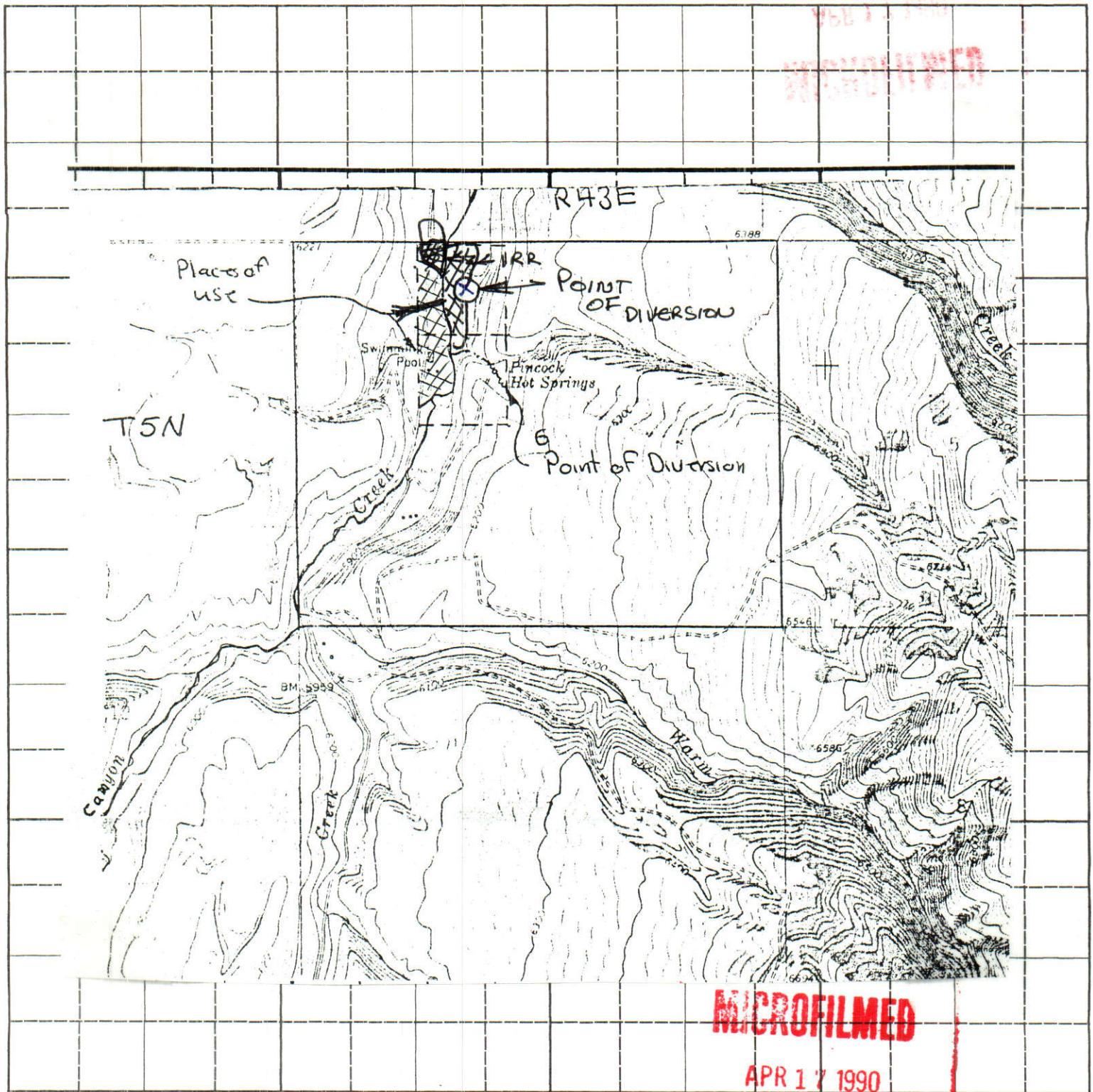


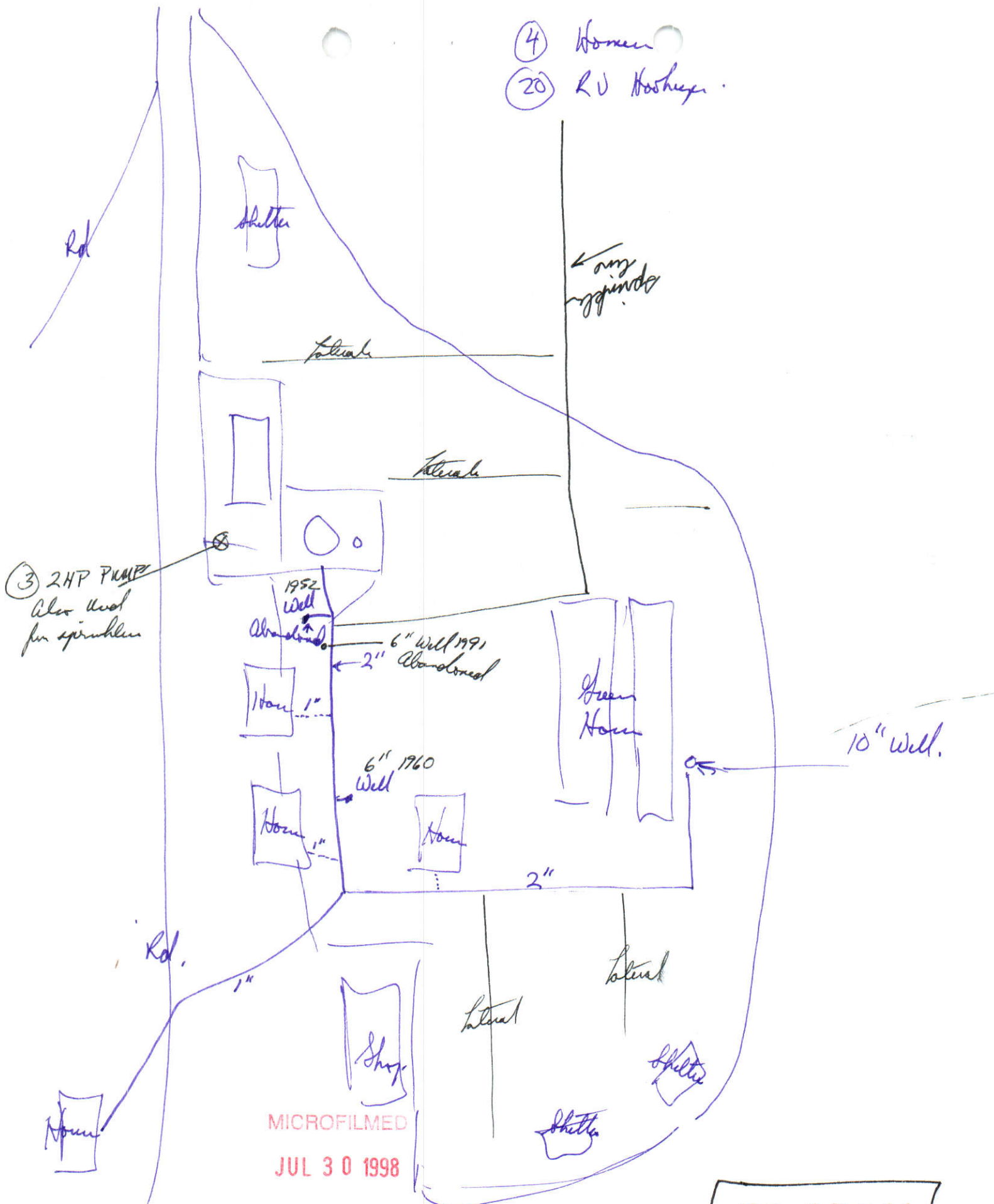
13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



7 plu



- (4) Homes
(20) RV Hookups.



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JUL 30 1998

22-07561

Water to Cold Pool - Hot Water to Hot Pool -
Water mixes in large pool output of pool recirculate + to irrigation.
Pump in Well to Pool + shd. direct.

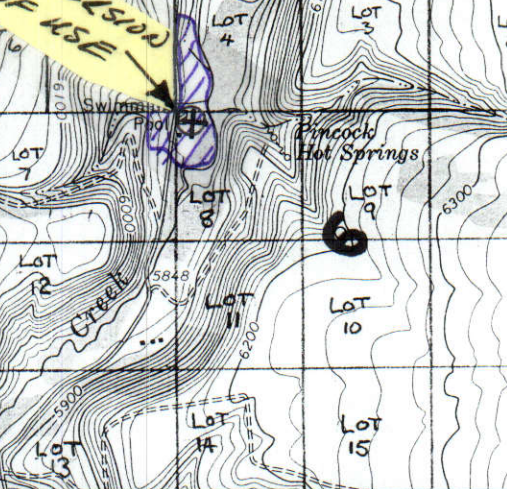
R42E

R43E

T6N

T5N

POINT OF DIVERSION
PLACE OF USE



T05N, R43E

R42E

R43E

MICROFILMED
JUL 30 1998

22-07561

1089
T-84

T6N

36 31

T6N
TSN

$\frac{30.0}{2}$ CRP

T-82

T05N, R43E

$\frac{36.9}{1}$ CRP

TSN

CRP
 $\frac{31.3}{3}$

POINT OF DIVERSION
PLACE OF USE



$\frac{34.6}{4}$ CRP

T-81

$\frac{10.3}{1}$ CRP

1741

T-79

R42E R43E

12

22-07561

6
7

88.8 CRP
6 HEL

MICROFILMED

30 1998

73.8 CRP
5 HEL

GREEN CANYON HOT SPRINGS

IRRIGATION / COMMERCIAL

1.15



VIEW OF
PLACE OF
USE
IRRIGATION
NORTH END



VIEW OF
POK -
IRRIGATION -
LEFT OF
CENTER

MICROFILMED

JUL 30 1998

PERMIT
NUMBER

22-07561

GREEN CANYON HOT SPRINGS

IRRIGATION / COMMERCIAL

215

PLACE OF
USE

IRRIGATION
+
COMMERCIAL

CENTRAL RIGHT
NORTH /
SOUTH END



EXTREME
SOUTH END
PLACE OF
USE -
RIGHT SIDE
OF PHOTO

MICROFILMED

JUL 30 1998

PERMIT
NUMBER

22-07561

GREEN CANYON HOT SPRINGS

IRRIGATION / COMMERCIAL

3/5

PLACE OF
USE

VIEW OF
WELL #1



PRESSURE
TANKS INSIDE
POOL HOUSE

MICROFILMED

JUL 30 1998

PERMIT
NUMBER

22-07561

GREEN CANYON HOT SPRINGS

ILLUSTRATION / COMMERCIAL

4/5



VIEW OF
BURIED WELL
DRILLED IN
1960

6" WELL



VIEW OF
OLD ABANDONED
WELL BROKEN
DRILLED IN
1991

6" WELL

MICROFILMED

JUL 30 1998

PERMIT
NUMBER

22-07561

GREEN CANYON HOT SPRINGS

IRRIGATION & COMMERCIAL

5/5



VIEW OF OLD
WELL - POOL
HOUSE -
ABANDONED
DULLED 1952

MICROFILMED

JUL 30 1998

PERMIT
NUMBER

22-07561

State of Idaho
Department of Water Resources
Water Right License
WATER RIGHT NO. 22-07561

Priority: August 23, 1988

Maximum Diversion Rate:
Maximum Diversion Volume:

0.06 CFS
11.9 AF

This is to certify, that GREEN CANYON HOT SPRINGS INC
PO BOX 235

NEWDALÉ ID 83436 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated August 23, 1988; and has submitted Proof of Beneficial Use on May 28, 1992. An examination indicates that the works have a diversion capacity of 0.370 cfs of water from a GROUNDWATER 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>
IRRIGATION	04/15 to 10/15	0.06 CFS	7.0 AF
COMMERCIAL	04/01 to 11/01	0.06 CFS	4.9 AF
	Totals	0.06 CFS	11.9 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 8(SWNW), Sec. 6, Township 05N, Range 43E
MADISON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N	43E	6	Lot 4(NWNW) 1	Lot 8(SWNW) 1		2
Total number of acres irrigated:						2

PLACE OF USE:

COMMERCIAL, same as IRRIGATION use

CONDITIONS OF APPROVAL AND 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 shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

MICROFILMED

JUL 30 1998

State of Idaho
Department of Water Resources

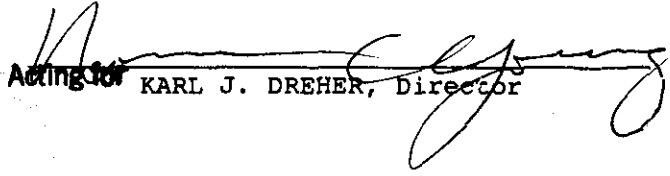
Water Right License

WATER RIGHT NO. 22-07561

CONDITIONS OF APPROVAL AND REMARKS

6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. Commercial use is for 150 unit overnight campground.

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 29TH day of JUNE, 1998.


Acting for KARL J. DREHER, Director

MICROFILMED

JUL 30 1998

State of Idaho
Department of Water Resources

RECEIVED
JUN 29 1998
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07561

Date of Priority: August 23, 1988 Maximum Diversion Rate: 0.06 CFS
Maximum Diversion Volume: 11.9 AF

Comes now GREEN CANYON HOT SPRINGS INC
PO BOX 235
NEWDALE ID 83436 and represents to the Director of the
Idaho Department of Water Resources:

That he is the owner and holder of Permit to appropriate the Public Waters of the
State of Idaho No. 22-07561, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.06 CFS	7.0 AF
COMMERCIAL	04/01 to 11/01	0.06 CFS	4.9 AF
	Totals	0.06 CFS	11.9 AF

LOCATION OF POINT(S) OF DIVERSION: Lot 8 (SWNW), Sec. 6, Township 05N, Range 43E
MADISON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N	43E	6	Lot 4(NWNW) 1	Lot 8(SWNW) 1		2
Total number of acres irrigated:						2

PLACE OF USE:

COMMERCIAL, same as IRRIGATION use

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

Signed at Green Canyon, this 25 day of June, 1998.

Hot Springs
JUL 30 1998

P. M. M. M. M. M.
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07561

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = 5000 Received by LB # 2467708 Date 6/29/98

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 22-07561 with the following;

CONDITIONS OF APPROVAL AND 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 shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. Commercial use is for 150 unit overnight campground.

Witness my hand this 29TH day of JUNE, 1998.

Acting for KARL J. DREHER, Director

JUL 30 1998

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT	)	ORDER GRANTING PETITION
NO. 22-07561 IN THE NAME OF	)	FOR RECONSIDERATION AND
GREEN CANYON HOT SPRINGS INC.	)	RESCINDING PRELIMINARY
_____	)	ORDER TO VOID PERMIT

This matter having come before the Department of Water Resources (Department) as a petition to reconsider the order to void a permit to appropriate water, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On June 19, 1998, the Department issued a preliminary order to void water appropriation permit no. 22-07561 (permit), issued in the name of Green Canyon Hot Springs Inc. (permit holder), because the permit holder did not file the Application for Amendment of Permit determined to be necessary according to the field examination conducted by the Department on April 25, 1996.
2. On June 29, 1998, the Department received a timely petition for reconsideration of the preliminary order and the required Application for Amendment of Permit from the permit holder.

CONCLUSIONS OF LAW

1. Section 67-5243(3), *Idaho Code*, provides in pertinent part as follows:

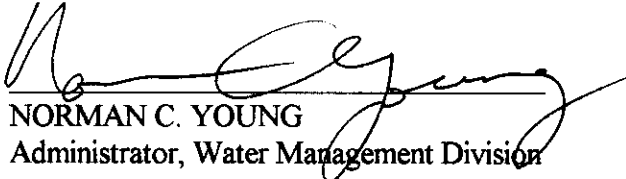
Unless otherwise provided by statute or rule, any party may file a motion for reconsideration of a recommended order or a preliminary order within fourteen (14) days of the issuance of that order. The presiding officer shall render a written order disposing of the petition.

2. The permit holder has submitted the required Application for Amendment of Permit.
3. The Department should grant the petition for reconsideration of the permit pursuant to Section 67-5243(3), *Idaho Code*.
4. The Department should rescind the preliminary order to void the permit.

ORDER

IT IS HEREBY ORDERED that the petition for reconsideration of the preliminary order to void water appropriation permit no. 22-07561 is **GRANTED** pursuant to Section 67-5243(3), *Idaho Code*. IT IS FURTHER ORDERED that the preliminary order to void permit no. 22-07561 is **RESCINDED** and the permit is **REINSTATED**.

Dated this 29th day of JUNE, 1998.


NORMAN C. YOUNG
Administrator, Water Management Division

JUL 30 1998

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO.)
22-07561 IN THE NAME OF GREEN)
CANYON HOT SPRINGS INC.)
_____)

**PRELIMINARY ORDER
VOIDING PERMIT**

This matter having come before the Department of Water Resources (Department) as a result of an investigation by the Department to determine the extent of beneficial use of water, the Department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On August 23, 1988, Green Canyon Hot Springs Inc. (permit holders) applied to the Department for a permit to appropriate 0.06 cubic feet per second from groundwater within Govt. Lot 4, Section 6, Township 5 North, Range 43 East, B. M., Madison County, to be used for irrigation and commercial purposes.
2. On March 29, 1990, the Department approved the application as Permit 22-07561 (permit).
3. On May 28, 1992, the Department received the permit holder's proof of beneficial statement for the permit.
4. On April 25, 1996, the Department conducted a field examination to verify the development under the permit. The field examiner reported that water was being diverted at a location other than the point of diversion authorized by the permit.
5. On May 4, 1998, the Department sent notice to the permit holders stating that the permit has to be amended to accurately record the point of diversion before the Department can issue a water right license. An Application for Amendment of Permit form was enclosed with the notice.
6. On May 27, 1998, the Department sent a second notice giving the permit holder fourteen days to amend the permit.
7. The Department has not received the required Application for Amendment of Permit.
8. The provisions of Section 42-219, *Idaho Code*, authorize the Department of Water Resources to void permits for which the applicant has not fully complied with the law and the conditions of the permit.

CONCLUSIONS OF LAW

1. Section 42-219, *Idaho Code*, states:

In the event that the Department shall find that the applicant has not fully complied with the law and the conditions of the permit, it may issue a license for that portion of use which is in accordance with the permit, or may refuse issuance of a license and void the permit.

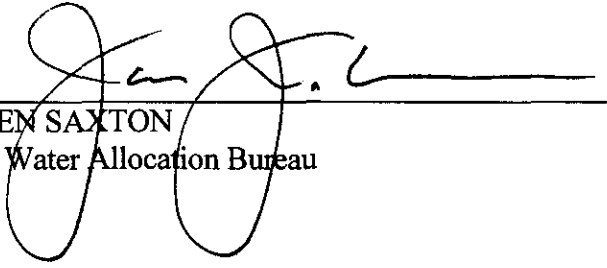
2. Development of the water as listed on the permit was a condition of the permit, and compliance with the condition was required prior to perfection of a water right.
3. The permit holder could have amended the permit, but the permit holder has not filed the appropriate Application for Amendment of Permit.
4. A license should not be issued on this permit and the permit should be voided pursuant to Section 42-219, *Idaho Code*.

ORDER

IT IS HEREBY ORDERED that issuance of a license is **REFUSED** and Permit No. 22-07561 is **VOIDED** under Section 42-219, *Idaho Code*.

Dated this 19TH day of June, 1998.

for



L. GLEN SAXTON
Chief, Water Allocation Bureau

RECORDED

JUL 30 1998

RECEIVED

MAY 28 1992

OFFICE USE ONLY
Amt. of Fee \$ 50.00
Date 5-28-92
Receipt No. 6024322
Receipt by WEB

STATE OF IDAHO
Department of Water Resources DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

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

1. Permit No. 22-07561 Telephone No. 208-458-4454
2. Name(s) of Permit Holder(s): Green Canyon Hot Springs Inc.
3. Mailing Address: P.O. Box 235 Newdale, Idaho 83436
4. Source of Water: Well (Groundwater)

If GROUNDWATER, Well Driller's Name: Denning Well Drilling Date Drilled: 2-14-92

OPTIONAL:

Pump horsepower: 5 Pressure (psi): 40-60 Dynamic pumping level (ft.): ?

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 2 (No. of acres) Other Over night Campground

6. Total rate and/or volume for which proof is submitted .06 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

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

OR

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

8. Fee Enclosed: \$ 50.00 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Phil Neibaur 208-458-4454 or 458-4666
Name Telephone No.

Box 235 Newdale, Idaho 83436
Address

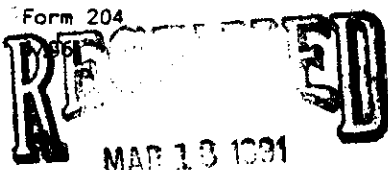
10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

5-25-92 Phil Neibaur Pres.
Date Signature (and title, if on behalf of a company or organization)

MICROFILMED
JUN 10 1992

STATE OF IDAHO

For Office Use Only

\$15 FEE Received by Jan 2Date 3/18/91Receipt # 0019748

DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME
TO PROVIDE ADDITIONAL TIME IN WHICH TO SUBMIT PROOF OF
BENEFICIAL USE FOR A WATER RIGHT PERMIT

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 22-07561Name(s) of Permit Holder: Green Canyon Hot Springs Inc.Post Office Address: Box 235 Newdale, Idaho 83436Telephone No. 458-4454 or 458-4666Date Proof is Due: April 1, 1991

Describe what work has been completed toward the development of this water right: _____
 (This must be filled out! If no work has been completed, show "none".)

We have purchased a used 1/4 mile sprinkler to
water the grass.

Costing \$ 1500.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

We have been on the well drillers list for over
a year - he is very busy. We bought an adjacent
property that may be better for a campground.

Permit holder(s) request an extension to 14 Months ^{June 1, 1992}
 (1 yr. minimum) Phil L. Milam Pres.
 (Signature)*

FEE: \$15.00

*IF OTHER THAN PERMIT HOLDER,
 POWER OF ATTORNEY MUST BE SUPPLIED.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

APR 11 1991

IT IS HEREBY ORDERED that the above request for extension of time be APPROVED and the time within which to submit proof of beneficial use is extended to June 1, 1992.

Signed this 2nd day of April, 19 91.

Z. Shaw Saxton
 Chief, Water Allocation Bureau

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 22-07561

Proposed Priority: August 23, 1988 Maximum Diversion Rate: 0.06 CFS
This is to certify, that **GREEN CANYON HOT SPRINGS INC.**

P.O. BOX 235
NEWDALE, ID 83436

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 11/01	0.06 CFS
COMMERCIAL	04/01 to 11/01	0.06 CFS
Totals		0.06 CFS

LOCATION OF POINT(S) OF DIVERSION: LOT 4(NENENW), Sec. 6, Township 05N, Range 43E
MADISON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N	43E	6	LOT 8(NWNW) 1	LOT 4(SWNW) 1		2
Total number of acres irrigated:						2

PLACE OF USE: COMMERCIAL, same as IRRIGATION use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 1991.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
5. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
6. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.03 cubic feet per second for each acre of land.
7. Commercial use is for 150 unit overnight campground.

MICROFILMED

APR 17 1990

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 22-07561

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

29th day of *March*, 19 *90*

for *J. Glen Saxton*
R. Keith Higginson, Director

MICROFILMED

APR 17 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Green Canyon Hot Springs, Inc. Phone _____
Post office address Box 235, Newdale ID 83436

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot 4
Sec. 06 Township 05N Range 43E B.M. Madison County; additional
points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.06 cfs for Commercial purposes from 04/01 to 11/01 (both dates inclusive)
(cfs or acre-feet per annum)

Amount 0.06 cfs for Irrigation purposes from 04/01 to 11/01 (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) .06 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

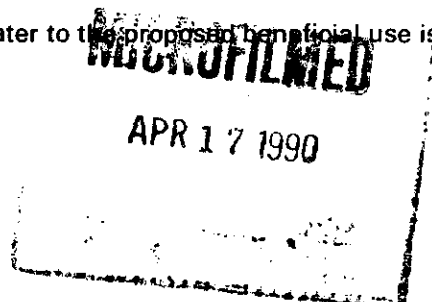
a. Description of ditches, flumes, pumps, headgates, etc. 400' well w/ 1-3 hp pump to
campground water system

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 8" inches; proposed depth of well is 400' 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).



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. Commercial 150 unit overnight campground

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	SW¼	NW¼	NE¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5N	43E	6					C	C											
							L4	L8											
							1	1											2

Total number of acres to be irrigated 2

10. Describe any other water rights used for the same purposes as described above. 22-4080,4081 for wells in place serving existing use at swimming pool and campground.

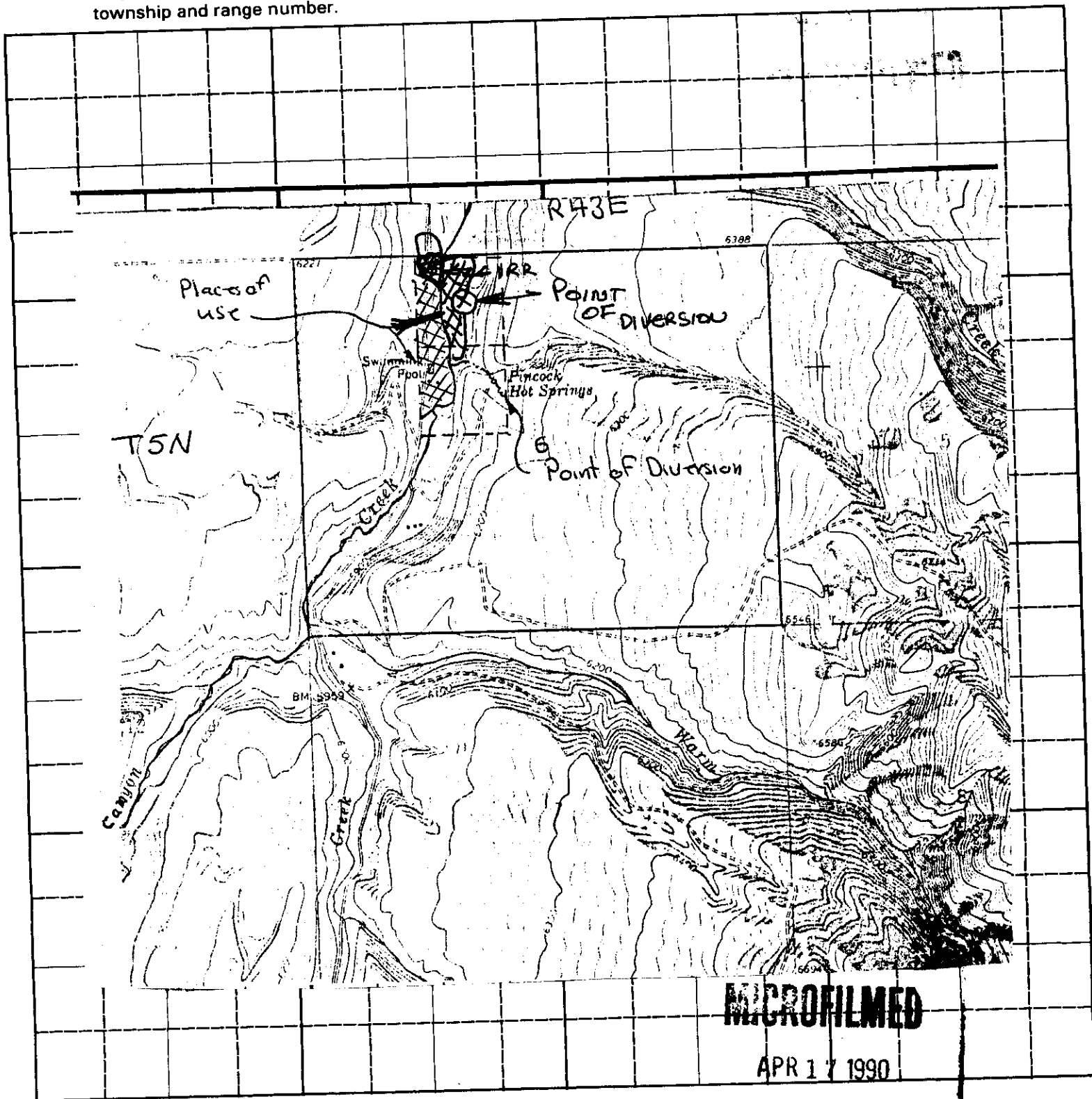
11. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or place of use? Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Green Canyon Hot Springs, INC. President - Phil Gene Neibaur application address; Vice President - Randy Neibaur - same address. Existing campground has 50 units. This application filed for additional 100 units and will serve existing units.

RECORDED

APR 17 1990

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

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.

Phil G. Heibauer
(Applicant)

Received by Eric/gp Date 8-23-88 Time 9:45A Preliminary check by
Fee \$ 30.00 Received by ERIC # E 001575 Date 8-23-88
Publication prepared by RB Date 2-18-90 Published in Lexburg Standard-Journal
Publication approved CW Date 3-2-90

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. , and said application is hereby .

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before , 19 .
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

480' well near pool
only 1.5 gpm
55-60°F cool.
Lava & Clay
Black Rhyolite

MICROFILMED

APR 17 1990

REXBURG, IDAHO
AFFIDAVIT OF PUBLICATION

RECEIVED

MAR 1 - 1990

STATE OF IDAHO
COUNTY OF MADISON

Department of Water Resources
Boise Eastern District Office

Terry Weatherston
first duly sworn, depose and say, that I
am the printer of THE STANDARD-JOURNAL,
a semi-weekly newspaper printed and
published semi-weekly at Rexburg,
Madison County, Idaho; and I do solemnly
swear that the

Notice Of Application is a copy
which notice appears attached hereto,
as published in the regular and entire
issue of said newspaper, and not in any
supplement issue thereof for

two consecutive issues, the
first publication having been made on
February 1, 1990 and the last
publication having been made on
February 8, 1990.

Further, that said newspaper is one
of general circulation in said county;
that it is a legal newspaper, conforming
to legal specifications under the Idaho
statutes; that it has at least two
hundred bona fide subscribers living
within the county of publication; and
that it has been continuously and
uninterruptedly published in said county
during a period of seventy eight
consecutive weeks prior to the first
publication of the said notice.

Terry Weatherston

STATE OF IDAHO
COUNTY OF MADISON

On this 8th day of February in
the year of 1990, before me, a Notary
Public, personally appeared Terry
Weatherston, known or identified to me
as the person whose name subscribed
to the within instrument, and being by
me first duly sworn, declared that the
statements therein are true, and
acknowledged to me that he executed the

Gay H. Reid

Notary Public for Idaho

Witnessing at Rexburg, Idaho

My commission expires: June 8, 1993.

NOTICE OF APPLICATION
FOR WATER RIGHT

The Following application(s) have been
filed to appropriate the public waters of
the State of Idaho:

22-07538

SMITH, JOHN H.
P.O. BOX 805
REXBURG, ID 83440
Source: GROUNDWATER
Diversions Pt: SWNE Sec 28 T 06N R 40

E Use: IRRIGATION (.860 CFS) Total
Diversions: (.860 CFS)
Date Filed: 6/27/1988
In: T06N R40E S20 NESE SESE: 43.0
ACRES TOTAL

22-07581

GREEN CANYON HOT SPRINGS INC.
P.O. BOX 235
NEWDALE, ID 83436
Source: GROUNDWATER
Diversions Pt: Lot 4 (NENENW) Sec 6 T
05N R 43E
Use: IRRIGATION (.060 CFS) COM-
MERCIAL (.060 CFS) Total Diversions:
(.060 CFS)
Date Filed: 8/23/1988
In: T05N R43E S06 Lot 8 (NWNW) Lot 4
(SWNW) 2.0 ACRES TOTAL

22-07564

CHANTRILL INC.
C/O BART ROBERTS
NEWDALE, ID 83436
Source: GROUNDWATER
Diversions Pt: NWSWNW Sec 5 T 06N R
42E
Use: IRRIGATION (3.330 CFS) Total
Diversions: (3.30 CFS)
Date Filed: 8/31/1988
In: T06N R42E S04 SWSW SESW, S05
NWNW SWNW NWSW SWSW, S06
NESW SESW NESE NWSE SWSE
SESE, S09 SENE NENW NWNW, S10
SWNW SENW 640.0 ACRES TOTAL

22-07568

DAVIS, RICHARD L.
P.O. BOX 391
REXBURG, ID 83440
Source: GROUNDWATER
Diversions Pt: NENWNW Sec 31 T 06N
R 40E
Use: IRRIGATION (.200 CFS)
STOCKWATER (.020 CFS) DOMESTIC
(.040 CFS) Total Diversions: (.260 CFS)
Date Filed: 8/01/1988
In: T06N R40E S31 NWNW 9.6 ACRES
TOTAL

22-07569

DIET CENTER INC.
220 S. 2nd W.
REXBURG, ID 83440
Source: GROUNDWATER
Diversions Pt: SENW Sec 30 T 06N R 40
E Use: IRRIGATION (.120 CFS) Total
Diversions: (.120 CFS)
Date Filed: 8/15/1988
In: T06N R40E S30 SENW 4.0 ACRES
TOTAL

The permit(s) will be subject to all prior
water rights. Protests may be submitted
based on the criteria of Sec. 42-203A,
Idaho Code and/or the new public interest
criteria of Sec. 42-203C, Idaho Code. Pro-
tests must be filed with the Director, Dept.
of Water Resources, 150 Shoup Ave.,
Suite 15, Idaho Falls, Idaho 83402 on or
before FEBRUARY 19, 1990.

R. KEITH HIGGINSON
Director

Publ. Feb. 1 and 8, 1990SJ.

APR 17 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 30, 1998

GREEN CANYON HOT SPRINGS INC
PO BOX 235
NEWDALE ID 83436

RE: Water Right 22-07561

Dear Water Right Holder (s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is an preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below.

PETITION FOR RECONSIDERATION

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

EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

(a) the petition for reconsideration is disposed of; or

(b) the petition is deemed denied because the agency head did not dispose of the petition
within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

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

court by filing a petition in the district court of the county in which:

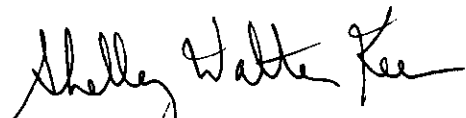
- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

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

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved as well as an Order Granting Petition for Reconsideration and Rescinding Preliminary Order to Void Permit.

If you have questions, please contact me at (208) 327-7946.

Sincerely,



Shelley W. Keen
Water Rights Supervisor

Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the **30th** day of **June, 1998**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 22-07561

GREEN CANYON HOT SPRINGS INC
PO BOX 235
NEWDALE ID 83436


Kari Lynn Townsend
Secretary

101 3 0 1998

RECEIVED

JUN 29 1998

Dear Sir, Department of Water Resources This is
a request for
reconsideration of the
"preliminary order" issued
by your office on 6-22-98,
for water right # 22-07561
I am now ready to
submit the application for
Amendment.

Thank you,

Phil Neibaur

RECEIVED
JUL 30 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

June 22, 1998

GREEN CANYON HOT SPRINGS INC
PO BOX 235
NEWDALE ID 83436

RE: Water Right 22-07561

Dear Water Right Holder(s):

The accompanying order is a "preliminary order" issued by the department pursuant to section 67-5243 Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the hearing officer within fourteen (14) days of the service date of this order. The hearing officer will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

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

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Director. The Director retains the right to review the preliminary order on his own motion.

MICROFILMED

JUL 30 1998

ORAL ARGUMENT

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

CERTIFICATE OF SERVICE

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

FINAL ORDER

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

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

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

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

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to

MICROFILMED

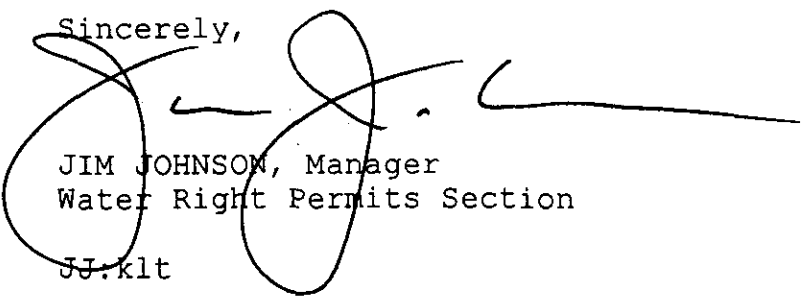
JUL 30 1998

district court by filing a petition in the district court of the county in which:

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

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

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:klt

Enclosure

MICROFILMS

JUL 30 1998

CERTIFICATE OF MAILING

I hereby certify that on the 22nd day of June, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

Water Right 22-07561

**GREEN CANYON HOT SPRINGS INC
PO BOX 235
NEWDALE ID 83436**


Kari Lynn Townsend
Secretary



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

May 27, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GREEN CANYON HOT SPRINGS INC
PO BOX 235
NEWDALE ID 83436

RE: WATER RIGHT NO. 22-07561

Dear Permit Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to depict your water right as it has been actually developed. I have not yet received the amendment. If I do not receive it within 14 days, I will assume you no longer have any interest in the permit and cancellation proceedings will begin.

Enclosed for your convenience is another amendment form. . Please note that the filing fee for this amendment is \$50.00. If you have any questions, please call me at (208) 327-7946.

Sincerely,

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

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

JUL 30 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

May 4, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GREEN CANYON HOT SPRINGS INC
PO BOX 235
NEWDALE ID 83436

RE: WATER RIGHT NO. 22-07561

Dear Permit Holder(s):

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms that a water right has been established in compliance with the terms of the permit. The examiner who verified your water use reported that the point(s) of diversion developed is in a location other than what was described on your permit. Therefore, before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

The enclosed Application for Amendment form depicts the point(s) of diversion and other information as it will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days.

Also, please note that some of the proposed conditions of approval and remarks may be modified upon further administrative review.

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

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

JUN 30 1998

AJ5809NP
No. A22-04080

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/30/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GREEN CANYON HOT SPRINGS INC C/O PHIL GENE NEIBAUR PRES BOX 235 NEWDALE ID 83436 (208) 458-4454	04/01/1953	COMMERCIAL DOMESTIC	01-01 12-31 01-01 12-31	0.03 CFS 0.03 CFS	
TOTAL DIVERSION:					0.03 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion: T05N R43E S06 Lot08(NWSWNW)

MADISON County

Place of use Legal Description for: COMMERCIAL

NE				NW				SW				SE											
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
---	---	---	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:
05N	43E	6	:					:					:					:					:
			:					:					:					:					:

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE											
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
---	---	---	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:
05N	43E	6	:					:					:					:					:
			:					:					:					:					:

POU County: MADISON

Non-Irrigation Uses: C/SWIMMING POOL, D/3 HOMES

Other Rights: 22-04081,22-04082

Remarks: GEN P/U GREEN CANYON HOT SPRINGS.
WATER USED TO FILL POOL, CULINARY USE IN POOL AND SERVES WATER
TO 3 RESIDENCES.

Dates: Exam Made Date: Verified Date: 10/30/1985 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag: Y
Presumption Flag:

Audit: 08/23/88 VERNER 03/29/95 POST-STD

AJ5809NP
No. A22-04081

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/30/98
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GREEN CANYON HOT SPRINGS INC	05/01/1961	COMMERCIAL	01-01 12-31	0.03 CFS	
			DOMESTIC	01-01 12-31	0.03 CFS	
TOTAL DIVERSION:					0.03 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion: T05N R43E S06 Lot08(NWSWNW)

MADISON County

Place of use Legal Description for: COMMERCIAL

				NE				NW				SW				SE							
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
---	---	---	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:
05N	43E	6	:					:					:					:					:
			:					:					:					:					:

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE							
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
---	---	---	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:
05N	43E	6	:					:					:					:					:
			:					:					:					:					:

POU County: MADISON

Non-Irrigation Uses: C/SWIMMING POOL -FILL POOL, CULINARY, LAWN/ DOMESTIC FOR 3 HOMES

Other Rights: 22-04080,04082

Other Water Rights Listing Overlapping Place(s) of Use:
A22-04082

Remarks: GEN P/U GREEN CANYON HOT SPRINGS.
DOMESTIC USE IS RESIDENCE OF OWNER.

Dates: Exam Made Date: Verified Date: 10/30/1985 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

AJ5809NP
No. A22-04082

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/30/98
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GREEN CANYON HOT SPRINGS INC	05/24/1898	IRRIGATION	05-01 10-31	0.46 CFS	
			COMMERCIAL	01-01 12-31	0.46 CFS	
TOTAL DIVERSION:					0.46 CFS	
CONSUMPTIVE USE:						33.00 AFA

Water Source: PINCOCK HOT SPRINGS

Tributary to: CANYON CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion: T05N R43E S06 Lot08(NESWNW)

MADISON County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE													
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	
05N	43E	6	:					:					:					:					:	17.0	
TOTAL ACRES																							17.0		

Place of use Legal Description for: COMMERCIAL

NE				NW				SW				SE													
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:		
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	
05N	43E	6	:					:					:					:					:		
08-C																									

POU County: MADISON

Non-Irrigation Uses: C/SWIMMING POOL, HEATING.

Other Rights: NONE

Remarks: GEN P/U AC. IRR = 16.5.
P/U GREEN CANYON HOT SPRINGS.
HOT SPRINGS USED TO WARM POOL WATER AND IRRIGATE PASTURE AND
CAMP GROUNDS AROUND POOL.

Dates: Exam Made Date: Verified Date: 10/30/1985 Objection Filed Date:

Misc: Water District Number: 01 Field Inspection Flag: Y
Presumption Flag:

WR0749NP
No. L22-07561

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/30/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GREEN CANYON HOT SPRINGS INC PO BOX 235 NEWDALE ID 83436 (208) 458-4454	08/23/1988	IRRIGATION COMMERCIAL	04/15 10/15 04/01 11/01	0.060 CFS 0.060 CFS	7.00 AFA ~~3.70 AFA~~
TOTAL DIVERSION:					0.060 CFS	~~14.40 AFA~~ 10.9

Water Source: GROUNDWATER ✓

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 0.370 CFS ✓

Point(s) of Diversion: T05N R43E S06 Lot 08(SWNW) ✓

MADISON County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE							
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
05N	43E	6	:															:	2.0
TOTAL ACRES																			2.0

Place of use location for COMMERCIAL is the same location as described for: IRRIGATION

Pou County: MADISON

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

22-04080 22-04081 22-04082 - Pincock Hot Spr.

Other Water Rights Listing Overlapping Place(s) of use:

22-04082

Conditions of Approval:

- ✓ 048 - The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
- ✓ 049 - The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
- ✓ R67 - This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Remarks: GEN ✓ Commercial use is for 150 unit overnight campground.

Dates: App. Received: 08/23/1988 Priority Date: 08/23/1988
Proof Due Date: 06/01/1992 Proof Made Date: 05/28/1992
Exam Made Date: 04/25/1996 Exam Sent to S.O.: 01/21/1998
Licensed Date:

WR0749NP
No. L22-07561

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/30/98
PAGE: 2

=====

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

Comments: Date: 05/28/1992 User-ID: VAULT Subject: Proof of Beneficial Use Rcvd
 Proof of Beneficial Use Rcvd

Audit: 04/30/98 SCURTIS

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

[illegible]

MEMORANDUM

TO: File 22-07561

FROM: Sharla

DATE: May 4, 1998

RE: Recommendation Adjustment(s)

The adjustments to licensing recommendations for Permit No. 22-07562 are as follows:

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

T5N, R43E, S6 - SWNW (Lot 8)

2. Place(s) of Use:

T5N, R43E, S6 - NWNW (Lot 4), SWNW (Lot 8)

H. RECOMMENDATIONS

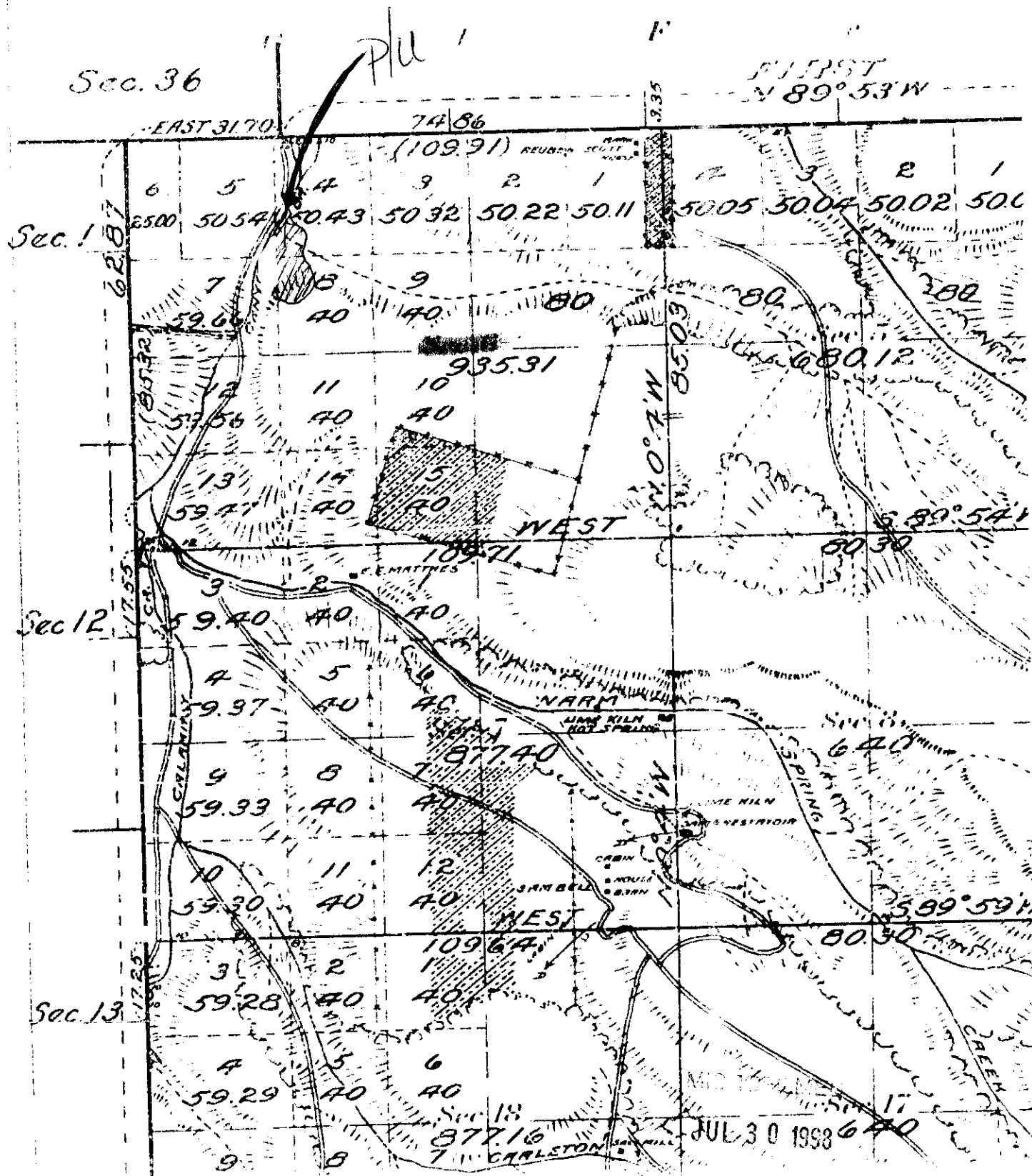
Irrigation	4/15 - 10/15	0.06 cfs	7.0 afa
Commercial	4/1 - 11/1	0.06 cfs	4.9 afa
	TOTALS	0.06 cfs	11.7 afa

Gov. Lots 4 and 8 are the NWNW and SWNW, respectively. The commercial season is limited to 4/1 - 11/1 as permitted, with the volume calculated based on 50gpd X 150 campsites X 215 days/325,850 = 4.9 af.

Examiner: Don Simpkins
Exam Date: April 25, 1996

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JUL 30 1998

"I pla"



LICENSE REVIEW CHECKLIST

PERMIT NO.

22-07561

DATE

4/30/98

REVIEWER: SHARLA

NAME

Change/OK

Address

SOURCE

Does change clarify orig. intended source? If no, Void permit

POINT OF DIV

Change (Para P39 - gov P40/P47) Add (P45/P42)

W32 (multiple in 1/4)

W36 (overlap)

W59 (subd. desc)

Overlaps:

Right(s):

File reviewed Profile reports printed

PLACE OF USE

Change (P41 - gov P43/P47)

Add (P41/P42)

W60 (subd. desc)

W27 (ppu acre limit)

Overlaps:

Right(s):

File reviewed Profile reports printed

RATE OF DIV

Permitted Rate .06 cfs

Fee limit .20 cfs \$5000

Measured cfs

Theoretical .37 cfs

Recommended Total Div Rate .06 cfs

WATER USES

OK (2x3.5) .06 cfs 7.0 af

Comm. .06 cfs 7.0 af

cfs af

cfs af

cfs af

TOTALS .06 cfs 14.0 af

Irrig -

overlap (R58-R61, R62-R65, R66-R69)

supp. gw (WB7/065/079)

overlap spec. combined rts (W35)

<1acre (W31)

Domestic

(W01/WB5/070/071/075)

Power

(W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077) Wtr Quality (081/R07)

Flow rate .06 cfs X 158 days X 1.98 = 18.8 af

REMARKS

C/1500 Campground

ADD'L CONDITIONS

Watermaster Control WD#

GW Measurement/Measuring Device

Others Trust (052/R55 - remove 051)

Non-trust (048/049)

Advance Priority yes no

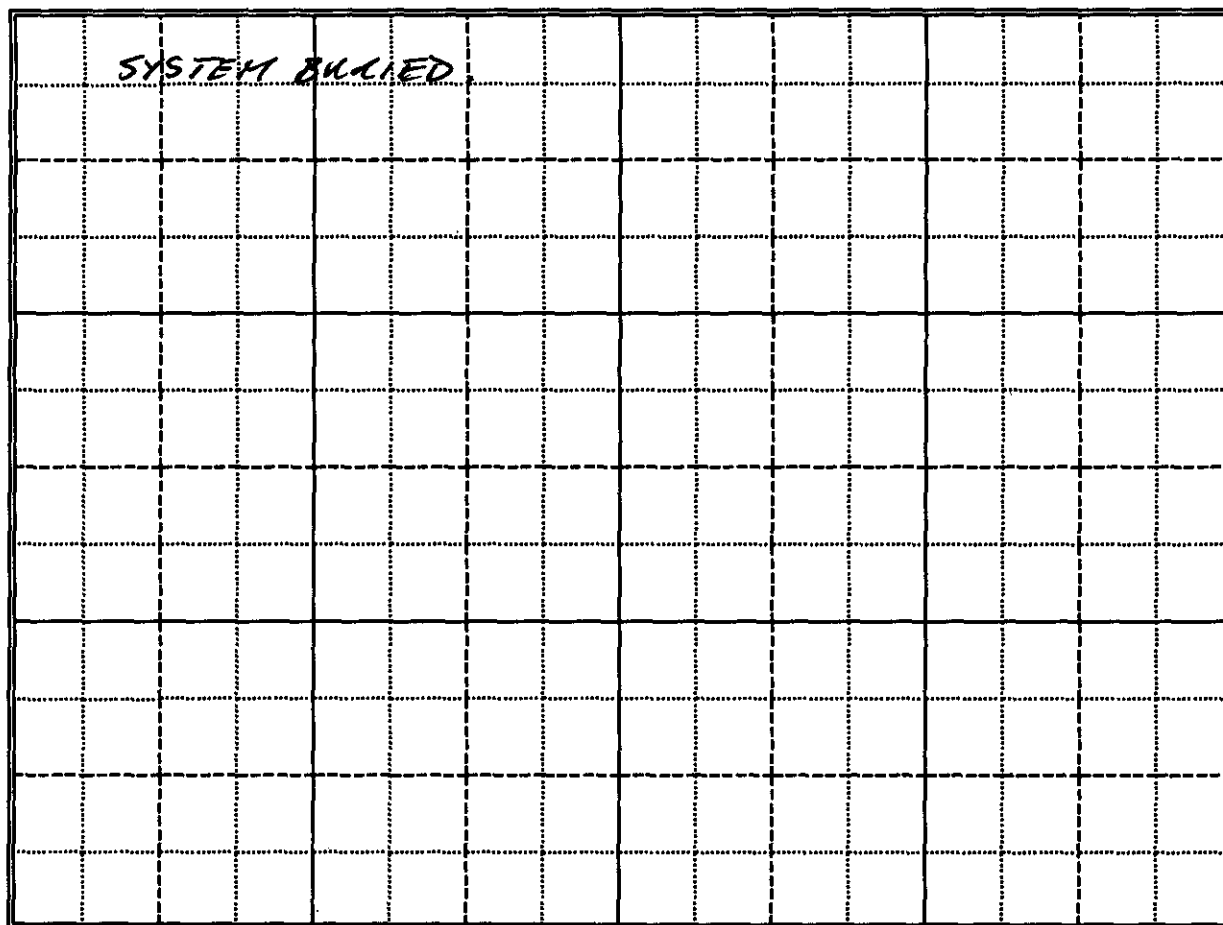
SRBA Claim N/A

Adjust Memo

Amend letters

1st volume, 1st 2nd 3rd 4th

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



Scale: 1" = _____

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

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

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
APP. 1993	FLANKLIN	5	SUBMERSIBLE		2"

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

D. FLOW MEASUREMENTS

1.

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

2. Measurements: SYSTEM DESIGN PROHIBITS MEASUREMENT.

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E. NARRATIVE/REMARKS/COMMENTS

WATER FOR THIS PERMIT IS FROM A SHP SUBMERSIBLE
PUMP DOWN A 10" DIAMETER WELL DRILLED IN APPROXIMATELY
1993. WATER IS PUMPED INTO A 2" COMMON LINE
WHICH SUPPLIES WATER TO IRRIGATION & COMMERCIAL
PURPOSES. SYSTEM IS COMMON TO ANOTHER WELL DRILLED
IN 1960 WHICH SUPPLIES WATER FOR COMMERCIAL USES.

WATER USES: 4 HOMES (Counted as single family domestic)
COMMERCIAL { 3 POOLS ① 123,000 GALS ② 23,563 GALS ③ 201 GALS.
20 RV HOOKUPS
150 UNIT CAMPGROUND
2 ACRES IRRIGATION

WATER IS CO-MINGLED WITH HOT SPRING WATER FOR
POOLS.

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

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F. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

Measured Method:

THEORETICAL PUMP

$$Q = 0.370 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 2 \text{ ac} \times 3.5 = 7 \text{ AFA.}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.06 \text{ cfs} \times 183 \times 1.9835 = 21.77$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 7 \text{ AFA.}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<i>IRRIGATION</i>	<i>4/15</i>	<i>10/15</i>	<i>0.06</i>	<i>7.0</i>
<i>COMMERCIAL</i>	<i>4/1</i>	<i>11/1</i>	<i>0.06</i>	<i>6.9</i>
Totals:			<i>0.06 cfs</i>	<i>13.9 AFA</i>

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

I. AUTHENTICATION

Field Examiner's Name *Subir K. Ghosh* Date *12/16/97*

Reviewer _____ Date _____

SEAL

MICROFILMED

JUL 5 0 1998

GREEN CANYON PARK + POOL

22-07561

COMPUTATION SHEET

(FIELD REPORT PART F+G)

FACTS + ASSUMPTIONS: 150 CAMPSITES, 20 RV SITES

EST. 30 PERSONS ON AVERAGE IN POOL/DAY, (2 1/2 PERSONS

EST. PER CAMP SITE + RV SITE).

[MAX. EST. PERSONS PER DAY AT PARK = 455]

SUMMER USE:

ESTIMATE AVERAGE DAILY USE AT 55% OCCUPANCY

PARK OPEN 210 DAYS (LESS 25 SUNDAYS) = 185 DAYS

DURING SUMMER SEASON (APRIL 1 TO OCTOBER 1)

$$455 \text{ PERSONS} \times 55\% = 250 \text{ P} \times 185 \text{ DAYS} = 46,250 \text{ PEOPLE/SEA.}$$

(CONST. VALUE)

$$46,250 \text{ PD} \times 35 \text{ G/D/PERSON} = \underline{\underline{1,618,750 \text{ GALLONS / PERSON / SEASON}}}$$

WINTER USE:

ESTIMATED AVERAGE DAILY USE AT 30% OCCUPANCY

PARK OPEN 155 DAYS (LESS SUNDAYS 24) = 131 DAYS

DURING ~~SUMMER~~ ^{WINTER} SEASON (OCT 2 TO MARCH 31)

$$455 \text{ PERSONS} \times 30\% = 136.5 \text{ PERSONS} \times 131 \text{ DAYS} = 17,881 \text{ PD}$$

$$17,881 \times 35 \text{ GALLONS/PERSON/DAY} = \underline{\underline{625,852 \text{ GALLONS / SEASON}}}$$

* COMMERCIAL

$$\frac{2,244,602 \text{ GAL/YR}}{325,850 \text{ gal/AF}}$$

$$\text{ESTIMATED } \text{WATER} = 6.88 \text{ AFA}$$

JUL 30 1998

GREEN CANYON PARK + POOL
COMPUTATION SHEET

22-07561

PERMIT 0.06 CFS LIMIT

$$\text{CFS} \times 1.9835 = \text{ACRE FT. / DAY}$$

$$0.06 \times 1.9835 = 0.119 \text{ AF/DAY}$$

$$0.119 \text{ AF/DAY} \times 365 \text{ DAYS/YR} = \underline{\underline{43.4 \text{ AFA}}}$$

PERMITTED CFS CAN DELIVER COMMERCIAL + IRRIGATION
REQUIREMENTS.
IRRIGATION (2 ACRES)

$$2 \text{ ACRES} \times 3.5 = 7 \text{ AFA}$$

CONCLUSION:

COMMERCIAL USE NEED 6.88 AFA

IRRIGATION NEED 7. AFA

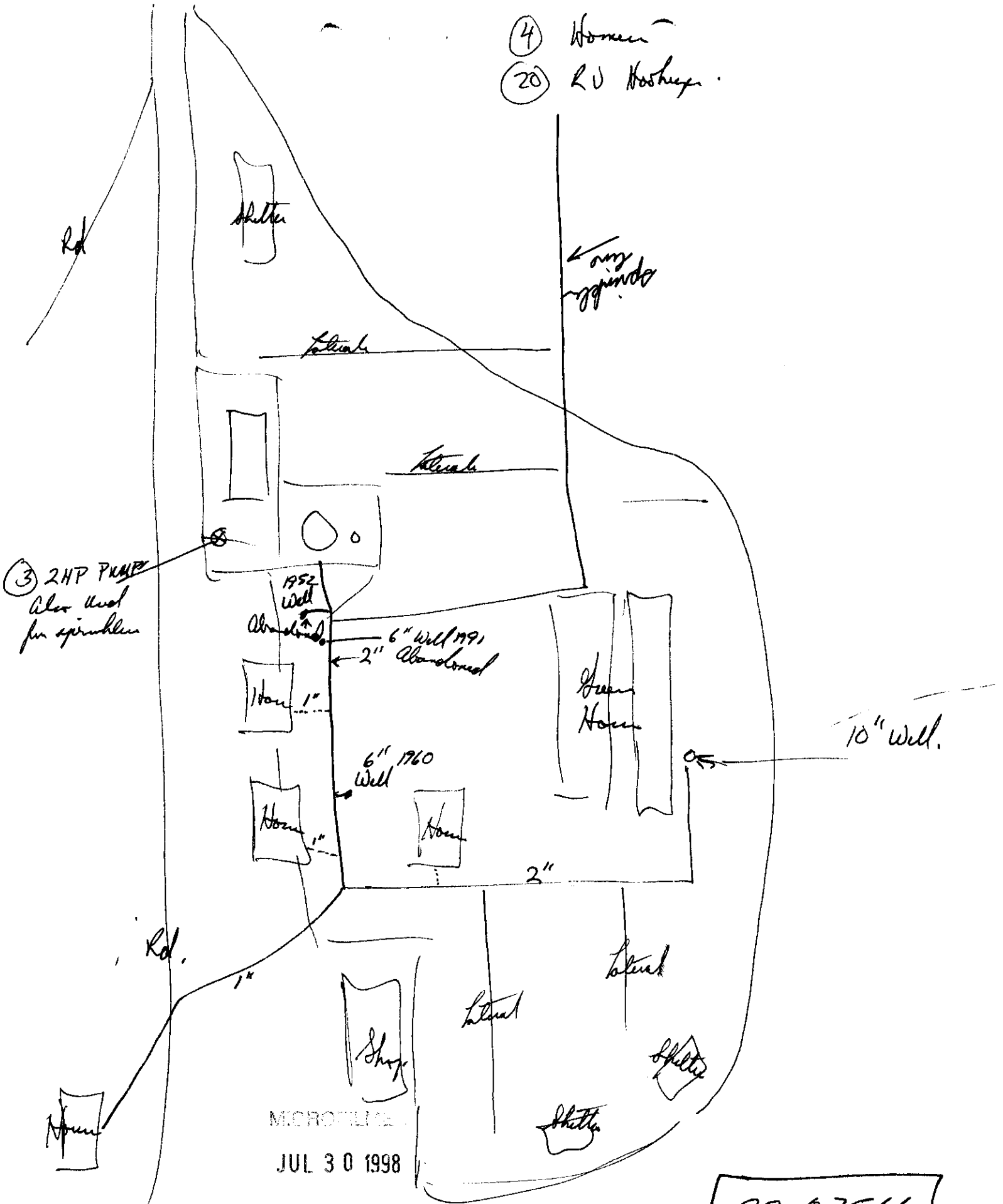
13.9 AFA

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JUL 30 1998

(4) Homen
(20) R U Hashu.

(20) RV Hoshuey.



MICROFILIA

JUL 30 1998

22-07561

Water to Coked Pool - ^{large} Hot Water to Hot Pool -
Water mixes in large pool output of pool recirculate & to irrigation.
Pump in well to pool & obs. direct.

FIELD EXAM NOTES

EXAM # 22-07561

DATE OF EXAM 4/25/96

PERMITEE NAME GLENN CANYON HOT SPRINGS INC

OTHER WATER RIGHTS SAME POD? NO - (possible transfer old right to new well?) ↓

OTHER WATER RIGHTS SAME POU SPL106 RIGHTS (3), RIGHT OF OLD WELLS 1952
↑ use 59

#1 PUMP #1 HP 5 MAKE Submersible SERIAL # Submersible

COLOR AND DESCRIPTION

OUTPUT DIAMETER 2" SYSTEM PRESSURE 30-50 PSI WELL DEPTH

STATIC H2O 9' WELL DEPTH 80' DYNAMIC PUMP

PSI GAGE TYPE CHECK VALVE (Y) [N] GATE VALVE (Y) [N]

Spunker/Circulation

IN POOL BCDG.

#2 PUMP #2 HP 2 MAKE Centurion SERIAL # Centurion

COLOR AND DESCRIPTION Black

OUTPUT DIAMETER 2" SYSTEM PRESSURE PSI WELL DEPTH

STATIC H2O WELL DEPTH DYNAMIC PUMP

PSI GAGE TYPE CHECK VALVE [Y] [N] GATE VALVE [Y] [N]

BOOSTER PUMP #1 HP MAKE SERIAL #

COLOR AND DESCRIPTION

BOOSTER PUMP #2 HP MAKE SERIAL #

COLOR AND DESCRIPTION

CIRCLE PIVOT [Y] [N] NUMBER OF TOWERS PIVOT LENGTH

PRESSURE [H] [L]

Buried Line
HAND LINES (Y) [N] NUMBER OF LINES 273 LENGTH OF LINES Varies

RAIN BIRDS PER LINE 30 TO 30 NOZZEL DIAMETER 5/32

SURFACE WATER TYPE OF MEASUREING DEVICE

AA METER PIGMY METER WEIR OR FLUME BUCKET/WATCH /

Coming from well water with hot spring water. COLD
① 123,000 MAIN POOL, ① 30 X 35 X 3' DEEP HOT POOL ① 3' X 3' X 3' Pool
↑ Mixed Water MICROFILM

USE BACK OF PAGE FOR SKETCH AND MEASUREMENTS OF SYSTEM JUL 30 1998

OVER.

THEORETICAL PUMP FLOW CALCULATIONS

Formula:

$$Q_{cfs} = [(Hp)(8.814)(Eff)] \div [Lift + (psi \times 2.308)]$$

$$Hp = \text{Horsepower} = \underline{5}$$

$$Eff = \text{Efficiency} = \underline{.7} \quad (\text{Usually } 70\%)$$

Lift: (Static Level + Assumed Drawdown)

$$\text{Static Water Level} = \underline{9} \text{ ft.}$$

$$\text{Assumed Drawdown} = + \underline{5} \text{ ft.}$$

$$\text{Lift} = \underline{14}$$

OR

$$\text{Measured Dynamic Water Level} = \underline{\hspace{2cm}} \text{ ft.}$$

$$psi = \text{Operating Pressure} = \frac{30}{30 \text{ ON } 50 \text{ OFF}} \text{ psi}$$

$$Q_{cfs} = \left[\frac{5}{Hp} \times 8.814 \times \frac{.7}{Eff} \right] \div \left[\frac{14}{Lift} + \left(\frac{30}{psi} \times 2.308 \right) \right]$$

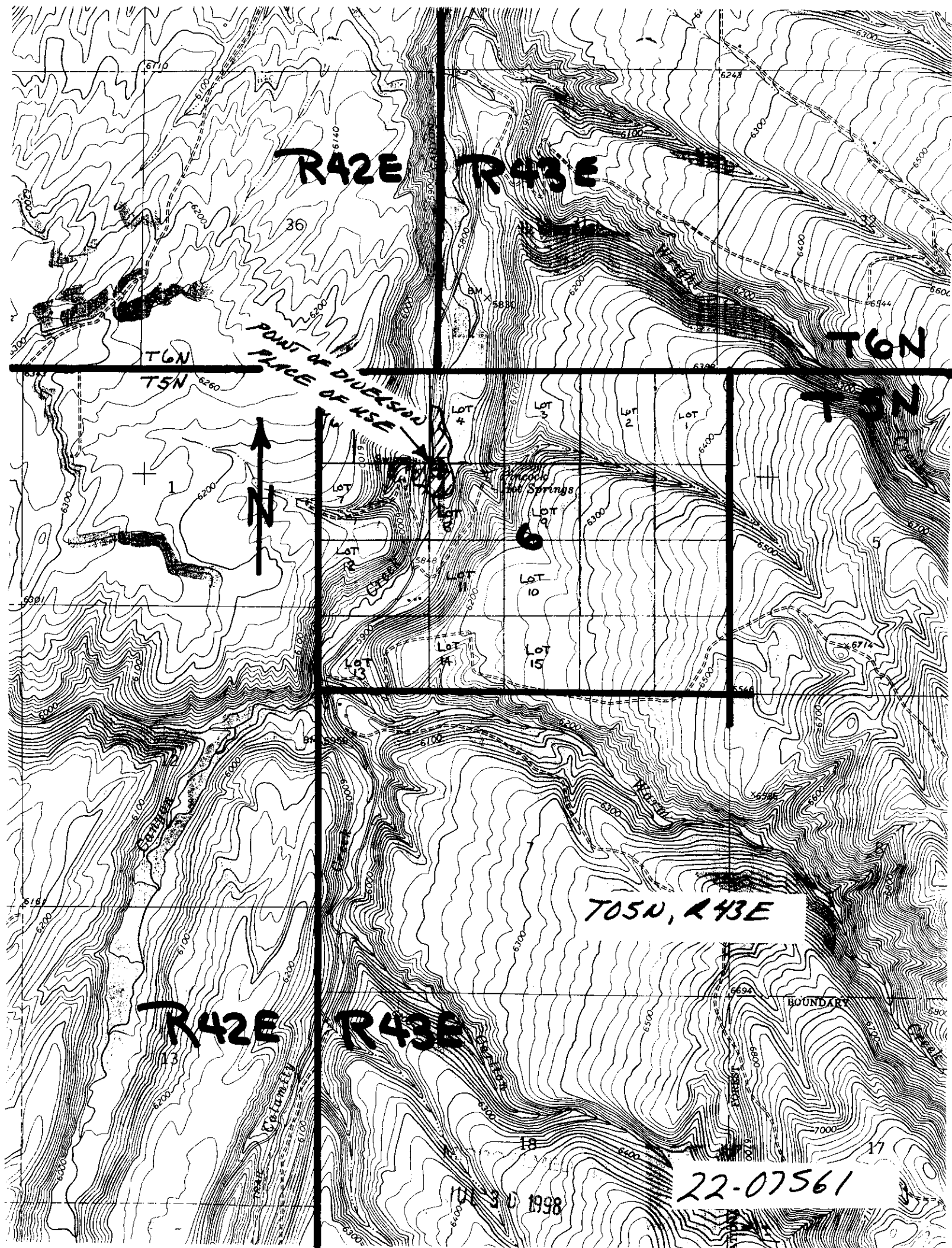
$$Q_{cfs} = \left[\underline{30,849} \right] \div \left[\underline{83.24} \right]$$

$$Q_{cfs} = \underline{0.3706} \text{ cfs}$$

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1973 3 2 1999

22-07561



-84

TGN

363

-82

TOSN, R43E

$\frac{30.0}{2}$ CRP

36.8 CRP

TSN

POINT OF DIVERSION
PLACE OF USE



$\frac{34.6}{4}$ CRP

T-81

$\frac{10.3}{1}$ CRP

1741

T-79

R42E R43E

12

22-07561

$\frac{88.8}{6}$ CRP
HEL

$\frac{73.8}{5}$ CRP
HEL

GREEN CANYON HOT SPRINGS

IRRIGATION / COMMERCIAL

1/5

VIEW OF
PLACE OF
USE
IRRIGATION
NORTH END



VIEW OF
POK -
IRRIGATION -
LEFT OF
CENTER



MICROFILMED

JUL 30 1998

PERMIT
NUMBER

22-07561

GREEN CANYON HOT SPRINGS

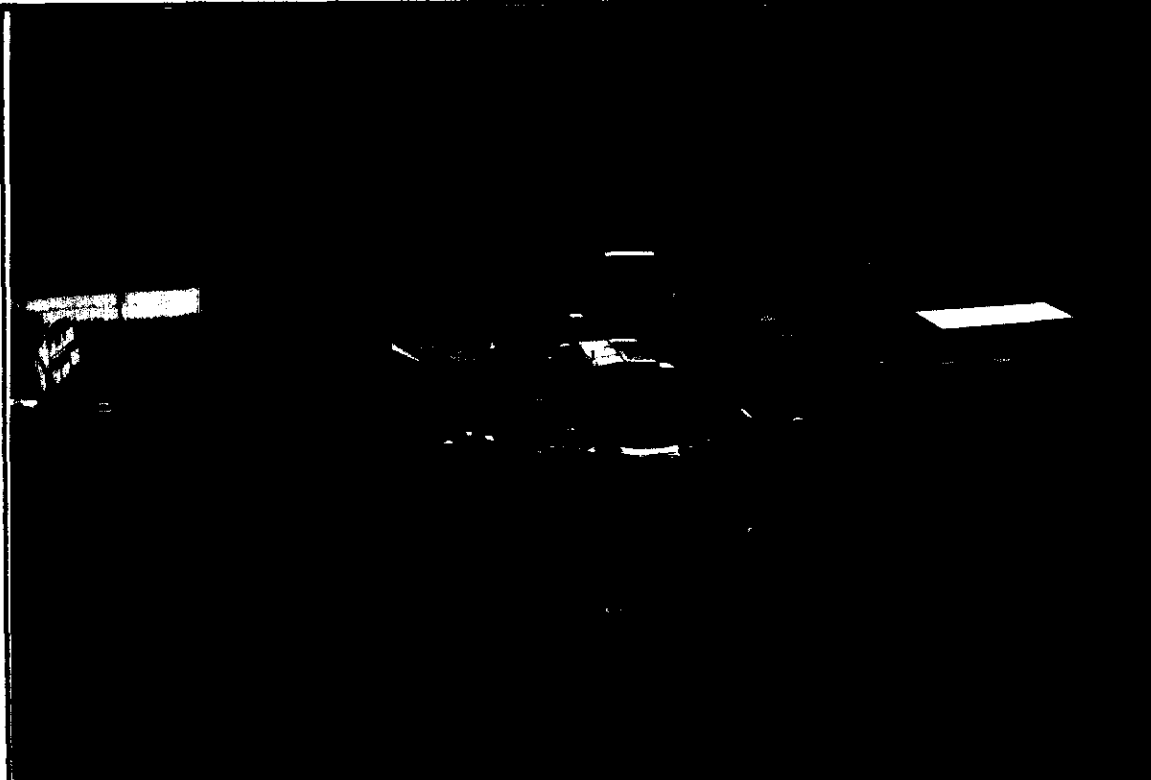
IRRIGATION / COMMERCIAL

215

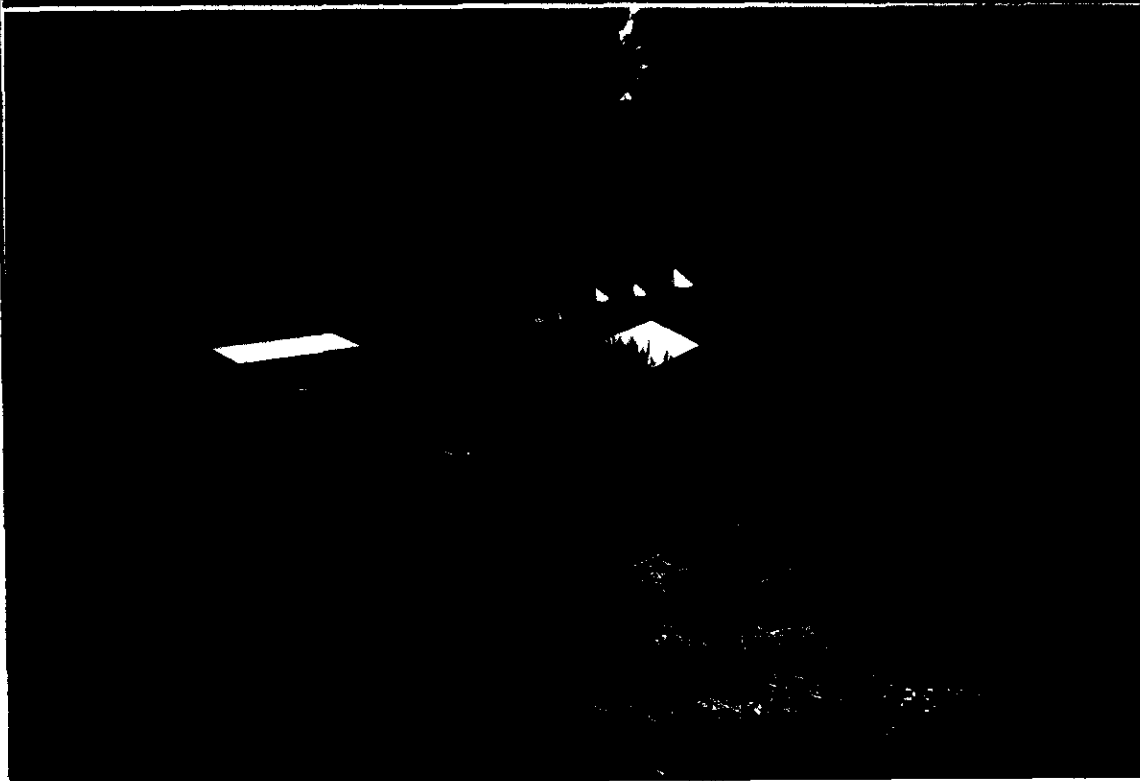
PLACE OF
USE

IRRIGATION
+
COMMERCIAL

CENTRAL RIGHT
NORTH /
SOUTH END



EXTREME
SOUTH END
PLACE OF
USE -
RIGHT SIDE
OF PHOTO



RECORDED

JUL 30 1998

PERMIT
NUMBER

22-07561

GREEN CANYON HOT SPRINGS

IRRIGATION / COMMERCIAL

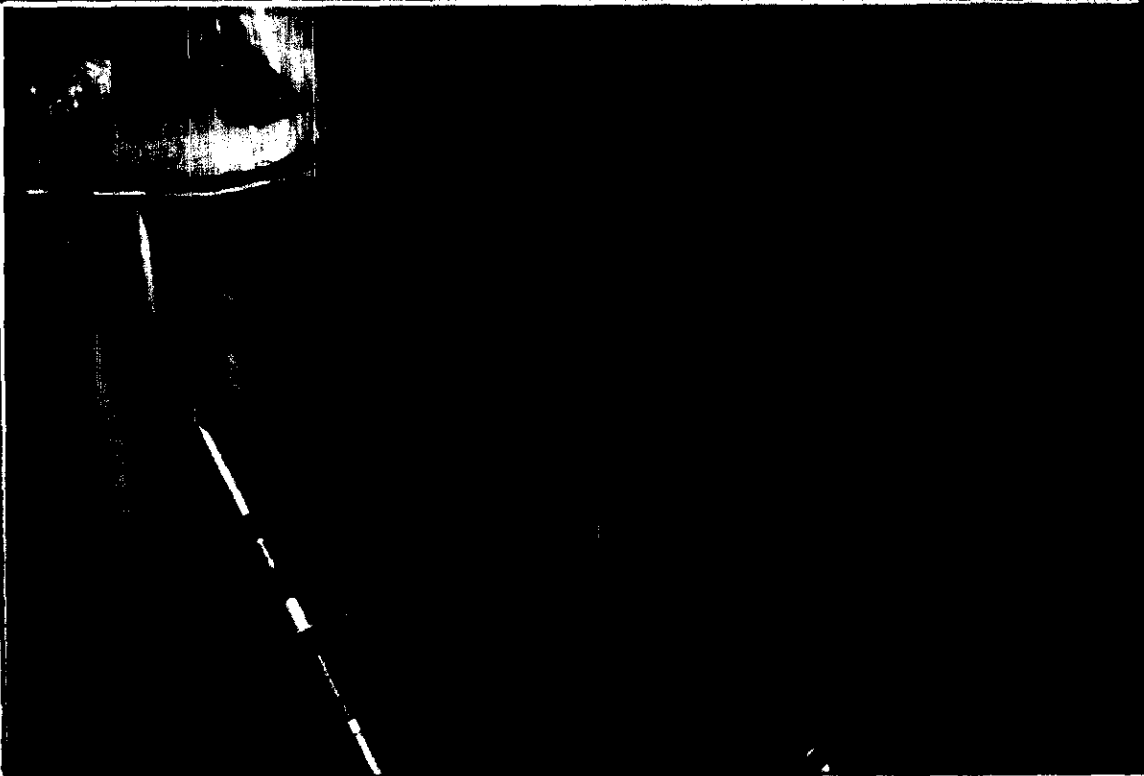
345

PLACE OF
USE

VIEW OF
WELL #1



PRESSURE
TANKS INSIDE
POOL HOUSE



PERMIT
NUMBER

22-07561

ANDERSON

JUL 30 1998

GREEN CANYON HOT SPRINGS

REGULATION / COMMERCIAL

4/5

VIEW OF
BRIED WELL
DRILLED IN
1960

6" WELL

VIEW OF
OLD ABANDONED
WELL BROKEN
DRILLED IN
1991

6" WELL

MICROFILM

JUL 30 1998

PERMIT
NUMBER

22-07561

GREEN CANYON HOT SPRINGS

IRRIGATION + COMMERCIAL

5/5

VIEW OF OLD
WELL - POOL
HORSE -
ABANDONED
DULLED 1952

425'00"

MICROFILMED

JUL 30 1998

PERMIT
NUMBER

22-07561

June 4, 1992

GREEN CANYON HOT SPRINGS INC.
P.O. BOX 235
NEWDALE ID 83436

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 22-07561

Dear Permit Holder:

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

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

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

MICROFILMED
JUN 10 1992

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 22-07607561 Reviewed by Klg Date 5/29/92

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes Address same as permit?
yes Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

 Surface water source
✓ Ground water source
yes Drilling permit required?
yes Copy in the file? Drilling Permit No. 22-92-E-007
200 Amount paid for permit yes Correct?
yes Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
50 Amount Submitted
yes Correct?
NA Required?
/ Installed?
/ Waiver requested?

PRIORITY CALCULATION

Date proof received	<u>NA</u>	
Date proof due	<u>/</u>	-
No. of days late	<u>/</u>	=
Priority Date	<u>/</u>	+
New Priority Date	<u>/</u>	

DEFICIENCIES OR ACTION ITEMS

proof acceptable

DATA ENTRY

New Address _____

Proof Made 5/28/92
6/4/92 Klg

Drilling Permit No. 22-92E-001

Water Right Permit No. 22-7561

Injection Permit No. _____

State of Idaho
Department of Water Resources

APPLICATION FOR DRILLING PERMIT

1. Applicant (please print) Green Canyon Hot Springs to Phil Neibaur

2. Mailing Address PO Box 235

City & State Newdale Idaho Zip Code 83436 Telephone 458-4454

☒ Well Owner () Well Operator () Other, specify _____

3. Proposed well location NE SW 1/4 NW 1/4, or Gov't Lot No. 8

Sec. 6, Twp. 5N, Rge. 43E, County Madison

Street Address of Well Site _____

Lot, block and subdivision _____

4. Proposed use of well:

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

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

☒ Non-Domestic: Any beneficial use not included within the definition of domestic.

() Injection

() Monitoring - A well bore schematic and map is required for each well.
No. of proposed wells: _____

☒ Other Commercial-Help Cool Hot Water used for Comm. Swimming Pool
(Describe) and domestic home

5. Well construction information:

A. ☒ New well () Deepen () Enlarge () Replace - See Condition 9

B. Proposed Surface Diameter 10" Proposed Maximum Depth 400

C. Anticipated bottom hole temperature:

- ☒ 85°F or less (Cold water well)
() 85°F to 212°F (Low temp. geothermal well)
() 212° or more (Geothermal well)

6. Construction Start Date Feb 7, 1992

7. Anticipated Well Driller Donna 17195

NOTE: The actual well driller must be identified prior to drilling.

8. Applicant's signature Maurine Neibaur Date 1/31/92

Title Firm Representative
(Owner, Firm Representative, Other)

MICROFILMED

JUN 10 1992

ACTION OF THE DEPARTMENT OF WATER RESOURCES

This Permit is

Approved

Date

1-31-92

If approved, this permit authorizes the construction or modification of a well subject to the following conditions. READ CAREFULLY!

GENERAL CONDITIONS:

1. The well must be constructed in compliance with the applicable statutes, specific conditions of approval shown on the water right permit, injection well permit, transfer or amendment and the rules and regulations of the Department for water appropriation, injection wells and well construction standards.
2. This drilling permit is valid for two (2) months from the above approval date for the start of construction and is valid for one (1) year from the approval date for completion of the well unless an extension has been granted.
3. This permit does not constitute an approval of the District Health Department or the Idaho Department of Health and Welfare which may be required before construction of this well. All wells must be drilled a minimum distance of 100 feet from a drain field. Domestic and Public Water Supply wells must be drilled a minimum distance of 50 feet and 100 feet respectively from a septic tank.
4. The well shall be constructed by a driller currently licensed in the State of Idaho who must maintain a copy of the drilling permit at the drilling site.
5. Approval of this drilling permit does not authorize trespass on the land of another party.
6. This permit does not constitute other local, county, state or federal approvals which may be required for construction of a well.
7. This drilling permit does not represent a right to divert and use the water of the State of Idaho.
8. If a bottom hole temperature of 85° or greater is encountered, well construction shall cease and the well driller and the well owner shall contact the Department immediately.
9. If this permit is for a replacement well, the well being replaced must be abandoned in accordance with Department Rules and Regulations.

SPECIFIC CONDITIONS:

Signature of Authorized Department Representative

Title

Receipt No.

8016891

Received by

JK

Fee

200.00

Date

1-31-92

EXTENSION OF DRILLING PERMIT

Extension approved by

Approval Date

This extension is good for 60 days beyond the above extension approval date.

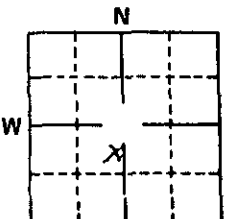
RECEIVED
JUN 10 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORT

RECEIVED
USE TYPEWRITER OR
BALLPOINT PEN
MAR 16 1992

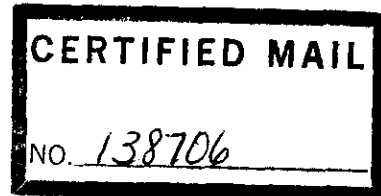
State law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.

Department of Water Resources
Eastern District Office

1. WELL OWNER Name <u>Green Canyon Hot Springs & Phil Neibaur</u> Address <u>P.O. Box 235 Newdale Id.</u> Drilling Permit No. <u>22-92-E-007</u> Water Right Permit No. _____	7. WATER LEVEL Static water level <u>9'</u> feet below land surface. Flowing? ☐ Yes ☒ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature _____ °F. Quality _____ <i>Describe artesian or temperature zones below.</i>																																																				
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"><thead><tr><th>Discharge G.P.M.</th><th>Pumping Level</th><th>Hours Pumped</th></tr></thead><tbody><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></tbody></table>	Discharge G.P.M.	Pumping Level	Hours Pumped																																																	
Discharge G.P.M.	Pumping Level	Hours Pumped																																																			
3. PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection ☒ Other <u>Commercial</u> (specify type)	9. LITHOLOGIC LOG <table border="1"><thead><tr><th rowspan="2">Bore Diam.</th><th colspan="2">Depth</th><th rowspan="2">Material</th><th colspan="2">Water</th></tr><tr><th>From</th><th>To</th><th>Yes</th><th>No</th></tr></thead><tbody><tr><td>10"</td><td>0</td><td>10'</td><td>Clay</td><td></td><td>K</td></tr><tr><td></td><td>10'</td><td>17'</td><td>Sand and Gravel</td><td>K</td><td></td></tr><tr><td></td><td>17'</td><td>25'</td><td>Clay & Gravel</td><td></td><td>A</td></tr><tr><td></td><td>25'</td><td>37'</td><td>Clay</td><td></td><td>A</td></tr><tr><td></td><td>37'</td><td>70'</td><td>Lava</td><td></td><td>K</td></tr><tr><td></td><td>70'</td><td>75'</td><td>Cinders</td><td>K</td><td></td></tr><tr><td></td><td>75'</td><td>80'</td><td>Clay</td><td></td><td>K</td></tr></tbody></table>	Bore Diam.	Depth		Material	Water		From	To	Yes	No	10"	0	10'	Clay		K		10'	17'	Sand and Gravel	K			17'	25'	Clay & Gravel		A		25'	37'	Clay		A		37'	70'	Lava		K		70'	75'	Cinders	K			75'	80'	Clay		K
Bore Diam.	Depth		Material	Water																																																	
	From	To		Yes	No																																																
10"	0	10'	Clay		K																																																
	10'	17'	Sand and Gravel	K																																																	
	17'	25'	Clay & Gravel		A																																																
	25'	37'	Clay		A																																																
	37'	70'	Lava		K																																																
	70'	75'	Cinders	K																																																	
	75'	80'	Clay		K																																																
4. METHOD DRILLED ☒ Rotary ☒ Air ☐ Hydraulic ☐ Reverse rotary ☐ Cable ☐ Dug ☐ Other _____	10. Work started <u>2-12-92</u> finished <u>2-15-92</u>																																																				
5. WELL CONSTRUCTION Casing schedule: ☒ Steel ☐ Concrete ☐ Other _____ <table border="1"><thead><tr><th>Thickness</th><th>Diameter</th><th>From</th><th>To</th></tr></thead><tbody><tr><td><u>2.50</u> inches</td><td><u>8</u> inches</td><td><u>1</u> feet</td><td><u>38</u> feet</td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </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 _____ inches by _____ inches <table border="1"><thead><tr><th>Number</th><th>From</th><th>To</th></tr></thead><tbody><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></tbody></table> Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>38'</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 _____		Thickness	Diameter	From	To	<u>2.50</u> inches	<u>8</u> inches	<u>1</u> feet	<u>38</u> feet													Number	From	To																													
Thickness	Diameter	From	To																																																		
<u>2.50</u> inches	<u>8</u> inches	<u>1</u> feet	<u>38</u> feet																																																		
Number	From	To																																																			
6. LOCATION OF WELL Sketch map location <u>must</u> agree with written location  County <u>Madison</u> Subdivision Name _____ Lot No. <u>8</u> Block No. _____ NE ¼ NW ¼ Sec. <u>6</u> T. <u>5</u> N ¼ S ¼ R. <u>43</u> E ¼ W ¼	11. DRILLERS CERTIFICATION I/We certify that all minimum well construction standards were applied with at the time the rig was removed. Firm Name <u>Denning Drilling Inc</u> Firm No. <u>10</u> Address <u>Box 460 Udon Id</u> Date <u>2-15-92</u> Signed by (Firm Official) <u>Denning</u> and (Operator) <u>Denning</u>																																																				

GREEN CANYON HOT SPRINGS INC.
P.O. BOX 235
NEWDALE ID 83436

March 31, 1992



PROOF DUE NOTICE
RE: PERMIT NO. 22-07561

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before June 1, 1992. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures

MICROFILMED
JUN 10 1992

April 5, 1991

GREEN CANYON HOT SPRINGS INC
P O BOX 235
NEWDALE ID 83436

Gentlemen:

Re: Permit No. 22-7561

Enclosed is a copy of the approved request for extension of time. The time within which to submit proof of beneficial use is extended to June 1, 1992.

Note that the department has granted this extension based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

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APR 11 1991

STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 52-7561

Reviewed by [Signature]

Date _____

BASIC INFORMATION

- Y Date stamp received
- Y Extension received timely (not too early not too late)
- Y Fee received and receipted
- Y Name and signature same as permit
- N Address change

BASIS FOR EXTENSION REQUEST

- Y Has adequate work been completed to demonstrate due diligence?
- Y Has the cost incurred been adequate to demonstrate an intent to complete the project?
- _____ Has the permit been involved in litigation?
 - a. Swan Falls _____ Dismissed from Swan Falls _____
 - Other _____ Identify _____
- b. Is supporting documentation needed to complete the file? _____
- Requested _____
- c. Calculate the period of delay

Date litigation completed _____

Date litigation began _____

Total period of delay = _____

Present proof due date + _____

NEW PROOF DUE DATE = _____

- _____ Is delay by a government agency?
- _____ Is supporting documentation needed to complete the file? _____
- Requested? _____

ACTION TAKEN - *Recommend approval based on due diligence for 14 mo.*

N/A Reinstated Date extension received _____ = _____

Proof due date _____ = _____

No. of days late _____ = _____

Priority date _____ = + _____

ADJUSTED PRIORITY DATE _____ = _____

DATE ENTRY

- [Signature] Change proof due date _____ Address change
- Priority date change _____

138975
January 31, 1991

GREEN CANYON HOT SPRINGS INC.
P.O. BOX 235
NEWDALE, ID 83436

PROOF DUE NOTICE
RE: PERMIT NO. 22-07561

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before April 1, 1991. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

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SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

APR 11 1991

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

Statehouse
Boise, Idaho 83720
(208) 327-7900
April 12, 1990

GREEN CANYON HOT SPRINGS INC.
P.O. BOX 235
NEWDALE, ID 83436

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

RE: PERMIT NO. P22-07561

Dear Permit Holder:

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

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

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

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APR 14 1990

Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

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APR 1 1969

DATE 4/5/90

FROM Sharla

TO File 22-7561

SUBJECT

Drilling permit for this filing was routed to Mark Shifka because the holder is not ready to start development yet. Mark will have the drilling permit approved when the holder is ready.

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APR 17 1990

SIGNATURE

Form No. 202a
4/87STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SWAN FALLS

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY Steve McCormack DATE 9-6-88 APPLICATION NUMBER 22-7561REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
- ☒ County
- ☒ Quantity (flow and/or volume)
- ☒ Period of Use
- ☒ Nature of proposed use (Include description of use.)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map
- ☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- ☒ Overlapping place of use (Describe source & relationship to present application on the back.)
- ☒ Overlapping point of diversion
- ☐ Yes ☒ No Field check required
- Field check by _____
- ☐ Yes ☒ No Field report attached
- ☐ Yes ☒ No Critical groundwater area
- ☐ Yes ☒ No Groundwater management area
- ☐ Yes ☒ No Send dam safety information
- ☐ Yes ☒ No Send power requirement letter
- ☐ Yes ☒ No Send fish farm requirement letter
- ☐ Yes ☒ No Power residency affidavit
- ☐ Yes ☒ No Power efficiency form
- ☐ Yes ☒ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
- ☐ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested MAR 05 1990

Department of Water Resources

PROCESSING

☒ Yes ☐ No I form for advertising
☐ Yes ☒ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO

☒ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☐ Water District
☐ Adjudication Bureau Unit ☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest 2-19-90
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☒ No Recommendations attached
☐ Yes ☒ No Measuring device required
☐ Yes ☒ No Access port required
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. 01
☐ Yes ☐ No Special conditions of approval or cover letter below. P05

☐ See below for additional information
Date of priority recommended 8-23-1988
By HWS Date 3-02-90

STATE OFFICE REVIEW P05, P23, ~~P23~~ P16 46 48 49

☐ See below for additional information
By kw Date 3-16-90

ADDITIONAL INFORMATION

App. in NON-TRUST area-
Process drilling permit too



State of Idaho
DEPARTMENT OF HEALTH AND WELFARE
Division of Environmental Quality

CECIL D. ANDRUS
Governor
RICHARD P. DONOVAN
Director

224 South Arthur
Pocatello, Idaho 83204
(208) 236-6160

RECEIVED

February 1, 1990

FEB 1 1990

Department of Water Resources
Eastern District Office

Phil Gene Neibaur
Green Canyon Hot Springs, Inc.
Box 235
Newdale, ID 83436

RE: Application No. 22-7561 for campground
water system

Dear Mr. Neibaur:

Any plan for a new public water system or any extension to an existing public water system is required by the Idaho Regulations for Public Drinking Water Systems to be reviewed and approved by this department before any construction commences. Therefore we would advise you to contact this office or the local District Health Department office as soon as possible to obtain details on what is required.

If you have any questions feel free to give me a call (236-6160).

Sincerely,

George Spinner
Water Quality Compliance Officer

GS/jr

cc: [redacted], Dept. Water Resources, Idaho Falls
Walt Poole, IDHW-DEQ, Pocatello
Mike Nelson, Dist 7 Health Dept., Idaho Falls

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APR 17 1990

Celebrate
IDAHO
1890 • CENTENNIAL • 1990

24-Jan-1990

Department of Health & Welfare
Division of the Environment
150 N. 3rd.
Pocatello, ID 83201

RE: Application for Permit No. 22-7561

Dear Sir:

This office is currently in the process of publishing notice that the above application for permit was filed with the Department of Water Resources. Since the application may be of interest to you, a copy is enclosed for your examination. Comments concerning the application should be addressed to the applicant with a copy forwarded to this office. Protests objecting to granting a permit should be directed to this Department and received as soon as possible. Action will be taken by this office shortly, provided there are no protests lodged against the applications.

Respectfully submitted,

Harold W. Jones
Water Rights Supervisor

HWJ/rb
Enclosure

MICROFILMED

APR 17 1990

24-Jan-1990

Green Canyon Hot Springs, Inc.
Box 235
Newdale, ID 83436

RE: Application for Permit No. 22-7561

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising your application in the Rexburg Standard-Journal. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

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

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

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

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

RECORDED

APR 17 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

JANUARY 23, 1990

THE REXBURG STANDARD-JOURNAL
P.O. BOX 10
REXBURG, ID 83440

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before FEBRUARY 19, 1990.

Yours truly,

Rita Bodell
Secretary

Encl.

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APR 17 1990



22-07561

GREEN CANYON HOT SPRINGS INC.
P.O. BOX 235
NEWDALE, ID 83436

Source: GROUNDWATER

Diversion Pt: LOT 4 (NENENW) Sec 6 T 05N R 43E

Use: IRRIGATION (.060 CFS)
COMMERCIAL (.060 CFS)
Total Diversion: (.060 CFS)

Date Filed: 8/23/1988

In: T05N R43E S06 Lot 8 (NWNW) Lot 4 (SWNW)

2.0 ACRES TOTAL

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APR 17 1990

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42- , Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before FEBRUARY 19, 1990.

R. Keith Higginson, Director

Published 2/01/1990 & 2/08/1990

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APR 17 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

October 19, 1988

Green Canyon Hot Springs, Inc.
Box 235
Newdale, Idaho 83436

RE: Application for Permit #22-7561

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your application for water right permit. The application has been assigned identification No. 22-7561. Please refer to this number in all future correspondence.

The Department can not proceed with the processing of your application at this time. It seeks the appropriation of water within the area covered by the civil suit of Idaho Power Company vs. Idaho Department of Water Resources, et al., Ada County Civil No. 81375 (Swan Falls Suit). Until there has been a final resolution to this suit and rules and regulations promulgated for considering new appropriations, the processing of applications in this area has been suspended. During the interim, your application will be held in this office.

The staff in our office will be glad to answer any questions you have concerning the above matter.

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor

RECORDED

APR 17 1990

IDENT. NO. 22-7561

WATER RIGHT
DATA ENTRY LOG

[illegible]