Mrs. Pancheri by telephone, and April 4th is ok with them.

Jo, I haven't heard from you, assume this date will work for you.

Terry and Sheral, Thank you for your input!
JOHN WESTRA

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Sent: Friday, February 25, 2000 4:14 PM
To: geotherm@cyberhighway.net; beehof@micron.net; jwestra@idwr.state.id.us; chapmaninc@rmci.net
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John - Can you propose a date and time for another conference?

Jo and Carol - Please e-mail John your available dates.

Sherl - Can you check with Pancheris to confirm that they will be available?

Westra, John

From: Carol [geotherm@cyberhighway.net]
Sent: Thursday, January 10, 1980 7:27 AM
To: TMSCANLAN@aol.com
Subject: Re: Prehearing Conference w/ Pancheris and MacGregor

Dear Tim,

It would be great if you could settle this on March 8th. Since the negotiators cannot make the 15 March meeting, the afternoon of April 4 would be best for me, but any of those afternoons 5, or 6, would be all right with me. I teach in the mornings Tu and Thurs and have an appt Wed a.m

Thanks for your help

Carol

-----Original Message-----

From: TMSCANLAN@aol.com <TMSCANLAN@aol.com>
To: geotherm@cyberhighway.net <geotherm@cyberhighway.net>; beehof@micron.net <beehof@micron.net>; jwestra@idwr.state.id.us <jwestra@idwr.state.id.us>; chapmaninc@rmci.net <chapmaninc@rmci.net>
Date: Friday, February 25, 2000 4:14 PM
Subject: Prehearing Conference w/ Pancheris and MacGregor

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and

>I are both available for a prehearing conference the first week of April

>(ideally the 4th, 5th, or 6th).

>

>John - Can you propose a date and time for another conference?

>

>Jo and Carol - Please e-mail John your available dates.

>

>Sherl - Can you check with Pancheris to confirm that they will be
available?

>

>

FILE PRESENTATION

This application was processed prior to the January 12, 2000 memo "Changes to Water Right Applications." The old technique of making application changes was used.

To avoid additional processing delay, the file is forwarded as "one in the pipeline" with respect to that memo. The regional office anticipates that this will be acceptable for this limited group of applications.

Conference Rescheduled

4/4/2000

1:00 PM

JFW

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

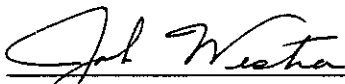
IN THE MATTER OF APPLICATION)	
FOR PERMIT NOS. 65-13912 AND)	NOTICE OF
65-13913 IN THE NAME OF CAROL)	PREHEARING PROTEST
LYNN MACGREGOR.)	CONFERENCE
_____)	

On August 2, 1999, Carol Lynn MacGregor filed with the Department of Water Resources (IDWR) applications for permit nos. 65-13912 and 65-13913 to appropriate the public waters of the State of Idaho. The applications were protested by Duane &/or Darwin Pancheri.

IDWR has rescheduled a conference for the protest to be held on **Tuesday, April 4, 2000 at 1:00 p.m. at the Idaho Department of Water Resources, Western Region Office, 2735 Airport Way, Boise Idaho.** The conference will be held in accordance with provision of Chapters 2 and 17, Title 42, and Chapter 52, Title 67 of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

The conference will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in, or understand the conference, please advice IDWR within (10) days prior to the conference.

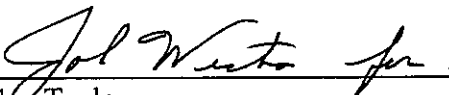
Dated this th 14 day of March, 2000.



JOHN WESTRA

CERTIFICATE OF MAILING

I hereby certify that on the 14th day of March, 2000, I mailed a true and correct copy, postage prepaid, of the Notice of Prehearing Conference to the applicant(s) and protestant(s) listed:



Sue Taylor
Senior Secretary

CAROL LYNN MACGREGOR
1109 WARM SPRINGS AVE
BOISE ID 83712

DUANE &/OR DARWIN PANCHERI
19010 S CAN-ADA RD
MELBA ID 83641

SHERAL CHAPMAN
410 S ORCHARD, Suite 144
BOISE, ID 83705

JO BEEMAN
BEEMAN & HOFSTETTER
608 WEST FRANKLIN ST
BOISE, ID 83702-5509

TERRY SCANLIN
SCANLIN ENGINEERING
600 E. RIVER PARK LANE, SUITE 105
BOISE, ID 83706



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPIHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 11, 2000

Carol Lynn MacGregor
1109 Warm Springs Ave.
Boise, ID 83712

RE: Prehearing Protest Conference
Applications #65-13913 & #65-13912- protested

Dear Ms. MacGregor:

Attached is a Failure to Appear Notice regarding the protest conference for the above referenced applications. Please submit to the Department in writing just cause why you failed to appear. If no response is received within 30 days, the Department will consider voiding the applications.

Sincerely,

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

John Westra
Western Region

Enclosure

cc: Darwin Pancheri
Duane Pancheri
Sherl L. Chapman

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

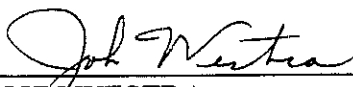
IN THE MATTER OF APPLICATION)
FOR PERMIT NOS. 65-13912 AND)
65-13913 IN THE NAME OF CAROL)
LYNN MACGREGOR.)

NOTICE OF FAILURE TO APPEAR
AT PREHEARING PROTEST
CONFERENCE

On August 2, 1999, Carol Lynn MacGregor filed with the Department of Water Resources (IDWR) applications for permit nos. 65-13912 and 65-13913 to appropriate the public waters of the State of Idaho. The applications were protested by Duane &/or Darwin Pancheri.

A prehearing conference was scheduled Thursday, February 10, 2000, at 10:30 AM at the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho. Conference notices were sent by the Department to the applicant and protestants on January 7, 2000. Protestants, Duane and Darwin Pancheri appeared on the scheduled date and at the described place. **The applicant, Carol Lynn MacGregor, failed to appear.**

Dated this th 11 day of February, 2000.



JOHN WESTRA

RECEIVED

FEB 14 2000

WATER RESOURCES
WESTERN REGION

Dr. Carol Lynn MacGregor
1109 Warm Springs Avenue
Boise, Idaho 83712
Telephone (208) 386-9494
FAX (208) 386-9499
e-mail: geotherm@cyberhighway.net

John Wistra
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

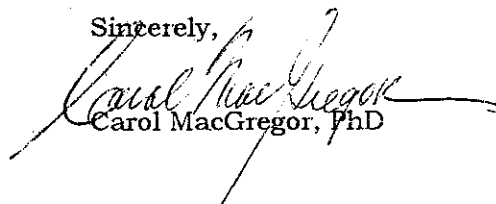
Dear Mr. Wistra:

Your notice that I failed to appear to a scheduled meeting regarding the Pancheris' protest of my application for a geothermal water right caught me unaware. I left the meeting last summer with Gary Spackman and Dan Nelson with a clear understanding about concerns that neighbors and/or townspeople might have about the potential changes that such an application might imply. I assured them of my intentions to deliver Pancheris their water right as Idaho law requires in any event. However, until I was able to drill test wells next summer, I would be unable to ascertain the extent of potential development of the geothermal resource. When I received Pancheris' protest, as I expected, I filed it away until then.

On February 10, 2000, I was teaching a class at Boise State University. I very much regret that I was unaware of the pre-hearing conference and that I caused anyone else to appear without the satisfaction of a meeting. Please relay my apologies to the Pancheris and their legal representatives. I will be happy to discuss their concerns at the meeting we have arranged for 1:00pm on March 15, 2000. If this date is not convenient for them, please let me know. I foresee no problem for these neighbors because I fully understand their right to receive their water right. On the other hand, I hope that they understand that I must ascertain the potential to develop the water right for which I bought my property, and for which have applied. I need to know that potential before I hire experts to draw up the plans that I envision.

Thank you.

Sincerely,


Carol MacGregor, PhD

cc: Gary Spackman
Josephine Beeman
Terry Scanlan

ROSTER OF ATTENDANCE

IDAHO DEPARTMENT OF WATER RESOURCES 2735 AIRPORT WAY, BOISE, IDAHO 83705

Re: Application for Permit Nos. 65-13912 and 65-13913 in the Name of Carol Lynn MacGregor

Place: Idaho Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705

Date: Febryuary 10, 2000

Conducted by: John Westra

NAME

ADDRESS

Sherl Chapman	410 ⁵ Orchard Boise Id 83705
Darwin Pancher	9325 Missouri Ave Nampa 83686
Quane & Laura Pancher	19010 South Conada Milba 83541

Sherl L. Chapman Consulting, Inc.

Consultant in
Ground-Water Hydrology
Water Rights
Geothermal Exploration

Sherl L. Chapman - President
410 S Orchard, Suite 144
Boise, Idaho 83705

Bus. 344-6690
Fax 344-2744



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 11, 2000

Carol Lynn MacGregor
1109 Warm Springs Ave.
Boise, ID 83712

RE: Prehearing Protest Conference
Applications #65-13913 & #65-13912- protested

Dear Ms. MacGregor:

Attached is a Failure to Appear Notice regarding the protest conference for the above referenced applications. Please submit to the Department in writing just cause why you failed to appear. If no response is received within 30 days, the Department will consider voiding the applications.

Sincerely,

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

John Westra
Western Region

Enclosure

cc: Darwin Pancheri
Duane Pancheri
Sherl L. Chapman

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

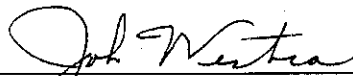
IN THE MATTER OF APPLICATION)
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65-13913 IN THE NAME OF CAROL)
LYNN MACGREGOR.)
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NOTICE OF FAILURE TO APPEAR
AT PREHEARING PROTEST
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Dated this 11 th day of February, 2000.



JOHN WESTRA



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

12/7/99

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CAROL LYNN MAC GREGOR
1109 WARM SPRINGS AVENUE
BOISE, ID 83712

RE: SCANLAN ENGINEERING REPORT

Dear Ms. MacGregor,

Enclosed you will find the report that you gave me from Scanlan Engineering. After reading the report I determined that it would be best to keep the report in tact and submit it with the application. Attached to this letter is a memo that I wrote highlighting some of the contents of this report.

This report was very well done, but it did not answer the questions asked in the 11/24/1999 letter that I wrote to you. Most of the questions asked in that letter could not be answered until you have decided what you plan to build and the size of the operation. This report is a preliminary report telling us what might be available. Mr. Scanlan mentions in the recommendations on page 6 that the first step is to "[d]etermine the level of development desired at the spring". The information in this report will provide excellent background information once the level of development has been determined.

If you have any questions please contact me at the above telephone number.

Respectfully,

A handwritten signature in cursive script that reads "Daniel A. Nelson".

Daniel A. Nelson
Sr. Water Right Agent

MEMORANDUM

TO: MAC GREGGOR FILE

FROM: DANIEL A. NELSON *DAN*

DATE: 12/7/99

SUBJECT: NOTES CONCERNING PRE-PROJECT STUDY PERFORMED BY TERRY SCANLAN ENGINEERING FOR BELVIDERE HOT SPRINGS.

Carol MacGregor gave me a pre-project study performed by Terry Scanlan Engineering on 7/1/1999. This study involves all of the water used on the MacGregor farm and not just the Hot Springs. The information contained in the is valuable to Ms. MacGregor's heating applications (permit numbers 65-13912 and 65-13913). Due to the size of this study, I only put a copy of the study with permit 65-13912. I read the report and have incorporated the information that I feel is pertinent to the water rights into this memo.

On page 2 paragraph 1, this report refers to diversion rates and temperatures associated with the 2 existing bathhouses referred to as the upper and lower bathhouses. These bathhouses are covered under water rights currently held by Ms. MacGregor. Mr. Scanlan estimates the diversion rate of the upper bathhouse at 20 gpm (.04 cfs) and a temperature of 104 ° F. The lower bathhouse diversion rate is estimated at 50 gpm (.11 cfs) and a temperature of 121 ° F. The total combined discharge of the spring's pool was 150 gpm (.33 cfs) at a temperature of 92 ° F. Assuming that the upper and lower bathhouses were totally consumptive the spring's estimated capacity would be .45 cfs which is below the requested .50 cfs of application for permit 65-13912 for the hot spring.

In paragraph 2 on page 2, Mr. Scanlan estimates that the spring's source of water could be as high as 325 ° F. However, in paragraph 3 of page 2 Mr. Scanlan states that USGS estimates the spring's source of water to be between 117 ° F and 232 ° F and Mr. Scanlan states a reasonable estimate of the spring's source of water would be 180 ° F.

On page 3 of the report, Mr. Scanlan discusses the 2 Pancheri water rights (65-12891 and 65-13332) that were filed on Belvidere Hot Springs. The Pancheri rights were filed to attain the heat value from the springs and have a combined diversion rate of .40 cfs. When compared to the total discharge mentioned above the amount of water allocated is already over the total combined discharge of the spring. The maximum estimated capacity of the spring if the upper and lower bathhouses were consumptive is .45 cfs. This would only leave .05 cfs available for allocation if Ms. MacGregor's existing rights were relinquished. **In order to attain the diversion rate requested by the permit without harming the Pancheri's water rights, Ms. MacGregor would need to try to dig out or develop the spring in some way to attain more water.**

On page 4 paragraph 1, Mr. Scanlan recommends monitoring the spring discharge. I believe this would be an excellent idea to determine how much water actually passes by the diversion points for all of the other water rights.

Page 2
MacGregor

Paragraph 4 & 5 on page 4 and the well logs supplied by Mr. Scanlan leads me to believe that there should not be a problem with cold water portion of this water right. Although from the application for permit it is difficult to determine the amount of cold water that is being requested.

The last paragraph of page 4, all of page 5 and the first 4 paragraphs of page 6 do not pertain to the heating applications.

The second paragraph on page 12 states Little Pearsol Creek is one of the hot springs on the fault line associated with the Belvidere Hot Springs. This paragraph also states that Little Pearsol Creek has dried up. This could suggest a depleting geothermal reserve on this fault line.

In conclusion I would like to reference Mr. Scanlan's recommendations on Page 6. These recommendations are reflective of the additional information requested in my letter to Ms. MacGregor on 11/24/1999. Until we know the extent of the development for the two MacGregor permits, we will not be able to continue processing or approve these permits. We would also be remiss in our duties if we did not require an agreement between Ms. MacGregor and the Pancheri family prior to approving this water right. In essence, Ms. MacGregor will need to put together a business and construction plan for this development so that our office can adequately review her proposal.

Dr. Carol Lynn MacGregor
1109 Warm Springs Avenue
Boise, Idaho 83712
Telephone (208) 386-9494
FAX (208) 386-9499
e-mail: geotherm@cyberhighway.net
December 1, 1999

**Phases of Plan for Geothermal Development at Belvidere
Cabarton Road, ca. four miles south of Cascade, Idaho**

Phase I. - 1999

Hired Beeman and Hoftader and Engineer Terry Scanlan to ascertain extant wells in area, review extant water rights (mine and neighbors), measure flow of above-ground ponds, temperature of the two sources above ground, and assist in application for water rights ample for development. I told Scanlan that we wanted enough for a large swimming pool, individual hot tubs, heat for development of an office and caretaker/manager's quarters and eight homes across Cabarton Road and guest rooms that will be built over the next two decades.

Scanlan's information indicates that the two faults may intersect south of the creek and that temperatures may be so high as to create steam rather than water at deep depths, according to the BSU study conducted during the 1970s energy crisis. These projections will aid us in Phase II. Flow from the open pool to the east is greater and temperatures are hotter. The flow decreased during the summer season.

We hope to obtain sufficient water rights for this development hot and cold, in 1999, then prepare to drill in 2000.

Phase II.-2000

Locate a good well driller to begin work in June or July of 2000. Measure the hot water and cap it. Drill for cold water well.

Employ an architect to render professional drawings of my rough sketches and ideas.

Begin fencing and doing groundwork of area approximately 30 acres.

Form a corporation for the purpose of management and separation of my personal business from the spa grounds.

Phase III -2001-2011

Build plan.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

11/24/99

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CAROL LYNN MAC GREGOR
1109 WARM SPRINGS AVENUE
BOISE ID 83712

COPY

**RE: APPLICATION FOR PERMIT FOR HEATING FROM
GROUNDWATER AND BELVIDERE HOT SPRINGS**

Dear Ms. MacGregor,

This letter is to inform you that I have sent your application for irrigation (65-13903) and your application for domestic use (65-13905) in for advertising. These applications should be advertised in the Long Valley Advocate on 12/1/1999 and 12/8/1999. After advertising these applications will be held until 12/20/1999 to allow time for possible Protestants to respond. If they are not protested a final review will be done with recommendations for licensing and they will be sent to the state office for approval.

I held the two heating applications for Belvidere Hot Springs (65-13912) and Geothermal Groundwater (65-13913) until I spoke with the Western Region Allocation Supervisor, Steve Lester, and the Western Region Regional Manager, Gary Spackman. Both Mr. Lester and Mr. Spackman agreed that we could advertise these two heating applications. Therefore, the two heating applications will be advertised on 12/15/1999 and 12/22/1999. After advertising these applications will be held until 1/3/2000 to allow time for possible Protestants to respond. When reviewing applications, our office is required by Idaho Code § 42-203A – section 5 to consider the following information whether the application is protested or not:

(a) That it will reduce the quantity of water under existing water rights, or (b) that the water supply itself is insufficient for the purpose for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant has not sufficient financial resources with which to complete the work involved therein, or (e) that it will conflict with the local public interest, where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the state of Idaho

The two applications for permit for heating and the letter from Terry Scanlan addressed some of the above issues, but in order to address all of the issues we will need the following information:

- 1.) In order to address the effect of these permits on existing water rights we will need to know what agreements, discussions, or plans you have made with Duane and Darwin Pancheri who also hold water rights on the Belvidere Hot Springs.

For the wells we will need you to locate on a USGS quad map all wells not owned by the applicant within a one-mile mile radius of any new wells proposed by the application. Explain the use of each well. For any wells within one-half mile, please evaluate the effect on the existing wells of pumping from the proposed new wells.

- 2.) In order to determine if the water supply is sufficient for your use, we will need to see a copy of your plan for the proposed use. This plan will need to include the following:
 - A.) The estimated square footage of the spa.
 - B.) The number of offices and shops and the estimated square feet of each office and shop building.
 - C.) The estimated number and square footage of cabins and/or homes.
 - D.) The estimated temperature of the water source.
 - E.) The estimated inside temperature of all of the buildings.
 - F.) The number and size of the swimming pool(s) and estimated rate of flow of hot and cold water flowing into the pool(s).
 - G.) The number and size of the spa(s) and estimated rate of flows of hot and cold water flowing into the spa(s).
 - H.) Any other uses of heating from this source.

- 3.) We also need to know whether this project is within the local public interest. So please explain in detail the current process for approval of the spa by local governments responsible for granting permission for the spa. If a local jurisdiction is not required to approve the proposed spa, you should obtain a comment letter about the project from the Valley County Commissioners or from a person designated by the commissioners to act on their behalf.

Also please explain in detail the current process of review/approval of your proposed spa by the Idaho Department of Health and Welfare, Department of Environmental Quality (DEQ). The explanation should include a showing that the proposed spa is approved or that approval by DEQ is imminent.

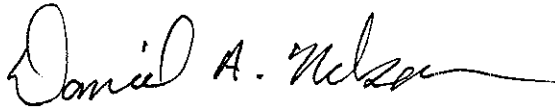
You must demonstrate that local residents have been notified of your proposal and have been afforded a meaningful opportunity to review the proposal.

Page 3
MacGregor

Due to the amount of information required, this information will not be requested until after the Heating applications final protest date. If your Heating applications are not protested, I will be contacting you to request the above information after the protest date is complete. If your applications are protested you will need to have this information available for the protest negotiations.

If you have any questions please contact me at the above address or telephone number.

Respectfully,

A handwritten signature in black ink that reads "Daniel A. Nelson". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Daniel A. Nelson
Sr. Water Right Agent

TELEPHONE COMMUNICATION DOCUMENTATION

SUBJECT: CAROL LYNN MAC GREGOR'S 4 APPLICATIONS FOR PERMIT

IDWR EMPLOYEE/AGENT: DAN NELSON ^{DN} **DATE: 11/10/1999**

PERSON CONTACTED: CAROL LYNN MAC GREGOR

PHONE: (208) 386-9494

RE: ADDITIONAL INFORMATION REQUIRED FOR APPLICATION FOR PERMIT

On this date Carol Lynn Mac Gregor called me to determine the status of her applications for permit. I informed Ms. Mac Gregor that I had just sent out a letter requesting additional information for all four applications for permit. Ms. Mac Gregor asked if she could answer these questions on the telephone to expedite the processing of these permits. The following responses were given as answers to a letter composed and sent on 11/9/1999 and are answered in the order of this letter:

- 1.) When asked if the domestic application was for a new or existing home Ms. Mac Gregor stated that it was for a new home.
- 2.) I asked if the application for permit to irrigate lands from Janelle Creek was co-mingled with water from Sand Creek and House Creek under water right 65-3408. Ms. Mac Gregor stated that all three creeks could irrigate some of the acres, but that there were some acres that could only be irrigated by each of the respective creeks. Therefore, the acres listed on this water right are the only lands that could be irrigated by Janelle Creek and should be the only acres listed in this permit.
- 3.) I asked if the 2 applications for permit for heating were going to be serving the same places of use. Ms. Mac Gregor stated that both permits would serve the same places of use and would be piped together. Two permits were filed because one source is groundwater and the other source is a hot spring.
- 4.) I then asked Ms. Mac Gregor to explain the relationships between the 5 existing water rights on the spring. Ms. Mac Gregor informed me that she had purchased water rights 65-01973 and 65-01972 from Eastern Western Corp and was the current owner of the springs. I spoke with Scott Van Hoff concerning this change of ownership and found that ownership had indeed been changed and that it is recorded in Ms. Mac Gregor's name in the Adjudication Data base as R65-01972 and R65-01973. When asked about the Pancheri's water rights, numbers 65-12891, 65-13332, and 6513458, Ms. Mac Gregor stated that she was aware of them and that the Pancheri's take their water from the hot springs after it crosses over the property line. Ms. Mac Gregor also stated that she was aware that she would be subject to their senior priority date.
- 5.) When I asked Ms. Mac Gregor to demonstrate how she determined the diversion rates for the heating components of the water right, Ms. Mac Gregor informed me that Terry Scanlon of Scanlon Engineering had determined those figures and to call Mr. Scanlon. Mr. Scanlon and I spoke on the telephone and he told me he would send what he had.

COPY

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

November 12, 1999

RECEIVED

NOV 12 1999

WATER RESOURCES
WESTERN REGION

Dan Nelson
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Subject: Diversion Rates – Water Right Applications for Carol Lynn MacGregor

Dear Dan:

As we discussed in our telephone conversation on November 10, I do not have any specific calculations to justify the diversion rates for the two applications for permit submitted by Carol Lynn MacGregor. Instead, the diversion rates proposed in the applications are based on the potential maximum instantaneous diversion rates that might be developed from the two sources, either combined or separately. The extent of the geothermal resource at this location has not been determined, but we consider that the proposed diversion rates are the maximum amounts potentially needed.

The application for water from Belvidere Hot Springs seeks 0.50 cfs. This amount exceeds the natural discharge from the hot springs under existing conditions, but allows for an increased diversion rate in the event that the springs are further developed. Additional development of the hot springs might include construction of infiltration galleries that could be pumped intermittently to meet peak hour demands at rates that exceed the average natural discharge rate.

The application for groundwater seeks 2.00 cfs. Water would potentially be diverted from two hot water wells and one cold water well. The wells would be pumped on demand to meet various heating and commercial needs.

As noted in the application, MacGregor is considering a resort complex that will potentially include spas, swimming pools, and other recreation facilities. In addition, the resort would have commercial, office, and residential structures requiring space heating. The volume and temperature of geothermal resources that can be developed may determine the ultimate extent of the resort complex. Therefore, we are proposing a liberal diversion rate for the permit, with the understanding that the actual beneficial use can be determined prior to licensing.

Please contact me with any questions.

Sincerely,



Terry M. Scanlan, P.E., P.G.

Cc: Carol Lynn MacGregor
Jo Beeman

COPY

MEMORANDUM

TO: GENERAL FILE

FROM: DANIEL A NELSON (AN)

DATE: 11/18/99

SUBJECT: CAROL MAC GREGOR APPLICATIONS FOR PERMIT

I spoke with Carol Lynn MacGregor today on the telephone. I told Ms. MacGregor that I have submitted the application for irrigation and the application for domestic into advertising. I also told her that due the significant use of geothermal water that I wanted to discuss the letter from Terry Scanlan and her applications with Gary Spackman to determine what other information would be needed. In this conversation she asked what was holding up these applications. I told her that we would more than likely need estimated plans for the site and public opinion of the project. I also told her that she may need to speak with the Pancheri's concerning their water rights for the Hot Springs. She then asked if she should send a memo concerning her development and I told her to wait until I spoke with Mr. Spackman and knew exactly what would be asked of her.

She told me that she planned to have a clean spa that had a large swimming pool and individual hot water spas. Then if she has enough available water she plans to have cabins each with its own tub. Then she told me that she planned to sell of 8 five-acre lots and supply them with hot water for heating the homes. If there is any water left over she wanted to look into the possibility of generating power with the hot water supply.

I told her I would fax the letter to her as soon as it was completed so she could begin working on the information needed. Her fax number is 384-9499.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

11/9/99

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CAROL LYNN MAC GREGOR
1109 WARM SPRINGS AVE
BOISE, ID 83712

COPY

***RE: FOUR APPLICATIONS FOR PERMIT IN TOWNSHIP 13N RANGE 3E
SECTIONS 13 AND 14***

Dear Ms Mac Gregor,

Your applications for permit to appropriate a spring for domestic purposes, appropriate an unnamed stream (AKA Janelle Creek) for irrigation, appropriate a spring (Belvidere Hot Springs) for heating and commercial uses, and appropriate groundwater for heating and commercial uses were received on 8/3/1999. Processing on these applications will be delayed until we receive the following additional information.

- 1.) Our records show that there is currently a domestic water right (65-03409) from ground water, listed in the same area as the domestic water right from a spring from your application. We need to know whether this new application goes to a new home or is for an alternate source of water for the existing home.
- 2.) The irrigation right from Janelle Creek covers some of the same acres licensed to water right 65-03408. This water right diverts water from San Creek and House Creek to irrigate 46 acres. We need to know if the water from Janelle Creek is used to supplement the water diverted from Sand Creek and House Creek. If so would you like to include all of the acres described in water right 65-03408?
- 3.) The two heating applications seem to be describing the same uses. We need to know if these two uses are for two separate sources for the same use or if there is two separate uses for each water source. Please let us know if the two sources will be tied together in a common line.

Mac Gregg

- 4.) On the heating application for Belvidere Hot Springs you state that water rights 65-01972 and 65-01973, owned by Eastern Western Corporation, also divert out of this spring. We need to know the actual ownership of the spring or what type of arrangement there is concerning this spring with other water users. My review also revealed that water rights 65-12891, 65-13332, and 65-13458 owned by Duane and Darwin Pancheri hold water rights for Hot Springs in this 10-acre tract. We will need to know the relationship between all of these water rights and determine the number of springs, who owns which spring and who has easements and the use of the springs in this 10 acre tract.
- 5.) For both of the two heating permits we will need information from the person designing your heating system that justifies the diversion rates that you have requested. If you have not yet acquired a person to design you heating system, we will need you to submit the following information:
- a) Inside design temperature of the areas being heated.
 - b) Livable Square feet of homes and number of homes
 - c) Heatable square feet of offices, shops, barns, etc.
 - d) Energy efficiency of buildings (please see attachment and choose 1-4)
 - e) Temperature of the water at the source (well, springs)
 - f) The number of swimming pools, the rate at which they will be filled, the number of times they will be filled per day.
 - g) The number of spas, the rate at which they will be filled, the number of times they will be filled per day.

In order to process all of the applications in our office as efficiently as possible, we are required by Idaho Code § 42-204 to ask that this information be sent to our office within 30 days or we are to void the application for permit. **Therefore, if we do not receive the above information by 12/10/1999 we will be forced to void your applications for permit.** If your permit is voided you will be able to re-file for these water rights with a later priority date.

I have requested a great deal of information for these permits and would be more than willing to set up an appointment with you to go over all of this information. If you would like an appointment please call the above number.

Respectfully,



Daniel A. Nelson
Sr. Water Right Agent

Choose 1 of 4
Values for e

Choose 1 of 4
Values for e

Values for (e) are as follows:

.28 = Best energy efficiency -

Insulation in addition to that found in the average house, walls are now R19 (5 inches of blanket insulation in a 6 inch wall space), ceilings are R33 (approximately 9 inches of blanket insulation), all windows and doors are caulked and weather stripped.

.44 = Better energy efficiency -

All windows and doors caulked and weather stripped, no additional insulation above the average residence.

.67 = Average residence -

Modern home with no weatherproofing and the following insulation: walls R13 (3-1/2 inches of blanket insulation), ceiling R25 (6 inches of blanket insulation), double pane windows, or single pane with storm windows, concrete floor or concrete block basement wall.

1.11 = Poor energy efficiency -

Older home with the following insulation: walls are approximately R6 (typical frame construction with no insulation between the stud), ceiling R10 (3 inches of loose fill insulation), single pane windows with no storm windows and no weather stripping of the doors and windows.

Table 1 shows some typical BTU's/sq.ft.-hr for the four types of house efficiencies at a variety of design temperatures.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

January 7, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DUANE &/OR DARWIN PANCHERI
19010 S CAN-ADA RD
MELBA ID 83641

Re: Application for Permit Nos. 65-13912 and 65-13913 in the Name of Carol Lynn
MacGregor

Dear Protestant:

This office acknowledges receipt of your protest to the issuance of a permit pursuant to the above referenced applications.

The following are the criteria the department must consider in either approving or denying an application for permit (Section 42-203A, Idaho Code):

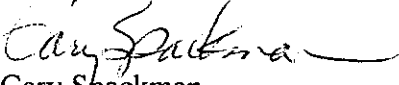
1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Enclosed is a Notice of Prehearing Conference scheduled for **February 10, 2000**. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

The department suggests you contact the applicant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

If this office can be of further assistance, please contact us

Sincerely,


Gary Spackman

GS:st



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

January 7, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CAROL LYNN MACGREGOR
1109 WARM SPRINGS AVE
BOISE ID 83712

Re: Application for Permit Nos. 65-13912 and 65-13913

Dear Applicant:

Enclosed are copies of protests filed against the issuance of a permit pursuant to the above-referenced applications.

The following are the criteria the department must consider in either approving or denying an application for permit (per Section 42-203A, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?
6. Will the proposed use be contrary to conservation of water resources within the state of Idaho?

Enclosed is a Notice of Prehearing Conference scheduled for **February 10, 2000**. At the conference, the department will review possibilities for resolution of the protest. If the matter cannot be resolved at that time, a formal hearing will be arranged for a future date.

The department suggests you contact the protestant(s) directly in an effort to determine what is proposed by the application and to attempt to resolve the protest. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

Please contact this office if you have questions regarding this procedure.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".
Gary Spackman

GS:st

Enclosure: Copy of protest(s)

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST**

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains all necessary information.

1. Matter being protested # 65-13912
2. Name of protestant Duane & Darwin Pancheri
3. Protestant's representative for service (If different than protestant)

4. Service mailing address 19010 La Can - Ada Rd Melba 83641
5. Service telephone no. 495-2513
6. Basis of protest (including statement of facts and law upon which the protest is based) Protecting our ^{Senior} Water Rights

(additional pages may be attached to describe the nature of the protest)
7. What would resolve your protest? _____

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 20 day of Dec., 19 99.

Darwin Pancheri
PROTESTANT

PROTESTANT'S REPRESENTATIVE

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST**

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains all necessary information.

1. Matter being protested # 65-13913
2. Name of protestant Dean For Darwin Pancheri
3. Protestant's representative for service (If different than protestant)

4. Service mailing address 19010 So Cam - Ada, ID 83641
5. Service telephone no. 495-2513
6. Basis of protest (including statement of facts and law upon which the protest is based) _____
Protecting Our Senior Water Rights

(additional pages may be attached to describe the nature of the protest)
7. What would resolve your protest? _____

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 20 day of Dec, 19 99

Darwin Pancheri
PROTESTANT

PROTESTANT'S REPRESENTATIVE



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 15, 1999

MARK LIMBAUGH
102 N MAIN
PAYETTE ID 83661

Re: Applications for Water Right Nos 65-13903, 65-13905 and 63-13912 in the Name of
Carol Lynn MacGregor

Dear Watermaster:

Enclosed are copies of the above-referenced applications for permit. Also enclosed are forms for your recommendation concerning these applications.

Please review the applications and return any comments you might have within two weeks.

If you have any questions or need information, feel free to contact this office.

Sincerely,

A handwritten signature in black ink that reads "Gary Spackman".

Gary Spackman

GS:st

Encl: Copy of Application
Recommendation of Watermaster Form



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

November 15, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SCOTT GRUNDER
STATE OF IDAHO
DEPT OF FISH & GAME
3101 S POWERLINE RD
NAMPA ID 83686

Re: Application for Permit

Dear Sir:

Enclosed are copies of applications for permit that the proposed use is from surface water. Please review the applications and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by January 3, 2000.

If you have any questions regarding the application, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman

GS:st

Encl



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

DIRK KEMPTHORNE
GOVERNOR

December 15, 1999

KARL J. DREHER
DIRECTOR

DARWIN PANCHERI
9325 MISSOURI AVE
NAMPA ID 83686

Re: Application for Water Right No 65-13912 in the Name of the Carol Lynn MacGregor

Dear Sir:

Enclosed is a copy of the above-referenced application for permit

Please review the application and return any comments you might have within two weeks.

If you have any questions or need information, feel free to contact this office

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman

GS:st

Encl: Copy of Application



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

December 15, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ID DEPT OF HEALTH & WELFARE
DIV OF ENV QUALITY
BOISE REGIONAL OFFICE
PO BOX 83720
BOISE ID 83706

Re: Application for Permit No. 65-13912 in the Name of Carol Lynn MacGregor

Dear Sir:

Enclosed is a copy of the above-referenced application for permit which may be of interest to your agency. Please review the application and submit any comments you may have.

This office normally completes the processing of an application within a six-week period and is required to take final action shortly thereafter. However, if your agency desires to file a formal protest against the approval of this application(s), your written protest along with the \$25.00 protest fee must be received in this office by January 3, 2000.

If you have any questions regarding the application, please contact this office

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

Gary Spackman

GS:st

Encl.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

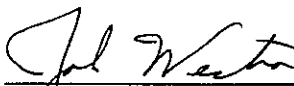
IN THE MATTER OF APPLICATION	)	
FOR PERMIT NOS. 65-13912 AND	)	NOTICE OF PREHEARING
65-13913 IN THE NAME OF CAROL	)	CONFERENCE
LYNN MACGREGOR.	)	
_____	)	

On August 2, 1999, Carol Lynn MacGregor filed with the Department of Water Resources (IDWR) four (4) applications for permit nos. 65-13903, 65-13905, 65-13912 and 65-13913 to appropriate the public waters of the State of Idaho. Application nos. 65-13912 and 65-13913 were protested by Duane &/or Darwin Pancheri.

IDWR has scheduled a prehearing conference for the protest to be held on **Thursday, February 10, 2000, at 10:30 a.m. at the Department of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705.** The conference will be held in accordance with provisions of Chapters 2 and 17, Title 42, and Chapter 52, Title 67, of the Idaho Code, the adopted Rules of Procedure of the Department of Water Resources, and Rules 40 and 45 of the adopted Rules and Regulations of Water Appropriation of the Department of Water Resources.

The conference will be conducted in a facility which satisfies the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the conference, please advise the IDWR within (10) days prior to the conference.

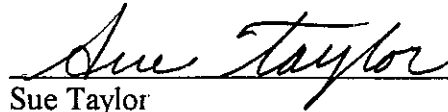
Dated this 7th day of January, 2000



JOHN WESTRA

CERTIFICATE OF MAILING

I hereby certify that on the 7th day of January, 2000, I mailed a true and correct copy, postage prepaid, of the Notice of Prehearing Conference to the applicant(s) and protestant(s) listed:

A handwritten signature in cursive script, reading "Sue Taylor", is written over a horizontal line.

Sue Taylor
Senior Secretary

CAROL LYNN MACGREGOR
1109 WARM SPRINGS AVE
BOISE ID 83712

DUANE &/OR DARWIN PANCHERI
19010 S CAN-ADA RD
MELBA ID 83641

CONFERENCE AND HEARING PROCEDURE

APPLICATION FOR PERMIT

Section 42-203A, Idaho Code, requires the department to consider the following issues in connection with an application for permit:

- 1) Will the proposed appropriation injure other water rights?
- 2) Is the proposed water supply sufficient for the purpose for which it is sought to be appropriated?
- 3) Was the application made in good faith or for delay or speculative purposes?
- 4) Does the applicant have sufficient financial resources with which to complete the proposed project?
- 5) Is the proposed appropriation in the local public interest, which is defined as the affairs of the people in the area directly affected by the proposed use?
- 6) Is the proposed use contrary to conservation of water resources within the state of Idaho?

BURDEN OF PROOF

The applicant has the initial burden of proof on issues 1, 2, 3, 4, & 6 above and must provide evidence for the department to evaluate these criteria

The initial burden of proof on issue 5 above lies with both the applicant and protestant as to factors which they are most knowledgeable and cognizant. The applicant has the ultimate burden of persuasion, however, for this issue.

PROCEDURE

The department generally conducts an informal conference with the parties to determine the issues and to try to settle a protested matter before a hearing is scheduled. If a hearing is held, the department will issue a written decision based on the hearing record.

CONFERENCE

The purpose of a prehearing conference is to provide the opportunity for the parties and the department to familiarize themselves with a contested matter and to attempt to resolve the matter.

At the conference, the department may also formulate and simplify the issues, identify documents to avoid unnecessary proof, exchange proposed exhibits or prepared testimony, limit witnesses, discuss settlement offers, schedule hearings, establish procedure at hearings and address other matters that may expedite orderly conduct and disposition of the proceeding or its settlement.

HEARING

The department will tape record the hearing. Copies of a hearing tape are available upon written request and the payment of the cost of reproducing the tape.

The hearing likely will be conducted by a hearing officer appointed by the Director rather than the Director himself. If so, the hearing officer will prepare a recommended order for the Director's consideration. Parties can file exceptions to a recommended order, briefs in support of the exceptions or may request oral argument. Parties may seek judicial review of any final order issued by the Director.

Parties may, by written stipulation, waive their right to a recommended order, particularly when a shortened decision process is desirable or necessary. Such a waiver does not eliminate any rights of the parties in connection with the final order of the Director and judicial review of the order.

EXHIBITS

A party who plans to offer an exhibit as part of the hearing record must provide a copy of the proposed exhibit to the parties and to the hearing officer prior to any scheduled hearing.

AMERICANS WITH DISABILITIES ACT

Any hearing scheduled will be conducted in a facility which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the hearing please advise the department within ten (10) days prior to the hearing.

PUBLIC NOTICE

Date Filed: 9/27/1999
In: VALLEY County
T15N R-3E S23 SWNE
Applicant agrees to mitigate consumptive use in the future as needed. *✓lm*

65-13912
MAC GREGOR, CAROL LYNN
1109 WARM SPRINGS AVE
BOISE, ID 83712
Source: SPRING *OK*
Tributary: MOORES CREEK
Diversion Pt: NESENE Sec 13 T 13N R 03E in VALLEY County.
Use: COMMERCIAL (0.500 CFS)
HEATING (0.500 CFS)
Total Diversion: (0.500 CFS)
Date Filed: 8/2/1999
In: VALLEY County
T13N R03E S13 SENE NESE
R04E S18 Lot 2(SWNW) SENW NESW Lot 3(NWSW)
Applicant agrees to mitigate consumptive use in the future as needed.

65-13913
MAC GREGOR, CAROL LYNN
1109 WARM SPRINGS AVE
BOISE, ID 83712
Source: GROUNDWATER
Diversion Pt: SENE Sec 13 T 13N R 03E in VALLEY County.
Use: COMMERCIAL (2.000 CFS)
HEATING (2.000 CFS)
TOTAL DIVERSION: (2.000 CFS)
Date Filed: 8/2/1999
In: VALLEY County
T13N R03E S13 SENE NESE
R04E S18 Lot 2(SWNW) SENW NESW Lot 3(NWSW)
Applicant agrees to mitigate consumptive use in the future as needed.

65-13914
NUZZO, MIKE *Duc 332*
9723 EDGE CT
SMITHS FERRY
CASCADE, ID 83611
Source: PAYETTE RIVER, NORTH FORK
Tributary: PAYETTE RIVER
Diversion Pt: Lot 5(NWSE) Sec 10 T 11N R 03E in VALLEY County.
Use: IRRIGATION (0.440 CFS)
TOTAL DIVERSION: 0.440 CFS)
Date Filed: 10/22/1999
In: VALLEY County
T11N R03E S10 Lot 4(SWNE) SENE NESE Lot 5(NWSE)
22.0 ACRES TOTAL
Applicant agrees to mitigate consumptive use in the future as needed.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705, together with a protest fee of \$25.00 for each application on or before JANUARY 3, 2000. The protestant must also send a copy of the protest to the applicant.
KARL J. DREHER, Director
Publish 12/15 & 12/228/1999

NOTICE OF TRUSTEE'S SALE
On WEDNESDAY, the 29th day of MARCH, 2000, at the hour of 11:00 o'clock A.M., of said day in the office of ALLIANCE TITLE & ESCROW CORP., located at 301 EAST

NOTICE OF APPLICATION FOR WATER RIGHT
The following application(s) have been filed to appropriate the public waters of the State of Idaho:

65-13906
CHURCH OF THE NAZARENE INTER-MOUNTAIN DISTRICT
PO BOX 1159
NAMPA, ID 83653
Source: GROUNDWATER
Diversion Pt: LOT 5 (NENW) Sec 6 T 13N R 04E in VALLEY County.
Use: IRRIGATION (0.800 CFS)
Total Diversion: (0.800 CFS)
Date Filed: 9/3/1999
In: VALLEY County
T13N R04E S06 Lot 5(NENW) Lot 99SENW)
40.0 ACRES TOTAL
Applicant agrees to mitigate consumptive use in the future as needed.

65-13907
US DEPARTMENT OF INTERIOR
BUREAU OF RECLAMATION
214 BROADWAY AVE
BOISE, ID 83702-7298
Source: UNNAMED STREAM
Tributary: CASCADE RESERVOIR
Diversion Pt: SWNE Sec 23 T 15N R 03E in VALLEY County.
Use: WILDLIFE STORAGE (7.00 AF)
WATER QUALITY IMPR. STORAGE (7.00 AF)
Total Diversion: (7.00 AF)

Affidavit of Publication

STATE OF IDAHO

COUNTY OF VALLEY

I, Robin M. Simpson, being duly sworn deposes, and says, I am the Publisher of The Long Valley Advocate, a weekly newspaper published at Cascade, in Valley County, Idaho; and having a general circulation therein and of legal status in said county.

The water rights app 65-13906, a copy of which is attached hereto; was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began 12/15, 1999, and ended 12/22, 1999.

Robin M. Simpson

Robin M. Simpson

Signed this the 12 day of Jan 2000

STATE OF IDAHO)

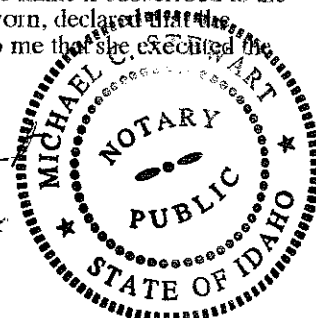
COUNTY OF VALLEY)

RECEIVED
:SS. JAN 21 2000

WATER RESOURCES
WESTERN REGION

On this the 12th day of Jan, 2000, before me, a Notary Public in and for said State, personally appeared Robin M. Simpson, known or identified to me to be the person whose name is subscribed to the within Instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Michael Stewart
Notary Public State of Idaho
Residing at: Cascade
Commission Expires: 10/30/2004



RECEIVED

DEC 22 1999

WATER RESOURCES
WESTERN REGION

RECOMMENDATION OF WATERMASTER

Application No: 65-13912

Applicant's Name: Carol Lynn MacGregor

Watermaster's Recommendation:

- a) _____ I do not oppose approval of this application.
- b) X I do not oppose approval of this application if it is conditioned as follows: Under control of Watermaster for Water District No. 65
- c) _____ I oppose approval of this application for the following reasons:
- d) Additional Comment: _____

Dated this 20th day of December, 1999

Water District No. 65

Mark Limbaugh, Watermaster

Use reverse side of page if you need more space

Taylor, Sue

From: Lester, Steve
Sent: Monday, December 20, 1999 1:48 PM
To: Taylor, Sue
Subject: FW: Numerous Water Right Applications

Sue:

Please file a copy in each of the applications listed in Scott's message.

thanks,

Steve

-----Original Message-----

From: SCOTT GRUNDER [mailto:sgrunder@IDFG.STATE.ID.US]
Sent: Monday, December 20, 1999 1:22 PM
To: slester@idwr.state.id.us
Cc: CECE MANN; TERRY VERNHOLM
Subject: Numerous Water Right Applications

Dear Mr. Lester,

The Idaho Department of Fish and Game has reviewed the following applications for permit for a water right and we do not anticipate significant adverse effects to fish or wildlife habitats as a result of granting permits:

51-07371/BLM
51-07370/BLM
51-07369/BLM
65-13912/MacGregor
65-13914/Nuzzo
65-13908/Rasmussen
77-07380/Pyle
67-08044/Stippich
55-07463/BLM
65-13907/BOR
65-13909/Herbel
65-13915/Hamlin
65-13911/Charles
63-12545/Atkeson
65-13919/McCumber
65-13916/Vlasach
65-13910/Seehusen/Crow
~~67-08043/Ferrel~~
63-12548/McGrew

We have a concern with application for permit 63-12550 by Richard Porter and Robert Horowitz. Those comments will be in a separate letter signed by the regional supervisor. Thank you for the opportunity to comment on these applications.

Scott Grunder
Environmental Staff Biologist
IDFG-SW Region Office, Nampa
465-8465

SCANLAN ENGINEERING

Groundwater and Environmental Engineering

Carol MacGregor
(208) 386-9494

July 1, 1999

Jo Beeman
Beeman & Hofstetter
608 West Franklin Street
Boise, ID 83702-5509

Subject: MacGregor - Belvidere and Raspberry Ranches

Dear Jo:

This letter report provides a summary of information developed following my visit to the above referenced properties with Carol MacGregor on June 7, 1999. Figure 1 shows the location of the properties and associated water features. Details follow.

BELVIDERE HOT SPRINGS

Location

Based on my review of map data and measured distances during my site visit, the hot springs are located in the NESENE of Section 13, T13N, R3E. This location assumes that the fence line between the Pancheri and MacGregor properties follows, or is slightly south of, the 1/16th section line. The fence line is 170 feet north of the centerline of West Mountain Road. The lower bathhouse is approximately 470 feet east of the centerline of the County Road and 50 feet south of the fence line between the Pancheri and MacGregor properties. The upper bathhouse is approximately 400 feet from the County Road and 80 feet south of the fence.

As additional confirmation of the spring location, IDWR's field exam for water right 65-12891 and USGS Water Resources Investigations Open File Report 80-1020 both indicate that the spring is located in the NESENE of Section 13, T13N, R3E.

Description of Belvidere Hot Springs

Belvidere Hot Springs consists of an area of at least one acre with diffuse geothermal discharge. The spring area is concentrated within a fenced area approximately 120 feet by 75 feet on the MacGregor property, although evidence of geothermal discharge also is visible outside of the fenced area on both the MacGregor and Pancheri properties. The spring area trends in a North 60 East direction, suggesting the possible presence of a geologic structure (i.e., fault) or other subsurface feature trending N60E.

Within the fenced portion of the MacGregor property, two main areas of discharge are visible. Both of these spring vents historically had been developed with bathhouses, although only remnants of these structures are currently visible. At the time of my visit, the discharge from the

July 1, 1999

upper bathhouse vent was visually estimated at approximately 20 gpm (gallons per minute) Surface temperature was 104 degrees F. The discharge from the lower bathhouse vent was visually estimated at approximately 50 gpm. Surface temperature was 121 degrees F. East of the fence surrounding the spring area, total combined discharge from the spring area was estimated at 100 to 150 gpm with a temperature of 92 degrees F

104/20

121/50

total
100-150 gpm
92°

Data for Belvidere Hot Springs is mentioned in several publications. Excerpts are copied and attached. The best description is found in "Geothermal Investigation of the Cascade Area", July 1976, by Boise State University. The report indicates that the hot spring is located along the north-trending Cascade Valley Fault. A series of hot springs are found along this fault, including (from south to north) Cabarton, Belvidere, Cascade, Flat Creek, and Gold Fork. (Although not mentioned in the report, it is possible that the Belvidere Hot Spring is located at the intersection of the north-trending Cascade Valley Fault and an unmapped fault trending N60E.) The discharge temperature for Belvidere hot springs was reported to be 121 degrees F. Based on silica concentration in the water and a mixing model, the authors estimated that the temperature of the hot spring source could be as high as 325 degrees F

121/325°
source

A chemical analysis in USGS Water Resources Investigations Open File Report 80-1020 indicates that the spring has a temperature of 120 degrees F and a discharge of 20 gpm. The water is a sodium bicarbonate type with total dissolved solids of 256 mg/l. Based on various geochemical methods, the USGS report estimated that the temperature of the aquifer source ranges from 117 to 232 degree F. Based on these geochemical models, a source temperature of approximately 180 degrees F appears to be likely.

120/20 gpm

117-232°
180° source

For comparison purposes, the surface water temperatures at other hot springs along the Cascade Valley Fault range from 100 degrees F at Flat Creek to 160 degrees F at Cabarton.

Existing Water Rights for Belvidere Hot Springs

Based on information provided by your office, I understand that the following water rights are recorded or claimed for Belvidere Hot Springs on the MacGregor property

- **65-01972.** Eastern Western Corporation holds a decreed water right for 0.04 cfs (18 gpm) and 1.2 afy for domestic use from a spring tributary to Moores Creek. Priority date is May 1, 1901. The diversion point and place of use are located in the NESE of Section 13.
- **65-01973.** Eastern Western Corporation holds a decreed water right for 0.01 cfs (4.5 gpm) and 1.2 afy for domestic use from a spring tributary to Moores Creek. Priority date is May 1, 1901. The diversion point and place of use are located in the NESE of Section 13.
- **A65-17557.** Eastern Western Corporation filed a claim in the SRBA for 0.02 cfs from a hot spring believed to be Belvidere Hot Springs, but it appears that the point of diversion and place of use was listed incorrectly one-quarter mile to the east in Section 18. In any event, the claim will not be recommended by IDWR because it was not claimed in the previous decree of the Payette River Basin.

all
these
need to
be
changed

The following water rights owned by the Pancheris are related to Belvidere Hot Springs.

- **65-12891.** Duane and Darwin Pancheri hold a licensed water right for 0.40 cfs (180 gpm) and 47.7 afy for heating purposes from a spring with the point of diversion listed as the SENENE and NESENE of Section 13. Places of use are SESW, NWSE, and SWSE Section 18, T13N, R4E. Priority date is October 19, 1988.

Review of the license file for 65-12891 shows that the spring is developed by a buried drain system located approximately 50 feet north of the fence between the MacGregor and Pancheri properties. From the buried drain system, water flows by gravity through 10-inch pipe approximately 2100 feet east, and then 4-inch pipe for 2800 feet to the south side of Brush Creek. Two buried valves along the pipeline are accessed through steel pipes that look like well casings. The system serves three homes, one swimming pool, and one shop located on the south side of Brush Creek.

- **65-13332.** Joan and Darwin Pancheri hold a permit for 0.10 cfs (45 gpm) for heating purposes from a spring with a point of diversion listed as SENENE Section 13. Place of use is the NENE Section 13. Use is described as heating of one home and one shop. Priority date is July 2, 1991.

This water right uses the spring source for heating the home and shop located north of the springs. A $\frac{3}{4}$ hp pump with 1.5-inch diameter pipe was proposed as the means to deliver water to the house.

Based on the rights described above, it appears that MacGregor has the senior water right to the hot water source, but only for a small portion of the available flow. The majority of the spring discharge (in terms of both flow rate and acre feet) and the related heat value is covered by water rights owned by the Pancheris.

Potential for Additional Geothermal Development

There is potential for additional development of the geothermal water source at Belvidere Hot Springs provided that steps are taken to prevent injury to existing water rights. At least two options could be considered.

- The first option would be to develop the hot springs by collecting the natural discharge. This option might be similar to the previous spring development by Pancheri, and consist of one or more collection pipes routed to a pump sump. The water could then be pumped to a place of use. The advantage of this option is that there is less chance to impact existing water rights. Development would take advantage of flow that naturally discharges from the spring and is not currently diverted by others. The disadvantage of this option is that the natural discharge rate and surface temperature will limit the extent to which the spring can be developed.
- The second option would be to drill one or more wells at the hot spring location to develop hotter water that can be pumped on demand. This option would seek to intersect geothermal

water that is believed to be flowing upward through fractured granite bedrock. An advantage of this option is that the water can be intersected prior to mixing with cooler shallow groundwater. In addition, the water can be pumped as needed, using the geothermal aquifer for storage. Therefore, water (and heat) would not be lost by natural discharge at the spring. The disadvantage of this option is that there is significant potential to impact the flow rate or temperature at the spring developed by the Pancheris. Also, geothermal drilling is costly, due to requirements for multiple casing strings to be cemented in place.

*yes
back
more with
Georgy*

Regardless of which option is selected, I would recommend that temperatures and discharge rates from the spring area on both the Pancheri and MacGregor properties be monitored and documented before the spring is developed. This monitoring should be used to document natural flow (including seasonal variations) and actual use of the water. Based on this monitoring, mitigation (if necessary) can be established in the future.

Cold Groundwater at Belvidere and Little Ranch House

Carol asked about the potential to develop a cold groundwater source at the Belvidere property for domestic use and for temperature moderation at the hot springs. She is also interested in the existing well at the Little ranch house. The following information was found

Potential for Development of Cold Groundwater Wells at Belvidere Hot Springs. Drilling by the Pancheris on their property to the north of the hot springs provides an indication of cold groundwater potential in this area. The Pancheris drilled two wells in June 1991 in the area north of the MacGregor property. The first well was located in the NENE Section 13, probably in the vicinity of the house. This 99-foot deep well produced 10 gpm of 52 degree F water, and had a static water level of 28 feet. A second well was drilled in the NWNW Section 18, probably somewhere north and east of the hot springs. This well produced more than 100 gpm of 60 degree F water from sand and gravel zones between 38 and 47 feet. The well is slightly artesian, and flows at 0.5 gpm.

great!

Based on the drill log for the second Pancheri well, there is good potential for developing cold groundwater in the general vicinity of Belvidere Hot Springs. The best location for a cold water well will be south and east of the hot spring, where the depth to granite bedrock will be several hundred feet. In that area, it is possible that sand and gravel aquifers yielding 100 gpm or more of cold groundwater could be developed with properly constructed wells.

Drilling Log for Well at Little Ranch House. IDWR well log files were searched by legal description for a log of the well at the Little ranch house. Carol thought that the well was drilled by Eastern-Western Corporation within the past few years. However, no log could be located for the quarter-quarter section where the well is located (NESW or SENW of Section 13). The closest recorded well that has been constructed in recent years (based on location description) was drilled in 1989 for Gulf Pacific Cattle Company in the SWNE of Section 13. This well produced 4.7 gpm. An older well, drilled for Frank Bilbao in 1974, is described as located in the NWSE of Section 13. The Bilbao well produced 12 gpm.

Let's pinpoint this & correspond with the map. Eastern-Western is Gulf Pacific.

Does this mean no water rights exist for the well that is there?

The data base was also searched by owner's name for any wells drilled for Eastern-Western Corporation. Two wells were located. These wells were drilled for Eastern-Western in 1994, but at a location approximately 15 miles north of Belvidere

IRRIGATION WATER RIGHT SUMMARY - RASPBERRY AND BELVIDERE RANCHES

I did not conduct a formal water right search for these properties. However, based on information provided by your office, the irrigation water rights associated with the Raspberry and Belvidere Ranches are summarized in Table 1

**Table 1 – Irrigation Water Rights
Raspberry and Belvidere Ranches**

Water Right No.	Owner	Stage	Source	Priority	rate (cfs)	acres
65-03406	MacGregor	decree	House Creek, NF Moores Cr	April 1, 1897	1.56	78
65-03407	MacGregor	decree	Dora Creek	April 1, 1897	1	50
65-03408	MacGregor	decree	House Creek, Sand Cr	April 1, 1897	0.72	46
65-01979	A.L. Cattle, Inc.	decree	Brush Creek	June 1, 1918	6.24	312
65-11280	A.L. Cattle, Inc.	decree	Andy Creek, SF Moores Cr	June 1, 1902	1.06	53

change [The water rights authorize diversion of 10.58 cfs for irrigation of 539 acres. Each water right is for one miners inch per acre, except for 65-03408 which is for 0.78 miners inches per acre.]

A water right map is provided as Figure 2. The water right map should be studied to determine if the existing place of use has adequate water rights. For instance, there are only 8 acres of authorized irrigation in the area west of the existing Raspberry Ranch house, and no authorized irrigation in the 240-acre area (i.e., six ¼- ¼ sections) south of the Raspberry Ranch house. Although this area is mostly timbered, there may be some irrigation occurring. If so, a new application for permit should be submitted to allow irrigation of this area when adequate water is available.

Points of diversion for each water right are listed on the table attached to Figure 2. The points of diversion are described by 40-acre tract, and most of the rights have multiple diversion points which provide good flexibility for water use. The tracts authorized for diversion should be reviewed to confirm that existing diversion points are described.

A copy of a stipulation regarding some of these rights is attached. The stipulation indicates that although water right 65-11280 is junior to Pancheri's right 65-11250, it will be considered as a prior right for distribution purposes as long as the following conditions are met.

1. Use of water under right 65-11280 shall not be expanded to new lands.
2. The method of irrigation under 65-11280 cannot be changed.
3. The place of use or point of diversion for water right 65-11280 cannot be changed without written consent from the Pancheris.

I note that the water right information received from your office included a permit for irrigation in the name of Davis Cattle Company. This permit lists a place of use for irrigation on both

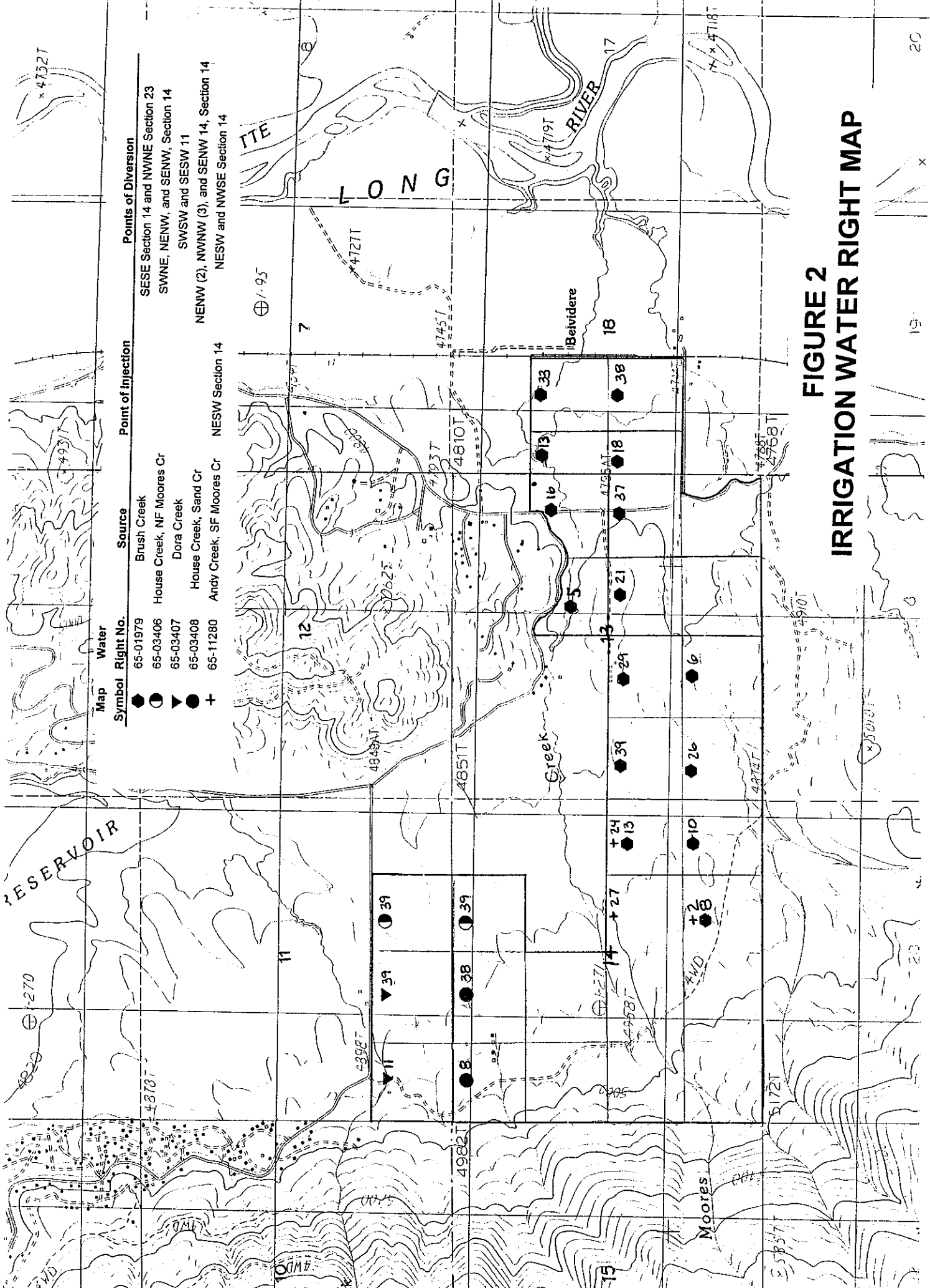


FIGURE 2
IRRIGATION WATER RIGHT MAP

MacGregor and Pancheri lands. I suspect that the place of use listed on this permit is a typographical error. The actual place of use is probably six miles north (i.e., one township) in Township 14 North. *where Tom Davis's ranch exists!*

WATER SUPPLY FOR NEW HOME AT RASPBERRY RANCH

While on site, Carol and I discussed options for water supply to a proposed new home at the property. The new home would be located near Janelle Creek (House Creek?), south of the existing ranch house. Carol indicated that previous well drilling for domestic use at the Raspberry Ranch had been disappointing, due to low yields and poor water quality. A 400-foot well that was recently drilled yielded only 4 gpm. We then discussed the alternative of developing a spring near the head of Janelle Creek. At the time of my visit, springs were flowing at the property boundary, approximately 120 feet in elevation above the ranch house. This elevation would supply a static pressure of approximately 52 psi to a new home. Water quality (in terms of taste) should be excellent, although there is always potential for bacterial or giardia contamination from such a shallow source.

As a first step to develop the spring, a source area should be identified in late summer or early fall when seasonal springs have dried up. Once located, the selected spring area can be excavated. Perforated pipe in a drain rock filled trench could be used to develop the spring. The drain rock should be encased in geotextile filter fabric. Buried 2-inch diameter pipe could then extend approximately 1500 feet from the developed spring to the house. A water right application should be submitted for the spring.

*new
water
source*

It is interesting to note that a well located approximate 1 mile to the north of the ranch house reportedly encountered artesian flow with a shut in pressure of approximately 97 psi at depth of 300 feet. It is possible that such a zone could be present at Raspberry, although previous drilling would indicate that the zone would have to be at depths of more than 400 feet.

RECOMMENDATIONS

The following additional work items are recommended.

Hot Springs

1. Determine the level of development desired at the springs. If the level of development requires a heat source equivalent to, or less than, the existing spring discharge, then assume that the spring can be developed at the surface. If more heat is required than currently discharges from the springs, well drilling will be required.
2. Submit an application for water right permit. The desired level of development will influence the rate of flow requested by the application.
3. Carol should meet with the Pancheris to discuss the proposed water use prior to advertisement of the application. She should request permission to monitor the temperature and discharge from their spring source for one full year before additional development takes place.

yes

Well at Little Ranch House

- 1 Test pump the well using the installed pump or a test pump to determine if the existing well can supply adequate flow for a new home

Irrigation Water Rights

1. Conduct a water right search to determine if additional water rights are appurtenant to these properties
2. Examine the water right map and compare the authorized acres to actual irrigated acres.
3. Compare the authorized points of diversion to the actual points of diversion.
4. Apply for additional water rights as needed to irrigate any areas that lack adequate water rights (in terms of authorized acres).

Water Supply for New Well at the Raspberry Ranch

- 1 Apply for a water right to develop a spring at the head of Janelle Creek. However, Carol must realize that a spring source is not necessarily protected from contamination by giardia or other pathogens. If a protected water source is required, then she should consider a deep well.

Please contact me with any questions. We should set up a meeting with Carol I to discuss these findings

Sincerely,



Terry M. Scanlan, P.E., P.G.

Cc: Carol MacGregor

Attachments: Excerpts from "Geothermal Investigation of the Cascade, Idaho Area"
Excerpts from "Thermal Springs in the Payette River Basin, West-Central Idaho"
Well Logs – Belvidere Area
Pertinent File Data – Water Right 63-12891
Pertinent File Data – Water Right 63-13332
Stipulation and Order – Pancheris/Littles/A.L. Cattle Inc

Boise, Idaho

July, 1976

GEOHERMAL INVESTIGATION OF THE CASCADE, IDAHO AREA

by

Monte D. Wilson
James K. Applegate
Sherl L. Chapman
Paul R. Donaldson

DEPARTMENT OF GEOLOGY AND GEOPHYSICS

BOISE STATE UNIVERSITY

GEOHERMAL INVESTIGATION OF THE CASCADE, IDAHO AREA.

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Can I have all of these reports please?

through the Cascade damsite. Geomorphic evidence suggests left lateral movement along one or both of these faults. Microseismic monitoring indicates continued activity along faults in this immediate area.

Fault Controlled Hot Springs

Eleven hot springs are located within, or immediately adjacent to, the area mapped in this project (Plate I); all of them are within twelve miles of Cascade and all are fault controlled. In addition, one former hot spring on Little Pearsoi Creek, about four miles east of Cascade, has dried up in the last 20 years and several former hot springs on the fault trace about one mile northwest of Cascade are now flooded by the reservoir. Silica analysis and projected temperatures at depth were done on seven of these springs. The four hot springs near the Boiling Springs Guard Station, just off the south-western portion of the map, were not included in these analyses.

Silica analyses were done by the standard molybdosilicate method (Taras and other, 1971, p.303) using a Bausch and Lomb Spectronic 20 spectrophotometer. The mixing model used to project temperatures at depth is the one established by Fournier and Truesdell (1974). For the purposes of establishing a mixing model, a temperature of 10°C and a silica content of 25 ppm was used for all cold water mixes based on analyses of representative samples collected near hot springs.

From Table 1 it can be seen that surface temperatures of hot springs range from 36°C to 71°C, while silica contents range from 42.9 ppm to 68 ppm. A mixing model using these hot spring temperatures and silica contents along with a cold water temperature of 10°C and silica content

<u>Hot Springs</u>	<u>Location</u>	<u>Silica ppm</u>	Temperature °C	
			<u>Surface</u>	<u>Mixing Model</u>
Cabarton	SW $\frac{1}{4}$, Sec. 31, T13N, R4E	68.0	71.0 ⁰	147 ⁰
Arling	NW $\frac{1}{4}$, Sec. 13, T15N, R3E	56.6	40.0	179
Gold Fork	SW $\frac{1}{4}$, Sec. 35, T16N, R4E	62.3	50.5	165
Flat Creek	SW $\frac{1}{4}$, Sec. 21, T15N, R4E	47.5	38.0	158
Cascade	NE $\frac{1}{4}$, Sec. 36, T14N, R3E	42.9	38.5	140
Little Creek	NE $\frac{1}{4}$, Sec. 5, T14N, R5E	48.6	36.0	168
Belvidere	NE $\frac{1}{4}$, Sec. 13, T13N, R3E	60.0	49.5	163

TABLE 1: Silica analyses and mixing model temperatures
of hot springs near Cascade

of 25 ppm predicts temperatures at depth ranging from 140°C to 179°C (Figures 2-8).

It should be noted that five of these hot springs are located on or near the Cascade Valley fault which marks the western edge of Cascade Valley and extends northward through Little Valley. These hot springs, from south to north are Cabarton, Belvidere (also called Sky Ranch), Cascade, Flat Creek and Gold Fork.

Hydrothermal Alteration Zones

Zones of rock alteration exist along several faults in the Cascade area. In an attempt to determine the extent to which hydrothermal solutions were responsible for this rock alteration, eleven samples were collected for powder analysis by x-ray diffraction techniques.

Table II shows the locations of samples collected and results of the x-ray analyses. In fault zones where hydrothermal alteration has occurred kaolinite is usually found. Such fault zone kaolinite, however, may have been formed at depth because hot waters flowing out at the surface tend to deposit silica rather than alter rock (Clayton R. Nichols, personal communication, 1975). Kaolinite was found in significant amounts in two of the alteration zones and it was found in minor amounts in three others. Zeolite minerals are often found where there has been extensive fracturing and mylonitization of rock and they are usually associated with illite and montmorillonite (Clayton R. Nichols, personal communication, 1975).

The basalt is fractured and well jointed at the surface and, where encountered below the water table in extensive occurrences, it is permeable enough to provide adequate yields for nearly all domestic or stock requirements for individual wells.

Valley Fill and Surficial Deposits - The valley fill materials and surficial deposits are the most extensively developed aquifers in the valley. This silt, sand and gravel provides ground water for over 90% of all homes in the Cascade-Long Valley area. Most wells are quite shallow, less than 100 feet in depth, and have poor yields. Locally some wells produce up to 30 gpm, but most are in the 2-5 gpm range.

Artesian zones are present in several areas. These areas of artesian pressure are the result of clay lenses lying above permeable sands. The pressure generated is generally quite low with water levels rising only a foot or two upon penetration of the confining layer. One very significant anomaly occurs near the south end of Cascade Reservoir. A well in the NW/4, NW/4, Sec 11, T13N, R3E penetrates 260 feet of white clay and boulders below a soil and clay overburden. White sand was encountered at 300 feet which contained water under 220 feet of artesian head. This is by far the highest artesian pressure noted in the valley and is probably the result of ground water entering the sand from the granitic rocks on the sides of the valley and being trapped beneath a thick layer of clay.

This occurrence and other weak artesian pressures in the valley strongly indicate that recharge to the aquifer beneath the valley floor is occurring at a multitude of levels from the granitic rocks adjacent to the valley. As the water moves laterally away from the mountains, it becomes

1

2

3

THERMAL SPRINGS IN THE PAYETTE
RIVER BASIN, WEST-CENTRAL IDAHO

By R. E. Lewis and H. W. Young

U.S. GEOLOGICAL SURVEY

Water-Resources Investigations

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common ions, silica, and the minor elements arsenic, boron, lithium, and mercury, are given in table 1. In addition, chemical analyses of water from three thermal springs sampled by Young and Mitchell (1973) and five thermal springs for which only partial analyses are available are included. Spring locations are shown on plate 1.

Chemical Character

All the thermal springs discharge fresh water (less than 600 mg/L dissolved solids) of a sodium bicarbonate type, at temperatures between 34° and 86°C. These waters are slightly alkaline--pH ranges from 8.0 to 9.6. Generally, the higher pH values are associated with waters having lower concentrations of dissolved solids. Concentrations of chloride and fluoride are variable and show no definite correlation with temperature. Concentration of boron is low compared with other thermal waters in Idaho, and is, to a degree, correlative with water temperature.

Nonthermal spring waters are either a calcium or sodium bicarbonate type. Water temperature measured in these springs is 7.0°C or less and, generally, is representative of local, ambient conditions. Concentrations of dissolved solids in these near-neutral waters (pH ranges from 6.2 to 7.3) are 90 mg/L or less.

Chemical Geothermometers

Aquifer temperatures in the Payette River basin were estimated using the silica geothermometer (Fournier and Rowe, 1966) and the Na-K-Ca geothermometer (Fournier and Truesdell, 1973). Temperatures estimated by these chemical geothermometers are valid only for hot-water systems and only if the following basic assumptions are met (Fournier, White, and Truesdell, 1974): (1) The chemical reactions at depth are temperature dependent; (2) an adequate supply of chemical constituents used for the thermometry is present in the aquifer; (3) chemical equilibrium is established at depth between the hot water and the specific aquifer minerals; (4) there is negligible reequilibration of the chemical composition of the hot water as it rises to the surface; and (5) hot water rises rapidly to the surface with no dilution or mixing of hot and cold waters.

Dissolved silica (SiO_2) reported in chemical analyses is actually present as silicic acid (H_4SiO_4) and various dissociated species, particularly H_3SiO_4^- . In neutral to slightly acid waters, dissolved silica ($\text{H}_4\text{SiO}_4 + \text{H}_3\text{SiO}_4^-$) consists mostly of H_4SiO_4 , and, under these conditions,

Table

Chemical constituents in milligrams per liter, except where noted

-- = Constituents not analyzed for;
< = Less than.

Spring no.	Date of collection	Flow rate ¹ (gal/min)	Specific conductance (umhos)	pH	Water temperature ² (°C)	Hardness as CaCO ₃	Noncarbonate hardness	Calcium (Ca)	Magnesium (Mg)	Sodium (Na)	Percent sodium	Sodium-adsorption ratio (SAR)	Potassium (K)	Bicarbonate ³ (HCO ₃)	Carbonate ³ (CO ₃)	Alkalinity as CaCO ₃	Sulfate (SO ₄)	Chloride (Cl)	Fluoride (F)	Silica (SiO ₂)	Dissolved solids (calculated)	Nitrate plus nitrite as N (NO ₃ +NO ₂)	Phosphorus total as P	Arsenic (As) (ug/L)	Boron (B) (ug/L)	Lithium (Li) (ug/L)	Mercury (Hg) (ug/L)
17N-28-15BACIS	6-27-79	2	85	7.3	7.0	31	0	7.8	2.9	3.9	20	0.3	1.8	51	0	42	2.6	0.4	<.1	45	90	0.11	0.02	0	2	<4	<0.01
15N-5E-23DACIS	6-27-79	2	20	6.2	4.0	5	1	1.7	2	2.4	53	1.5	1.2	12	0	10	1.7	1.4	1.2	17	29	<.01	<.02	1	0	<4	<.01
13N-5E-21CACIS	6-26-79	4	21	6.2	6.5	3	0	1.1	1.1	1.9	58	1.5	2	7	0	6	1.4	1.4	<.1	13	22	<.01	<.02	0	0	<4	<.01
9N-9E-32BACIS	8-31-79	2	52	6.6	4.5	17	0	3.8	1.9	3.1	27	1.3	1.6	29	0	24	1.9	1.4	1.1	14	42	1.13	<.02	0	10	10	<.01
16N-4E-35CCBIS	6-27-79	94	304	9.5	50.0	3	0	1.1	<.1	70	98	18	7	49	36	100	12	11	9.0	63	215	<.01	<.01	11	50	30	<.01
15N-4E-21BACIS	6-27-79	796	279	--	34.0	4	0	1.3	1.1	60	97	14	6	17	45	89	43	16	2.6	60	210	--	--	--	--	--	--
13N-4E-13BACIS	6-26-79	31	206	9.6	36.0	4	0	1.3	1.1	43	96	9.8	1.5	32	34	84	7.8	2.5	1.4	48	146	<.01	<.01	3	10	8	<.01
13N-4E-31CACIS	6-26-79	20	433	9.3	49.0	3	0	1.2	<.1	85	98	21	1.0	56	34	102	24	28	5.5	61	256	<.01	<.01	21	310	40	<.01
13N-4E-31CACIS	6-26-79	70	514	9.0	71.0	4	0	1.5	<.1	110	97	25	2.1	68	25	97	43	40	11	72	329	<.01	<.01	39	400	60	1.1
13N-6E-29BACIS	7-7-79	50	334	9.5	53.0	4	0	1.6	1.1	64	96	13	1.3	32	36	86	31	7.8	15	80	240	<.01	<.01	6	50	30	<.01
12N-5E-20CACIS	7-8-79	12	--	--	46.5	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
10NDDIS	7-8-79	10	337	9.3	50.0	3	0	1.3	<.1	65	97	16	1.1	34	34	84	16	6.5	16	--	--	<.01	<.01	6	60	60	<.01
22BACIS	6-5-79	134	331	8.9	86.0	4	0	1.4	1.1	74	96	16	1.9	95	108	12	12	11	--	--	--	--	--	--	--	--	--
36BACIS	8-8-79	334	266	8.9	38.0	7	0	2.8	<.1	54	94	8.9	2.6	77	5	71	26	5.8	12	54	186	.03	.02	5	50	50	<.01
11N-5E-29BACIS	8-8-79	50	293	8.8	49.0	8	0	2.1	<.1	97	96	4.8	5.3	99	4	88	24	9.6	13	74	277	<.01	<.01	6	70	90	<.01
11N-7E-16BACIS	7-24-79	90	315	9.3	65.0	5	0	1.8	1.1	65	95	13	1.8	13	35	69	36	3.9	15	82	236	.02	.03	14	50	80	<.01
10N-4E-31BACIS	11-27-79	500	402	8.4	75.0	5	0	1.9	1.1	90	96	17	3.2	130	2	110	27	19	13	110	331	.01	<.01	9	120	100	<.01
10N-10E-31BACIS	3-13-79	360	378	9.3	84.0	4	0	1.5	<.1	77	96	17	3.2	18	38	78	50	8.0	17	91	282	<.01	<.01	1	70	110	1.2
10N-11E-31BACIS	5-7-79	75	381	9.6	67.0	5	0	1.9	1.1	77	95	15	2.6	1	45	76	46	9.5	15	82	267	.02	<.01	2	90	110	1.1
9N-7E-25BACIS	11-22-79	32	622	8.0	79.5	16	0	6.1	1.1	120	92	13	5.3	160	0	131	88	39	12	120	470	.01	<.01	5	240	150	<.01
9N-7E-31BACIS	5-7-79	3	287	9.3	37.0	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
9N-8E-31BACIS	3-13-79	20	369	9.2	63.5	4	0	1.4	<.1	79	97	18	1.8	40	31	84	39	5.7	20	83	270	<.01	<.01	2	20	120	<.01
32BACIS	2-27-79	350	321	9.1	64.0	5	0	1.9	<.1	79	96	14	1.3	29	29	72	39	3.9	16	67	232	.02	<.01	2	50	110	<.01
9N-8E-22BACIS	7-29-79	13	--	--	54.0	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
8N-5E-18CCBIS	6-8-72	1.5	317	--	40.0	6	0	2.4	1.1	66	95	11	1.9	85	1	71	42	5.1	3.1	48	216	--	--	--	--	--	--
6BACIS	11-23-78	14	359	9.0	42.0	8	0	2.9	1.1	77	95	12	1.2	67	20	88	37	7.3	15	75	262	.01	<.01	6	110	120	<.01
6BACIS	2-26-79	75	343	9.1	51.0	12	0	5.0	<.1	72	92	8.9	1.3	61	22	87	36	7.8	15	63	245	.01	<.01	6	110	130	<.01
10BACIS	11-22-78	10	344	9.0	54.0	5	0	2.0	<.1	76	96	15	1.2	59	19	80	40	5.7	14	78	259	.01	<.01	4	90	80	<.01
10BACIS	11-27-78	90	345	9.2	54.5	5	0	2.0	<.1	75	96	14	1.0	40	23	78	38	5.7	14	74	249	.01	<.01	4	70	70	<.01
11BACIS	2-26-79	35	352	9.1	60.0	5	0	1.8	<.1	78	96	16	1.4	49	28	87	41	5.4	17	66	254	.01	<.01	5	90	160	<.01
11BACIS	7-25-79	5	346	9.2	56.5	--	--	--	--	--	--	--	--	43	26	79	--	--	--	--	--	--	--	--	--	--	--
8N-6E-18BACIS	2-27-79	175	343	9.2	59.5	5	0	2.0	<.1	75	96	15	1.1	39	29	80	38	6.7	17	63	242	.01	<.01	6	80	100	<.01
7N-1E-9BACIS	9-5-79	50	780	8.0	64.0	22	0	8.4	2.1	110	92	15	8.0	180	0	148	120	61	16	110	573	<.01	<.01	10	710	220	<.01
9N-1E-9BACIS	8-4-72	20	529	--	45.0	47	0	15	2.4	99	80	6.3	5.3	169	0	139	57	30	8	94	397	--	--	--	--	--	--

¹Flow rate is for entire spring complex.²Water temperature is highest temperature at spring vents or temperature of sampled vent.³Total alkalinity distributed as carbonate and bicarbonate at the spring temperature and pH.⁴Analyses taken from Young and Mitchell (1973).⁵Temperature may be higher because vents were underwater.⁶Shown in Young and Mitchell (1973) as BCBIS.

silica geothermometers give good estimates of reservoir temperatures. In alkaline waters, hydroxide (OH^-) reacts with silicic acid to reduce the proportion of silicic acid to total dissolved silica. The total concentration of dissolved silica measured in the laboratory ($\text{H}_4\text{SiO}_4 + \text{H}_3\text{SiO}_4^-$) must therefore be reduced by the concentration of H_3SiO_4^- occurring at the pH level of the spring water, to obtain an accurate estimate of the reservoir temperature.

For thermal waters having pH greater than 8.2, reported values for dissolved silica were corrected for dissociation of silicic acid at the spring temperature, and reservoir temperatures were estimated assuming equilibrium with both quartz and chalcedony (table 2). The pH of water in the thermal aquifer would be slightly lower than the pH measured at the spring, and calculation of aquifer pH might increase the H_3SiO_4^- -corrected quartz temperature by 5° or 10°C (R. H. Mariner, written commun., 1980). Calculation of aquifer pH requires consideration of acid-base equilibria, distribution of acidic gases between steam and water, and the effect of temperature on the equilibria (Ellis and Mahon, 1977). Most of the calculations are time consuming and require computer methods, such as those presented by Truesdell and Singers (1973).

Concentration of magnesium in thermal waters sampled generally was 0.1 mg/L or less, so corrections for magnesium in the Na-K-Ca geothermometer suggested by Fournier and Potter (1979) were not applied. Applying the magnesium correction to the Na-K-Ca geothermometer for one thermal spring having a magnesium concentration of 2.4 mg/L increased the estimated reservoir temperature by 6° to 90°C .

Reservoir temperatures calculated from water analyses for 26 thermal springs in the Payette River basin are given in table 2, along with selected chemical reaction coefficients. In applying the H_3SiO_4^- -corrected silica geothermometer for thermal springs having water temperature at the land surface generally greater than 65°C , best estimates were obtained by assuming that quartz was controlling the SiO_2 concentration. For springs having temperatures at the surface generally less than 65°C , better estimates of reservoir temperature were obtained by assuming that chalcedony was controlling the SiO_2 concentration. If, however, the calculated free energy of formation showed the waters were unsaturated with chalcedony; or, if the estimated temperature was less than the temperature of the spring, then quartz was assumed to be controlling the SiO_2 concentration.

Using a plot of reservoir temperatures estimated by the silica and the Na-K-Ca geothermometers, Fournier, Sorey, Mariner, and Truesdell (1979) showed waters that plot on or

Table 2. Estimated aquifer temperatures and free energy of formation for selected thermal springs

Spring No.	Water temperature at the surface (°C)	Estimated aquifer temperatures based on geothermometers					Free energy of formation ¹				Reference No. (fig. 2)
		Silica quartz-conductive (°C)	Silica quartz-conductive H ₃ SiO ₄ -corrected (°C)	Sodium-potassium-calcium (°C)	Silica-chalcedony (°C)	Silica-chalcedony H ₃ SiO ₄ -corrected (°C)	Aragonite	Calcite	Chalcedony	Quartz	
16N- 4E-35CCB1S	50.0	113	69	71	84	37	0.1	0.2	-0.2	0.3	1
15N- 3E-13BBC1S	34.0	110	61	61	81	28	-0.1	0	-0.1	.5	2
15N- 4E-21DCC1S	36.0	100	62	53	70	30	0	.1	0.1	.5	3
13N- 3E-13ADA1S	49.0	111	79	83	82	47	0	.1	0	.5	4
13N- 4E-31CAB1S	71.0	120	91	117	91	61	.1	.2	.1	.3	5
13N- 6E-29DAB1S	53.0	125	76	82	97	45	.2	.3	.1	.4	6
12N- 5E- 2DAC1S	50.0	120	86	81	92	55	0	0	.1	.6	7
22BBC1S	86.0	129	101	100	101	71	.3	.4	.2	.2	8
36DBA1S	38.0	105	93	57	76	62	.3	.2	.3	.9	9
11N- 5E-29CDB1S	49.0	121	107	61	93	77	-0.1	0	.4	.9	10
11N- 7E-16AAB1S	65.0	126	84	91	99	52	.3	.4	.2	.3	11
10N- 4E-33CBD1S	75.0	143	132	138	116	105	.3	.2	.4	.8	12
10N-10E-31BCC1S	84.0	132	81	145	105	50	.5	.6	.5	.1	13
10N-11E-31ADD1S	67.0	126	63	134	99	31	.6	.7	.5	.1	14
9N- 3E-25BAC1S	79.5	148	143	144	122	116	.1	.2	.5	.9	15
9N- 8E-31ACA1S	63.5	127	90	99	99	60	.1	.2	0	.4	16
32CBA1S	64.0	116	86	79	87	55	.2	.3	.1	.4	17
8N- 5E- 1BCC1S	40.0	100	89	62	70	59	.5	.4	.3	.8	18
6DCB1S	42.0	122	104	69	94	74	.1	.1	.4	1.0	19
6DCC1S	51.0	113	88	60	84	58	.6	.7	.1	.6	20
10ADD1S	54.0	124	101	76	96	71	-0.1	0	.2	.8	21
10BDD1S	54.5	121	89	70	93	58	.1	.2	.1	.6	22
11BAA1S	60.0	115	87	84	86	56	.2	.2	0	.4	23
8N- 6E- 1ADB1S	59.5	113	80	74	84	49	.3	.3	.1	.3	24
7N- 1E- 8DDA1S	64.0	143	138	152	116	112	0	.1	.6	1.1	25
9CDC1S	45.0	134	133	290	107	106	.5	.4	.8	1.3	26

¹Values are departure from theoretical equilibrium in kilocalories; (+) values indicate supersaturation, (-) values indicate unsaturated. Calculations from computer program SOLMNEQ (Kharaka and Barnes, 1973).

²Magnesium corrected (Fournier and Potter, 1979).

near the equal-temperature line ($T^{\circ}_{\text{SiO}_2} = T^{\circ}_{\text{Na-K-Ca}}$; slope = 1) are likely to be unmixed waters or waters that have reequilibrated with the aquifer minerals after mixing. Waters that plot significantly above the equal-temperature line probably contain anomalous concentrations of silica, owing to evaporation or to dissolving amorphous silica from the aquifer material. The Na-K-Ca geothermometer uses ratios of constituents and is less sensitive to concentration changes that occur during evaporation than is the silica geothermometer.

Waters that plot significantly below the equal-temperature line may be due to: (1) Mixing with another type water without sufficient time to equilibrate with the surrounding rock (in mixed waters, silica-estimated temperatures are generally decreased more than Na-K-Ca estimated temperatures); (2) precipitation of silica during cooling, whereas Na-K-Ca proportions remain unchanged; or (3) precipitation of calcite or aragonite due to loss of carbon dioxide without adjustment of sodium and potassium through reaction with clays, zeolites, or other minerals (Fournier and others, 1979).

Figure 2 is a plot of reservoir temperatures estimated using silica and Na-K-Ca geothermometers for thermal springs in the Payette River basin. Most thermal springs plot on or near the equal-temperature line. As suggested by Fournier and others (1979), these waters are probably unmixed waters that have lost some heat through conduction or are mixed waters that have had time to reequilibrate. Several springs (samples 5, 7, 13, and 14) plot significantly below the equal-temperature line and may indicate a mixed water or water from which calcite and aragonite have precipitated. Table 2 shows that, with the exception of sample 7, waters from these springs are supersaturated with calcite or aragonite, which may indicate a possible loss of calcium without an adjustment of the sodium and potassium concentrations. For these samples, the silica geothermometer probably gives the better estimate of reservoir temperature.

Only two springs (samples 10 and 26) plot significantly above the equal-temperature line in figure 2. These waters are thought to have dissolved amorphous silica from the aquifer materials (calculated free energy of formation of amorphous silica is 0, which indicates equilibrium with this phase). For these springs, the Na-K-Ca geothermometer probably gives the better estimate of reservoir temperature.

Estimated reservoir temperatures determined from the silica and Na-K-Ca geothermometers are highly variable and range from 53° to 143°C. Along the North Fork of the

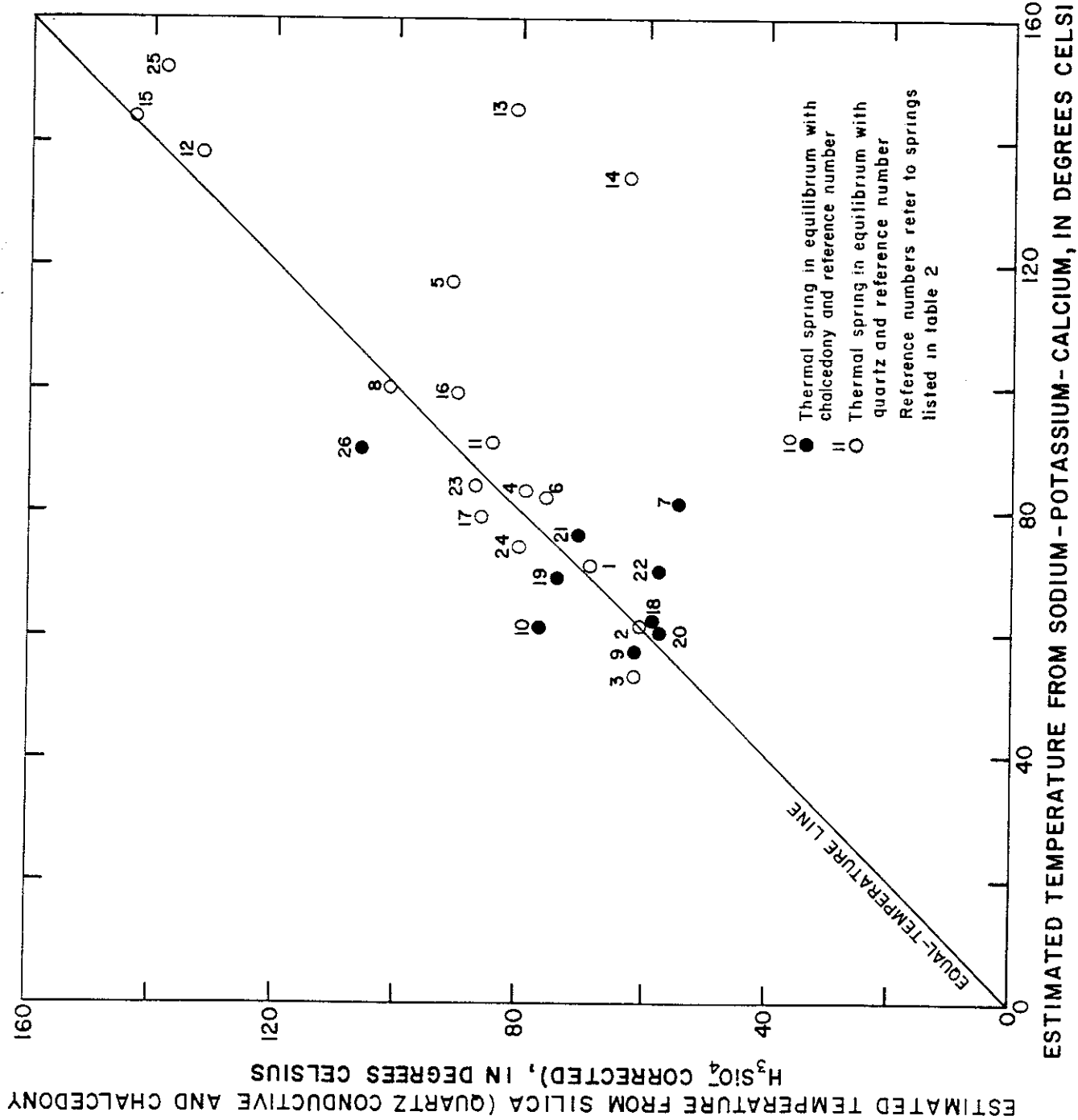


Figure 2.-- Comparison of reservoir temperatures estimated by the silica and sodium-potassium-calcium geothermometers

Payette River, estimated reservoir temperatures range from 53° to 91°C. Along the Middle and South Forks of the Payette River, estimated reservoir temperatures range from 57° to 138°C and 58° to 99°C, respectively. Estimated reservoir temperatures along the Payette River from Banks, Idaho, range from 90° to 143°C.

Assuming conductive heat loss, reservoir temperatures for six thermal springs were estimated using the sulfate-water isotope geothermometer described by McKenzie and Truesdell (1977): 16N-4E-35CCB1S, 71°C; 13N-4E-31CAB1S, 75°C; 13N-6E-29DAB1S, 71°C; 9N-3E-25BAC1S, 139°C; 9N-8E-32CBA1S, 88°C; and 8N-5E-10BDD1S, 76°C. Additional temperatures of 89° and 94°C were estimated for thermal springs 12N-5E-22BBC1S and 10N-10E-31BCC1S, respectively, by Nehring and others (1979).

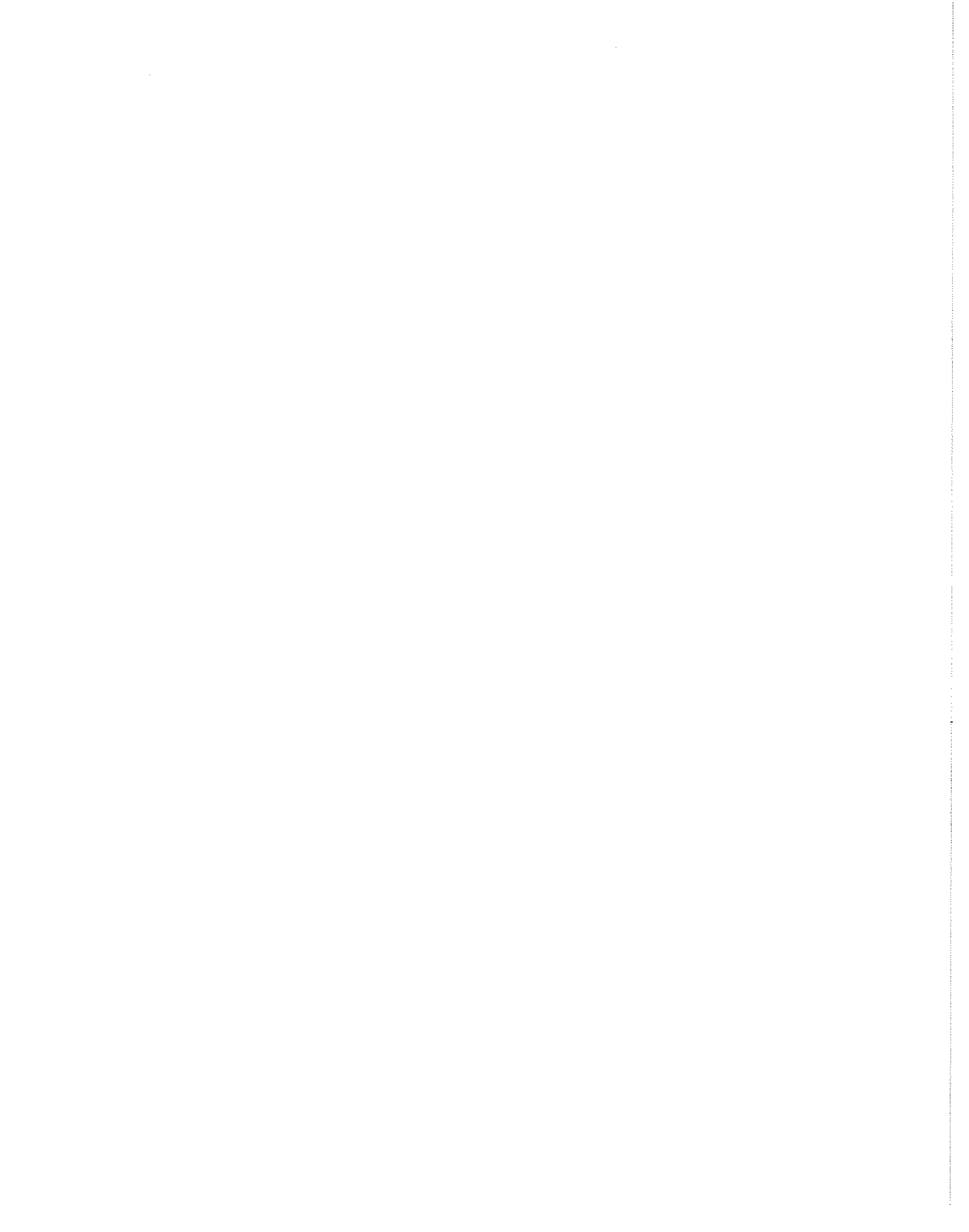
Isotopes

Samples of thermal and nonthermal water from selected springs in the Payette River basin were collected for analyses of oxygen-18, deuterium, and tritium. In this report, isotope data are presented in tabular and graphical format (tables 3 and 4 and fig. 3); interpretations concerning age or relation of the various waters are offered only insofar as they apply to the Payette River basin and are considered preliminary. A discussion of the isotopic composition and possible relations of thermal waters in the Payette, Salmon, and Boise River basins will be presented in a final report.

Tritium

Tritium (H^3) is produced naturally in small quantities in the upper atmosphere during bombardment by subatomic particles. The tritium, incorporated in water molecules, enters the water cycle in rain and snow. Having a half life of about 12.3 years, tritium can be used to determine how long a particular water may have been stored out of contact with the atmosphere. The transit or residence time can be determined from the concentration of tritium in the discharge water, if the amount of tritium in the recharge water and the nature of the subsurface flow regime are known.

Before extensive thermonuclear testing began in 1954, tritium in the atmosphere ranged from 10 to 20 TU (tritium unit). One TU equals a $^3H/H$ ratio of about 10, or about 3.2 picocuries per liter. By 1963, worldwide tritium levels had increased several orders of magnitude. Tritium levels in precipitation have since declined and now (1980) average about 50 TU.



Well Log Search for 13N 03E 13

NOTE: The data you are looking at may not be all of the data available. In the Northern Region all data that is available has been entered into the computer. In all other regions no data before July 1, 1987 has been entered. From July 1, 1987 to July 1, 1992 only partial data has been entered for the Western, Southern, and Eastern regions. From July 1, 1992 to the present all data for all regions has been entered and will show on this report only if the well log has been received. If you cannot locate well log information through our web search queries that you know exists, please contact your regional office. See our [region map](#) to determine regional boundaries. This data was last updated on 06/26/99.

NAME (S)	TWN	RNG	SC	TRACT	LT	A	DIA	DEPTH
BOEHM, IRLE W	13N	03E	13	NE NW	28	L	6"	265ft
BROWN, LOU	13N	03E	13	SE SE		L	6"	77ft
CHASE, KEVIN	13N	03E	13	NW NE		L	6"	99ft
DAVIS, GARY	13N	03E	13	NW NW		L	6"	160ft
GORCZYCA, JIM	13N	03E	13	NW NE			6"	361ft
GORCZYCA, ROBIN	13N	03E	13	NW NE			6"	361ft
GULF PACIFIC CATTLE CO	13N	03E	13	SW NE		L	6"	140ft
KYLE, MIKE	13N	03E	13	NE NW		L	6"	207ft
LEWIS, TED	13N	03E	13	NW NE			6"	118ft
PANCHERI, DARWIN	13N	03E	13	NE NE		L	6"	99ft
PANCHERI, JOAN	13N	03E	13	NE NE		L	6"	99ft
PEGAN, CHARLES M	13N	03E	13	NE NW			6"	182ft
SPARKS, JEFF	13N	03E	13	NW NE		L	6"	99ft
SWANBY, GREG	13N	03E	13	NW SW			6"	140ft
WOODARD, WARREN	13N	03E	13	NE NE			6"	124ft
WORTHEN, SCOTT	13N	03E	13	NE NW		P	0"	0ft

16 record(s) found.

Note: the number of records found is not necessarily the number of unique

Legend/key

FORM WD8001NP

Well Log Search for Eastern Western

NOTE: The data you are looking at may not be all of the data available. In the Northern Region all data that is available has been entered into the computer. In all other regions no data before July 1, 1987 has been entered. From July 1, 1987 to July 1, 1992 only partial data has been entered for the Western, Southern, and Eastern regions. From July 1, 1992 to the present all data for all regions has been entered and will show on this report only if the well log has been received. If you cannot locate well log information through our web search queries that you know exists, please contact your regional office. See our region map to determine regional boundaries. This data was last updated on 06/26/99.

website search
Did you contact regional office?
6PM

NAME (S)	TWN	RNG	SC	TRACT	LT A	DIA	DEPTH
EASTERN WESTERN CORPORATION	16N	03E	25	SW NW		6"	39ft 13 gpm
EASTERN WESTERN CORPORATION	16N	03E	25	SW SE		6"	49ft 18 gpm

2 record(s) found.

Note: the number of records found is not necessarily the number of unique ?

Legend/key

FORM WD8001NP

casing	swl	date
40	19	7/20/94
50	5	7/20/94

Call water well
Bellevue west of Cedar Run Rd
for
hired
help
not put
5
of the well

1. WELL OWNER
Name Gulf Pacific Lumber Co.
Address Box 25
Arden, Va 22441
Owner's Unit No. GS-29-2-049

2. NATURE OF WORK
☒ New well ☐ Deepened ☐ Replacement
Abandonment (describe abandonment procedures such as in the case plug depths, etc. in lithologic log)

3. PROPOSED USE
☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal
☐ Industrial ☐ Stock ☐ Waste Disposal or Injection
☐ Other (specify type)

4. METHOD DRILLED
☒ Rotary ☒ Air ☐ Hydraulic ☐ Reverse rotary
☐ Cable ☐ Dug ☐ Other

5. WELL CONSTRUCTION
Casing: ☐ Galvanized ☐ Other
Diameter: 6 inches
Length: 15 feet
Was casing drive shoe used? ☐ Yes ☒ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation: _____ inches by _____ inches
Number of perforations: _____ feet
Well screen installed? ☐ Yes ☒ No
Manufacturer's name: _____ Model No: _____
Diameter: _____ Slot size: _____ Set from: _____ feet to _____ feet
Gravel pack: ☐ Yes ☒ No ☐ Size of gravel: _____ feet to _____ feet
Surface seal depth: 20' Material used in seal: ☐ Cement grout ☒ Bentonite ☐ Puddling clay
Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☒ Overbore to seal depth
Method of joining casing: ☐ Threaded ☐ Welded ☐ Solvent Weld
☐ Cemented between strata
Describe access port: Sanitary well seal

6. LOCATION OF WELL
Sketch map location must agree with written location
Subdivision Name: _____
Lot No: _____ Block No: _____
County: Valley
SW 1/4 NE 1/4 Sec. 13, T. 13, R. 3, S. 2W.

7. WATER LEVEL
Department of Water Resources
Static water level: 35 feet below land surface
Flowing? ☐ Yes ☒ No G.P.M. flow: _____
Artesian closed in pressure: _____ p.s.i.
Controlled by: ☐ Valve ☐ Cap ☐ Plug
Temperature: 52°F Quality: clear
Describe artesian or temperature zones below

8. WELL TEST DATA
☐ Pump ☐ Bailor ☐ Air ☐ Other
Discharge G.P.M.: 4.7 Pumping Level: 140 Hours Pumped: 1

9. LITHOLOGIC LOG
Bore Diam. Depth From To Material Water Yes No
2" 0 3 TOP SOIL ☐ ☒
2" 3 13 Decomp. granite ☐ ☒
4" 13 20 Solid granite ☐ ☒
6" 20 140 " " ☐ ☒

10. Work started 6-9-84 **finished** 6-12-84

11. DRILLERS CERTIFICATION
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.
Firm Name: Menasco Drilling Firm No: 391
Address: McCall, Id. Date: 6-12-84
Signed by (Firm Official): C. S. H.
and (Operator): C. S. H.

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

~~no~~

23

X - 2010

Flow, gals. per hr.	Draw, ft.	Feet Pumped
12 gal	23. - 48	2

☒ Agitation	☐ Test	☐ Other (specify type)
☐ Industrial	☐ Stock	☐ Waste disposal or injection

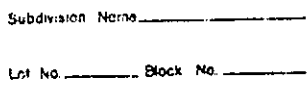
Depth			Material	Water	
14 in. Down	From	To		Yes	No
6	0	10	top soil		X
	10	32	clay		X
	32	42	sand		X
	42	60	clay		X
	60	69	sandy gravel	X	
	69	74	slaty		X

	6	feet	74	feet
	X	Shard	Concrete	
Diameter				
inches	6	inches	φ	feet
inches				74 feet
inches				feet
inches				feet
inches				feet
inches				feet

Is the material evaluated? ☐ Yes ☐ No
 Is the material tested? ☒ Yes ☐ No
 Is the material used? ☐ Factory ☒ Knife ☐ Touch
 Is the material used in inches by inches
 Is the material used in feet by feet
 24 perforations 62 feet 62 feet
 perforations - - - - - feet - - - - - feet
 perforations - - - - - feet - - - - - feet

Is it a test? ☐ Yes ☒ No
 Project name _____
 Model No. _____
 Slot size Slot from _____ feet to _____ feet
 Slot size Slot from _____ feet to _____ feet
 Gravel size ☐ Yes ☒ No Size of gravel _____ feet
 _____ feet to _____ feet
 Surface seal depth 50 Material used in seal ☐ Cement grout
☒ Pudding clay ☐ Wall cutting
 Sealing procedure used ☐ Sherry pit ☐ Temporary surface cover
☒ Overbore to seal dead

Sketch map location must agree with written location



County Vally
N.W. 1/4 S.E. 1/4 Sec. 13, T. 17, N. 1/2 R. 3 E.

Work started 7-19-74 finished 7-25-74

Firm Name H.A.H. drilling Firm No. 281

Address 327-S. 7th St Fayette Date _____

Signed by (Firm Official) William Hallaway
and
(Operator) Ray Hallaway

DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well

1 WELL OWNER Name <u>DARWIN R. JOHN PANCHERI</u> Address <u>15501 STAGE COACH RD NAMPN, ID</u> Drilling Permit No <u>65-91-2-018</u> Water Right Permit No _____	7 WATER LEVEL Static water level <u>28</u> feet below land surface. <u>no</u> Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature <u>52</u> OF. Quality <u>good</u> Describe artesian or temperature zones below																																																																
2 NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement Well diameter increase _____ Abandoned (describe abandonment procedures such as materials plug depths etc. in lithologic log)	8 WELL TEST DATA ☐ Pump ☐ Bailor ☒ Air ☐ Other _____ <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>Discharge G.P.M.</th> <th>Pumping Level</th> <th>Hours Pumped</th> </tr> <tr> <td><u>10</u></td> <td><u>98</u></td> <td><u>2</u></td> </tr> </table>	Discharge G.P.M.	Pumping Level	Hours Pumped	<u>10</u>	<u>98</u>	<u>2</u>																																																										
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USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

This law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

WELL COVER
BALLPOINT PEN

no

1 WELL OWNER Name: <u>Drew J. Jena Pacheco</u> Address: <u>15501 Stagecoach Rd Nampa, Id</u> Drilling Permit No: <u>15-91-2-042</u> Water Right Permit No: _____	7 WATER LEVEL Static water level _____ feet below land surface Flowing? ☒ Yes ☐ No G.P.M. flow <u>1/2</u> Art. sin. closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☒ Cap ☐ Plug Temperature <u>60</u> °F. Quality <u>good</u> (Describe atmosphere or temperature, if unusual)																																																																																																																												
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6	70	130	BROWN Decomposed GRANITE		☒																																																																																																																								
4 METHOD DRILLED ☒ Rotary ☒ Air ☐ Hydraulic ☐ Reverse rotary ☐ Cable ☐ Dig ☐ Other _____	10 Work started <u>6-5-91</u> finished <u>6-6-91</u>																																																																																																																												
5 WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____ <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Thickness</th> <th>Diameter</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td>250 inches</td> <td>6 inches</td> <td>1 foot</td> <td>66 feet</td> </tr> <tr> <td>inches</td> <td>inches</td> <td>feet</td> <td>feet</td> </tr> <tr> <td>inches</td> <td>inches</td> <td>feet</td> <td>feet</td> </tr> <tr> <td>inches</td> <td>inches</td> <td>feet</td> <td>feet</td> </tr> </tbody> </table> Was casing drive shoe used? ☐ Yes ☒ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☒ Yes ☐ No How perforated? ☒ Factory ☐ Knife ☐ Torch ☐ Gun Size of perforation <u>1/8</u> inches by <u>1</u> inches <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Number</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td>80 perforations</td> <td>38 feet</td> <td>42 feet</td> </tr> <tr> <td>200 perforations</td> <td>47 feet</td> <td>57 feet</td> </tr> <tr> <td>perforations</td> <td>feet</td> <td>feet</td> </tr> </tbody> </table> Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Model No. _____ <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Type</th> <th>Slot size</th> <th>Set from</th> <th>feet to</th> <th>feet</th> </tr> </thead> <tbody> <tr> <td>Diameter</td> <td>Slot size</td> <td>Set from</td> <td>feet to</td> <td>feet</td> </tr> <tr> <td>Diameter</td> <td>Slot size</td> <td>Set from</td> <td>feet to</td> <td>feet</td> </tr> </tbody> </table> Gravel pack? ☐ Yes ☒ No ☐ Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>18</u> Material used in seal: ☒ Cement grout ☐ Bentonite ☐ Puddling clay ☐ Sealing procedure used: ☐ Slurry pit ☒ Temp. surface casing ☐ Overbore to seal depth Method of joining casing: ☐ Threaded ☒ Welded ☐ Solvent Weld ☐ Cemented between strata Describe access port <u>SANITARY WELL SEAL</u>	Thickness	Diameter	From	To	250 inches	6 inches	1 foot	66 feet	inches	inches	feet	feet	inches	inches	feet	feet	inches	inches	feet	feet	Number	From	To	80 perforations	38 feet	42 feet	200 perforations	47 feet	57 feet	perforations	feet	feet	Type	Slot size	Set from	feet to	feet	Diameter	Slot size	Set from	feet to	feet	Diameter	Slot size	Set from	feet to	feet	11 DRILLERS CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed Firm Name <u>GESTER & SONS WELL DRILLING</u> Firm No <u>4108</u> Address <u>Hc 38 Box 10 Donnelly, Id</u> Date <u>6-6-91</u> Signed by (Firm Official) <u>Richard Esten</u> and _____ (Operator) <u>Richard Esten</u>																																																																													
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6 LOCATION OF WELL Sketch map location must agree with written location N <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:25%; text-align: center;">X</td> <td style="width:25%;"></td> <td style="width:25%;"></td> <td style="width:25%;"></td> </tr> <tr> <td style="text-align: center;">W</td> <td style="text-align: center;">18</td> <td style="text-align: center;">E</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">S</td> <td></td> <td></td> </tr> </table> County <u>VALLEY</u> Subdivision Name _____ Lot No. _____ Block No. _____ NW 1/4 NW 1/4 Sec. 18 T. 13 N. R. 3 E. S. 3 W. 1	X				W	18	E							S			USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT																																																																																																												
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State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 65-12891

Priority: October 19, 1988

Maximum Diversion Rate: 0.44 CFS
Maximum Diversion Volume: 51.3 AF

This is to certify, that DUANE PANCHERI
DARWIN PANCHERI

RT 1 BOX 48
MELBA ID 83641

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 19, 1988; and has submitted Proof of Beneficial Use on August 21, 1989. An examination indicates that the works have a diversion capacity of .440 cfs of water from:

SPRING tributary to MOORES CREEK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
HEATING	01/01 to 12/31	0.40 CFS	47.7 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	3.6 AF
	Totals	0.44 CFS	51.3 AF

LOCATION OF POINT(S) OF DIVERSION:

NESENE , Sec. 13, Township 13N, Range 03E
SENESE , Sec. 13, Township 13N, Range 03E
VALLEY County

PLACE OF USE: HEATING
TWN RGE SEC

13N 04E 18 SESW NWSE SWSE

PLACE OF USE: DOMESTIC, same as HEATING use

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

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JUL 24 1992

State of Idaho
Department of Water Resources

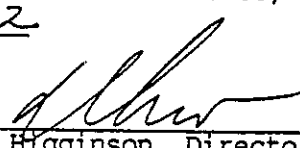
WATER RIGHT LICENSE

WATER RIGHT NO. 65-12891

CONDITIONS/REMARKS:

5. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
6. Domestic use is for 3 homes and a shop.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 5 day of January, 1992

for 
R. Keith Higginson, Director

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JAN 24 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

- Permit No. 65-12891
1. Owner: Darwin and/or Duane Pancheri Phone No. 467-1348 or 495-25
Current Address: 15501 Stagecoach Rd. Nampa ID, 83686
2. Accompanied by: Joan Pancheri EXAM. DATE: 10/17/89
Address: as above Phone No. as above
Relationship to Permit Holder: Spouse of Darwin Pancheri
3. Source: Spring tributary to Moore's Creek

B. OVERLAP REVIEW

1. Other water rights with same place of use: 65-06628 -02696 -11250
☐ Copies Attached N/A
2. Other water rights with same point of diversion: 65-01972 -01973 -11250 -08430
-12127 -01988 ☐ Copies Attached ☐ Copies of Field Exam's Attached
N/A

C. SYSTEM DESCRIPTION

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable ☒ Alternative diagram attached

See top of alternative diagram

SEP 04 1991

Scale: 1" = NOT TO SCALE

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and place(s) of use (required).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.)
☐ Aerial Photo Attached
(required for irrigation of 10 acres or more)

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

A hot spring (approx. 101 °F) is utilized via a drain system and approx. 2100 ft. of 10" pipe & then ~~2100~~³⁰⁰⁰ ft. of 4" pipe. Two control valves for this gravity system are found with 115' of source water is used to heat 3 homes & 1 shop as well as to irrigate $\frac{1}{2}$ acre of yard (external domestic use). The hot water is used in a swimming pool at one home. Discharged water (measured discharge temps. of 90 & 94 °F) is returned to Branch Creek via 4" overflow pipes and a small ditch paralleling one of the discharge pipes. The system has been operating since 1978.

☐ See Remarks on page 4 for continuation

4

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
		N/A	(gravity system)		

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

5 Point(s) of Diversion:

Ident. No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	NE	NE	~~13~~	13N	3E	Valley	USGS 7 1/2' quad Area
		NE	SE	NE	13				ORTHOphoto quad. Used compass, engineers 100' tape, and pacing to plot plat.

single
rd on
Q&Q line

6 Place(s) of Use:

Indicate Method of Determination

USGS 7 1/2' quad

Abstract Method of Determination																			
Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
13N	4E	18												D		D	D		
														G		G	G		

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Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
N/A						

2. Measurements:

Flow - no measurements possible

For sq. ft. of heating areas & other details, see Attachment #1.

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1 Measured Method: none

2. Alternate Method for Checking Purposes: see additional pg., Attachment #1

F. PUMP EFFICIENCY DATA (Optional) N/A

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x 0.01732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

V. (.24)(365)(1.9835) = 174.8 afa

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation: N/A

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

V = Smaller of V_{IR} and $V_{DR} =$ _____

2. Volume Calculations for Other Uses:

Domestic 3 Homes, 1 shop

2 homes int only = (2)(.6) = 1.2 afa
1 home & shop, int + ext = (2)(1.2) = 2.4 afa

V (.14)(365)(1.9835) = 72.4 afa

HEATING

Although Hot H2O runs continuously since also used for domestic, estimate that heat needed ~ 12 hrs/day, 80% of year for that area (292 days).
From cfs = 448.8 gpm 60 min. 12 hrs 292 days 7 = 77550 = 579 afa

H. REMARKS AND OVERLAP / NEW ANALYSIS

P/D would have to be approx 1000' E. of Caberton Rd. to be in QQQ shown on permit. Using NE corner of intersection of Caberton & Rosemont Rds., measured 175' N. & paced 500' East, then paced 50' N. to spring area. NO method of measurement was available for the diversion. The return flow from swimming pool (terminal use end of 4" delivery line) via a very small ditch & 4" pipe (see photograph #5) did not allow a flowmeter or 5 gal bucket measurement. However, see attached copy of 10/19/88 comm. memo from original application. This supports flow rate in permit. Limit rec'd flow to .20 cfs per *50 Proof free pond (Receipt 0010020). Increased rate for 0/4 but still within permit & proof of b.m. limits. Overlap - see attachment #2.

I. RECOMMENDATIONS

1 Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume
	From	To		57.9 V (afa)
Heating	1/1	12/31	.20	~~Handwritten~~
Domestic	1/1	12/31	.10	3.6
Totals:			.20	61.5

2 Recommended Amendments

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

J. AUTHENTICATION

Field Examiner's Name

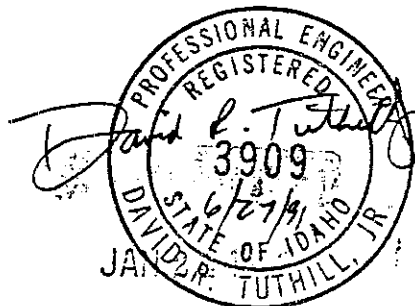
Signature

Certification Date

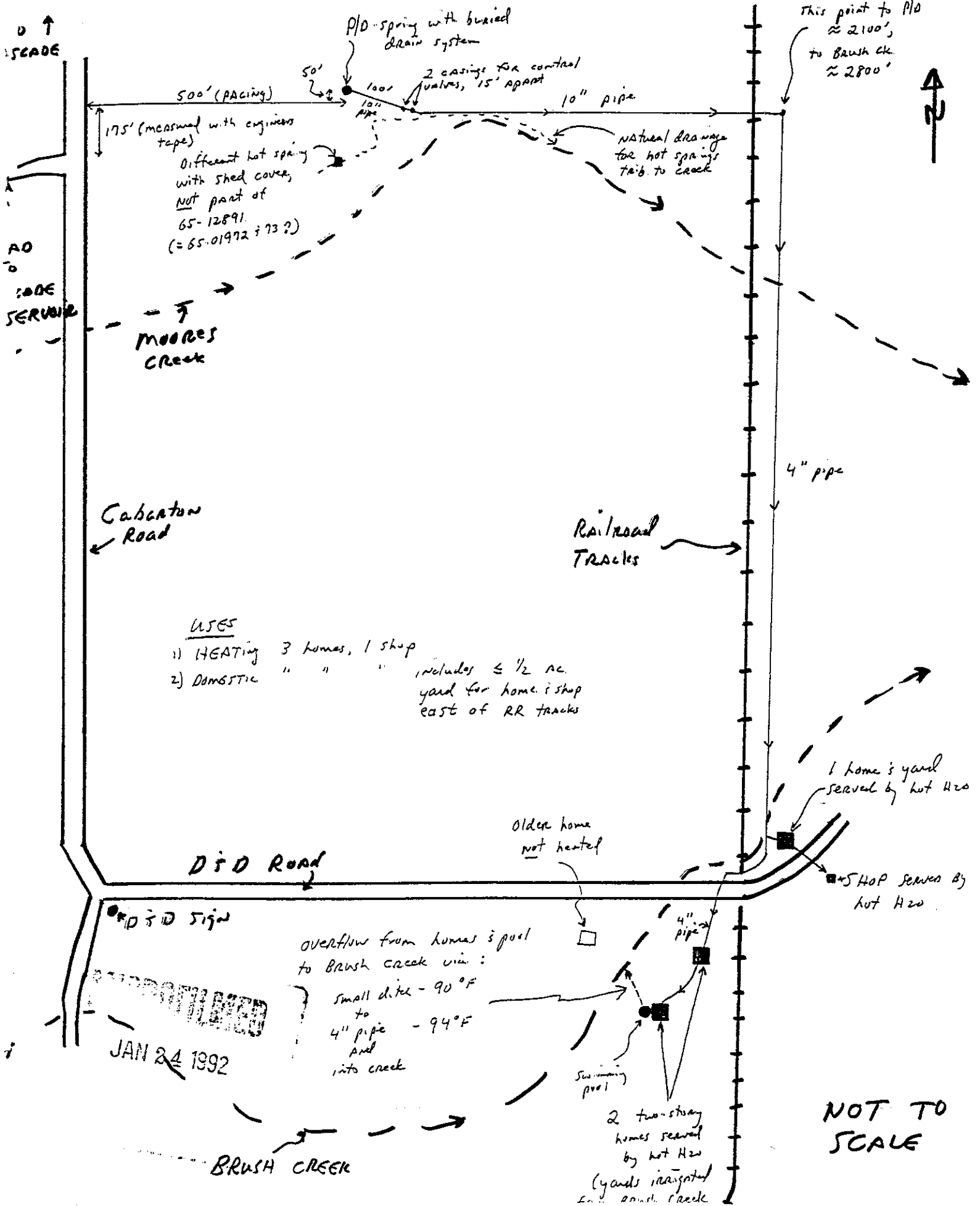
Field Report Preparation Date

Steven M. Lester
 Steven M. Lester
 10/17/89
 5/2/91
 CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.



65-12891 ALTERNATIVE DIAGRAM



CONVERSATION MEMORANDUM

DATE 10/19/88FILE 65-12891NAME OF PARTY PANCHERIEMPLOYEE Steve LasterRE: Estimating flow for heating per Polmi. memo 23 :3 2-story homes, 1 shopsq. ft. = 2200 + 1000 + 1800 + 720 = 5720, round to 5800 since area estimates may be low.source temp = 101° Ft_i = 70° F (assumed)t_o = -8° F (assumed ~ Pacatello)efficiency is average.→ for 2-story unitsE = [e · ΔT] [0.8A] where ΔT = t_i - t_o = 70 - (-8) = 78 and e extrapolateE = [(52.6)(78)] [(0.8)(5800)] = 19,036,992W = $\frac{Q}{500 (\Delta T_s)}$ where Q = E and ΔT_s = (0.6)(101 - 70) = 18.6W = $\frac{19,036,992}{(500)(18.6)} = 2047 \text{ gpm} = 4.56 \text{ cfs}$ Applicants want to use .40 cfs for heating, within the suggested range.

JAN 24 1992

ALLOW FOR LICENSING:.20 cfs (250 proof paid)↓Domestic (4 units) = .10 cfsHeating = .20 cfsTOTAL = .20 cfs

MICROFILMED

SEP 22 1989

Attachment #165-12891 EXAM

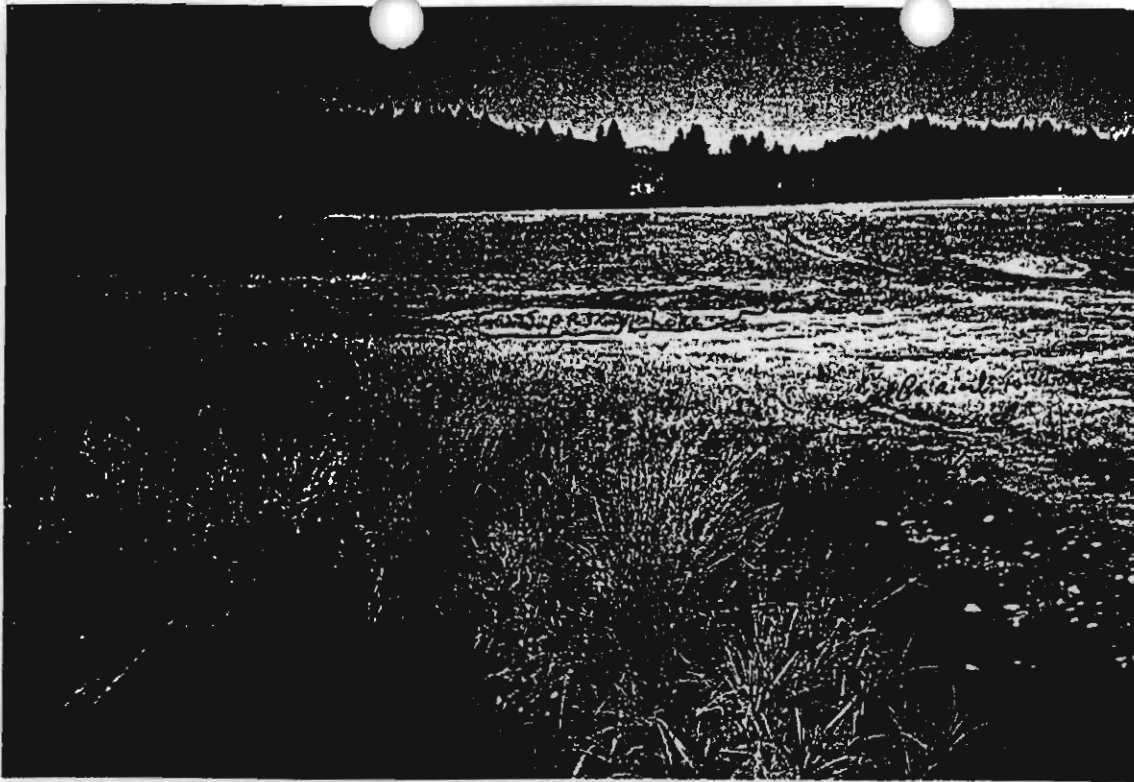


PHOTO ONE-

Looking NW at spring area



PHOTO TWO-

Not a well casing - this is a cover for
1 of 2 valves on 10" burial pipe from
p1d. This valve is about 100' SE of p1d.
Natural drainage for hot water is seen in
plots #1 & 2.

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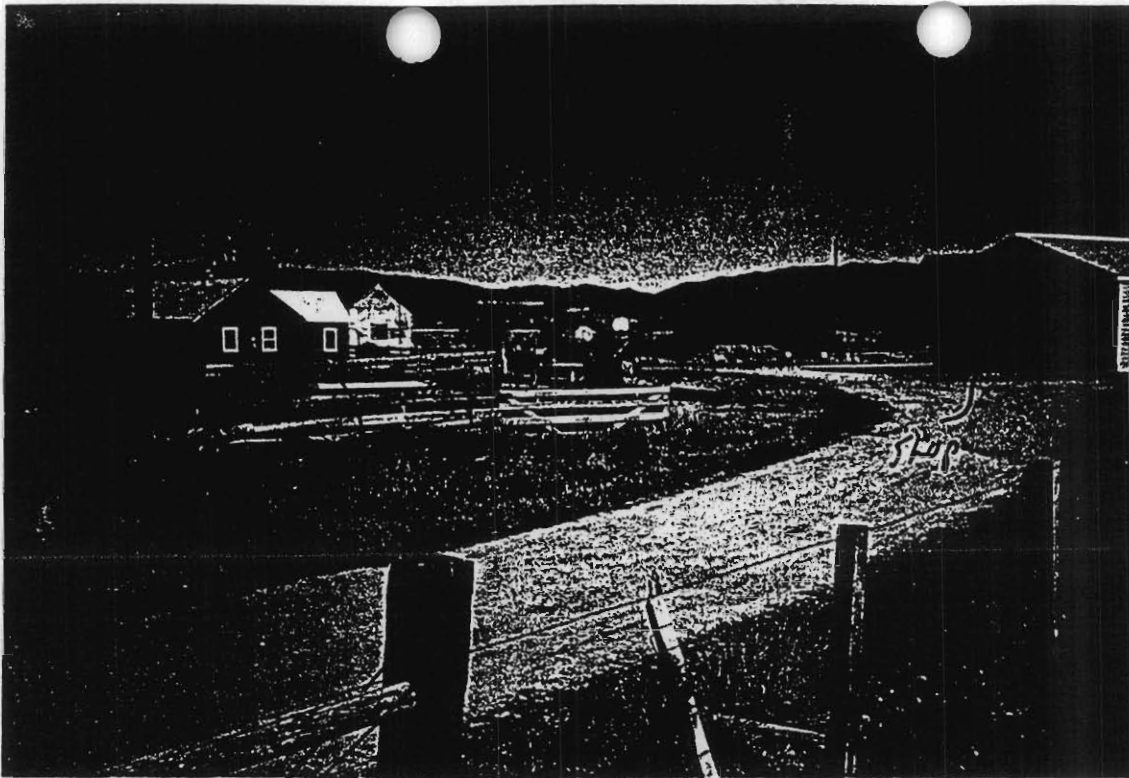


PHOTO THREE-

Plu Looking NE at home & shop on east side of Railroad tracks.



PHOTO FOUR-

Plu, 2 other homes between RR tracks & Brush creek. View is SW. Yards here are irrigated with Brush ck. water (65-06628).

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PHOTO FIVE-

4" Return flow pipe from swimming pool
to Brush Creek. Measured 94°F at this
pipe.

NOV 1989
JAN 24 1990

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13332

Proposed Priority: July 2, 1991

Maximum Diversion Rate:

0.10 CFS

This is to certify, that **JOAN PANCHERI**
DARWIN PANCHERI
15501 STAGECOACH RD.
NAMPA, ID 83686

has applied for a permit to appropriate water from:

SPRING

tributary of **MOORES CREEK**

and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

HEATING

01/01 to 12/31

0.10 CFS

LOCATION OF POINT(S) OF DIVERSION:

NESENE

Sec. 13, Township 13N, Range 03E

SENESE

Sec. 13, Township 13N, Range 03E
VALLEY County

PLACE OF USE: HEATING

TWN RGE SEC

13N 03E 13

NENE

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 1992.
2. Subject to all prior water rights.
3. Use of water under this permit is subject to control by the watermaster of State Water District No. 65.
4. A lockable device, subject to the approval of the Department, shall be installed on the diverting works in a manner that will provide the watermaster suitable control of the diversion prior to diversion of water under this permit.
5. Use of water under this permit shall be non-consumptive.
6. Single point of diversion on or near line between SESENE and NESENE, S13, T13N, R03E.
7. Heating use is for 1 home and 1 shop.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

27th day of August, 1991.

RECEIVED

SEP 04 1991

R. Keith Higginson
for
R. Keith Higginson, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Darwin & Joan Pancheri Phone 467-1348
Post office address 15501 Stagesack Rd. Nampa Id. 83686
2. Source of water supply Spring which is a tributary of Moore's Creek
3. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot —
Sec. 13 Township 13N Range 3E B.M. Valley County; additional
points of diversion if any: NESENE S.13 T13N R3E
4. Water will be used for the following purposes:
Amount .10 for heating purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)
Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)
Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) .10 and/or (b) —
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. drain system & collection pipe,
3/4 hp. pump & 1 1/2" mainline to buildings.
 - b. Height of storage dam — feet; active reservoir capacity — acre-feet; total
reservoir capacity — acre-feet; period of year when water will be diverted to storage:
— to — inclusive
 - c. Proposed well diameter is — inches; proposed depth of well is — feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? —
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
1 years (minimum 1 year)

SEP 04 1991

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

a. Hydropower; show total feet of head and proposed capacity in KW. _____

b. Stockwatering; list number and kind of livestock _____

c. Municipal; show name of municipality _____

d. Domestic; show number of households _____

e. Other; describe fully. heating of
1 home 2600 ft² (see 7/1/91
1 shop 1400 ft² comm. memo)

9. Description of place of use:

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

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
13N	3E	13	G																

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. 65-12891 is
same source but other ~~land~~ buildings

11. a. Who owns the property at the point of diversion? Applicant

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

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

12. Remarks: Single point of diversion on line between SESENE
and NESENE, S13, T13N, R03E
Heating is for 1 home and 1 shop.

SEP 04 1991

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

All attached map

SEP 04 1991

Scale: 2 inches equal 1 mile

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

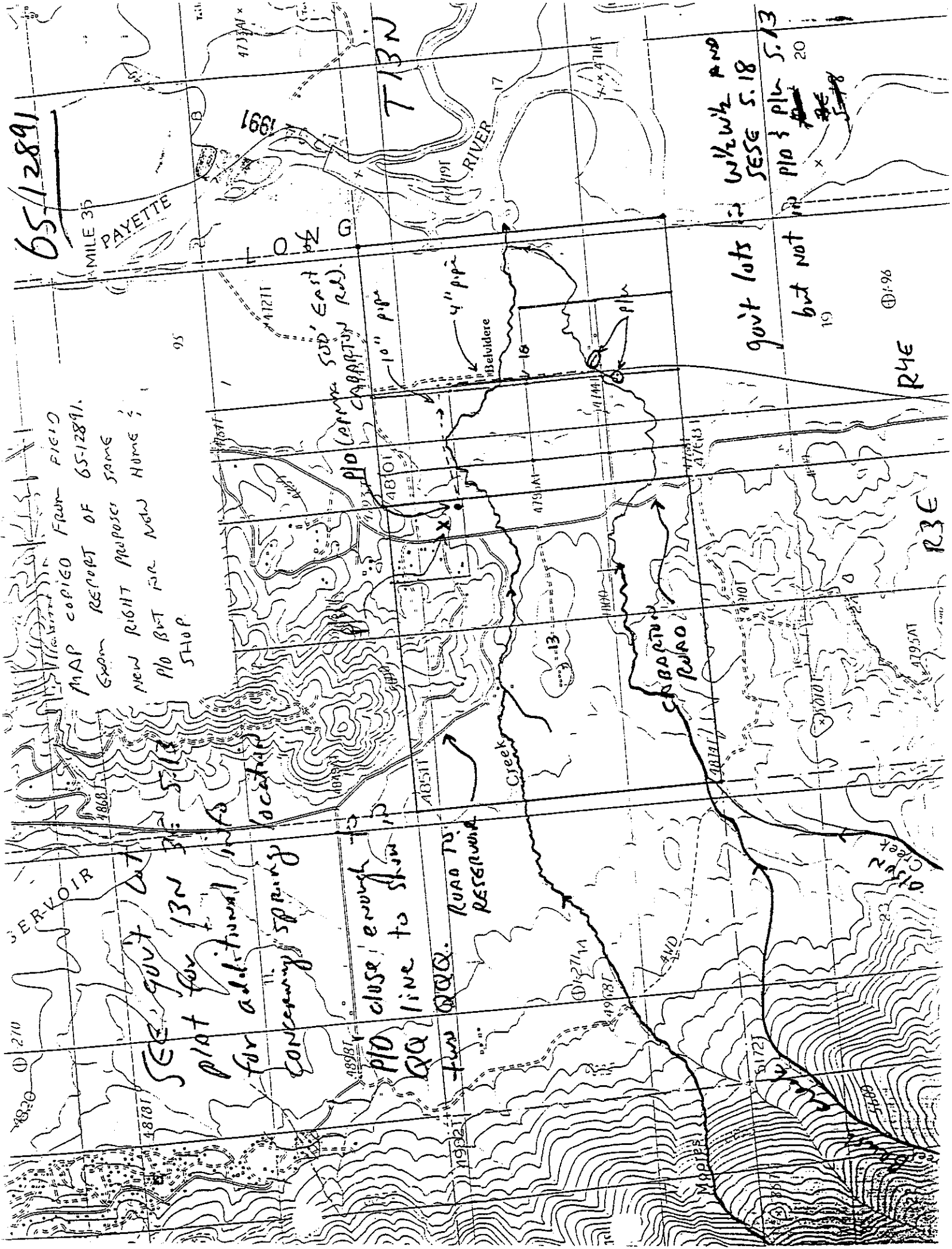
X John L. Buckner
(Applicant)

65-12891

MAP COPIED FROM FIG 10
REPORT OF 65-12891.
EXAM
NEW RIGHT PROPOSES SAME
PLOT BUT FOR NEW HOME &
SHOP

SEE GOVT ACT
plot for 13N 3E S.13
for additional info
concerning spring
location

close enough to
P10 line to show up
GO line
ROAD TO
RESERVOIR



govt lots 19 20
but not in
w/ 1/2 and
SESE 5.18
P10 3 PLU 5.13

①:96

R4E

R3E

COPY

I hereby certify that this
is a true and correct copy
of the original Stipulation and
Order filed in this cause on
the 30th day of December, 19
at 1:43 p.m.

JIM JONES
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 334-2400

PHILLIP J. RASSIER
JOSEPHINE P. BEEMAN
Deputy Attorneys General
Department of Water Resources
450 West State Street
Boise, ID 83720
Telephone: (208) 334-4448

John R. Dostert
District Judge

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL	)	Civil No. 3667
DETERMINATION OF THE RIGHT TO	)	
THE USE OF SURFACE AND GROUND-	)	STIPULATION AND ORDER:
WATER OF THE PAYETTE RIVER	)	PANCHERIS/LITTLES/
DRAINAGE BASIN	)	A. L. CATTLE INC.

The director of the Idaho Department of Water Resources, Darwin Pancheri and Joan L. Pancheri, Duane Pancheri and Laura Pancheri ("Pancheris" herein), the estate of Myrn H. Little, and A. L. Cattle, Inc. stipulate to the following water rights for the Pancheris, the estate of Myrn H. Little, and A. L. Cattle, Inc. within the Brush Creek drainage which is tributary to the North Fork of the Payette River. All of these water rights are listed in complete detail in the attached Exhibit A, but are listed in an abbreviated form here.

JL... - JUNE
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone (208) 334-2400

1. Brush Creek, tributary to North Fork, Payette River
65-6628 (Pancheris): 12.56 cfs for irrigation with a priority date of 4/1/1912;
65-1979 (A. L. Cattle, Inc.): 6.24 cfs for irrigation with a priority date of 6/1/1918;
2. Moores Creek, tributary to Brush Creek
65-11250 (Pancheris): 4.86 cfs for irrigation with a priority date of 5/1/1899;
3. Andy Creek, tributary to South Fork Moores Creek, and South Fork Moores Creek, tributary to Moores Creek
65-11280 (A. L. Cattle, Inc.): 1.06 cfs for irrigation with a priority date of 6/1/1902.

With respect to right 65-11280 (in the name of A. L. Cattle, Inc.), the Pancheris and A. L. Cattle, Inc. agree as follows. Although right 65-11280 on Andy Creek is junior in priority to the Pancheri's downstream right 65-11250 on Moores Creek, it will be considered for distribution purposes to be a prior right as long as the following conditions are satisfied:

a. The use of water by A. L. Cattle, Inc., its successors and assigns under right 65-11280 will not be expanded to lands not shown to be irrigated on the attached Exhibit A. That is if the Exhibit shows a given number of acres irrigated in a quarter section, A. L. Cattle, Inc. will not increase the number of acres being irrigated in that fractional section.

b. A. L. Cattle, Inc. agrees, for and on behalf of itself, successors and assigns, not to change the method of irrigating under 65-11280 even though the method of irrigating can be changed without increasing the consumptive use, such as changing from the present method of irrigating, flood irrigation, to sprinklers.

Where is Exhibit A?

JUL 24 1996

JIM JONES
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 334-2400

c. A. L. Cattle, Inc. agrees for and on behalf of itself, its successors and assigns not to change either the place of use of the water or the points of diversion without first obtaining the written consent of the Pancheris or the Pancheris' successors and assigns.

d. A. L. Cattle, Inc. agrees, for and on behalf of itself, its successors and assigns to use the water in such a manner that all water not needed for the propagation of crops will either be left in the natural drainage or will be returned back to Moores Creek upstream from the Pancheris' point of diversion as it presently exists.

e. The enforcement of those conditions which occur after the water is diverted from the natural channel will be the responsibility of the private parties, except that Water Resources may also exercise its authority under Title 42, Idaho Code.

4. Springs, tributary to Moores Creek

65-1972 (estate of Myrn H. Little): .04 cfs for domestic purposes with a priority date of 5/1/1901;

65-1973 (estate of Myrn H. Little): .01 cfs for domestic purposes with a priority date of 5/1/1901.

The Pancheris, the estate of Myrn H. Little and A. L. Cattle, Inc. further agree, based upon this stipulation, to withdraw the objections that each had filed affecting their respective rights on Brush Creek, Moores Creek and Andy Creek.

Dated this 30th day of December, 1986.

RINGERT, CLARK, HARRINGTON,
REID, CHRISTENSON & KAUFMAN,
CHARTERED

By: W. F. Ringert 12-30-86
William F. Ringert, a member
of the firm
Attorneys for Darwin Pancheri,
Joan L. Pancheri, Duane
Pancheri, and Laura Pancheri

JUL 24 1986

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Sam Gorrondo 27 December 1988

Louie Gorrondo, Attorney for
Claimant Agnes Brailsford,
Personal Representative of the
Estate of Myrn H. Little,
Deceased and for Claimant
A. L. Cattle, Inc.

JIM JONES
Attorney General

Josephine P. Beeman 26 December
Josephine P. Beeman
Deputy Attorney General
Idaho Department of Water
Resources

JUL 24 1988

PHILLIP J. RASSIER
JOSEPHINE P. BEEMAN
Deputy Attorneys General
Department of Water Resources
450 West State Street
Boise, ID 83720
Telephone: (208) 334-4448

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL	)	Civil No. 3667
DETERMINATION OF THE RIGHT TO	)	
THE USE OF SURFACE AND GROUNDWATER	)	ORDER
OF THE PAYETTE RIVER DRAINAGE	)	
BASIN	)	

The foregoing stipulation having come duly and regularly
before the court and good cause appearing therefore,

IT IS HEREBY ORDERED that the objections filed by the
Pancheris as to their rights 65-6622, 65-6629, 65-6628, and
65-11250 be dismissed with prejudice; further that the objections
to and protests filed against Pancheris' water rights by A. L.
Cattle, Inc. and the estate of Myrn H. Little and against the
water rights of A. L. Cattle, Inc. and the estate of Myrn H.
Little by Pancheris be dismissed with prejudice and without
attorneys fees and costs to any party.

IT IS FURTHER ORDERED that A. L. Cattle, Inc.'s water
rights 65-1979, 65-11280 and the estate of Myrn H. Little's water
rights 65-1972 and 65-1973 listed in the attached Exhibit A are
deemed admitted and conceded by the Pancheris, their heirs,

JUL 24 1996

successors and assigns as true and accurate, and subject to the conditions stated on pages 2 and 3 of the Pancheris/Littles/A. L. Cattle Inc. stipulation.

IT IS FURTHER ORDERED that the Pancheris' water rights 65-6628 and 65-11250 listed in the attached Exhibit A are deemed admitted and conceded by A. L. Cattle, Inc. and the estate of Myrn H. Little and their successors and assigns as true and accurate, and subject to the conditions stated on pages 2 and 3 of the Pancheris/Littles/A. L. Cattle Inc. stipulation.

DATED this 30 day of December, 1986.

/s/
JIM R. DOOLITTLE
District Judge

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Deputy Attorneys General
Department of Water Resources
450 West State Street
Boise, ID 83720
Telephone: (208) 334-4448

I hereby certify that this is
a true and correct copy of
the original stipulation and
order filed in this cause
on the 30th day of December
1986, at 1:50 p.m.
J. R. [Signature]
District Judge

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL	)	Civil No. 3667
DETERMINATION OF THE RIGHT TO	)	
THE USE OF SURFACE AND GROUND-	)	STIPULATION AND ORDER:
WATER OF THE PAYETTE RIVER	)	PANCHERIS AND LESLIE
DRAINAGE BASIN	)	

The director of the Idaho Department of Water Resources, Darwin Pancheri and Joan L. Pancheri, Duane Pancheri and Laura Pancheri ("Pancheris" herein), and William John Leslie ("Leslie" herein) stipulate to the following water rights for the Pancheris and Leslie, and A. L. Cattle, Inc. within the Brush Creek drainage which is tributary to the North Fork of the Payette River. All of these water rights are listed in complete detail in the attached Exhibit A, but are listed in an abbreviated form here.

JUL 24 1986

1. Andy Creek, tributary to South Fork Moores Creek
65-3420 (Leslie): 2.08 cfs for irrigation with a
priority date of 4/1/1894;
2. House Creek, tributary to North Fork Moore's Creek
65-3419 (Leslie): 2.62 cfs for irrigation with a
priority date of 4/1/1894;
3. Moores Creek, tributary to Brush Creek
65-11250 (Pancheris): 4.86 cfs for irrigation with a
priority date of 5/1/1899;
4. North Fork Moores Creek, tributary to Moores Creek
65-3419 (Leslie): 2.62 cfs for irrigation with a
priority date of 4/1/1894;
65-3420 (Leslie): 2.08 cfs for irrigation with a
priority date of 4/1/1894;
5. South Fork Moores Creek, tributary to Moores Creek
65-3420 (Leslie): 2.08 cfs for irrigation with a
priority date of 4/1/1894;
6. Springs, tributary to Moores Creek
65-3418 (Leslie): 0.04 cfs for irrigation with a
priority date of 4/1/1910.

With respect to rights 65-3418, 65-3419, 65-3420 (in the name of Leslie), the Pancheris and Leslie agree as follows. Although right 65-3418 on springs tributary to Moores Creek is junior in priority to the Pancheris' downstream right 65-11250 on Moores Creek, it will be considered for distribution purposes to be a prior right as long as the following conditions are satisfied:

a. The use of water by Leslie, his successors, heirs and assigns under rights 65-3418, 65-3419, and 65-3420 will not be expanded to lands not shown to be irrigated on the attached Exhibit A. That is if the Exhibit shows a given number of acres irrigated in a quarter section, Leslie will not increase the number of acres being irrigated in that fractional section.

JIM JONES
Attorney General
State of Idaho
Statehouse, Room 210
Boise, Idaho 83720
Telephone: (208) 334-2400

1 b. Leslie agrees, for and on behalf of himself, his
2 successors, heirs and assigns, not to change the
3 method of irrigating under rights 65-3418, 65-3419,
4 and 65-3420 even though the method of irrigating can
be changed without increasing the consumptive use,
such as changing from the present method of
irrigating, flood irrigation, to sprinklers.

5 c. Leslie agrees for and on behalf of himself, his
6 successors, heirs and assigns not to change either
7 the place of use of the water or the points of
8 diversion without first obtaining the written consent
9 of the Pancheris or the Pancheris' successors, heirs
and assigns. A replacement to a damaged headgate
will not constitute a change in point of diversion
where the point of diversion is not substantially
changed.

10 d. Leslie agrees, for and on behalf of himself, his
11 successors, heirs and assigns to use the water in
12 such a manner that all water not needed for the
13 propagation of crops will either be left in the
14 natural drainage or will be returned back to Moores
Creek upstream from the Pancheris' point of diversion
as it presently exists. The parties to this
stipulation acknowledge the existence of a rotation
agreement between Leslie and MacGregor which is
attached as Exhibit B.

15 e. The enforcement of those conditions which occur
16 after the water is diverted from the natural channel
17 will be the responsibility of the private parties,
except that Water Resources may also exercise its
18 authority under Title 42, Idaho Code.

19
20 The Pancheris and Leslie further agree, based upon
21 this stipulation, to withdraw the objections that each had
22 filed affecting their respective rights on Andy Creek, House
23 Creek, Moores Creek, North Fork Moores Creek and South Fork
24 Moores Creek.

JUL 24 1996

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Dated this 29th day of December, 1986.

RINGERT, CLARK, HARRINGTON,
REID, CHRISTENSON & KAUFMAN,
CHARTERED

By: *W. F. Ringert*
William F. Ringert, a member
of the firm
Attorneys for Darwin Pancheri,
Joan L. Pancheri, Duane
Pancheri, and Laura Pancheri

COLLINS & MANLY

By: *William D. Collins* 26 December 1986
William D. Collins,
Attorneys for William John
Leslie

JIM JONES
Attorney General

Josephine P. Beeman 26 December 1986
Josephine P. Beeman
Deputy Attorney General
Idaho Department of Water
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JUL 24 1986

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IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM

IN THE MATTER OF THE GENERAL	)	Civil No. 3667
DETERMINATION OF THE RIGHT TO	)	
THE USE OF SURFACE AND GROUNDWATER	)	ORDER
OF THE PAYETTE RIVER DRAINAGE	)	
BASIN	)	

The foregoing stipulation having come duly and regularly
before the court and good cause appearing therefore,

IT IS HEREBY ORDERED that the objections filed by the
Pancheris as to their rights 65-6622, 65-6629, 65-6628, and
65-11250 be dismissed with prejudice; further that the objections
to and protests filed against Pancheris' water rights by Leslie
and against the water rights of Leslie by Pancheris be dismissed
with prejudice and without attorneys fees and costs to any party.

IT IS FURTHER ORDERED that Leslie's water rights
65-3418, 65-3419 and 65-3420 listed in the attached Exhibit A are
deemed admitted and conceded by the Pancheris, their heirs,
successors and assigns as true and accurate, and subject to the
conditions stated on pages 2 and 3 of the Pancheris and Leslie
stipulation.

IT IS FURTHER ORDERED that the Pancheris' water right
65-11250 listed in the attached Exhibit A is deemed admitted, and

JUL 24 1996

conceded by Leslie, his successors, heirs and assigns as true and accurate, and subject to the conditions stated on pages 2 and 3 of the Pancheris and Leslie stipulation.

DATED this 30 day of December, 1986.

/s/
JIM R. DOOLITTLE
District Judge

PANCHERI/LITTLE/A.L. CATTLE STIPULATION
PANCHERI/LESLIE STIPULATION
EXHIBIT A - LISTING OF WATER RIGHTS

12/86

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
SOURCE: ANDY CREEK TRIBUTARY: MOORES CREEK, SOUTH FORK						
65-3420	LESLIE, WILLIAM JOHN 2404 NORTH 21ST BOISE, ID 83702 OTHER RIGHTS: 65-3418 REMARKS: 2 P/D IN SWNE, S14, T13N, R3E. SOURCES ARE MOORES CREEK, NORTH FORK AND MOORES CREEK, SOUTH FORK TRIB. MOORES CREEK AND ANDY CREEK TRIB. MOORES CREEK, SOUTH FORK. PT. OF INJECTION INTO ANDY CREEK IN NESW S14 T13N R 3E. PT. OF REDIVERSION IN SWNE S14 T13N R 3E. POINT OF DIVERSION: T13N R03E S14 SWNE NESW PLACE OF USE: IRRIGATION T13N R03E S13 SWNW 36 SENW 9 S14 NENE 1 SWNE 20 SENE 38 104 ACRES TOTAL	04-01-1894	IRRIGATION	04-15 10-15	2.08 CFS	BENEFICIAL USE
65-11280	A. L. CATTLE, INC. C/O AGNES BRAILSFORD P.O. BOX 180 HAGERMAN, ID 83332 REMARKS: PT. OF INJECTION INTO ANDY CREEK IN NESW, S14, T13N, R3E. PT. OF REDIVERSION IN NWSE, S14, T13N, R3E. SOURCES FOR THIS RIGHT ARE MOORES CREEK, SOUTH FORK TRIB. MOORES CREEK AND ANDY CREEK TRIB. MOORES CREEK, SOUTH FORK. POINT OF DIVERSION: T13N R03E S14 NESW NWSE PLACE OF USE: IRRIGATION T13N R03E S14 NESE 24 53 ACRES TOTAL	06-01-1902	IRRIGATION	04-15 10-15	1.06 CFS	BENEFICIAL USE

PANCHERI/LITTLE/A.L. CATTLE STIPULATION
PANCHERI/LESLIE STIPULATION
EXHIBIT A - LISTING OF WATER RIGHTS

12/86

PAGE 3

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
65-1407	MACGREGOR LAND & LIVESTOCK CO. INC. P.O. BOX 5128 BOISE, ID 83705 OTHER RIGHTS: 65-11411 REMARKS: 2 P/D IN SWSW, S11, T13N, R3E AND 3 P/D IN SESW, S11, T13N, R3E. POINT OF DIVERSION: T13N R03E S11 SWSW T13N R03E S11 SESW PLACE OF USE: IRRIGATION T13N R03E S11 SWSW 11 SESW 39 50 ACRES TOTAL	04-01-1897	IRRIGATION	04-15 10-15	1.00 CFS	DEGREE
	SOURCE: DORA CREEK					
	TRIBUTARY: SAND CREEK					
65-3419	LESLIE, WILLIAM JOHN 2404 NORTH 21ST BOISE, ID 83702 REMARKS: SOURCES ARE HOUSE CREEK, TRIB. MOORES CREEK, NORTH CREEK AND MOORES CREEK, NORTH FORK, TRIB. MOORES CREEK. POINT OF DIVERSION: T13N R03E S11 SESE S13 R03W S14 SWNE PLACE OF USE: IRRIGATION T13N R03E S11 SESE 39 S12 SWSW 12 S13 R03W 30 S14 NENE 39 131 ACRES TOTAL	04-01-1894	IRRIGATION	04-15 10-15	2.62 CFS	BENEFICIAL USE
	SOURCE: HOUSE CREEK					
	TRIBUTARY: MOORES CREEK, NORTH FORK					

MOORES CREEK, NORTH FORK
MOORES CREEK, NORTH FORK

JUL 24 1996

JUL 24 1996

PANCHERI/LITTLE/A.L. CATTLE STIPULATION
PANCHERI/LESLIE STIPULATION
EXHIBIT A - LISTING OF WATER RIGHTS

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RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
65-3406	MACGREGOR LAND & LIVESTOCK CO. P.O. BOX 5128 BOISE, ID 83705 REMARKS: 2 P/D FROM HOUSE CREEK IN NENW, S14, T13N, R3E. SOURCES ARE MOORES CREEK, NORTH FORK, TRIB. MOORES CREEK: HOUSE CREEK, TRIB. MOORES CREEK, NORTH FORK. POINT OF DIVERSION: T13N R03E S14 SWNE NENW SENW PLACE OF USE: IRRIGATION T13N R03E S11 SWSE 39 S14 NWNE 39 78 ACRES TOTAL	04-01-1897	IRRIGATION	04-15 10-15	1.56 CFS	DECREE
			TRIBUTARY: MOORES CREEK, NORTH FORK			
65-3408	MACGREGOR LAND & LIVESTOCK CO. INC. P.O. BOX 5128 BOISE, ID 83705 REMARKS: 2 P/D IN NENW, S14, T13N, R3E AND 3 P/D IN NWNW, S14, T13N, R3E FROM SAND CK., TRIB. WILLOW CREEK. SOURCES ARE SAND CK., TRIB. WILLOW CK.: HOUSE CR., TRIB. MOORES CK., NORTH FORK. POINT OF DIVERSION: T13N R03E S14 NENW NWNW SENW PLACE OF USE: IRRIGATION T13N R03E S14 NENW 38 46 ACRES TOTAL	04-01-1897	IRRIGATION	04-15 10-15	.72 CFS	DECREE

PANCHERI/LITTLE/A.L. CATTLE STIPULATION
PANCHERI/LESLIE STIPULATION
EXHIBIT A - LISTING OF WATER RIGHTS

12/86

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RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
SOURCE: MOORES CREEK						
65-11250	PANCHERI, DARWIN PANCHERI, JOAN L. PANCHERI, DUANE PANCHERI, LAURA MELBA, ID 83641	05-01-1899	IRRIGATION	04-15 10-15	4.86 CFS	BENEFICIAL USE
OTHER RIGHTS: 65-2534, 65-2696. POINT OF DIVERSION: T13N R03E S13 SENE PLACE OF USE: IRRIGATION T13N R04E S07 SWS 16 S17 LT04(SWNW) 8 S18 NENE 27 NWSE 24						
243 ACRES TOTAL						
SOURCE: MOORES CREEK, NORTH FORK						
65-3419	LESLIE, WILLIAM JOHN 2404 NORTH 21ST BOISE, ID 83702	04-01-1894	IRRIGATION	04-15 10-15	2.62 CFS	BENEFICIAL USE
REMARKS: SOURCES ARE HOUSE CREEK, TRIB. MOORES CREEK, NORTH CREEK AND MOORES CREEK, NORTH FORK, TRIB. MOORES CREEK. POINT OF DIVERSION: T13N R03E S11 SESE S13 NWNW S14 SWNE						
PLACE OF USE: IRRIGATION T13N R03E S11 SESE 39 S12 SWSW 12 S13 NWNW 30 S14 NENE 39						
131 ACRES TOTAL						

JUL 24 1996

PANCHERI/LITTLE/A.L. CATTLE STIPULATION
PANCHERI/LESLIE STIPULATION
EXHIBIT A -- LISTING OF WATER RIGHTS

12/86

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RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
65-3420	LESLIE, WILLIAM JOHN 2404 NORTH 21ST BOISE, ID 83702 OTHER RIGHTS: 65-3416 REMARKS: 2 P/D IN SWNE, S14, T13N, R3E. SOURCES ARE MOORES CREEK, NORTH FORK AND MOORES CREEK, SOUTH FORK TRIB. MOORES CREEK AND ANDY CREEK TRIB. MOORES CREEK, SOUTH FORK. PT. OF INJECTION INTO ANDY CREEK IN NESW S14 T13N R 3E. PT. OF REDIVERSION IN SWNE S14 T13N R 3E. POINT OF DIVERSION: T13N R3E S14 SWNE NESW PLACE OF USE: IRRIGATION T13N R3E S13 SWNW 36 SENW 9 S14 WENE 1 SWNE 20 SENE 36 104 ACRES TOTAL	04-01-1894	IRRIGATION	04-15 10-15	2.06 CFS	BENEFICIAL USE
65-3406	MAGREGOR LAND & LIVESTOCK CO. P.O. BOX 5128 BOISE, ID 83705 REMARKS: 2 P/D FROM HOUSE CREEK IN NENW, S14, T13N, R3E. SOURCES ARE MOORES CREEK, NORTH FORK, TRIB. MOORES CREEK: HOUSE CREEK, TRIB. MOORES CREEK, NORTH FORK. POINT OF DIVERSION: T13N R3E S14 SWNE NENW SENW PLACE OF USE: IRRIGATION T13N R3E S11 SWSR 39 S14 NWNE 39 76 ACRES TOTAL	04-01-1897	IRRIGATION	04-15 10-15	1.56 CFS	DECREE

JUL 24 1996

12/86

PANCHERI/LITTLE/A.L. CATTLE STIPULATION
PANCHERI/LESLIE STIPULATION
EXHIBIT A - LISTING OF WATER RIGHTS

PAGE 7

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
65-3420	LESLIE, WILLIAM JOHN 2404 NORTH 21ST BOISE, ID 83702 OTHER RIGHTS: 65-3418 REMARKS: 2 P/D IN SWNE, S14, T13N, R3E. SOURCES ARE MOORES CREEK, NORTH FORK AND MOORES CREEK, SOUTH FORK TRIB. MOORES CREEK AND ANDY CREEK TRIB. MOORES CREEK, SOUTH FORK. PT. OF INJECTION INTO ANDY CREEK IN NESW S14 T13N R 3E. PT. OF REDIVERSION IN SWNE S14 T13N R 3E. POINT OF DIVERSION: T13N R3E S14 SWNE NESW PLACE OF USE: IRRIGATION T13N R3E S13 SWNW 36 SENE 9 S14 NENE 1 SENE 20 104 ACRES TOTAL	04-01-1894	IRRIGATION	04-15 10-15	2.08 CFS	BENEFICIAL USE
65-11280	A. L. CATTLE, INC. C/O AGNES BRAILSFORD P.O. BOX 180 HAGERMAN, ID 83332 OTHER RIGHTS: 65-1979 REMARKS: PT. OF INJECTION INTO ANDY CREEK IN NESW, S14, T13N, R3E. PT. OF REDIVERSION IN NWSE, S14, T13N, R3E. SOURCES FOR THIS RIGHT ARE MOORES CREEK, SOUTH FORK TRIB. MOORES CREEK AND ANDY CREEK TRIB. MOORES CREEK, SOUTH FORK. POINT OF DIVERSION: T13N R3E S14 NESW NWSE PLACE OF USE: IRRIGATION T13N R3E S14 NESE 24 53 ACRES TOTAL	06-01-1902	IRRIGATION	04-15 10-15	1.06 CFS	BENEFICIAL USE

SOURCE: MOORES CREEK, SOUTH FORK TRIBUTARY: MOORES CREEK

NWSE 27 SWSE 2

JUL 24 1996

PANCHERI/LITTLE/A.L. CATTLE STIPULATION
PANCHERI/LESLIE STIPULATION
EXHIBIT A - LISTING OF WATER RIGHTS

12/86

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RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
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SOURCE: SAND CREEK TRIBUTARY: WILLOW CREEK

65-3408 MACGREGOR LAND & LIVESTOCK CO. INC. 04-01-1897 IRRIGATION 04-15 10-15 .72 CFS DECREE

P.O. BOX 5128
BOISE, ID 83705

REMARKS: 2 P/D IN NENW, S14, T13N, R3E AND 3 P/D IN NWNW, S14, T13N, R3E
FROM SAND CK., TRIB. WILLOW CREEK.

SOURCES ARE SAND CK., TRIB. WILLOW CK.; HOUSE CR., TRIB.

MOORES CK., NORTH FORK.

POINT OF DIVERSION:

T13N R03E S14 NENW
T13N R03E S13 NWC
SENE

1300

PANCHERI/LITTLE/A.L. CATTLE STIPULATION
PANCHERI/LESLIE STIPULATION
EXHIBIT A - LISTING OF WATER RIGHTS

12/86

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RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
65-1972	LITTLE, MYRN M. C/O AGNES BRAILSFORD P.O. BOX 180 HAGERMAN, ID 83332 POINT OF DIVERSION: T13N R03E S13 SENE PLACE OF USE: T13N R03E S13 SENE	05-01-1901	01-01 12-31	DOMESTIC	.04 CFS 1.20 AFA	BENEFICIAL USE
65-1973	LITTLE, MYRN M. C/O AGNES BRAILSFORD P.O. BOX 180 HAGERMAN, ID 83332 POINT OF DIVERSION: T13N R03E S13 SENE PLACE OF USE: T13N R03E S13 SENE	05-01-1901	01-01 12-31	DOMESTIC	.01 CFS 1.20 AFA	BENEFICIAL USE
65-3418	LESLIE, WILLIAM JOHN 2404 NORTH 21ST BOISE, ID 83702 OTHER RIGHTS: 65-3420 POINT OF DIVERSION: T13N R03E S13 SENW PLACE OF USE: IRRIGATION T13N R03E S13 SENW 2 2 ACRES TOTAL	04-01-1910	IRRIGATION	04-15 10-15	.04 CFS	BENEFICIAL USE

JUL 24 1995

PANCHERI/LITTLE/A.L. CATTLE STIPULATION
PANCHERI/LESLIE STIPULATION
EXHIBIT A - LISTING OF WATER RIGHTS

12/86

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RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
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DISALLOWED CLAIMS

65-6622 PANCHERI, DARWIN
PANCHERI, JOAN L.
PANCHERI, DUANE
PANCHERI, LAURA
HELBA, ID 83641
REMARKS: NO BENEFICIAL USE FOUND-USE FORFEITED OR ABANDONED.

65-6629 PANCHERI, DARWIN
PANCHERI, JOAN L.
PANCHERI, DUANE
PANCHERI, LAURA
HELBA, ID 83641
REMARKS: RECOMMENDED AS RT. 65-11250.

JUL 24 1986