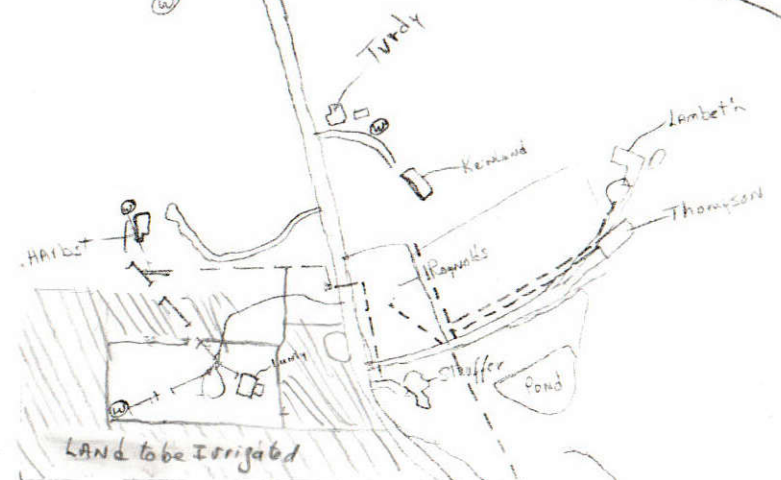


Twp 9S. Rge 14E

4	3
9	10



WARRANTY DEED

For Value Received

EDWARD H. KERPA and ERIKA F. KERPA, husband and wife

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto

ROBERT S. LUNTEY and ADELLA S. LUNTEY, husband and wife

Hereinafter called the grantee, the following described premises, in Twin Falls County, Idaho, to-wit:

A Tract of land in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, Township 9 South, Range 14 East, B.M., Twin Falls County, Idaho, described as follows:

COMMENCING at the E $\frac{1}{4}$ corner of said Section 9;
 THENCE North 89°03' West, 109.99 feet;
 THENCE North 54°52' West, 60.45 feet the TRUE POINT OF BEGINNING;
 THENCE North 84°52' West, 271.50 feet;
 THENCE North 73°20' West, 214.90 feet;
 THENCE North 34°56'30" West, 108.65 feet;
 THENCE North 89°03' West, 621.81 feet to a point on the West line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 THENCE North 0°04' West, along the West line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 314.38 feet;
 THENCE North 85°13' East, 816.27 feet;
 THENCE North 78°55' East, 24.83 feet;
 THENCE South 10°06' East, 400.16 feet;
 THENCE South 54°41' East, 200.00 feet;
 THENCE South 54°52' East, 109.35 feet to the TRUE POINT OF BEGINNING.

SUBJECT to Restrictive Covenants affecting the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 9 Township 9 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho, recorded January 20, 1972, as Instrument No. 629119, records of Twin Falls County, Idaho.

TOGETHER with eight (8) shares of water from Kanaki Springs Water Users Association, Well Permit No. 47-7115.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: December 7, 1972

Edward H. Kerpa
 EDWARD H. KERPA
Erika F. Kerpa
 ERIKA F. KERPA

STATE OF IDAHO, COUNTY OF *Twin Falls*
 On this *22nd* day of *December*, 19 *72*
 before me, a notary public in and for said State, personally appeared

EDWARD H. KERPA and ERIKA F. KERPA
 husband and wife

known to me to be the person s whose name s
 subscribed to the within instrument, and acknowledged to
 me that they executed the same.

Julian M. Hafford
 Notary Public
 Residing at *Boise*, Idaho
 Comm. Expires *3-2-76*

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the request of

at minutes past *3* o'clock m.
 this *22nd* day of *December*, 19 *72*
 in my office, and duly recorded in Book
 of Deeds at page

H. A. LANCASTER

Ex-Officio Recorder,

By *Robert S. Luntey*
 Deputy.

Fees \$ *1.00*
 Mail to: Robert S. Luntey
 10730 W. Saratoga Place
 Littleton, Colorado 80123

INSTRUMENT NO. 64482

WARRANTY DEED

For Value Received

EDWARD H. KERPA and ERIKA F. KERPA, husband and wife

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto

ROBERT S. LUNTEY and ADELLA S. LUNTEY, husband and wife
whose address is: 10730 W. Saratoga Place, Littleton, Colorado 80123Hereinafter called the grantee, the following described premises, in Twin Falls County, Idaho,
to-wit:

Township 9 South, Range 14 East, B.M., Twin Falls County, Idaho

Section 9: A tract of land in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ described as follows:
COMMENCING at the E $\frac{1}{4}$ corner of said Section 9;THENCE North 89°03' West, along the South line of said
SE $\frac{1}{4}$ NE $\frac{1}{4}$, a distance of 109.99 feet the TRUE POINT OF
BEGINNING;THENCE continuing North 89°03' West, 1209.62 feet to the
SW corner of said SE $\frac{1}{4}$ NE $\frac{1}{4}$;THENCE North 0°04' West, along the West line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$
a distance of 200.00 feet;

THENCE South 89°03' East, 621.81 feet;

THENCE South 34°56'30" East, 108.65 feet;

THENCE South 73°20' East 214.90 feet,

THENCE South 84°52' West, 271.50 feet;

THENCE South 54°52' East, 60.45 feet to the TRUE POINT OF
BEGINNING.SUBJECT to Restrictive Covenants affecting the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 9, Tp. 9 So.,
Range 14 E., B.M., Twin Falls County, Idaho, recorded January 20, 1972, as
Instrument No. 629119, records of Twin Falls County, Idaho.TOGETHER with four (4) shares of water from Kanaki Springs Water Users
Association, Well Permit No. 47-7115.TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee
and to the Grantee's heirs and assigns forever. And the said Grantor does hereby
covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises;
that they are free from all incumbrances except as described above and that Grantor will warrant
and defend the same from all lawful claims whatsoever.

Dated: July 30, 1973

EDWARD H. KERPA

ERIKA F. KERPA

STATE OF IDAHO, COUNTY OF *Twin Falls*
On this *30th* day of *July*, 1973,
before me, a notary public in and for said State, per-
sonally appearedEDWARD H. KERPA and ERIKA F. KERPA,
husband and wifeknown to me to be the persons whose name is
subscribed to the within instrument, and acknowledged to
me that they executed the same.Residing at *Ball*, Idaho
Comm. Expires *3-2-76*STATE OF IDAHO, COUNTY OF *Twin Falls*
I hereby certify that this instrument was filed for record at
the request of *TitleFact, Inc.*at *4-5* minutes past *1* o'clock *m.*,
this *AUG 1 1973* day of
1973, in my office, and duly recorded in Book
of Deeds at page

Ex-Officio Recorder

By *William Thomas* Deputy.Fees \$ *1.00*
Mail to: Robert S. Luntey
10730 W. Saratoga Place
Littleton, Colorado 80123

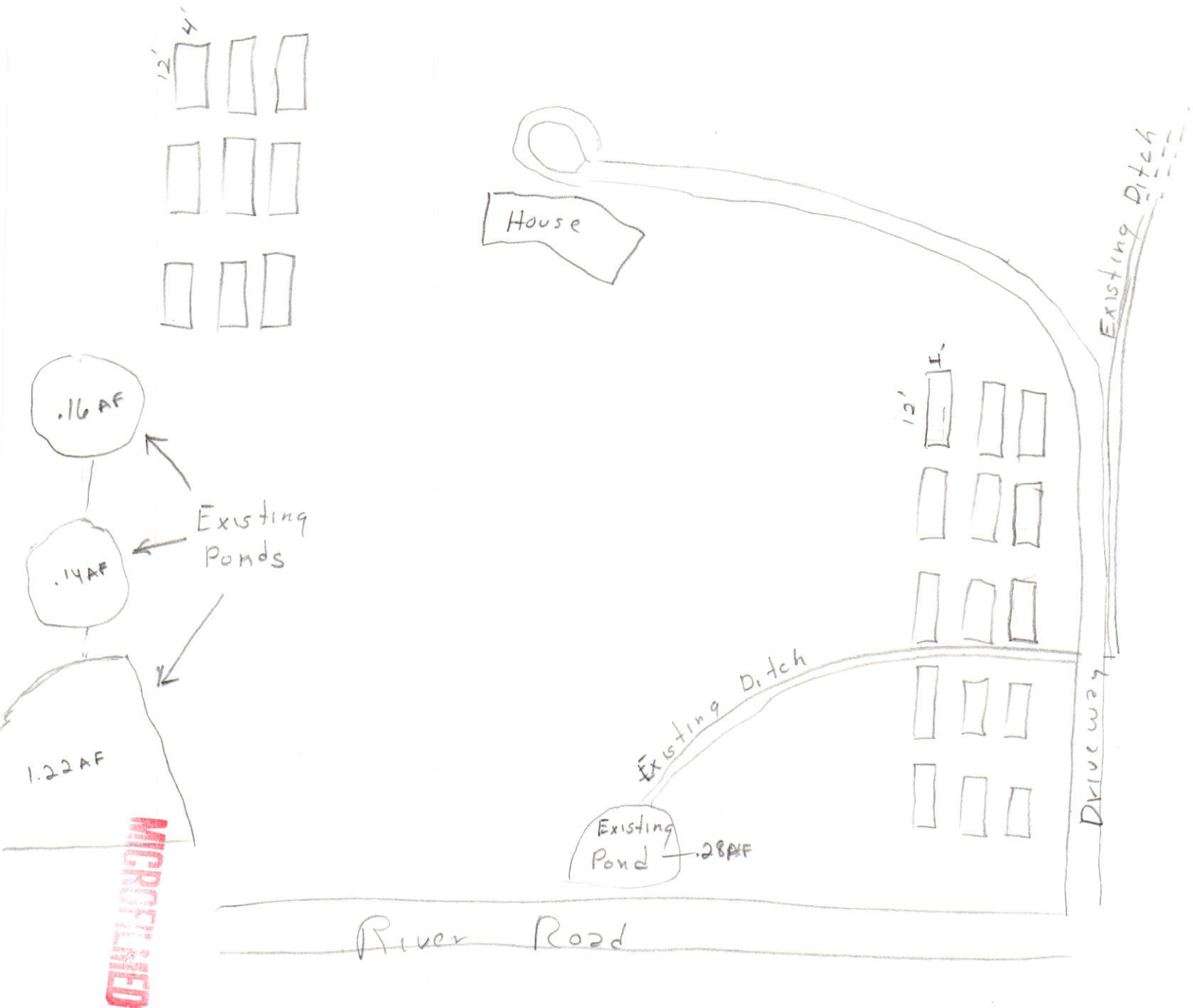
INSTRUMENT NO.

6545 9

Schematic Fish Propagation System

R.S. Luntay
6-8-82

(Location - SE 1/4 NE 1/4 T 9 S. R 14 E 3 M)



47-7826
LUNTEY ROBERT S.
&/or ADELLA S.
RT. 3, BOX 240, BUHL, ID
83316

Source:
GROUNDWATER
Date Filed: 06/08/1982
Amount: 0.20 CFS
Diversion Point: SENE
Sec 09 T 09S R 14E, TWIN
FALLS Co.

Use: IRRIGATION (0.20
CFS) from 3/15 to 11/15
FISH PROP. (0.20) from
01/01 to 12/31

HEATING (0.20 CFS)
from 01/01 to 12/31

DOMESTIC (0.06 CFS)
from 01/01 to 12/31

RECREATION (0.20 CFS)
from 01/01 to 12/31

Place of Use: SENE Sec
09 T 09S R 14E FOR 10
ACRES

Diversion Means:
ARTESIAN WELL, PUMP

If issued, the permit(s)
will be subject to all prior
water rights. Protests
against the granting of
any permit must be filed
with the Director of the
Idaho Department of
Water Resources, 1041
Blue Lakes Blvd. North,
Twin Falls, Idaho 83301
and received on or
before July 12, 1982.

A. KENNETH DUNN
Director

PUBLISH: Thursday,
July 24 and July 1, 1982.

Affidavit of Publication

STATE OF IDAHO,

COUNTY OF TWIN FALLS }

ss.

Nº 11684

I, Linda Capps McSwine being first duly sworn upon
oath, depose and say that I am Print Club of the TIMES-NEWS,
published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of
the notice of advertisement, as per clipping attached, was published in the regular and
entire issue of said newspaper, and not in any supplement thereof, for Two
consecutive Weeks, commencing with the issue dated
June 24, 1982, and ending with the issue dated
July 1, 1982.

And I do further certify that said newspaper is a consolidation, effective February 16,
1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin
Falls News, published theretofore daily except Monday, both of which newspapers prior to
consolidation had been published under said names in said city and county continuously and
uninterruptedly during a period of more than twelve consecutive months, and said TIMES-
NEWS, since such consolidation, has been published as a daily newspaper except Saturday,
until July 31, 1978, at which time said newspaper began daily publication under said name
in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week
has been designated as the day on which legal notice by law or by order of any court of com-
petent jurisdiction within the state of Idaho, to be published weekly, will be published; and
that at the head of the editorial column of said combined newspapers, and in each issue the
of Thursday is announced as the day on which said legal notices will be published.

Linda Capps McSwine
Subscribed and sworn to before me on this

1 day of

28 1982

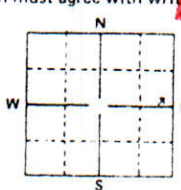
Water Resources
District Office

Goldie G. Lawrence
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

POOR QUALITY

WELL DRILLER'S REPORT

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

1. WELL OWNER Name <u>Robert L. Lundy</u> Address <u>10130 W. Santa Fe place</u> <u>Littleton Colorado 80120</u> Owner's Permit No. <u>417-72-5</u>	7. WATER LEVEL Static water level _____ feet below land surface Flowing? ☒ Yes ☐ No G.P.M. flow <u>1/200 gal</u> Temperature <u>70° F.</u> Quality <u>good</u> Artesian closed in pressure <u>4.5</u> p.s.i. Controlled by ☒ Valve ☐ Cap ☐ Plug																																																																																																																
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning) _____	8. WELL TEST DATA ☐ Pump ☐ Bailer ☐ Other <table border="1"> <thead> <tr> <th>Discharge G.P.M.</th> <th>Draw Down</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.	Draw Down	Hours Pumped																																																																																																													
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3. PROPOSED USE ☒ Domestic ☒ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock	9. LITHOLOGIC LOG <table border="1"> <thead> <tr> <th rowspan="2">Hole 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>6"</td><td>0</td><td>4</td><td>Dark sand</td><td> </td><td> </td></tr> <tr><td>6"</td><td>4</td><td>20</td><td>Black basalt</td><td> </td><td> </td></tr> <tr><td>6"</td><td>20</td><td>40</td><td>Grey basalt</td><td> </td><td> </td></tr> <tr><td>6"</td><td>40</td><td>75</td><td>Black basalt & clay</td><td> </td><td> </td></tr> <tr><td>6"</td><td>75</td><td>100</td><td>Black basalt</td><td> </td><td> </td></tr> <tr><td>6"</td><td>100</td><td>120</td><td>Black clay</td><td> </td><td> </td></tr> <tr><td>6"</td><td>120</td><td>130</td><td>Grey silt</td><td> </td><td> </td></tr> <tr><td>6"</td><td>130</td><td>173</td><td>Hard grey shale rock</td><td> </td><td> </td></tr> <tr><td>6"</td><td>173</td><td>175</td><td>Grey sandy clay</td><td> </td><td> </td></tr> <tr><td>6"</td><td>175</td><td>225</td><td>Grey clay</td><td> </td><td> </td></tr> <tr><td>6"</td><td>225</td><td>257</td><td>Hard grey shale</td><td> </td><td> </td></tr> <tr><td>6"</td><td>257</td><td>270</td><td>Grey clay</td><td> </td><td> </td></tr> <tr><td>6"</td><td>270</td><td>350</td><td>Grey shale</td><td> </td><td> </td></tr> <tr><td>6"</td><td>350</td><td>401</td><td>Black shale rock</td><td> </td><td> </td></tr> <tr><td>6"</td><td>401</td><td>498</td><td>Grey shale</td><td> </td><td> </td></tr> <tr><td>6"</td><td>498</td><td>600</td><td>Black & white</td><td> </td><td> </td></tr> <tr><td>6"</td><td>600</td><td>850</td><td>Grey & white</td><td> </td><td> </td></tr> </tbody> </table>	Hole Diam.	Depth		Material	Water		From	To	Yes	No	6"	0	4	Dark sand			6"	4	20	Black basalt			6"	20	40	Grey basalt			6"	40	75	Black basalt & clay			6"	75	100	Black basalt			6"	100	120	Black clay			6"	120	130	Grey silt			6"	130	173	Hard grey shale rock			6"	173	175	Grey sandy clay			6"	175	225	Grey clay			6"	225	257	Hard grey shale			6"	257	270	Grey clay			6"	270	350	Grey shale			6"	350	401	Black shale rock			6"	401	498	Grey shale			6"	498	600	Black & white			6"	600	850	Grey & white		
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4. METHOD DRILLED ☒ Cable ☐ Rotary ☐ Dug ☐ Other	10. DRILLER'S CERTIFICATION This well was drilled under my supervision and this report is true to the best of my knowledge. <u>Belley & Henry</u> 86 Driller's or Firm's Name Number <u>Rt 1 Mustang, Idaho</u> Address <u>Belley & Henry</u> Signed By Date																																																																																																																
5. WELL CONSTRUCTION Diameter of hole <u>6</u> inches Total depth <u>850</u> feet Casing schedule: ☒ Steel ☐ Concrete <table border="1"> <thead> <tr> <th>Thickness</th> <th>Diameter</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr><td><u>250</u> inches</td><td><u>5 1/2</u> inches</td><td><u>1</u> feet</td><td><u>41</u> feet</td></tr> <tr><td><u>250</u> inches</td><td><u>6 1/2</u> inches</td><td><u>1</u> feet</td><td><u>380</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> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table> Was a packer or seal used? ☒ Yes ☐ No Perforated? ☐ Yes ☒ No How perforated? ☐ Factory ☐ Knife ☐ Torch 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? ☒ Yes ☐ No To what depth <u>41</u> feet Material used in seal ☒ Cement grout ☐ Puddling clay	Thickness	Diameter	From	To	<u>250</u> inches	<u>5 1/2</u> inches	<u>1</u> feet	<u>41</u> feet	<u>250</u> inches	<u>6 1/2</u> inches	<u>1</u> feet	<u>380</u> feet																	Number	From	To										6. LOCATION OF WELL Sketch map location must agree with written location  County <u>Lincoln Falls</u> <u>SE 1/4 NE 1/4 Sec. 9 T. 9 N. R. 14 E. NR</u> USE ADDITIONAL SHEETS IF NECESSARY																																																																								
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FORWARD THE WHITE, BLUE, AND PINK COPIES TO THE DEPARTMENT

POOR QUALITY

North
Tropical
Fish
Ponds

Orchard

South
Tropical
Fish
Ponds

Garden

Pipe to Luntay Well

metal
Shed

Junction
Box

North Fish Ponds Drain

189'

JUL 27 1992

.28 AF Pond

Drain to Deep Creek

Pool
House

Garage

Fish Room
Greenhouse

Pools,
House and
Greenhouse
Drain

Swimming
Pool

47-07826 South Fish Ponds Drain

Fish Prop.
Irrigation

N
↑

Robert S. & Adella S. Luntay
Sketch - Not to scale

Pond

Pond

Pond

Drain
to Deep Creek

Twp 9S. Rge E.

43
9 10

147-A
A-50

146-A
A50

Kerpa #1
or Harbst 47-7115
U.S. well

Luntay well

148A
A62

145-A
A68

MICROFILMED

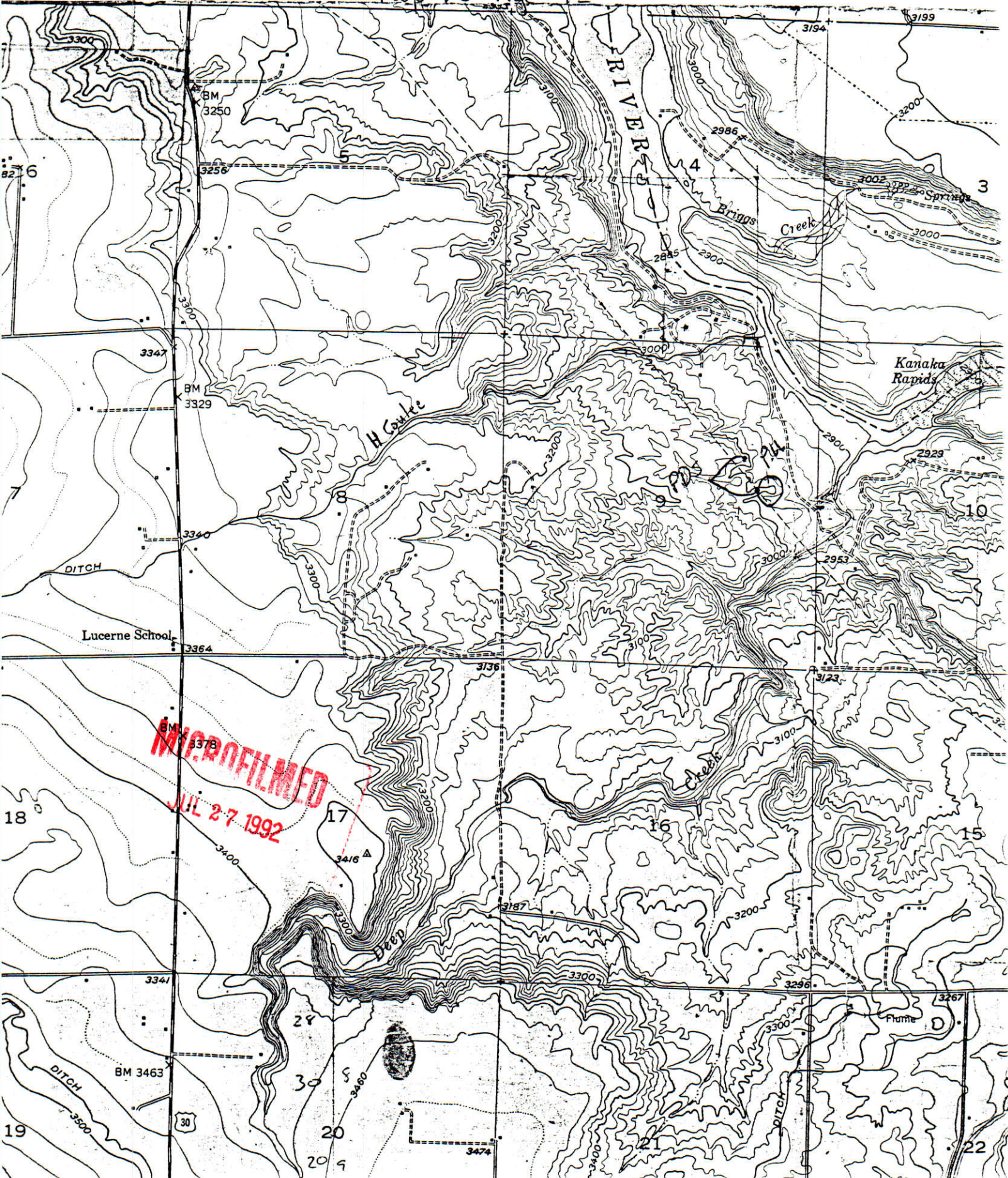
JUL 27 1992

149A
A66

144A
A74

9
16

Tw 9S R 14E



47- 7826

Decorative ponds
also used to raise
Tropical fish & hold Breed stock.



Additional area
irrigated under
47- 7826

MICROFILMED

JUL 27 1992

47-7826



Kerp #1 AKA
as Harbst well

Shown as PD#1 ON
Field Report 47-7826



2" To Junction box
Near Small Red Pond
Auxiliary Shut-off
2" To South Fish Ponds
2" To North Fish Ponds
3/4" w/ 1/4" hose b.h.
used to Moes shut
in pressure.

Luntley well
Shown as PD#2
ON Field report 47-7826

MICROFILMED

JUL 27 1992



Series of Earth Ponds
which takes overflow from
other uses.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 47-07826

Priority: June 8, 1982

Maximum Diversion Rate: 0.20 CFS
Maximum Diversion Volume: 0.8 AF

This is to certify, that ADELLA S LUNTEY
ROBERT S LUNTEY

4595 RIVER RD
BUHL ID 83316

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 8, 1982; and has submitted Proof of Beneficial Use on January 13, 1986. An examination indicates that the works have a diversion capacity of .760 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	04/01 to 10/31	0.03 CFS	0.8 AF
FISH PROPAGATION	01/01 to 12/31	0.20 CFS	
	Totals	0.20 CFS	0.8 AF

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 9, Township 09S, Range 14E
TWIN FALLS 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>
09S	14E	9	SENE	0.2		0.2

Total number of acres irrigated: 0.2

PLACE OF USE: FISH PROPAGATION, same as IRRIGATION 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.
5. Return flow if discharged to a surface water system shall meet Idaho Water Quality Standards.

RECORDED

JUL 27 1992

State of Idaho
Department of Water Resources

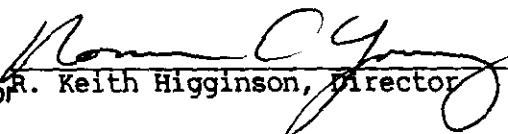
WATER RIGHT LICENSE
WATER RIGHT NO. 47-07826

CONDITIONS/REMARKS:

6. The issuance of this right in no way grants any right-of-way or easement across the land of another.
7. Facility volume = 1.5 acre feet.
8. Two points of diversion are located within the SENE, Sec. 9, T9S, R14E.

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 10th day of July, 1992.

Acting for


R. Keith Higginson, Director

JUL 27 1992

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF THE BANBURY HOT SPRINGS	)	ORDER SUPPLEMENTING
	)	CONDITIONS OF APPROVAL FOR
GROUNDWATER MANAGEMENT AREA	)	PERMIT TO APPROPRIATE
	)	GROUNDWATER NO. 47-7826

WHEREAS, on April 12, 1982, the Director of the Department of Water Resources created the Banbury Hot Springs Groundwater Management Area (BHSGWMA); and,

WHEREAS, reported problems have shown a need for increased regulation of existing and future wells within the boundaries of the BHSGWMA; and,

WHEREAS, Department records show a number of outstanding water right permits for which development has not yet occurred; and,

WHEREAS, the above-referenced Permit represents the potential for additional well drilling within the boundaries of the BHSGWMA; and,

WHEREAS, leakage and intermingling between groundwater aquifers within the BHSGWMA has been determined to be a significant problem for which careful monitoring and protection is required;

NOW, THEREFORE, the conditions of approval for Permit No. 47-7826 are hereby supplemented with the following additional conditions:

- 1) Thirty days prior to drilling or modification of a well, the permit holder shall notify the Department of Water Resources of who the driller will be and when drilling is proposed to commence.
- 2) Prior to drilling, the permit holder and/or driller shall submit to the Department a drilling prospectus which includes proposed casing and grouting procedures. The well shall not be drilled without approval of the prospectus.
- 3) For wells presently being constructed or modified, the permit holder shall immediately advise the Department of the name of the driller or drilling firm, proposed date of completion, and shall provide details of well construction to date for Department review and approval prior to removal of the drill rig from the site.
- 4) Prior to well completion, the permit holder and/or driller shall request inspection and approval of the well construction by the Department. Construction shall not be considered to be completed

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until approved by the Department.

- 5) Failure to comply with any of the conditions identified above may result in cancellation of the permit.

Dated this 2nd day of May, 1983.

L. Glen Saxton

L. GLEN SAXTON
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Robert S. ^{AND} or Adella S. Luntz Phone 543-8334
Post office address Rt #3, Box 240, Buhl, Id. 83316

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

3. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9 Township 9S
Range 14E B.M. Twin Falls Id. County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .06 cfs for Domestic purposes from JAN 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .20 for *Heating & Recreation purposes from JAN 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .20 for Fish Production purposes from JAN 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)

Amount .20 for Irrigation purposes from MARCH 15 to NOV 15 (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.20 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Artesian well with
pipelines to place of use

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. ~~Existing~~ ^{Existing} well diameter is 6 inches; ~~proposed~~ ^{Existing} depth of well is 530 feet.

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

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9 Township 9S
Range 14E B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water Two.

If water is to be used for other purposes describe: *Recreation use is in swimming pool
is same water used for heating. Same water will also be used to raise
fish and for irrigation

RECEIVED

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	14E	9				10													10

Total number of acres to be irrigated 10

c. Describe any other water rights used for the same purposes as described above. 47-7115

was the original filing on this well. however uses described on this application were not included on that license.

9. a. Who owns the property at the point of diversion Ken Harbst

b. Who owns the land to be irrigated or place of use Applicant

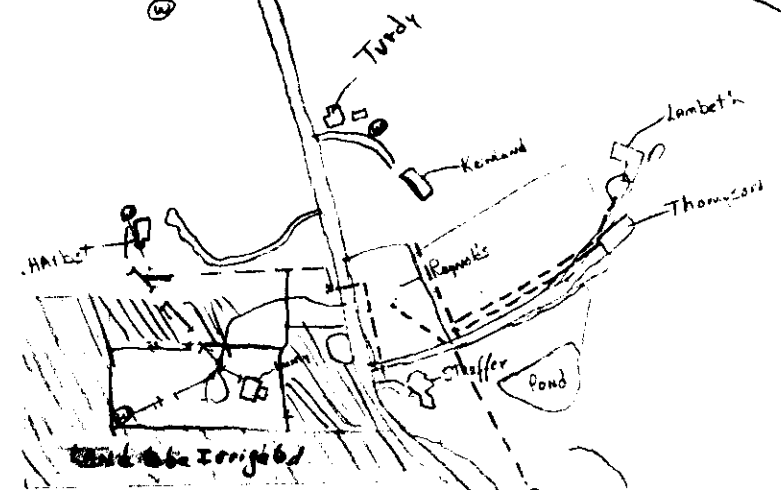
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Water users Association agreement gives applicant right to use well.

10. Remarks Applicant has 12 shares in the Kanaki Water Users Association. At the time of licensing 47-7115 the well was producing - 69 cfs.

W-10AED

Twp 9S. Rge 14E

4	3
9	10



This image shows a full page of blank graph paper. The grid consists of 20 columns and 20 rows of squares, formed by thin black lines. There are no margins, text, or other markings on the page.

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.

Robert S. Lunter
(Applicant)

UNCLASSIFIED

Proposed Priority 6/8/1982

Received by TGB Date 6-8-82 Time 12:30

Preliminary check by JP Fee \$ 30.00

Receipted by TGB Date 6-8-82 # 20810

Publication prepared by mmp Date 6/15/82

Published in Times News

Publication dates 6/24 + 7/1/82

Publication approved mmp Date 6/21/82

Protests filed by: - None

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for (approval) denial by ADM RC

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. 47-7826, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 19 87.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
The issuance of this permit in no way grants any right-of-way or easement across the land of another.
Return flow if discharged to a subsurface system must be authorized by a separate injection well permit, and return flow if discharged to a surface water system shall meet Idaho Water Quality Standards.

Witness my hand this 16th day of August, 1982.

L. Glen Saxton
Chief, Operations Bureau

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WARRANTY DEED

For Value Received

EDWARD H. KERPA and ERIKA F. KERPA, husband and wife

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto

ROBERT S. LUNTEY and ADELLA S. LUNTEY, husband and wife

Hereinafter called the grantee, the following described premises, in Twin Falls County, Idaho, to-wit:

A Tract of land in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, Township 9 South, Range 14 East, B.M., Twin Falls County, Idaho, described as follows:COMMENCING at the E $\frac{1}{2}$ corner of said Section 9;

THENCE North 89°03' West, 109.99 feet;

THENCE North 54°52' West, 60.45 feet to the TRUE POINT OF BEGINNING;

THENCE North 84°52' West, 271.50 feet;

THENCE North 73°20' West, 214.90 feet;

THENCE North 34°56'30" West, 108.65 feet;

THENCE North 89°03' West, 621.81 feet to a point on the West line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$;THENCE North 0°04' West, along the West line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 114.38 feet;

THENCE North 85°13' East, 816.27 feet;

THENCE North 78°55' East, 24.83 feet;

THENCE South 10°06' East, 400.16 feet;

THENCE South 54°41' East, 200.00 feet;

THENCE South 54°52' East, 109.35 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO RESTRICTIVE COVENANTS affecting the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 9, Township 9 South, Range 14 East of the Boise Meridian, Twin Falls County, Idaho, recorded January 25, 1972, as Instrument No. 629119, records of Twin Falls County, Idaho.

TOGETHER with eight (8) shares of water from Kanaki Springs Water Users Association, Well Permit No. 47-7115.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: December 7, 1972

Edward H. Kerpa
 EDWARD H. KERPA
Erika F. Kerpa
 ERIKA F. KERPA

STATE OF IDAHO, COUNTY OF *Twin Falls*
 On this *22nd* day of *December* 19 *72*
 before me, a notary public in and for said State, personally appeared

EDWARD H. KERPA and ERIKA F. KERPA
 husband and wife

known to me to be the persons whose name is subscribed to the within instrument, and acknowledged to me that they executed the same

Witnessing at *Twin Falls*
 Comm. Expires *3-2-76*
 Notary Public Idaho

STATE OF IDAHO, COUNTY OF
 I hereby certify that this instrument was filed for record at the request of

at *5* minutes past *5* o'clock *pm*,
 this *7th* day of *December*,
 19 *72* in my office, and duly recorded in Book
 of Deeds at page

Idaho Office Records.

By *Robert S. Luntey*
 Deputy

Fees \$
 Mail to Robert S. Luntey
 10730 W. Saratoga Place
 Littleton, Colorado 80123

INSTRUMENT NO. 644452

WARRANTY DEED

For Value Received

EDWARD H. KERPA and ERIKA F. KERPA, husband and wife

Hereinafter called the grantor, hereby grants, bargains, sells and conveys unto

ROBERT S. LUNTEY and AMELIA S. LUNTEY, husband and wife

whose address is: 10730 W. Saratoga Place, Littleton, Colorado 80123

Hereinafter called the grantee, the following described premises, in Twin Falls County, Idaho,
To-wit:

Township 9 South, Range 14 East, B.M., Twin Falls County, Idaho

Section 9: A tract of land in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ described as follows:
COMMENCING at the E $\frac{1}{4}$ corner of said Section 9;THENCE North 89°03' West, along the South line of said
SE $\frac{1}{4}$ NE $\frac{1}{4}$, a distance of 109.99 feet the TRUE POINT OF
BEGINNING;THENCE continuing North 89°03' West, 1209.62 feet to the
SW corner of said SE $\frac{1}{4}$ NE $\frac{1}{4}$;THENCE North 0°04' West, along the West line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$
a distance of 200.00 feet;

THENCE South 89°03' East, 621.81 feet;

THENCE South 34°56'30" East, 108.65 feet;

THENCE South 73°20' East 214.90 feet;

THENCE South 84°52' West, 271.50 feet;

THENCE South 54°52' East, 60.45 feet to the TRUE POINT OF
BEGINNING.SUBJECT to Restrictive Covenants affecting the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 9, Tp. 9 So.,
Range 14 E., B.M., Twin Falls County, Idaho, recorded January 20, 1972, as
Instrument No. 629119, records of Twin Falls County, Idaho.TOGETHER with four (4) shares of water from Kanaki Springs Water Users
Association, well Permit No. 47-7115.TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee
and to the Grantee's heirs and assigns forever. And the said Grantor does hereby
covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises;
that they are free from all incumbrances except as described above and that Grantor will warrant
and defend the same from all lawful claims whatsoever.

Dated July 30, 1973

EDWARD H. KERPA

ERIKA F. KERPA,

STATE OF IDAHO, COUNTY OF *Twin Falls*
On this *30th* day of *July*, 1973,
before me, a notary public in and for said State, per-
sonally appearedEDWARD H. KERPA and ERIKA F. KERPA,
husband and wifeknown to me to be the persons whose names
subscribed to the within instrument, and acknowledged to
me that they executed the same.Notary Public
Residing at *Boise*, Idaho
Comm. Expires *3-2-76*STATE OF IDAHO, COUNTY OF Twin Falls
I hereby certify that this instrument was filed for record at
the request of TitleFact, Inc.at *4:57* minutes past *1* o'clock *p.m.*
this *AUG* day of *1973*
in my office, and duly recorded in Book
of Deeds at page

On-Office Recorder

By *John Thomas* Deputy.
Wit: Robert S. Luntey
Mail to: 10730 W. Saratoga Place
Littleton, Colorado 80123

INSTRUMENT NO.

65435

1 KANAKI WATER USERS ASSOCIATION AGREEMENT

2 The undersigned water users of water produced by that
3
4 certain hot water artesian well located in the Northeast Quarter
5 of the Southeast Quarter (NE 1/4 SE 1/4) Section 9, Township 9
6 South Range 14 E., B.M., Twin Falls County, Idaho, further des-
7 cribed by being designated as State of Idaho Water Permit No.
8 47-7115, do hereby join themselves together in association to be
9 known as "Kanaki Springs Water Users Association", the under-
10 signed further agree to be bound by the terms and conditions of
11 this agreement set forth fully herein.

12 WELL OWNERSHIP:

13 It is agreed that the well which is the subject to this
14 agreement, being Permit No. 47-7115 is owned by Edward Kerpa and
15 that said well be used for supplying domestic water for heating,
16 domestic uses and yard irrigation to the people owning land in the
17 Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of
18 Section 9, Township 9, South Range 14 E., B.M., Twin Falls County,
19 Idaho.

20 NUMBER OF SHARES:

21 There shall be forty (40) shares of stock in said well.
22 The stock shall be evidenced by a stock certificate which shall
23 show the number of shares, the land to which the shares are
24 pertinent, the name of the owner of the stock and the fact that
25 the owner agrees to be bound by the terms of this agreement. No
26 stock will be transferred to any person except on the records of
27 the Association only and the Association Directors may set a
28

1 reasonable fee to cover the cost of the transfer of said stock.

2 RIGHT-OF-WAYS:

3 All of the undersigned hereby agree to grant to the other
4 water users and any future water user, the right-of-way across
5 their real property for the purpose of transporting the water from
6 the above described well to its place of use. Said easement shall
7 be for a pipeline only and shall be fifteen feet in width
8 (Seven and one-half feet on each side of the pipeline). Each
9 water user hereby agrees to install his own pipeline from the
10 well to the place of its use. All pipelines will be installed
11 according to specifications set out by the water users board and
12 will be at the expense of the water user using the pipeline. Each
13 water user also agrees that he will maintain and keep in good
14 repair his pipeline and should the pipeline need to be replaced,
15 he will replace the same, or if he has sold the property, the
16 owner of the property at the time the pipeline needs replaced
17 will replace it. The water users association shall be governed
18 by a board of three directors who shall be elected annually on
19 the 1st day of December of each year. Each water user shall have
20 one vote for each share of stock owned by him.

21 ASSESSMENTS AND RESERVES:

22 The board of directors may set such assessments as they
23 deem necessary to finance the operation of the Association and
24 as they deem necessary to build up reasonable reserve to cover
25 any contingent expenses which the association might have. All
26 reserves shall be invested in safe investments. The Association
27

1 shall have the right to turn the water off of any user who does
2 not pay his assessment.

3 NO GUARANTEE:

4 Neither Edward Kerpa nor the Association can in any
5 way guarantee that the well will continue to produce hot water
6 nor that it will continue to be an artesian well. Should the
7 well cease to be an artesian well, the water users agree that
8 they will install a pump in the well and that the expense will
9 be prorated among the users in the ratio of the stock owned by
10 them.

11 AMENDMENTS TO THIS AGREEMENT:

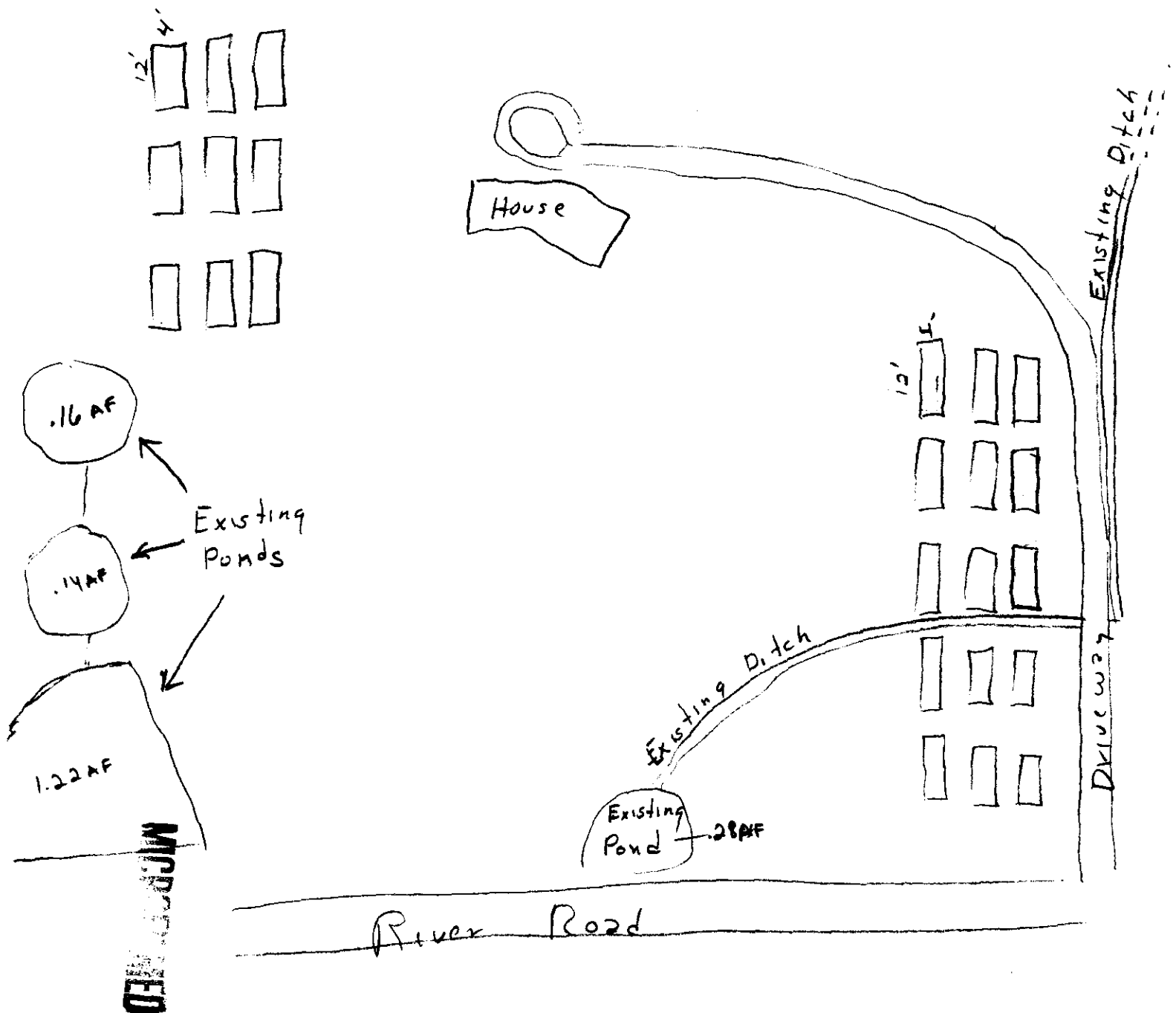
12 The water users agree that this agreement may be changed
13 or amended by a two-thirds majority vote. Each water user having
14 one vote for each share of stock owned by him.

<u>Date</u>	<u>Water User & Address</u>	<u>No. of Shares</u>	<u>Parcel No.</u>
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			

Schematic Fish Propagation System

R.S. Luntz
6-8-82

(Location - SE 1/4 NE 1/4 T 9 S. R 14 E BM)



LUTTEY, ROBERT S.
 1114 ADAMS B. ST.
 RT. 1, BOX 140, BUHL, ID
 83715
 S. O. A. C. A.
 GROVER WATER
 DIST. INC. 10000000
 ARDEN GIBBS
 District Office
 See ID 205-115, TWIN
 FALLS
 U.S. DEPARTMENT OF
 C. 100-10000000
 FROM 01/01 to 12/31
 HEAVENS, JACOB, CFS
 from 01/01 to 12/31
 DOUGLAS, JACOB, CFS
 from 01/01 to 12/31
 RECREATION 123 CFS
 from 01/01 to 12/31
 Place of Use: SENE Sec
 08, T 22, R 145, BOX 10,
 ADAMS
 District Office
 ARDEN GIBBS, PUMP
 A permit is hereby
 withdrawn and all prior
 water rights. Protests
 against the granting of
 any permit must be filed
 with the Director of the
 Idaho Department of
 Water Resources, 1001
 Blue Lakes Blvd. North,
 Twin Falls, Idaho, 83301
 and received on or
 before July 12, 1982.
 A. KENNETH DUNN
 Director
 PUBLISHED Thursday,
 July 24 and July 31, 1982

Affidavit of Publication

STATE OF IDAHO,
 COUNTY OF TWIN FALLS ss.

Nº 11684

I, Rinda Capps McBuire being first duly sworn up
 oath, depose and say that I am Print Club of the TIMES-NEWS,
 published daily, at Twin Falls, Idaho, and do solemnly swear that a copy of
 the notice of advertisement, as per clipping attached, was published in the regular and
 entire issue of said newspaper, and not in any supplement thereof, for Two
 consecutive Weeks, commencing with the issue dated
June 24, 1982, and ending with the issue dated
July 1, 1982.

And I do further certify that said newspaper is a consolidation, effective February 16,
 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin
 Falls News, published theretofore daily except Monday, both of which newspapers prior to
 consolidation had been published under said names in said city and county continuously and
 uninterruptedly during a period of more than twelve consecutive months, and said TIMES-
 NEWS, since such consolidation, has been published as a daily newspaper except Saturday,
 until July 31, 1978, at which time said newspaper began daily publication under said name
 in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week
 has been designated as the day on which legal notice by law or by order of any court of com-
 petent jurisdiction within the state of Idaho, to be published weekly, will be published; and
 that the head of the editorial column of said combined newspapers, and in each issue there-
 of, Thursday is announced as the day on which said legal notices will be published.

EIVED

28 1982

Subscribed and sworn to before me on this 1 day of

Rinda Capps McBuire

July 1, 1982

Goldie J. McNeill

Notary Public in and for the County of Twin Falls,
 State of Idaho, residing at Twin Falls, Idaho

July 13, 1992

ADELLA S LUNTEY
ROBERT S LUNTEY
4595 RIVER RD
BUHL ID 83316

RE: WATER RIGHT NOS. 47-07580 & 47-07826

Dear Water Right Holder(s):

Enclosed herewith are copies of the Water Right Licenses issued on the above referenced permits.

We acknowledge the receipt of assignment you submitted. Please note your names on the license issued on Permit No. 47-07580.

Sincerely,

PAMELA SKAGGS
Water Resource Agent

PS:cz

Enclosure

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JUL 27 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

June 3, 1992

Robert S. Luntley
4595 River Road
Buhl, ID 83316

RE: Permits 47-07580 & 47-07826

Dear Mr. Luntley:

I have received your letters regarding the above referenced permits and the draft licenses you received. I will try to answer all your questions and clarify the changes made.

#47-07580

(1) The original application was filed in the sole name of Robert S. Luntley. In order to add the name of Adella S. Luntley, you must sign and notarize the enclosed assignment form that I have partially filled out for your convenience.

(2) Your address has been updated to 4595 River Road.

(3) Domestic use is covered under Adjudication Claim #A47-12639 and will be determined in the adjudication process.

#47-07826

(1) Your address has been updated to 4595 River Road.

(2) The irrigation season has been changed to reflect the maximum dates and number of irrigation days allowed by the Department for your area. The permit exceeded the allowable season and the license must reflect the standard season.

(3) Domestic use is covered under Adjudication Claim #A47-12639 and will be determined in the adjudication process.

RECORDED

JUL 27 1992

I hope that I have answered all your concerns. I will hold these rights from processing for an additional 10 days to allow for any further questions and for you to return the assignment form if you desire. Please feel free to contact me directly at 327-7943 if you require further assistance.

Sincerely,

PAMELA SKAGGS
Water Resource Agent

JUL 27 1992

RECEIVED
MAY 29 1992

4595 River road
Buhl, Idaho 83316
May 28, 1992

Department of Water Resources

Director
Dept. of Water Resources
Statehouse Mail
Boise, Idaho 83720-9000

ATTENTION: Pamela Skaggs

RE: Water Right No. 47-07826

Dear Sir:

Following are our comments on the draft copy of the license proposed to be issued for Water Right No. 47-07826 forwarded with your May 20, 1992, letter.

Twin Falls County has provided us with a new address to replace the one shown. It is 4595 River Road, Buhl, Idaho 83316.

Under Beneficial Use - Irrigation - the Period of Use is shown to be 4-01 to 10-31. The Application for Permit dated August 16, 1982, shows a use period of 3-15 to 11-15. Because the land being irrigated is sandy and located in the Snake River Canyon near Hagerman, which usually registers the highest temperatures in Idaho, the longer irrigation season as requested in the permit is logical in our opinion.

Application for Permit No. 47-7826 included a domestic water use in the amount of .06 cfs, but is not included in the draft license. We have subsequently filed Notice of Claim to a Water Right Acquired Under State Law, Civil Case Number 39576 - Ident. Number A47-12639. In a May 27 discussion with Idaho Department of Water Resources staff at your Twin Falls Office we understood that our right to domestic water will be determined in the forthcoming adjudication process. Please let us know if we need to take additional action to license our domestic water use.

We greatly appreciate the opportunity to review the draft license prior to issuance.

Sincerely yours,

Robert S. Luntley
Robert S. Luntley

Adella S. Luntley
Adella S. Luntley

MICROFILMED

JUL 27 1992

May 20, 1992

ROBERT S LUNTEY
ADELLA S LUNTEY
RT 3 BOX 240
BUHL ID 83316

RE: WATER RIGHT NO. 47-07826

Dear Water Right Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

PAMELA SKAGGS
Technical Records Specialist

PS:cz

Enclosure

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JUL 27 1992

MEMORANDUM

TO: File 47-7826
FROM: Sharla
DATE: May 11, 1992
RE: License Issuance

✓ 8

This file is located within the Banbury Hot Springs Groundwater Management Area and therefore was included in the mailing of the order supplementing conditions of approval on May 2, 1983.

There are two wells under this permit. A well log has been located for the well owned by the Mr. Luntey (drilled in 1974). The field examiner mentions readings from the Kerpa well (the 2nd well under this right) taken as far back as 1973. Further, the permit holder identified the system as "existing" when the application for permit was filed was made in 1982.

Since both wells in question were in place prior to the creation of the GWMA, the supplemental conditions are not applicable and a license can be issued.

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JUL 27 1992

POOR QUALITY

WELL DRILLER'S REPORT

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

1. WELL OWNER Name <u>Robert Henry</u> <u>10130 W. 10th Ave. S.</u> <u>Littleton, Colorado 80120</u> Owner's Permit No. <u>417-22-25</u>	7. WATER LEVEL Static water level _____ feet below land surface Flowing? ☒ Yes ☐ No G.P.M. flow _____ Temperature <u>70</u>° F. Quality <u>Good</u> Artesian closed in pressure _____ p.s.i. Controlled by ☒ Valve ☐ Cap ☐ Plug																																																																																																																
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandonment)	8. WELL TEST DATA ☐ Pump ☒ Bailor ☐ Other <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Discharge G.P.M.</th> <th>Draw Down</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.	Draw Down	Hours Pumped																																																																																																													
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3. PROPOSED USE ☒ Domestic ☒ Irrigation ☐ Test ☐ Municipal ☐ Industrial ☐ Stock	9. LITHOLOGIC LOG <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Hole 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> </td><td>0</td><td>4</td><td>Drill sand</td><td> </td><td> </td></tr> <tr><td> </td><td>4</td><td>12</td><td>Runway gravel</td><td> </td><td> </td></tr> <tr><td> </td><td>12</td><td>20</td><td>Gray silty clay</td><td> </td><td> </td></tr> <tr><td> </td><td>20</td><td>25</td><td>Black silty clay</td><td> </td><td> </td></tr> <tr><td> </td><td>25</td><td>30</td><td>Black silty clay</td><td> </td><td> </td></tr> <tr><td> </td><td>30</td><td>35</td><td>Gray silty clay</td><td> </td><td> </td></tr> <tr><td> </td><td>35</td><td>40</td><td>Gray silty clay</td><td> </td><td> </td></tr> <tr><td> </td><td>40</td><td>45</td><td>Hard gray shale rock</td><td> </td><td> </td></tr> <tr><td> </td><td>45</td><td>50</td><td>Gray silty clay</td><td> </td><td> </td></tr> <tr><td> </td><td>50</td><td>55</td><td>Gray clay</td><td> </td><td> </td></tr> <tr><td> </td><td>55</td><td>60</td><td>Hard gray shale</td><td> </td><td> </td></tr> <tr><td> </td><td>60</td><td>65</td><td>Gray clay</td><td> </td><td> </td></tr> <tr><td> </td><td>65</td><td>70</td><td>Gray shale</td><td> </td><td> </td></tr> <tr><td> </td><td>70</td><td>75</td><td>Dark gray shale rock</td><td> </td><td> </td></tr> <tr><td> </td><td>75</td><td>80</td><td>Gray shale</td><td> </td><td> </td></tr> <tr><td> </td><td>80</td><td>85</td><td>Black shale</td><td> </td><td> </td></tr> <tr><td> </td><td>85</td><td>90</td><td>Gray shale</td><td> </td><td> </td></tr> </tbody> </table>	Hole Diam.	Depth		Material	Water		From	To	Yes	No		0	4	Drill sand				4	12	Runway gravel				12	20	Gray silty clay				20	25	Black silty clay				25	30	Black silty clay				30	35	Gray silty clay				35	40	Gray silty clay				40	45	Hard gray shale rock				45	50	Gray silty clay				50	55	Gray clay				55	60	Hard gray shale				60	65	Gray clay				65	70	Gray shale				70	75	Dark gray shale rock				75	80	Gray shale				80	85	Black shale				85	90	Gray shale		
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4. METHOD DRILLED ☒ Cable ☐ Rotary ☐ Dug ☐ Other	10. DRILLER'S CERTIFICATION This well was drilled under my supervision and this report is true to the best of my knowledge. <u>Robert Henry</u> <u>86</u> Driller's or Firm's Name Number <u>811 My Touch Idaho</u> Address <u>3600 36th St, Nampa, ID 83850</u> Signed By Date																																																																																																																
5. WELL CONSTRUCTION Diameter of hole <u>6</u> inches Total depth <u>85.0</u> feet Casing schedule: ☒ Steel ☐ Concrete <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>2.50 inches</td><td>5 1/8 inches</td><td>1</td><td>11</td></tr> <tr><td>2.50 inches</td><td>6 1/2 inches</td><td>1</td><td>3.40</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> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table> Was a packer or seal used? ☒ Yes ☐ No Perforated? ☐ Yes ☒ No How perforated? ☐ Factory ☐ Knife ☐ Torch Size of perforation _____ inches by _____ 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> </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? ☒ Yes ☐ No To what depth <u>11</u> feet Material used in seal ☒ Cement grout ☐ Pudding clay	Thickness	Diameter	From	To	2.50 inches	5 1/8 inches	1	11	2.50 inches	6 1/2 inches	1	3.40																	Number	From	To										6. LOCATION OF WELL Sketch map location must agree with written description County <u>Lincoln</u> <u>Sec. 22 T. 14 N. R. 14 E. S. 14</u>																																																																								
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USE ADDITIONAL SHEETS IF NECESSARY FORWARD THE WHITE, BLUE, AND PINK COPIES TO THE DEPARTMENT

POOR QUALITY

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
SEP 4 1990

Department of Water Resources

A. GENERAL INFORMATION

1. Owner: Robert S. ^{AND} Adella S. Luntz Permit No. 47-7826
Current Address: Rt. 3, Box 240, Buhl ID 83316 Phone No. 543-8334
2. Accompanied by: Robert Luntz EXAM. DATE: 10/27-87
Address: See Above Phone No. 543-8334
Relationship to Permit Holder: SAME
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: 47-07115F, 47-07205, 47-07580
_____ ☒ Copies Attached
2. Other water rights with same point of diversion: SAME AS ABOVE
_____ ☒ Copies Attached ☒ Copies of Field Exam's Attached

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

Scale: 1" = _____

2. ☒ Copy of U.S.G.S. 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 or more).
☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater.

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System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

4 spr. @ 45 psi Nozzle size = 9/64"
 3 decorative rearing & holding ponds for Tropical fish
 brood stock. See Attached sheet for size and volume.
 All water from these ponds runs into the series of three
 earth ponds in draw south of house described in field report
 for 47-7205. Two geothermal Artesian flowing wells are connected
 at a junction box near small round pool in center of driveway. Kerpahl or
 Harbst well is 6" x 530' and has records kept by Mr. Harbst from Dec. 73 to Jan 87
 Luntay well is 6" x 850' & is part of monitoring network. 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

*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
#1		NW	SE	NE	9	9S	14E	Twin Falls	ASCS AERIAL Photo (Harbst well)
#2		SW	SE	NE	9	9S	14E	" "	" " "

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
9S	14E	9				.6													
		9				.2													-2

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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
Calibrated cont./stop watch						
IN-Line Flow mt.		Badger		M0555134		

2. Measurements:

(Pressure and Totalizing meter)

Col. Ken Harbst took readings on well known as Kerpa #1 or Harbst well from Dec. 9, 1973 to July 1, 1987. Timed meter readings were taken during 1973 + 1974 and Shut-in pressure measurements were taken from 1984 thru. 1987. These records have been copied for Dept files.

Originals with Mrs. Harbst. Max. timed meas. was 450 gpm. Max Ave. (using totalizer) during 24 hr period = 342 cfs. Max. Shut-in Press - Aug 1988 Mtn Station 52 psi Apr. 1982

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

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 .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS SEE ATTACHED sheets

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

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

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

2. Volume Calculations for Other Uses:

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H. REMARKS AND OVERLAP REVIEW ANALYSIS

The domestic use for this property is covered under claim # A47-12639 so is not included in this report. Only 1 house on system 47-7205 covers Agriculture and irrigation from well #2 (Luney) [see Exam] Since then wells have been interconnected.
47-7115 covers early irrigation and domestic
47-7580 covers commercial, Recreation and heating with well #1 as primary source & well #2 as backup.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Agriculture	1/1	12/31	0.5 cfs	Pond Vol. 1.52 AF
Irrigation	8/15	11/15	0.03 cfs	.72 AFA
Totals:			0.53 cfs	.72 AFA

2. Recommended Amendments

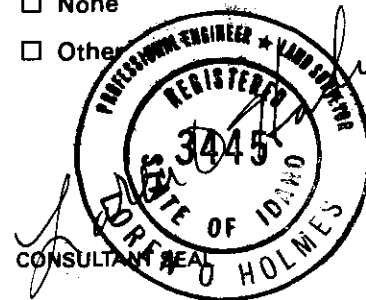
- ☐ Change P.D. as reflected above ☒ Add P.D. as reflected above
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above

- ☐ None
☐ Other

Pond Vol 1.52 AF

J. AUTHENTICATION

Field Examiner's Name TERREN BLON
Signature [Signature]
Certification Date 4/16/90
Field Report Preparation Date 8/22/90



K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

JUL 27 1992

North
Tropical
Fish
Ponds

Orchard

North Fish Ponds Drain

South
Tropical
Fish
Ponds

Garden

Pipe to Luntay Well

Metal
Shed

Junction
Box

JUL 27 1992

Driveway

189'

.28 AF Pond

Drain to Deep Creek

Pool

House

Garage

Fish Room
Greenhouse

Swimming
Pool

Pools,
House and
Greenhouse
Drain

47-07826 South Fish Ponds Drain

Fish Prop.
Irrigation

N
↑

Robert S. & Adella S. Luntay
Sketch - Not to scale

Pond

Pond

Pond

Drain
to Deep Creek

Twp 9S. Rge E

4 3
9 10

147-A
A-50

146-A
A50

Kerpahl
or Harbst 47-716
U.S. well

Luntay well

145-A
A68

MIDGECILME

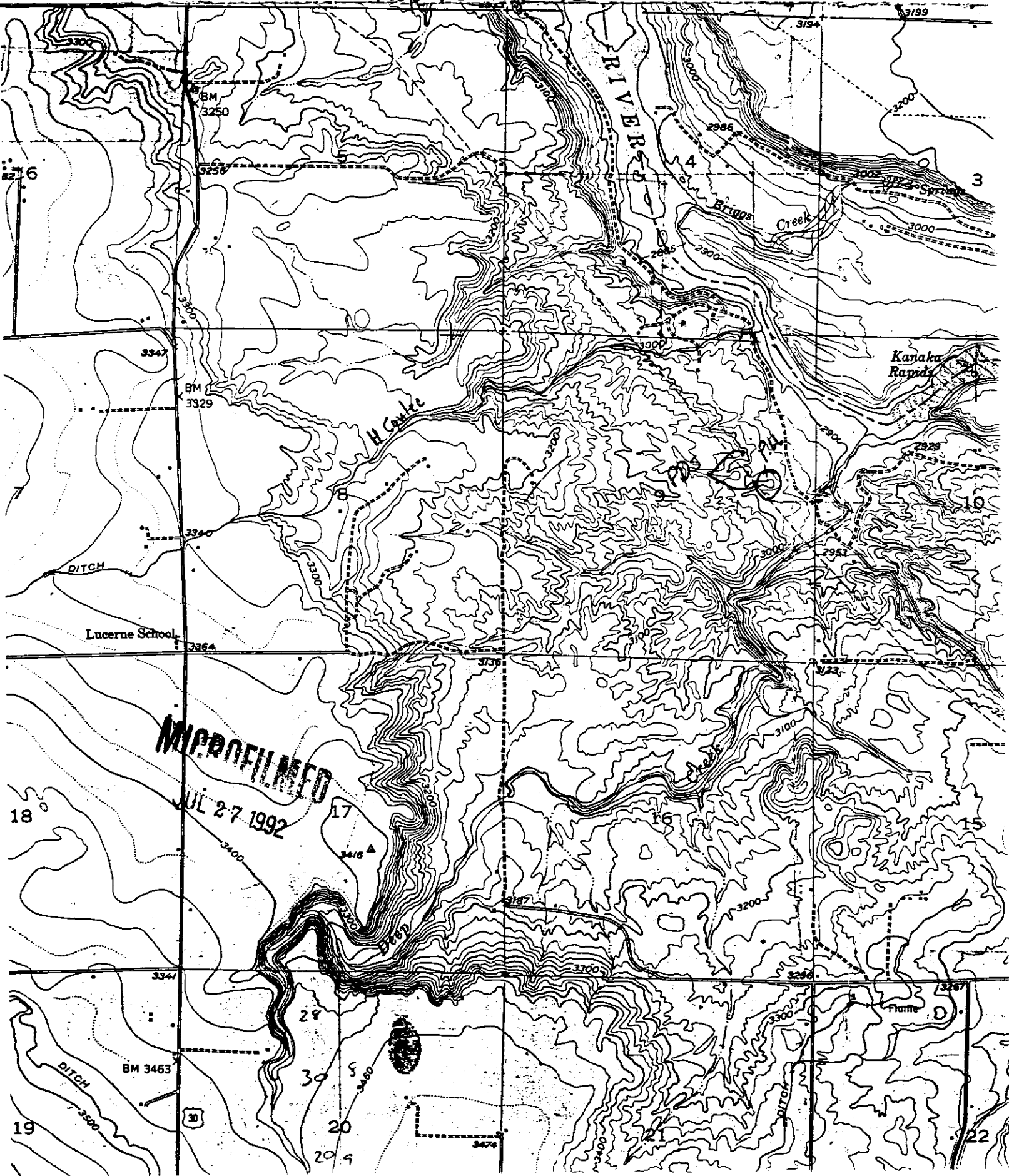
JUL 27 1992

149A
A66

144A
A21

9 16

Two 9S R 14E



Supplemental Measurement and Calculation Sheet

Lunty Field exam 10-27-87 Permit # 47-7826

This Permit is for uses developed after 47-7205

Aquaculture: Although fish propagation is the closest listed use, aquaculture more accurately describes this use as it consists of the propagation and production of various species of snails, aquatic plants and tropical fish all of which are sold commercially.

Facility	Size	Capacity	Flow Meas.
Large Round Pond	17.5' dia 42" deep	5430 gal	#1 well .576/6.5 sec = .10 cfs #2 well .576/5.5 sec = .115 cfs #1 well .576/3.5 sec = .19 cfs
Small Round Pond	6' dia 24" deep	360 gal	#2 well .576/6.5 sec = .09 cfs
Front Door Pond	4' x 8' x 2' = 64 cu ft = 480 gal		#2 well .249/14.1 sec = .006 cfs
		6270 gal = .02 AF	0.50 cfs

All water from above ponds drains into series of three earth ponds south of house described in Field Report for 47-7205. Total Capacity = 1.52 AF
Total pond vol. under this permit 1.54 AF

Irrigation: The only additional irrigation use not covered by other rights is a strip of garden + grass along driveway measuring 190' x 50' - 8' driveway = .18 AC.

It is irrigated by 4 $\frac{3}{4}$ " sprinklers @ 45 psi = $\frac{3.870 \text{ gpm}}{15.24} \times 4 = 10.52 \text{ gpm}$
= 0.03 cfs

Irr. Vol = .18 AC x 4 AF/ANN/AC = .72 AF/ANN

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Not practical to measure at PDS due to other uses + users as well as no good location for access point at Lunty well
NO M-D or Access point requirement.

Field Notes 47-7824 ± 47-7520
From Monitoring Records Luntay well 11-4-87

Temp 89.6

Press 46.8 Shut in 46.8

POOR QUALITY

7-1-87 60 psi Shut in Flow 1230 gpm Temp 89.

Shed heater 0.1352 cf air 10 Sec. 0.1352 in Small Rad B₃ P

Harst well by Rad 2 1/2" inlet 576 cf in 65 sec .1 cfs Small Rad plugged

" " Small 3/4" inlet 576 cf in 3 Sec .19 cfs Low Rad and 5430

Luntay well 4 L₃ RA pool 2" " in 5 Sec .115 cfs 17.5' dia dept 40"

Harst well in Small Rad 576 cf in 6.5 Sec .09 cfs

? Also water that heats metal Bldg

Rate of flow for filling Pool 590/3 Sec = 196 gpm = 0.22 cfs

" " to Pool flow thru 590/7 Sec = 43 gpm = .09 cfs

house heating - harst well " 9 Sec .064 cfs

NOV 1 - Mar 30 Full-Flow

Oct 1/4 05 "

Apr 1/4 05 "

Commercial

6 house - slab heating .1352 cf 8 Sec .02

Commercial tanks in G house 576 cf in 26 Sec .02 cfs

64 Commercial 10 gal tanks 640 gal

35' x 15' 9"

House heating 2800 inc gauge

Front door pond 4' x 2' x 2'

Metal Bldg - 20 x 28 - Commercial heating

Koi

Spr 4 @ 9/11 45 gpm 3.88 gpm 189 x 50' - 8' x 187' driveway = .18 Ac

Growing Trans heating 29 gpm

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JUL 27 1992

Commercial water plant 19, 140

90 gpm water holding tank

POOR QUALITY

Harvest Well Records

	TIME	PST	gmx1000	hrx1000	gpm
13 FEB 74	1615	35	20677	18.4	315
14	1930	35	31193	18.9	320
15	1830	35	31625	18.8	320
16	1800	35	32070	18.9	320
17	1830	35	32536	19.8	310
18	1830	35	32990	18.9	315
19	1800	35	33424	18.5	315
20	1915	35	33878	18.0	
21	1645	35	34302	18.6	
22 1815	2115	35	34834	18.7	
23 1945	1610	34	35190	20.4	
24	1730	34	35709	17.0	
25	1835	34	36135	18.0	
26	1745	34	36548	19.3	
27	1630	35	36993	18.6	
28	1755	35	37468	18.8	
1 Mar 1815	2100	34	37975	19.1	
2 1815	1840	34	38380	19.0	
3	1850	34	38835	19.0	
4	1620	34	39238	18.0	
5	2000	35	39754	18.7	310
6	1830	35	40173	18.6	315
7	1845	35	40625	18.6	310
8	2000	35	41117	18.4	
9	1800	35	41508	18.6	
10	1800	35	41953	18.5	315

$$\frac{519 \text{ gmx1000}}{25.3 \text{ hrs}}$$

$$= \frac{20.5 \text{ gph}}{60 \text{ min/hr}} = 342 \text{ gpm}$$

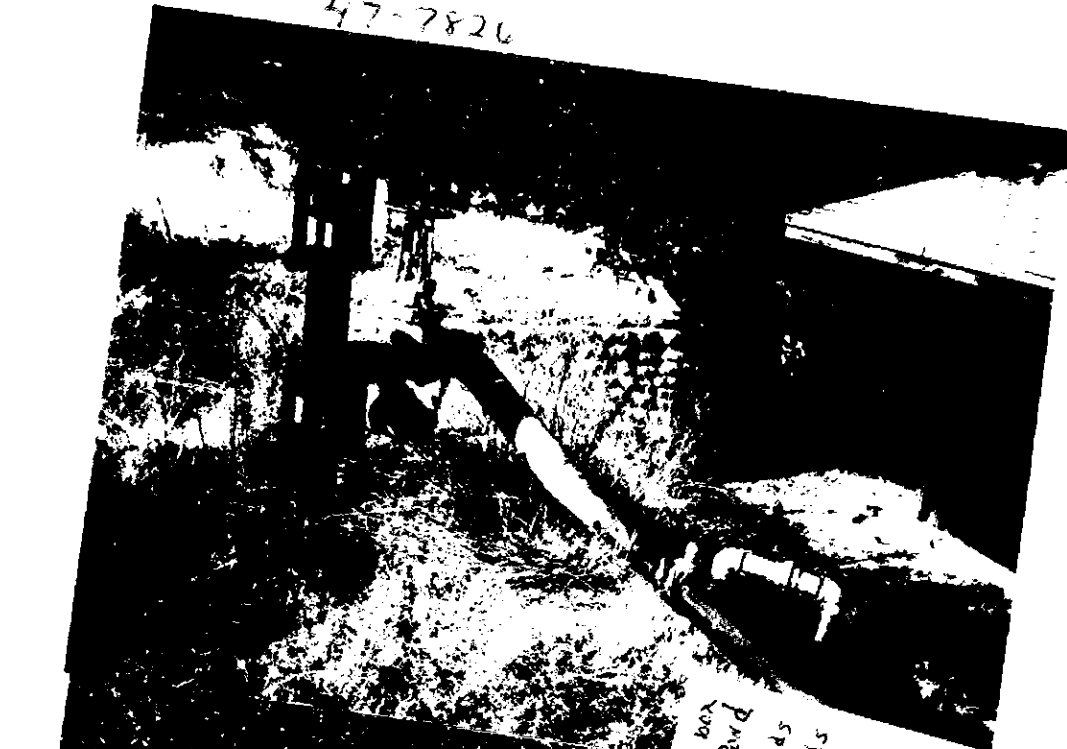
MICROFILMED
JUL 27 1992

Harbst Wt - meas Records

	Time	#	Counter ^{94 x 4000} _{gal/hr} Flow
9 Dec 73	1810	40	599 (19.3) <u>480/min</u>
10 "	1700	37	1045 (19.3) 420/min
11 "	1630	36	1501 (19) 420/min
2 "	1700	36	1983 (20) 320/min
13 "	1830	36	2481 (20.3) 340/min
14 "	1700	35	2916 (18.1) 340/min
15 "	1720	35	3390 (18.9) 320/min
16 "	1800	35	~~361~~ 330/min
18 "	1040	36	4654 (19.7) 320/min
18 ¹⁸ / ₆₇	1700	36	4776 (17.4) 320/min
19 ¹⁸ / ₆₇	1630	36	5231 (19) 320/min
21	2200	35	6277 (19.7) 330/min
24	1000	35	7417 (19) 330/min
26	1230	35	8386 (19.2) 320/min
27	1430	35	8884 (18.8) 330/min
29	1800	35	9878 (19.1) 330/min
30 "	2000	35	10374 (19.1) 330/min
31	1600	35	10754 (19) 330/min
Jan 74	2350	35	11365 (19.1) 330/min
6	1400	35	1274 320/min
7	1600	35	13967 (19.1) 330/min
9	1400	35	14838 (19) 320/min
10	1615	34	15343 (19.4) 320/min
11	1500	35	15779 (19) 320/min
11	1700	34	17090 (19) 320/min

MICROFILMED
JUL 27 1992

47-7826



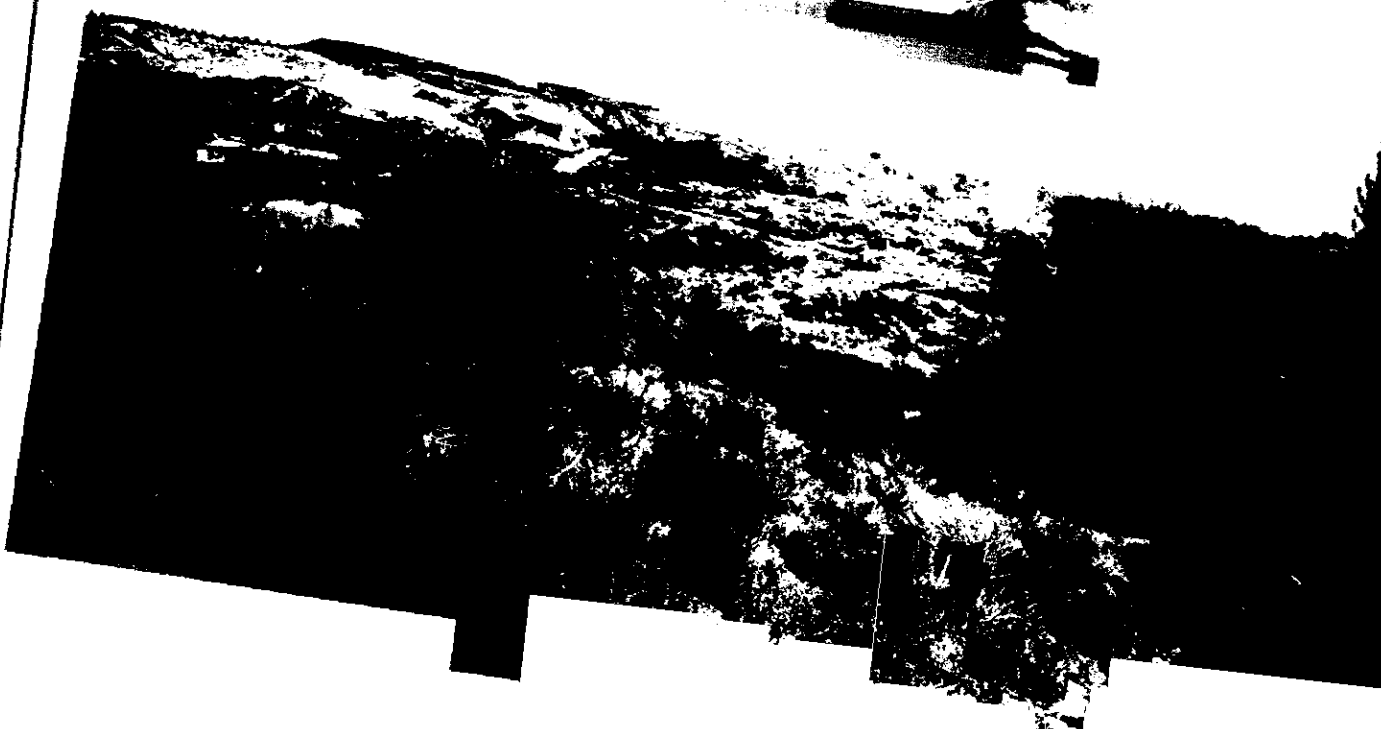
Kerp#1 AKA
as Harbst well
shown as PD#1 on
Field Report 47-7826



2" TO JUNCTION BOX
NEAR SMALL ROAD AND
AUXILIARY SHUTTER
2" TO SOUTH FISH POND
2" TO NORTH FISH POND
2" WITH THESE 6.4
USED TO MAKE SHUT
IN PONDING.

Lunty well
shown as PD#2
on Field report 47-7826

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Series of Earthen Ponds
which takes overflow from
other uses.

47-7826

Decorative ponds
also used to raise
Tropical fish & hold Breed stock.



Additional area
irrigated under
47-7826



33.00

MEMORANDUM

TO: Loren Holmes
FROM: Norm Young
RE: Licensing of permits for Robert Luntley
DATE: March 24, 1990

You will recall that at the recent staff meeting, I mentioned that I was attempting to avoid having to return these files to you for preparation of a field exam report by seeing if the information in the file was adequate to allow us to amend the previous license (47-7205) as requested by the Lunteys. I could not find enough information in the files to reach that conclusion. Therefore, I find I have no choice but to return the files.

When I requested the files from Terry, it was with the understanding that field examination reports had been completed in accordance with the adopted rules. I was simply going to complete the licensing draft to allow a license(s) to be issued. The files contain blank field examination reports and, in one file, very incomplete notes apparently taken during a visit on an unknown date.

I hereby request that you schedule a followup examination at an early date so that Mr. Luntley can receive his license(s).

MINI-FILED

JUL 27 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 22, 1990

Robert S. Luntney
4595 River Road, Route 3
Buhl, Idaho 83316

Re: Licensing of permits 47-7580 and 47-7826

Dear Mr. Luntney:

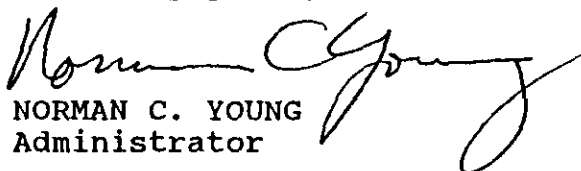
Your letter of January 23, 1990, expresses concern that licenses have not yet been issued for several of your permits even though the proof of beneficial use examination was completed more than two years ago. As you observed, the examinations were completed by an employee who has subsequently been promoted to a new assignment. The employee is still responsible for completing the projects he had started as he phases into his new assignment. Processing of your filings will be completed soon.

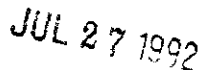
Your letter also included several questions about the water right licensing program and whether the department's resources are adequate to accomplish the program. A significant backlog of proof of beneficial use examinations and unissued licenses developed in the early 1980's as a result of increased numbers of filings and a reduction in IDWR staff because of state government funding shortages. Changes to the statutes in 1986 provide for a proof of beneficial use fee to fund field examinations and prepare the information necessary to issue licenses.

IDWR's goal is to complete licensing within the year that proof was filed and the field examination is made. The backlog has not been eliminated, but funds are available from the user fees to again employ additional temporary staff during the upcoming field season. Because of the specific user fee associated with this program, IDWR has not sought funding from the state's general funds for additional staffing.

I appreciate your interest in IDWR's programs and apologize for any inconvenience the licensing delay may have caused you.

Sincerely yours,


NORMAN C. YOUNG
Administrator


JUL 27 1992

NCY:dc
cc Loren Holmes

4595 River Road = Rt. 3
Buhl, Idaho 83316
January 23, 1990

RECEIVED
JAN 25 1990

Department of Water Resources

Director
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

Dear Mr. Higginson:

In October 1987 a field examination was made of our use of water under several permits which we hold. It is now more than two years since that examination was made and no license has been issued. It is my understanding that the individual who made our examination has been assigned to other work and that there is no one else available to complete that project.

Can you please provide me with the following information:

1. What is the length of time normally allowed to issue a license after the field examination is completed?
2. Has the Department of Water Resources asked for additional staff to complete these kinds of projects?
 - a. If so, was the request granted?
 - b. If not, at what level was the request rejected, i.e., Governor's budget or legislature?

Sincerely yours,

Robert S. Huntley

Copy to: Senator Noh

JAN 27 1990

MEMORANDUM

TO: FILE

FROM: TIM LUKE

RE: SWAN FALLS PROCESSING
PERMIT NO. 47-7826

DATE: 10-5-89

This permit is exempt from the review requirements of Section 42-203D since the file indicates that the uses authorized by the permit were completed prior to July of 1985. Furthermore, Jim Stanton's memo of 10/3/89 mentions that a field exam was completed for this permit and only 1 acre of irrigation was found. The irrigation use is associated with domestic use. Domestic uses with irrigation of 3 acres or less are exempt from the review requirements of Section 42-203D

I recommend that this permit be removed from the Swan Falls process list. The department should proceed with completing the field examination report and licensing of the permit.

JUL 27 1989

RECEIVED

INTER-DEPARTMENT MEMO — 1

FROM Jim Stanton

DATE 10-3-89

OCT 04 1989

TO Tim Luke

Department of Water Resources

SUBJECT Permit 47-7826, Robert Luntley

Per our telecon of yesterday, I checked Terry's field exam on this permit. The exam was done in 1987. Terry found about 1 acre irrigated. He stated that the only part of the irrigation system added since 1984 was a drip system using a ~~fd~~ few gpm to water a garden. This use would be measured in square feet rather than in acres. It is not clear why Mr. Luntley claimed 3 acres of irrigation; he did say, however, that he does not plan to put in any more ground. So his license would be based on Terry's exam, not on what he claimed on the reprocessing questionnaire.

RECORDED

JUL 27 1992



SIGNATURE



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

September 29, 1989

Robert Luntley
Rt. 3, Box 240
Buhl, ID 83316

RE: Permit No. 47-7826

Dear Mr. Luntley:

I have received your response to my letter and the department's trust water information questionnaire. I appreciate your cooperation in responding and providing an explanation about the status of your permit.

Based on your response and further review of the permit file, it appears that a portion of the lands described under your permit have not been irrigated prior to July of 1985. Permits which were named in the Swan Falls litigation and not completely developed before July of 1985 are subject to the review requirements of Section 42-203D, Idaho Code. In the case of Permit 47-7826, review under Section 42-203D at this point in time means only that the Department is required to re-advertise the permit. I provided you notice in my April 6 letter that you were required to submit a \$20.00 fee for re-advertising if the permit or a portion of the permit was not developed before July of 1985. The fee is required by Water Appropriation Rule 4,2,3. and Section 42-221F, Idaho Code. Failure to pay the fee is cause for the Department to cancel the permit.

Since you may have overlooked the fee requirement in our first correspondence, we will provide you an additional 15 days to submit the fee. Failure to respond to this request within 15 days from the date of this letter will result in cancellation of the permit.

Please contact me at this office if you have questions concerning this matter.

Sincerely,

TIM LUKE
Sr. Water Resource Agent

TL:sc

MICROFILMED

JUL 27 1992

RECEIVED

AUG 24 1989

Department of Water Resources
Southern Region Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

RECEIVED

AUG 25 1989

Department of Water Resources
Not yet processed

PERMIT NO. 47-7826

IF YOU ARE NOT INTERESTED IN HAVING YOUR PERMIT PROCESSED,
PLEASE COMPLETE AND RETURN THE ENCLOSED RELINQUISHMENT FORM.

INSTRUCTIONS: Please answer the following questions as
thoroughly as possible and submit the \$20.00 readvertisement
fee if applicable.

1. Did irrigation occur on the lands identified under your
permit prior to July 1, 1985? Yes ✓ No

If yes, you are requested to submit clear evidence that shows the
number and location of acres irrigated.

Aerial photographs taken prior to July 1, 1985, located in area
ASCS offices, are best forms of evidence. Photos submitted to the
Department must be accompanied by a signed statement from an
ASCS representative which verifies the photo date and that the
lands were irrigated prior to July 1, 1985. If ASCS does not have
photos for the land and/or time in question, you must have the ASCS
provide the Department with a statement that photos are not avail-
able and then proceed to submit other forms of suitable evidence.

2. Please state the number of acres you have irrigated under this
permit since July 1, 1985. 3

3. If you have not irrigated lands under this permit, please
state the number of acres you plan to complete. 3 - same as now.

NOTE: You must submit the \$20.00 readvertisement fee if any or
all of the lands were not irrigated before July 1, 1985.

4. If the permit is a supplemental filing please identify other
water rights which are used on the same land.

N/A

Use the reverse side of this form if you wish to add any comments.

I hereby assert that the responses provided above are true to the
best of my knowledge. I understand that any willful misrepresentations
may result in voiding of the application.

Permit Holder

Robert S. Luntz

Date

Aug 24, 1989

JUL 27 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

August 18, 1989

RE: PERMIT NO. 47-7826

Dear PERMIT HOLDER:

Due to the Swan Falls litigation, development proposed by the enclosed permit may have been delayed. The Department is presently reviewing the permit and may authorize completion of development proposed under the permit.

The purpose of this letter is to determine: (1) the extent of development under the permit, and (2) your continued interest in developing or completing development under the permit. Enclosed are two forms which will help the Department expedite the reprocessing of the permit.

Please complete and return the enclosed questionnaire if you wish to continue with your plans of development or have completed all or a portion of your development before July 1, 1985.

Please complete the enclosed relinquishment form and return it to the Department if you have abandoned or have no interest in continuing with your plans for development of the project.

If the entire project was not completed prior to July 1, 1985, and you still wish to proceed with your plans of development, then you must submit a \$20.00 re-advertisement fee to the Department as required by Water Appropriation Rule 4,2,3. and Section 42-221F, Idaho Code.

Failure to return the questionnaire and pay any required re-advertisement fee within thirty (30) days of the date of this letter is cause for the Department to cancel the permit.

MICROFILMED

JUL 27 1992

Page 2

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 327-7864. The enclosed forms and all other relative information must be returned within thirty (30) days to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720
Attn: Tim Luke
Water Allocation/Trust Water

Please note that a copy of your permit is enclosed. The permit number is shown on the enclosed questionnaire.

Sincerely,

TIM LUKE
Sr. Water Resource Agent

Enclosures

cc: Region

MICROFILMED
JUL 27 1992

INTER-DEPARTMENT MEMO — 1

FROM Tim LUKE

DATE 8/1/89

TO File

SUBJECT

Review of Remot Sensing 7.5 min overlay shows no indication of (AND) As described under this permit & shown on map attached w/permit. Recommend serving questionnaires.

MICROFILMED

JUL 27 1992

SIGNATURE

4/86

RECEIVED

AUG 13 1987

Department of Water Resources
Southern Region Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

For Office Use Only
Fee Received 8/13/87 \$50.00
Date 8/17/87
Receipt # 45140
Receipt by [Signature]
Sent to S.O. 8/17/87

1. Permit No. 47-7826

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE:

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: Robert Luntz

3. Post Office Address: Rt 3 Box 240 Buhl ID 83316

Telephone No. 543-8334

4. Source of Water: Groundwater

5. Extent of Use:

Domestic 2 (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 10 (acres) Other/Remark Heating, Recreation,

Fish Prop.

6. Total rate &/or volume for which proof is submitted .20 cfs _____ acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

1979

8. Person to contact to accompany the department representative during the field examination:

Permit Holder

(Name)

(Address)

(Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

JUL 27 1992

Aug 13, 1987
Date

Robert S. Luntz
Signature of Permit Holder (and title, if appropriate)

State of Idaho

Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

(c.f.s. = cubic feet per second
AF = acre feet)

cfs	AF	Fee
0 - 0.04	0 - 4	\$ 0
.05 - 0.20	5 - 20	50.00
.21 - 1.0	21 - 100	100.00
1.01 - 2.0	101 - 200	125.00
2.01 - 3.0	201 - 300	150.00
3.01 - 4.0	301 - 400	175.00
4.01 - 5.0	401 - 500	200.00
5.01 - 6.0	501 - 600	225.00
6.01 - 7.0	601 - 700	250.00
7.01 - 8.0	701 - 800	275.00
8.01 - 9.0	801 - 900	300.00
9.01 - 10.0	901 - 1000	325.00
10.01 - 11.0	1001 - 1100	350.00
11.01 - 12.0	1101 - 1200	375.00
12.01 - 13.0	1201 - 1300	400.00
13.01 - 14.0	1301 - 1400	425.00
14.01 - 15.0	1401 - 1500	450.00
15.01 - 16.0	1501 - 1600	475.00
16.01 - 17.0	1601 - 1700	500.00
17.01 - 18.0	1701 - 1800	525.00
18.01 - 19.0	1801 - 1900	550.00
19.01 - 20.0	1901 - 2000	575.00
20.01 & over	2001 & over	600.00

Checks should be made payable to the
Department of Water Resources

No fee is required for single family
domestic use or stockwater use.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 47-7826
Name(s) of Permit Holder(s): Robert S. and/or Adelle S. Luntey
Post Office Address: Rt. 3 Box 240
Buhl, Idaho 83316 Tel. No. 543-8334

- ☒ I hereby certify that construction of diversion works for the above referenced permit began on Nov 29, 1973 (date). I understand that I must continue to develop the water system with due diligence to maintain a valid permit.
- ☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control*:

*Note: A financing difficulty is not an acceptable reason.

11-1-84
Date

Robert S. Luntey
Signature of Permit Holder

Robert S. Huntley
Rt 3, Box 240
Buhl, Idaho 83316

PLACE
STAMP
HERE

RECEIVED

NOV 1 1984



RECEIVED

NOV 8 1984

IDAHO DEPARTMENT OF WATER RESOURCES

STATEHOUSE

BOISE, IDAHO 83720

Department of Water Resources

MICROFILMED

JUL 27 1992



DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

2148 4th Ave. E.
Twin Falls, Idaho 83401
(208) 734-3571

August 11, 1987

47-7826
Robert & Adella S. Luntz
Rt. 3 Box 240
Buhl, ID 83316

138865

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

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JUL 27 1992

Examination Fee Notice
Page 2

Certified water right examiners are licensed engineers or geologists certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. A listing of certified water right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

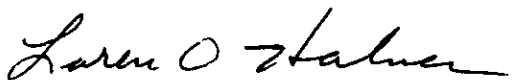
FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department office.

Southern Region
Idaho Dept. of Water Resources
2148 4th Avenue East
Twin Falls, ID 83301
Phone: 734-3578

Sincerely,


LOREN HOLMES
Southern Region Supervisor

Enclosures


JUL 27 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-3578

POOR QUALITY

MARCH 13, 1986

ROBERT & ADELLA S. LUNTEY
RT. 3 BOX 240
BUHL ID 83316

RE: Permit No. 47-7826

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 734-3578 or in person at our office at 1041 Blue Lakes Blvd. N. Twin Falls, Idaho.

Sincerely,
s/Mary A. Newby
Secretary

POOR QUALITY

MICROFILMED

JUL 27 1992



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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

March 3, 1986

Robert S. and/or Adella S. Luntley
Rt. 3, Box 240
Buhl, ID 83316

Dear Mr. and Mrs. Luntley:

Re: Permit Nos. 47-7580 & 47-7826

This office acknowledges receipt of the proof of beneficial use forms submitted for the above-referenced permits.

Before licenses will be issued, the department must conduct a field inspection to determine the extent of use and rate of diversion. I cannot tell you just when these inspections will be made, but our representative will try to contact you to schedule a convenient time. If you have any questions concerning this field inspection, please feel free to contact our Southern Regional office in Twin Falls, Idaho.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

CC: Southern Region

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED
JAN 13 1986

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed development under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below:

Permit No. 47-7826

Name(s) of Permit Holder: Robert S. and/or Adella S. Luntley

Post Office Address: Rt. 3, Box 240, Buhl, Idaho 83316

Telephone No. (208) 543-8334

Source of Water: Groundwater (warm water artesian well) located SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 9, Township 9S, Range 14E, BM Twin Falls County

Extent of Use:

Domestic 0.06 cfs Jan. 1 - Dec. 31 (number of households) 2 households
Pipe installed from well to one house site in 1973 and completed to one household and water used for beneficial purposes in 1977. No further work accomplished to serve proposed second house
Stockwater _____ (number and type of stock)

Irrigation _____ (acres)

SEE SHEET ATTACHED TO BACK OF FORM FOR OTHER USES

Other/Remarks _____

Indicate the date water was first diverted and beneficially used under this permit: Spring 1975

Measuring Device: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☒ No

Flow Measurement Port: Required? ☐ Yes ☒ No All uses can be measured at water exit pipes
Installed? ☐ Yes ☒ No

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

Robert S. Luntley
(Name)

Rt. 3, Box 240, Buhl, Idaho 83316 (208) 543-8334
(Address) (Telephone Number)

The above information is a true statement of the extent to which the above numbered permit has been developed.

January 9, 1986
Date

Robert S. Luntley
Adella S. Luntley
Signature of Permit Holder (and Title, if appropriate)

MICROFILMED

3-3-86

HEATING AND RECREATION: 0.20 cfs Jan. 1 to Dec. 31. Pipe installed from well to water distribution site in 1973. House and garage heating completed in 1977. Site clearing for combination storage-fish hatchery outbuilding to be heated with geothermal water completed in 1985. Building to be constructed spring of 1986.

FISH PRODUCTION: 0.20 cfs Jan. 1 - Dec. 31. Pipe installed from well to water distribution point for some fish ponds in 1973. Excavation completed and concrete work partially completed for 1 pond in 1976. Plumbing for water inlet and outlet for this pond nearly completed in 1978. Drain for a second pond installed in 1978 and excavation and rockwork partially completed in 1985. Completion of these two ponds scheduled for 1986. Site clearing for additional ponds initiated summer of 1985. Completion of these ponds scheduled for 1986.

IRRIGATION: 0.20 cfs March 15 - Nov. 15. Pipe installed from well to distribution point in 1973. Facilities for irrigation of tree nursery completed and used in 1975. Irrigation of trees, lawn and flowers began 1978. Development of facilities to irrigate new vineyard and berry patch scheduled to begin in 1986.

Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).

☐ Show to whom and date delivered \$

☐ Show to whom, date, and address of delivery .. \$

2. ☐ RESTRICTED DELIVERY \$

(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$

3. ARTICLE ADDRESSED TO:

Robert S. Luntley
Adeslla S. Luntley

4. TYPE OF SERVICE:

☐ REGISTERED ☐ INSURED

☒ CERTIFIED ☐ COD

☐ EXPRESS MAIL

ARTICLE NUMBER

138580

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Adeslla Luntley

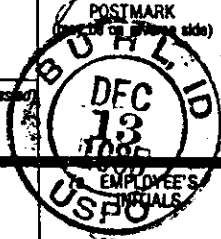
5. DATE OF DELIVERY

POSTMARK
(Stamp on reverse side)

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

MICROFILM



47-7826, 47-7580 (1dt)

* GPO: 1982-370-563

July 1982

RETURN RECEIPT

FOR REGISTERED, INSURED, C.O.D., CERTIFIED, AND EXPRESS MAIL

NAME AND ADDRESS OF SENDER		DEPARTMENT OF WATER RESOURCES STATEHOUSE BOISE, ID 83720		Indicate type of mail ☐ Registered ☐ Insured ☐ COD ☒ Certified ☐ Express Mail		Check appropriate block for Registered Mail: ☐ With Postal Insurance ☐ Without Postal Insurance		Affix stamp here if issued as certificate of mailing or for additional copies of this bill. POSTMARK AND DATE OF RECEIPT				
Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender If C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee	Rest. Del. Fee Remarks
1	138578	Dan C. Skeem Wayne B. Skeem Route 3 Buhl, ID 83316	47-7562 47-7705	39	39.75				70			MICROFILMED
2												
3	138579	Steven R. Davis Genevieve Davis 936 Katherine St. Buhl, ID 83316	47-7754	39	39.75				70			
4												
6	138580	Robert S. Luntley Adella S. Luntley Route 3 Box 240 Buhl, ID 83316	47-7826 47-7580	39	39.75				70			
7												
8												
9	138581	Porter H. Pringle Mac Bell Pringle P.O. Box 7 Kimberly, ID 83341	47-7576	39	39.75				70			
10												
11	138582	Ted Eastman Harold Green Route 3 Buhl, ID 83316	47-7778	39	39.75				70			
12												
13												
14	138583	Alpha L. Woodman Paul W. Flint David B. Flint Route 3 Box 422A Buhl, ID 83316	47-7354	39	39.75				70			
15												
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office		POSTMASTER, PER (Name of receiving employee)		The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$400 for COD and \$400 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels. Special delivery service also includes special handling service.						
33												

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

U.S. GOVERNMENT PRINTING OFFICE: 1974-402-138



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

December 12, 1985

CERTIFIED MAIL

Robert S. Luntley
Adella S. Luntley
Route 3 Box 240
Buhl, ID 83316

RE: Water Right Permit No. 47-7826 & 47-7580

Dear Mr. & Mrs. Luntley:

Enclosed is an Order issued by the Director of the Department of Water Resources affecting pending applications for permit to appropriate the public waters of the State of Idaho and existing permits for which proof of beneficial use has not been submitted to the Department.

Also enclosed is a proof of beneficial use form which must be filled out and returned by permit holders in order to comply with the enclosed order.

As a permit holder, you should be aware that provisions of section 42-237e, Idaho Code, provide you may contest such requirements pursuant to section 42-1701A(3) and request a hearing on the matter, provided that the request is received by the Department within fifteen (15) days after the receipt of the Order. The request for hearing must be in writing and must state the reasons for contesting the requirements of the Order.

If you have any questions or need assistance, contact either the Regional Office in Twin Falls (phone 734-3578) or the State Office in Boise.

Sincerely,

L. GLEN SAXTON, Chief
Operations Bureau

LGS:ldt (Pl-1.53)

Enclosures

CC: IDWR - Southern Region

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF GROUND WATER)
DEVELOPMENT IN THE BANBURY HOT) ORDER
SPRINGS GROUND WATER MANAGEMENT)
AREA, TWIN FALLS COUNTY.)
_____)

This matter having come before the Director of the Department of Water Resources following investigation by the Department staff, the Director finds as follows:

1. The Banbury Hot Springs Ground Water Management Area (Banbury Management Area) was created on April 12, 1983 by Order of the Director of the Department of Water Resources (Director) pursuant to the provisions of Section 42-233b, Idaho Code.

2. The Department has monitored wells in the Banbury Management Area, prior to and subsequent to designation of the area, and the wells continue to show a decline in pressure.

3. Department records show that there are numerous permitted but not yet developed water uses and projects within the Banbury Management Area.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the Director makes the following conclusions of law:

1. Idaho Code § 42-237a(g) (1977 and Supp. 1985) empowers the Director of the Department of Water Resources, "To supervise and control the exercise and administration of all rights hereafter acquired to the use of ground waters and in the exer-

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cise of this power he may be [by] summary order, prohibit or limit the withdrawal of water from any well during any period that he determines that water to fill any water right in said well is not there available."

2. Idaho Code § 42-237a(g) further provides that, "Water in a well shall not be deemed available to fill a water right therein if withdrawal therefrom of the amount called for by such right would . . . result in the withdrawing [of] the ground water supply at a rate beyond the reasonably anticipated average rate of future natural recharge."

3. Idaho Code § 42-1805 (Supp. 1985) provides in part as follows:

In addition to other duties prescribed by law, the director of the department of water resources shall have the following powers and duties:

.

(7) After notice, to suspend the issuance or further action on permits or applications necessary to protect existing vested water rights or to ensure compliance with the provisions of chapter 2, title 42, Idaho Code, or to prevent violation of minimum flow provisions of the state water plan.

4. Based upon presently available data, the ground water supply within the Banbury Management Area is being withdrawn at a rate beyond the reasonably anticipated average rate of future natural recharge.

5. The Director has a duty, pursuant to Idaho Code §§ 42-237a(g) and 42-1805, to stay the approval of any pending applications for permit to appropriate ground water within the

Banbury Management Area, and to order the suspension of any further development under existing permits to appropriate ground water within the Banbury Management Area which, as of the date of service of this order, are not fully developed.

ORDER

IT IS, THEREFORE, HEREBY ORDERED as follows:

1. As of the date of this order, approval of any pending applications for permit to appropriate ground water within the Banbury Hot Springs Ground Water Management Area shall be stayed until further order by the Director.

2. The owners of permits to appropriate ground water within the boundaries of the Banbury Hot Springs Ground Water Management Area shall cease and suspend any further development under those permits beyond the extent already developed as of the date of service of this order.

3. The owners of permits to appropriate ground water within the boundaries of the Banbury Hot Springs Ground Water Management Area, for which proof of beneficial use has not already been submitted to the Department of Water Resources, shall submit proof of beneficial use showing the extent of existing development if any, upon forms furnished by the Department, within thirty (30) days of the service of this order.

4. A copy of this order shall be served by certified mail upon the owners of all applications and permits to appropriate ground water within the Banbury Hot Springs Ground Water

Management Area, together with a letter identifying the record owner of the application or permit, the application or permit number, and a statement describing the legal recourse which may be taken by someone who objects to any provision of this order.

DATED this 4th day of December, 1985.


A. KENNETH DUNN
Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

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

SEPTEMBER 1, 1985

DEAR PERMIT HOLDER:

ACCORDING TO OUR RECORDS, YOU ARE THE HOLDER OF A WATER PERMIT ON WHICH PROOF OF BENEFICIAL USE OF WATER WAS NOT SUBMITTED BEFORE JULY 1, 1985, WHICH INDICATES YOUR PROJECT IS NOT COMPLETE. THEREFORE, YOU NEED TO BE AWARE OF CHANGES IN IDAHO LAW, EFFECTIVE JULY 1, 1985, WHICH IMPACT ALL WATER PERMITS ISSUED BY THIS DEPARTMENT.

SPECIFICALLY, PURSUANT TO SECTION 42-203D, IDAHO CODE, THE DEPARTMENT MUST REVIEW ALL PERMITS FOR WHICH DEVELOPMENT OF WATER USE WAS NO COMPLETED ON OR BEFORE JULY 1, 1985, TO DETERMINE IF THEY MEET THE NEW REQUIREMENTS OF CHAPTER 2, TITLE 42, IDAHO CODE. RULES AND REGULATIONS GOVERNING THE RE-EVALUATION OF PERMITS ARE NOT YET FINALIZED. HOWEVER, IF YOU COMPLETED THE DEVELOPMENT UNDER YOUR PERMIT BEFORE JULY 1, 1985, YOU SHOULD SUBMIT A PROOF OF BENEFICIAL USE STATEMENT, STATING THAT THE PROJECT WAS COMPLETED BEFORE JULY 1, 1985 SO THAT YOUR PERMIT WILL NOT BE SUBJECT TO THE REVIEW REQUIREMENTS OF SECTION 42-203D, WHICH READS AS FOLLOWS:

42-203D. REVIEW OF PERMITS - OPPORTUNITY FOR HEARING. - (1)THE DEPARTMENT SHALL REVIEW ALL PERMITS ISSUED PRIOR TO THE EFFECTIVE DATE [JULY 1, 1985] OF THIS SECTION, EXCEPT TO THE EXTENT A PERMIT HAS BEEN PUT TO BENEFICIAL USE PRIOR TO JULY 1, 1985, TO DETERMINE WHETHER THEY COMPLY WITH THE PROVISIONS OF CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PROPOSED USE DOES NOT SATISFY THE CRITERIA OF CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL EITHER CANCEL THE PERMIT OR IMPOSE THE CONDITIONS REQUIRED TO BRING THE PERMIT INTO COMPLIANCE WITH CHAPTER 2, TITLE 42, IDAHO CODE. IF THE DEPARTMENT FINDS THAT THE PERMIT SATISFIES THE CRITERIA ESTABLISHED IN CHAPTER 2, TITLE 42, IDAHO CODE, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT. (2)THE DEPARTMENT SHALL PROVIDE AN OPPORTUNITY FOR HEARING IN ACCORDANCE WITH SECTION 42-1701A, IDAHO CODE, AND SECTIONS 67-5209 THROUGH 67-5215, IDAHO CODE, FOR EACH HOLDER OF A PERMIT THAT IS PROPOSED EITHER TO BE CANCELLED OR MADE SUBJECT TO NEW CONDITIONS.

YOU MAY OBTAIN PROOF OF BENEFICIAL USE FORMS FROM THE DEPARTMENT. IF YOU HAVE ANY QUESTIONS, PLEASE LET US KNOW.

SINCERELY,

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

May 2, 1983

Dear Permit Holder:

Enclosed you will find an Order Supplementing Conditions of Approval for your permit to appropriate groundwater within the newly formed Banbury Hot Springs Groundwater Management Area.

Please be advised that there will be a meeting on Thursday, May 5, 1983 at 7:30 p.m. at Buhl Junior High School, 216 North 7th St., Buhl, Idaho to discuss the reasons for designation as a management area and potential impacts.

Sincerely,

for

DAVID R. TUTHILL, JR.
Water Allocations Section Supervisor

DRT:rf

Enclosure

MICROFILMED

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

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

LUNTEY, ROBERT S. & ADELLA S.
RT. 3 BOX 240
BUHL, ID 83316

AUGUST 31, 1982

RE: PERMIT NO. 47-7826

DEAR PERMIT HOLDER:

ENCLOSED IS A COPY OF YOUR APPROVED APPLICATION FOR PERMIT. WE DIRECT YOUR ATTENTION TO THE CONDITIONS OF APPROVAL ON THE FOURTH PAGE.

PLEASE BE ADVISED THAT YOUR PLANS FOR FISH PROPAGATION MAY BE SUBJECT TO REGULATIONS OF THE IDAHO DEPARTMENT OF FISH AND GAME. WE SUGGEST THAT YOU CHECK WITH THEM BEFORE STARTING CONSTRUCTION.

WE HAVE ENCLOSED A FORM ENTITLED "MAKING PROOF OF BENEFICIAL USE". PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE YOU MUST TAKE FURTHER ACTION TO DEVELOP THIS PERMIT INTO A LICENSE.

SINCERELY,

DAVID R. TUTHILL, JR., P.E.
SUPERVISOR, WATER ALLOCATION SECTION

ENCLOSURE

7

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

42-Z826-

LUNTEY, ROBERT S. &/or ADELLA S.

RT. 3 BOX 240, BUHL, ID 83316

Source: GROUNDWATER

Date Filed: 06/08/1982

Amount: 0.20 CFS

Diversion Point: SENE Sec 09 T 09S R 14E, TWIN FALLS Co.

Use: IRRIGATION	(0.20 CFS)	from 03/15 to 11/15
FISH PROP.	(0.20 CFS)	from 01/01 to 12/31
HEATING	(0.20 CFS)	from 01/01 to 12/31
DOMESTIC	(0.06 CFS)	from 01/01 to 12/31
RECREATION	(0.20 CFS)	from 01/01 to 12/31

Place of Use: SENE Sec 09 T 09S R 14E FOR 10 ACRES

Diversion Means: ARTESIAN WELL, PUMP

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 and received on or before JULY 12, 1982.

A. KENNETH DUNN

Director

Published 6/24 & 7/1/82.

47-7828

LUNET, ROBERT S.
& TADELLAS
RT. 3, BOX 240, BUHL, ID
83318

S o u r c e :
GROUNDWATER

Date Filed: 06/08/1982

Amount: 0.20 CFS

Diversion Point: SENE
Sec 09 T 09S R 14E, TWIN
FALLS Co.

Use: IRRIGATION (0.20
CFS) from 3/15 to 11/15
FISH PROP. (0.20) from
01/01 to 12/31

HEATING (0.20 CFS)
from 01/01 to 12/31

DOMESTIC (0.06 CFS)
from 01/01 to 12/31

RECREATION (0.20 CFS)
from 01/01 to 12/31

Place of Use: SENE Sec
09 T 09S R 14E, FOR 10
ACRES

Diversion Means:
ARTESIAN WELL, PUMP

If issued, the permit(s)
will be subject to all prior
water rights. Protests
against the granting of
any permit must be filed
with the Director of the
Idaho Department of
Water Resources, 1041
Blue Lakes Blvd. North,
Twin Falls, Idaho 83301
and received on or
before July 12, 1982.

A. KENNETH DUNN
Director

PUBLISH: Thursday,
July 24 and July 1, 1982.

*ad
ma
6/21/82*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

JUNE 15, 1982

Times News
P. O. Box 548
Twin Falls, Idaho 83301

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billings to this office before JULY 12, 1982.

Yours truly,

Mary A. Hill
Secretary

Encl.