

NOTICE OF EXISTING
WATER RIGHT PERMIT
PERMIT NO. 477721

Presently Recorded as
Follows:

Name: Wayne R. Marshall
Address: 185 Blair Dr
Twin Falls, ID 83301
Source: Groundwater
Diversion Pt: SWSE, Sec.
30; NESE, Sec. 32; T08S
R14E Twin Falls Co.
Use: Irrigation (0.54 CFS)
Commercial (3.0 CFS)
Fish Propagation (3.0
CFS)
Heating (3.0 CFS)
Power (3.0 CFS)
Domestic (0.28 CFS)
Priority: 3/24/1981
Place of Use: NE 1/2, NW 1/2,
SW 1/4, SE 1/4, Sec. 36
T08S, R13E, SE 1/4 Sec.
32, T08S R14E
Total Acres: 27
This permit was not devel-
oped by July 1, 1985, and
is being reprocessed in
compliance with Section
42-203D, Idaho Code.
Protests against the con-
tinuance of the permit
must be filed with the Di-
rector, Dept. of Water Re-
sources, Statehouse Mail,
Boise, ID 83720 on or be-
fore September 4, 1989.
R. Keith Higginson, Direc-
tor
PUBLISH: Thursday, Au-
gust 17 and 24, 1989.

Affidavit of Publication

STATE OF IDAHO

COUNTY OF TWIN FALLS

SS.

No 20206

I, Linda Capps McShure being first duly sworn upon oath, depose
and say that I am Bonnie Clark 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 August 17, 1989,
and ending with the issue dated August 24, 1989.

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 ex-
cept Monday, both of which newspapers prior to consolidation had been published under said name 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 competent 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 thereof, Thursday is announced as the day on which said legal notices will be published.

STATE OF IDAHO
COUNTY OF TWIN FALLS

On this 24 day of August in the year of 1989, before me,
a Notary Public, personally appeared Linda Capps McShure,
known or identified to me to be the person whose name subscribed to the within instrument, and being by me first
duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Sheva R. Feltman
Notary Public for Idaho

Residing at Twin Falls County

My commission expires: 5/19/94

NOTICE
AMENDMENT TO A
WATER PERMIT
NO. 47-7721

Notice is hereby given that Wayne Marshall of Twin Falls, Idaho is the holder of approved permit No. 47-7721 authorizing the diversion of 3.00 cubic feet per second of water from groundwater source in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, T8S, R14E, B.M., County of Twin Falls, to be used for the following:

Heating 3.00 cfs, from Jan. 1 to Dec. 31

Power 3.00 cfs, from Jan. 1 to Dec. 31

Commercial 3.00 cfs, from Jan. 1 to Dec. 31

Fish Propagation 3.00 cfs, from Jan. 1 to Dec. 31

Domestic 0.02 cfs, from Jan. 1 to Dec. 31

Irrigation 0.80 cfs, from Mar. 15 to Nov. 15 on 40 acres

within the SE $\frac{1}{4}$, Sec. 32, T8S, R14E.

The permit holder has applied to the Department of Water Resources for an Amendment to the permit, to change place of use, add diversion point and change nature of use as follows:

Point of Diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, T8S, R14E

Place of Use: NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 36, T8S, R13 E; SE $\frac{1}{4}$, Sec. 32, T8S, R14E

Use: Heating 3.00 cfs, from Jan. 1 to Dec. 31

Power 3.00 cfs, from Jan. 1 to Dec. 31

Commercial 3.00 cfs, from Jan. 1 to Dec. 31

Fish Program 3.00 cfs, from Jan. 1 to Dec. 31

Domestic 0.28 cfs, from Jan. 1 to Dec. 31

Irrigation 0.54 cfs, from Mar. 15 to Nov. 15 on 27 acres

Any protest against approval of the amending of Permit No. 47-7721 as set forth above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301, on or before December 12, 1983.

A. Ken Dunn
Director

PUBLISH: Thursday,
November 24, and De-
cember 1, 1983.

Affidavit of Publication

STATE OF IDAHO, }
COUNTY OF TWIN FALLS } ss.

N^o 13380

I, Sherry Kesler being first duly sworn up-
oath, depose and say that I am Princ. Clerk 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 publications, commencing with the issue dated
November 24, 1983, and ending with the issue dated
December 1, 1983.

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 competent 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 thereof, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this 15th day of

December, 1983.

Saldaa L. Jaceo
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

MICROFILMED

MICROFILMED

Witness my hand this 30th day of January, 1984
L. Glen Saxton
Chief, Operations Bureau

I, L. GLEN SAXTON, Director of the Department of Water Resources hereby
Approve the above referenced Amendment provided the conditions as set forth on
page 4 of Permit No. 47-7721 are met.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

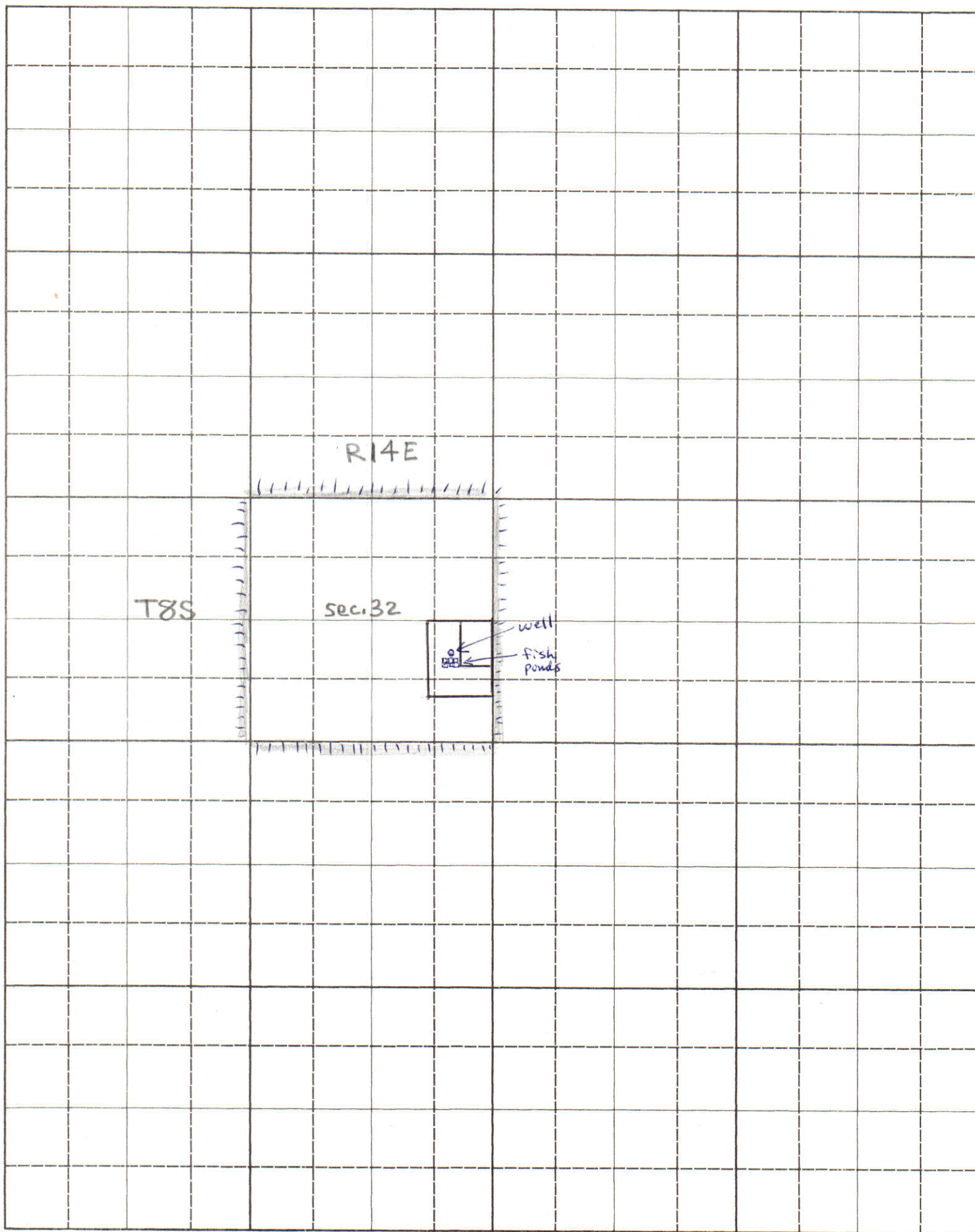
FOR DEPARTMENT USE ONLY

Preliminary check by gd Fee = \$20.00
Received by TGB Date 11-7-83 #32926
Publication prepared by mary Date 11/10/83 Published in Times News
Publication dates 11/24 & 12/1/83

Signed at Twin Falls, this 7th day of November, 1983.
Wayne F. Ingham (Signature)
That no one will be injured by such change, and that such change will be made at permit holder's own risk.

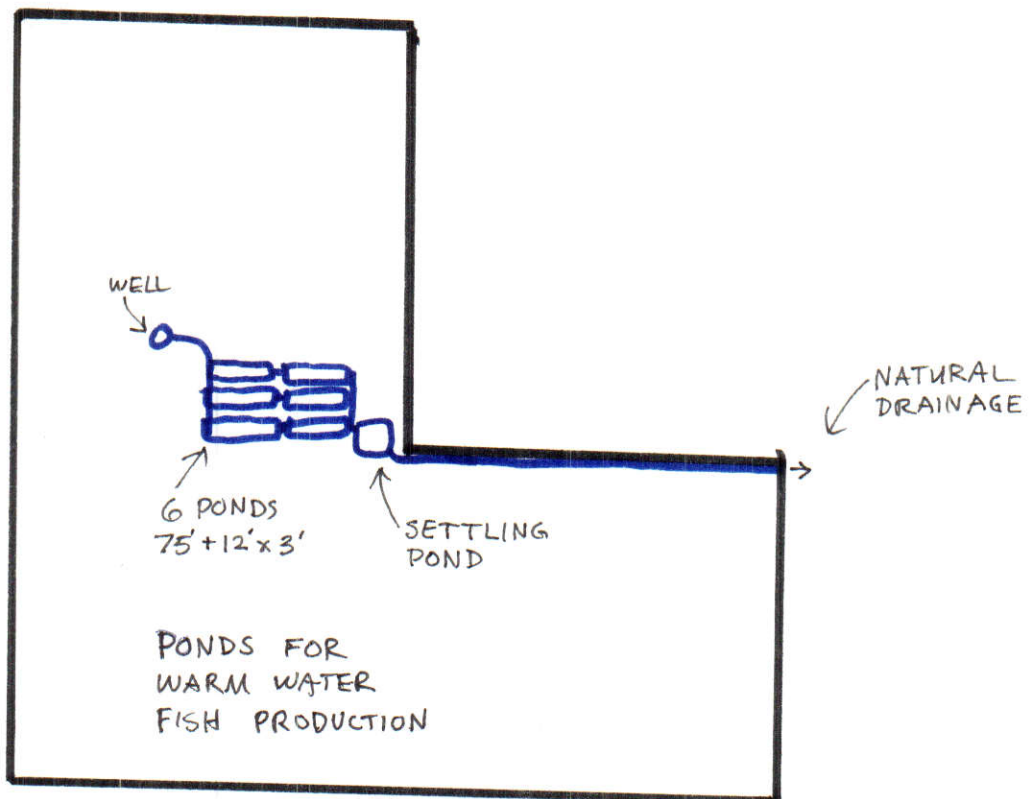


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Wayne R. Marshall
(Applicant)



WATER PUMP

**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:

47-7721
MARSHALL, WAYNER,
185 BLAIR DRIVE, TWIN
FALLS, ID 83301
Source: GROUNDWATER
Date Filed: 03/24/1981
Amount: 3.00 CFS
Diversion Point: NESE Sec
32 T 08S R 14E, TWIN
FALLS Co.
Use: IRRIGATION (0.80 CFS)
from 03/15 to 11/15
COMMERCIAL (3.00 CFS)
from 01/01 to 12/31
FISH PROP (3.00 CFS)
from 01/01 to 12/31
HEATING (3.00 CFS) from
01/01 to 12/31
POWER (3.00 CFS) from
01/01 to 12/31
DOMESTIC (0.02 CFS)
from 01/01 to 12/31
Place of Use: NESE NWSE
SWSE SESE Sec 32 T 08S
R 14E FOR 40 ACRES
Diversion Means: WELLS &
PUMPS

Affidavit of Publication

Nº 10467

STATE OF IDAHO,

COUNTY OF TWIN FALLS }

ss.

I, Hinda Capps McSwine being first duly sworn upon
oath, depose and say that I am Print Clerk 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

April 23, 1981, and ending with the issue dated
April 30, 1981.

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 competent 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 thereof, Thursday is announced as the day on which said legal notices will be published.

Hinda Capps McSwine
Subscribed and sworn to before me on this 30 day of

April 1981
Helba Rowlett-Smith

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

RECEIVED
JUN 1 1981

Department of Water Resources
Southern District Office

RECEIVED
JUN 1 1981

BOLEY & HENRY
WELL DRILLING
MURTAUGH, IDAHO 83344

RECEIVED

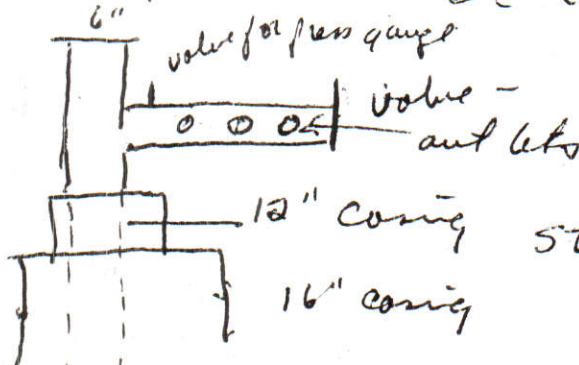
FRED HENRY
TELEPHONE 432-5581

SEP 23 1985

Department of Water Resources

Hello John -

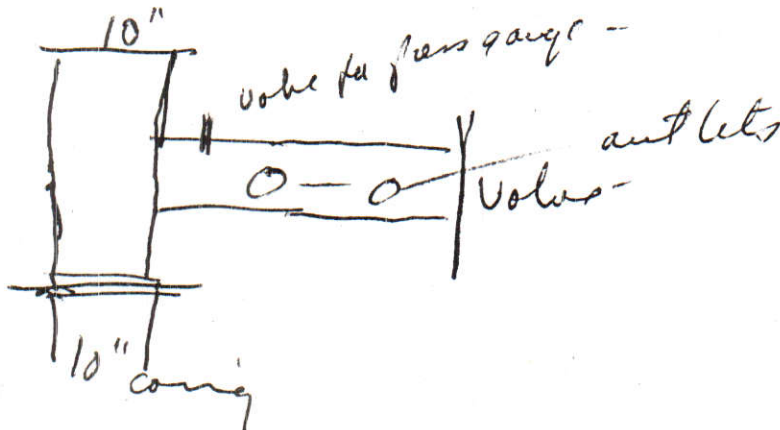
Jerry Foster well -
6" conig cemented in with 60 bags of cement - I felt we got
a extra good seal on this ~~one~~ one - There is a valve on the
so you can check the shut in pressure -



steel plate welded between 6 & 12 & 12 & 16

Wayne Marshall well -

This well didn't produce as hoped - It's too bad we didn't know
the rock was going to be at 3 & 5 feet, we would have put the
10" conig on into it - It was some what of a freak all the
way around - It doesn't give any trouble though and the pipe
is well sealed -



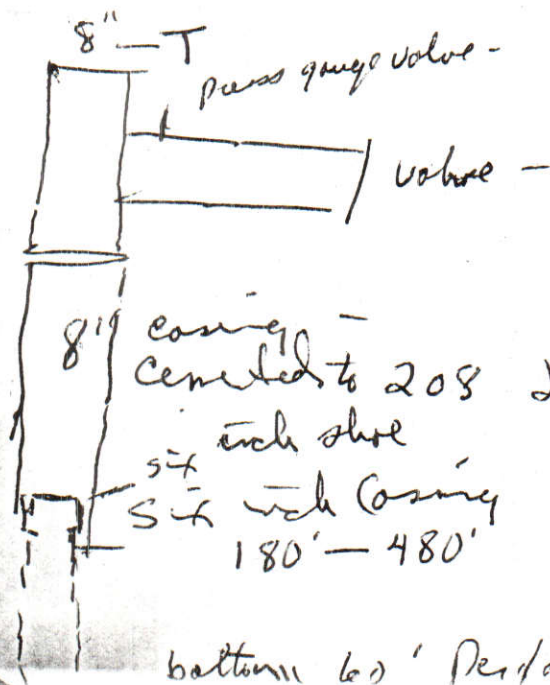
File 47-7721

(over)

MICROFILMED

We have just put a liner (300 feet of 6") in the first well we drilled for Bob King - along Salmon Falls Creek. It had been casing in - it had 208 feet of 8" cement in and so now its cased to bottom 480'. There is another near by w/ 125' of casing in it (Depewes) it is also casing - we didn't drill it but I understand they want it cleaned out and a liner put in so they can put a generator on it to make electricity for a home they expect to build there. I'm not filing a protest, I don't have any property down there, but I sure wish you wouldn't let them do that. Its such a waste, the temp is 155 to 160°.

I should have called you on Kings job, we couldn't use a packer on it as we had to blank the pipe off to weld it - It had a flow of about 500 G.P.M. the liner did make a clean well out of it.



Sincerely,

Blaine Bolay

If you have any questions drop me a line I'm hard to catch on the phone - these log caps are extras, you can dispose of them as you wish -

bottom 60' Perforated

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORTState law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.USE TYPEWRITER OR
BALLPOINT PEN
RECEIVED
SEP 23 1985**1. WELL OWNER**Name Wayne Marshall
Address 185 Blair Drive
Twin Falls, Idaho
Owner's Permit No. 47-7721
47-7792**7. WATER LEVEL**

Department of Water Resources

Static water level _____ feet below land surface.
Flowing? ☒ Yes ☐ No G.P.M. flow 350 (est)
Artesian closed-in pressure 58 p.s.i.
Controlled by: ☒ Valve ☐ Cap ☐ Plug
Temperature 121 °F. Quality good
Describe artesian or temperature zones below.**2. NATURE OF WORK**

- ☒
- New well
- ☐
- Deepened
- ☐
- Replacement
-
- ☐
- Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

8. WELL TEST DATA

- ☐
- Pump
- ☐
- Bailer
- ☐
- Air
- ☐
- Other _____

Discharge G.P.M.	Pumping Level	Hours Pumped

3. PROPOSED USE

- ☐
- Domestic
- ☐
- Irrigation
- ☐
- Test
- ☐
- Municipal
-
- ☐
- Industrial
- ☐
- Stock
- ☐
- Waste Disposal or Injection
-
- ☐
- Other
- Geothermal
- (specify type)

9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
10	0	6	Brown sandy clay		X
	6	67	Boulders + gravel (water at 30')		
	67	83	Boulders		
	83	85	Brown clay		
	85	133	Grey basalt (hard)		
	133	138	Grey basalt		
	138	144	Red clay		
	144	160	Grey basalt w/ clay layers		
	160	192	Grey basalt (hard)		
	192	203	Brown clay		
	203	217	Grey-green clay shale		
	217	243	Black basalt	X	
	243	251	Grey clay, shale + basalt		X
	251	267	Grey basalt	X	
	267	278	Grey brown shale	X	
	278	283	Black basalt w/ shale layers		X
	283	293	Gravel		X
	293	315	Green shale + clay		X
	315	336	Grey rhyolite		X
	336	363	Grey rhyolite + shale layers		X
	363	409	Grey-brown rhyolite		
	409	413	Grey rhyolite (hard)		
	413	518	Grey rhyolite (at 435' small flow)	X	
	518	523	light shale w/ rhyolite layers	X	
	523	582	Grey rhyolite	X	
	582	612	Grey rhyolite w/ clay layers	X	
	612	638	Grey rhyolite		X
	638	651	Grey rhyolite w/ clay layers		
	651	663	Green shale w/ layers + rhyolite		
	663	669	Brown clay (sticking)		
	669	685	Black-brown rhyolite		
	685	696	Grey rhyolite		
	696	719	Grey rhyolite w/ green shale		
	719	754	Black rhyolite		
	754	758	Green cinders	X	
	758	773	Black rhyolite	X	

4. METHOD DRILLED

- ☐
- Rotary
- ☐
- Air
- ☐
- Hydraulic
- ☐
- Reverse rotary
-
- ☐
- Cable
- ☐
- Dug
- ☐
- Other _____

5. WELL CONSTRUCTIONCasing schedule: ☐ Steel ☐ Concrete ☐ Other _____

Thickness	Diameter	From	To
<u>.250</u> inches	<u>10 3/4</u> inches	<u>1</u> feet	<u>299</u> feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet
_____ inches	_____ inches	_____ feet	_____ feet

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

Size of perforation _____ inches by _____ inches

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

Well screen installed? ☐ Yes ☒ No

Manufacturer's name _____

Type _____ Model No. _____

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

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

Gravel packed? ☐ Yes ☒ No ☐ Size of gravel _____

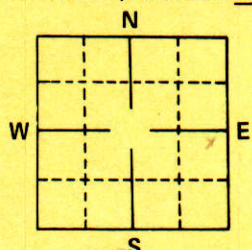
Placed from _____ feet to _____ feet

Surface seal depth 80' Material used in seal: ☒ Cement grout☐ Bentonite ☒ Puddling clay ☐ 280-80'Sealing procedure used: ☐ Slurry pit ☒ Temp. surface casing☒ Overbore to seal depthMethod of joining casing: ☐ Threaded ☒ Welded ☐ Solvent

Weld

☐ Cemented between strata

Describe access port _____

6. LOCATION OF WELLSketch map location must agree with written location.

Subdivision Name _____

Lot No. _____ Block No. _____

County Twin FallsNE 1/4 SE 1/4 Sec. 32, T. 8 N/S, R. 14 E/W.**10.**Work started 26 Feb finished 24 July 1985**11. DRILLERS CERTIFICATION**I/We certify that all minimum well construction standards were
complied with at the time the rig was removed.Firm Name Boley & Henry Firm No. 86Address Muntaugh Date 26 Aug 1985Signed by (Firm Official) Blaine Boley

and

(Operator) Blaine Boley

MICROFILMED

WELL DRILLER'S REPORT

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

[illegible]

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 47-07721	)	
	)	
IN THE NAME OF WAYNE R. MARSHALL	)	ORDER OF
	)	REINSTATEMENT

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (proof of beneficial use) be submitted on or before January 1, 1992; and,

WHEREAS, the Department notified the permit holder by certified mail that proof was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

WHEREAS, on January 1, 1992, the permit lapsed for failure of the permit holder to submit proof of beneficial use; and,

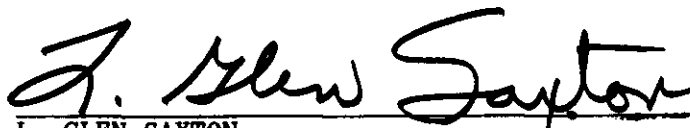
WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting proof of beneficial use on January 2, 1992;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 47-07721 be
REINSTATED with an advance in priority to March 25, 1981.

Dated this 6th day of January, 1992.

JAN 23 1992



L. GLEN SAXTON
Chief, Water Allocation Bureau

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT)

NO. 47-7721 IN THE NAME)

OF WAYNE R. MARSHALL)

CONTINUATION ORDER
& ORDER DISMISSING PROTESTS

This matter having come before the Idaho Department of Water Resources (IDWR) as a requirement of Section 42-203D, Idaho Code, the Department Finds, Concludes and Orders as follows:

FINDINGS OF FACT

1. Section 42-203D, Idaho Code, directs IDWR to review all permits issued prior to July 1, 1985, located within the Swan Falls Trust Water Area, to determine if water was beneficially used prior to said date.

2. If water was not beneficially used until after July 1, 1985, Section 42-203D further directs IDWR to review the permit under the provisions of Section 42-203C, Idaho Code.

3. Section 42-203C requires IDWR to determine whether diversion of water under a permit issued prior to July 1, 1985, causes a significant reduction of trust water available for power production and, if there is a significant reduction, to determine whether the reduction is in the public interest.

4. Permit No. 47-7721 (permit) was issued to Wayne R. Marshall (permit holder) on June 17, 1981 authorizing the diversion of 3.0 cfs of groundwater for heating, power, commercial, fish propagation and domestic uses, as well as irrigation of 40 acres (later amended to 27 acres). The Department later received an amendment from the permit holder which deleted the hydropower and irrigation uses from the permit.

MICROFILMED

MAY 31 1990

5. Information submitted by the permit holder shows that this permit was not developed prior to July 1, 1985.

6. The development and use of water authorized under this permit does not cause a significant reduction of trust water.

7. A protest against the continuation of the permit was received by the department from 23 separate individuals (protestant) on September 1 and September 6, 1989. The protestants alleged that the water sought for appropriation under this permit would injure existing uses and water rights held by the protestants, (criteria of Section 42-203A, Idaho Code).

8. On November 16, 1989, the department corresponded with the protestants and advised them that their protests of Permit No. 47-7721 were not in compliance with the department's Water Appropriation Rules and Regulations. The letter requested information to show that the protests were related to the criteria of Section 42-203C, Idaho Code.

9. Water Appropriation Rule 4,2,3,1. provides that the review of permits pursuant to section 42-203D, Idaho Code, is limited to the criteria described in Section 42-203C, Idaho Code.

10. On March 15, 1990, the department issued the protestants a notice of pending action to dismiss the protests against the continuance of Permit No. 47-7721 for failure to provide requested information.

11. The protestants failed to respond to the notice of pending action to dismiss the protest.

CONCLUSIONS OF LAW

1. The water authorized for diversion under Permit No. 47-7721 is trust water.

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MAY 31 1990

2. The use of water under the permit satisfies the provisions of Sections 42-203C and 42-203D, Idaho Code.

3. An order continuing the permit should be issued.

4. Permit No. 47-7721 is subject to the review requirements of Sections 42-203D and 42-203C, Idaho Code, but not the criteria of Section 42-203A, Idaho Code. The protests against the continuance of Permit No. 47-7721 is not in connection with the criteria of Section 42-203C, Idaho Code and should be dismissed.

ORDER

IT IS HEREBY ORDERED that Permit No. 47-7721 is valid and may CONTINUE as provided in Section 42-203D, Idaho Code, subject to the following additional conditions and limitations:

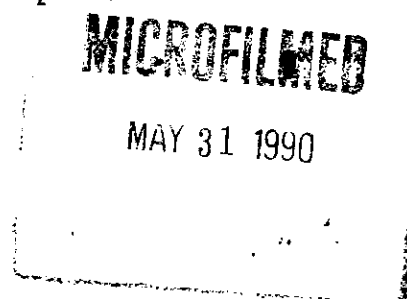
1. Proof of construction of works and application of water to beneficial use shall be submitted to IDWR on or before January 1, 1992.

2. The use of trust water authorized by this right is subject to review 20 years after the date of this order to determine availability of trust water and to reevaluate the public interest.

3. The construction of diversion works must be commenced within one (1) year of the date of this order and shall proceed diligently and uninterruptedly to completion unless temporarily interrupted by circumstances over which the permit holder has no control.

4. Diversion and use of trust water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.

5. The Director retains jurisdiction of this right to change, add or remove any requirement as determined to be appropriate.



6. All conditions of approval contained in Permit No. 47-7721 are incorporated into and made part of this order.

IT IS FURTHER ORDERED that all protests against the continuation of Permit No. 47-7721 are dismissed.

Dated this 2nd day of May, 1990.

L. Glen Saxton

L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED

MAY 31 1990

RECEIVED

DEC 31 1986

Department of Water Resources
Southern Region Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

To provide additional time in which to submit proof
of beneficial use for a water right permit

JAN 02 1987

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

Permit No. 47-7721

Name(s) of Permit Holder: Wayne Marshall

Post Office Address: 185 Blair Dr., Twin Falls, Id. 83301

Telephone No. 733-3983

Date Proof Is Due: Jan. 1, 1987

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

Well drilled, greenhouse built, fish ponds dug, swimming pool dug,
hot tub installed, land irrigated, installed pipeline

Costing \$ approx. \$27,000.00

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

Swan Falls Litigation, adverse weather, adverse drilling conditions,
poor economy

Permit holder(s) request an extension to Jan. 1, 19⁹²
(1 yr. minimum)

Wayne R. Marshall
(Signature)*

FEE: \$15.00

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

ACTION OF THE DEPARTMENT OF WATER RESOURCES MAY 31 1990

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

Signed this 2nd day of May, 19 90.

J. Shue Saylor
Chief, Water Allocation Bureau

IN THE MATTER OF WATER RIGHT)
)
PERMIT NO. 47-7721 IN THE NAME) ORDER
)
OF WAYNE R. MARSHALL)

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-

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

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF THE BANBURY HOT SPRINGS	)	ORDER SUPPLEMENTING
GROUNDWATER MANAGEMENT AREA	)	CONDITIONS OF APPROVAL FOR
	)	PERMIT TO APPROPRIATE
	)	GROUNDWATER NO. 47-7721

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. 47-7721 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.

A handwritten signature in dark ink, reading "L. Glen Saxton", written over a horizontal line.

L. GLEN SAXTON
Chief, Operations Bureau

Affidavit of Publication

STATE OF IDAHO, }
COUNTY OF TWIN FALLS } ss.

Nº 13380

I, Sherry Kesler being first duly sworn up
oath, depose and say that I am Princ. Clerk 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 publications, commencing with the issue dated
November 24, 1983, and ending with the issue dated
December 1, 1983.

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 competent 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 thereof, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this 1st day of

December, 1983.

Saldoe J. Jaccett

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

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

APPROVED

Comes now Wayne R. Marshall
of (address) 185 Blair Dr., Twin Falls, ID. 83301, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho
No. 47-7721, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SW 1/4 SE 1/4, Section 30, Township 8S, Range 14E, B.M.,
County of Twin Falls. Other points of diversion: NE 1/4 SE 1/4 Sec. 32
Twp. 8S. Rge. 14E.

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)
3.0 cfs heating Jan 1 Dec. 31
Amount 3.0 cfs for Power purposes from Jan 1 to Dec. 31 (both dates inclusive)
(cfs or acre feet per annum) Commercial Jan 1 Dec. 31
Amount 3.0 cfs for Fish Production purposes from Jan 1 to Dec. 31 (both dates inclusive)
(cfs or acre feet per annum) Domestic Jan 1 Dec. 31
Amount 0.28 cfs for Irrigation purposes from Mar. 15 to Nov. 15 (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated: 0.54 cfs to be divided equally over the 32 home sites
to be used for Irrigation at a rate of .02 cfs/Acre. in addition to the one home site on original application

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	
8S	13E	36	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	27
8S	14E	32													X	X	X	X	

X = location of NON CONSUMPTIVE uses.

Total number of acres to be irrigated = 27

4. a. Who owns the property at the point of diversion? Applicant and Lucy Geska

Who owns the land to be irrigated or the place of use? Applicant Doug Marshall

If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing: Verbal agreement

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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 Wayne R. Marshall Phone 733-3983

Post office address 185 Blair Dr., Twin Falls, Ida

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

3. Location of point of diversion is NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 32 Township 8S

4. Range 14 E B.M. Twin Falls County, additional points of diversion if any:
Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

4 Amount 3 for heating purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre feet per annum)

5 Amount 3 for power purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre feet per annum)

2 Amount 3 for commercial purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre feet per annum)

3 Amount 3 for fish production purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre feet per annum)

6 Amount .02 for domestic purposes from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre feet per annum)

1 Amount .8 for irrigation purposes from March 15 to Nov 15 (both dates inclusive)

b. Total quantity to be appropriated:

a. 3.0 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Artesian wells, pumps,
aspirators, generating plant

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. Proposed well diameter is 8 inches; proposed depth of well is 1000 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: NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 32 Township 8S

Range 14 E B.M.

(2) Amount of power to be generated: ~ 20 horsepower under ~ 100 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 1.

(5) If water is to be used for other purposes describe: Heating will for residences,
shop bldg., and winery bldg. Commercial uses will include
aspirators for distillation and drying equipment,

(cont. under remarks)

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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	
8S	14E	32													22	3	1	14	40

Total number of acres to be irrigated 40

c. Describe any other water rights used for the same purposes as described above. The property has 40 shares of Banbury Pipeline Co. stock.

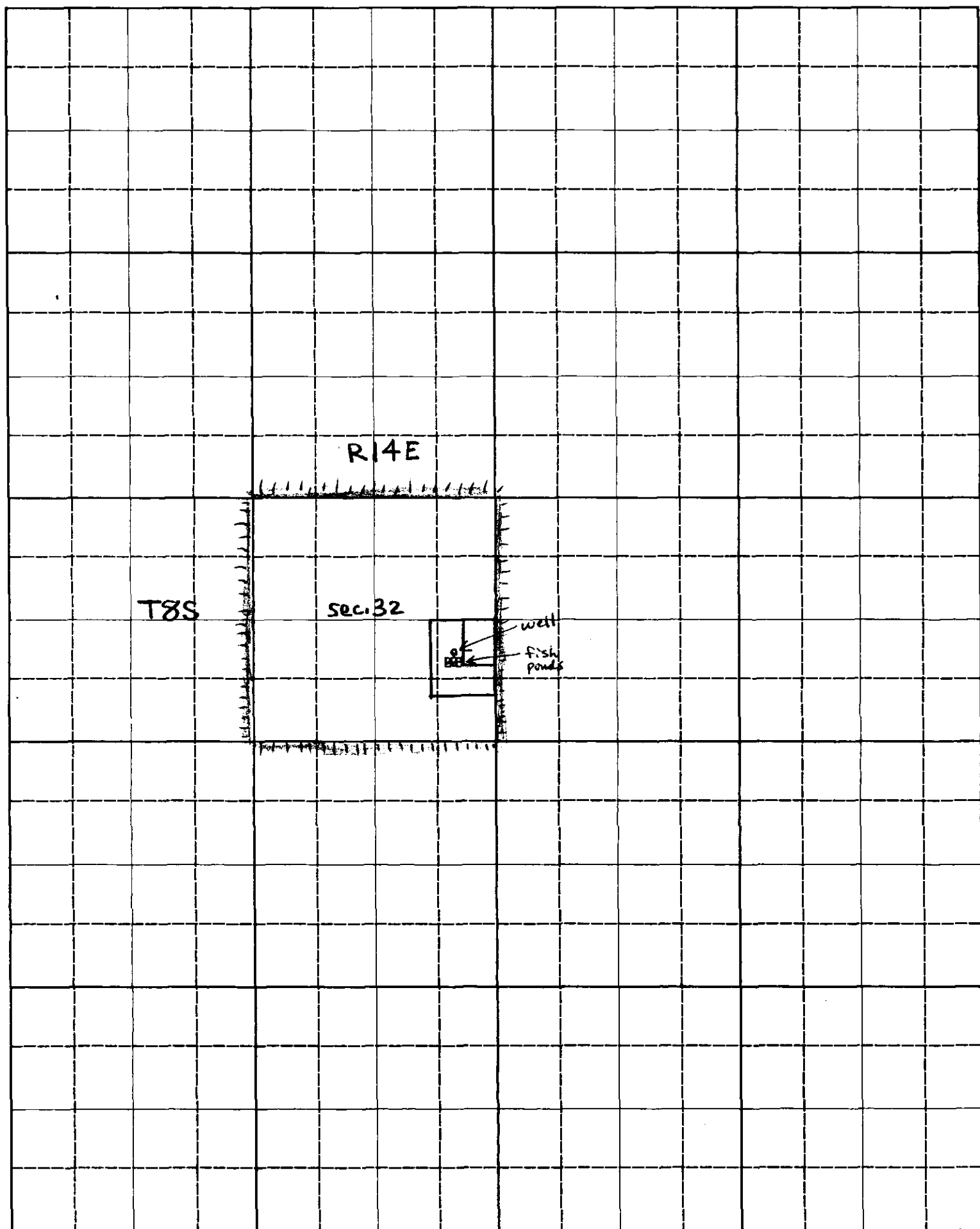
9. a. Who owns the property at the point of diversion Wayne Marshall

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

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks greenhouse irrigation, winery use, and sprinkling for frost protection. Heating will also be for greenhouse space heating.

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



Scale: 2 inches equal 1 mile.

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

Wayne R. Marshall
(Applicant)

Proposed Priority 3/24/81

Received by TGB Date 3-24-81 Time 3:00
Preliminary check by ADM Fee \$ 85.00/100
Receipted by TGB Date 3-24-81 Ref # 16924
Publication prepared by LH Date 4/7/81
Published in Times News
Publication dates 4/23 + 4/30/81
Publication approved mafe Date 6/1/81
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. 47-7721, 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 June 1, 19 86.
 - 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: An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

(2) This permit is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this permit. Failure to comply with these provisions is cause for immediate cancellation of this permit. (3) 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. (4) This project shall be operated in a manner that will not conflict or interfere with the future diversion of water for irrigation or other beneficial consumption. (5) This permit does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.

RECEIVED
JUN 11 1981

Witness my hand this 17th day of June, 1981.
A. Glen Saxton
Chief, Operations Bureau

EXHIBIT "A"

1 A tract of land located in the Southeast Quarter (SE $\frac{1}{4}$) of
2 Section 32, Township 8 South, Range 14 E., B.M., Twin Falls
County, Idaho, and being more particularly described as follows:

3 Commencing at the East Quarter Corner of said Section 32;

4 Thence N89°51'31" West along the North line of said SE $\frac{1}{4}$
for 780.17 feet to the True Point of Beginning;

5 Thence S00°03' East and parallel to the East line of said
6 Section 32 for 1005.02 feet;

7 Thence S89°51'31" East and parallel to the North line of
said SE $\frac{1}{4}$ for 780.17 feet to the East line of said
8 SE $\frac{1}{4}$;

9 Thence S00°03' East along said East line for 803.42 feet;

10 Thence N89°03' West for 1112.93 feet;

11 Thence N71°27'49" West for 286.40 feet;

12 Thence S22°35'36" West for 30.19 feet;

13 Thence N87°45'49" West for 20.47 feet;

14 Thence N00°01'27" East and parallel to the West line of
the E $\frac{1}{2}$ SE $\frac{1}{4}$ of said Section 32 for 1729.50 feet to
15 the North line of said SE $\frac{1}{4}$;

16 Thence S89°51'31" East along said North line for 633.90
feet to the True Point of Beginning.

17 Containing 40.12 acres more or less.

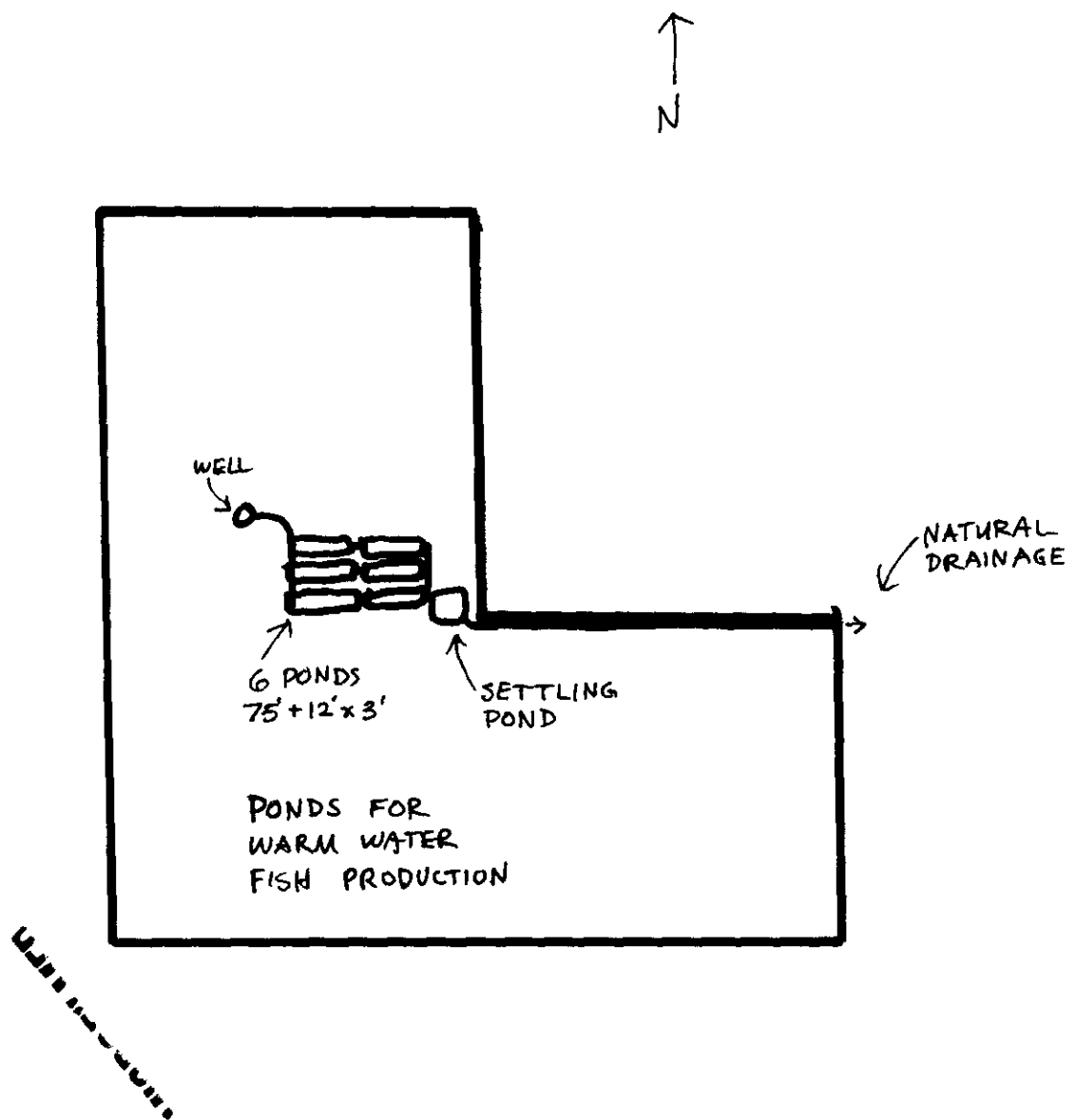
18 Subject to a 25 foot wide County Road Right of Way along the
19 Eastern most line, a 15 foot wide Pipeline Easement along the
Northern most line, and a 25 foot wide Private Road Right of
20 Way being 12.50 feet on each side of the following described
centerline:

21 Commencing at the SE Corner of said Section 32;

22 Thence N00°03' West along the East line of said Section
23 32 for 936.65 feet to the True Point of Beginning;

24 Thence along said centerline for the following Seven (7)
courses and distances:

- 25 1. S71°52'12" W for 41.05 ft;
- 26 2. S47°01'16" W for 60.93 ft;
- 27 3. S62°58'19" W for 54.56 ft;
4. S79°27'41" W for 47.24 ft;
5. N89°03' W for 952.01 ft;
6. N71°27'49" W for 256.82 ft;
- 28 7. N66°26'24" W for 47.40 ft. to the Point of
Termination.



Individual Owner

AFFIDAVIT TO ESTABLISH RESIDENCE

I, Wayne R. Marshall of Castleford, County of Twin Falls, State of Idaho, being duly sworn, do hereby certify that I am a bona fide resident of the State of Idaho.

/s/ Wayne R. Marshall

Subscribed and sworn to before me this 24th day of March, 1981

/s/ Loren O'Hallinan

Notary Public

Residence Twin Falls, ID

My Commission Expires Life

Corporation or Association

AFFIDAVIT TO ESTABLISH RESIDENCE
OR QUALIFICATIONS TO DO BUSINESS UNDER THE LAWS OF
IDAHO...

I, _____ of _____, County of _____, State of Idaho, being first duly sworn, depose and say:

That I am the designated statutory agent of the _____,

that as such I am in charge of the registered office of the said _____

_____, as provided by Section 30-143, Idaho Code, at _____

_____, Idaho, wherein are kept the records provided by Section 30-144, Idaho

Code, and that _____ is a legal _____

qualified to do business in the State of Idaho under the laws of the State of Idaho.

/s/ _____

Subscribed and sworn to before me this _____ day of _____, 19____

/s/ _____

Notary Public

Residence _____

My Commission Expires _____

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Affidavit of Publication

Nº 10467

STATE OF IDAHO,
COUNTY OF TWIN FALLS } ss.

I, Hinda Capps McGuire being first duly sworn upon
oath, depose and say that I am Print Clerk 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

April 23, 1981, and ending with the issue dated
April 30, 1981.

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 ther-
of, Thursday is announced as the day on which said legal notices will be published.

Subscribed and sworn to before me on this 30 day of

Hinda Capps McGuire
April 30, 1981
Thelma Rowlett-Smith

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

RECEIVED

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JUN 1 1981
Department of Water Resources
Southern District Office

January 8, 1992

WAYNE R. MARSHALL
185 BLAIR DRIVE
TWIN FALLS ID 83301

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 47-07721

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. Enclosed is an order advancing the priority of the permit since the proof was received after the proof due date. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)736-3033.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

Enclosure

MICROFILMED
JAN 23 1992

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STATE OF IDAHO

JAN 02 1992

DEPARTMENT OF WATER RESOURCES

Department of Water Resources
Southern Region Office

PROOF OF BENEFICIAL USE

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

1. Permit No. 47-07721 Telephone No. 733-3983
2. Name(s) of Permit Holder(s): Wayne R. Marshall
3. Post Office Address: 185 Blair Dr., Twin Falls, Idaho 83301
4. Source of Water: Groundwater
 - a. If ground water, well driller's name: Boley + Henry Date drilled: July 29, 1985
 - b. Pump horsepower: _____ Pressure (psi): ~~200~~ Dynamic pumping level (ft.): _____
5. Extent of Use:

Domestic <u>1</u> (No. of households)	Irrigation _____ (No. of acres)
Stockwater _____ (No. and type of stock)	Other <u>Commercial,</u>
<u>Heating, Fish Propagation</u>	
6. Total rate and/or volume for which proof is submitted 1.0 cfs _____ acre/feet
7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device:	Required? <u>X</u> Yes ___ No	Installed? <u>X</u> Yes ___ No
OR		
Flow Measurement Port:	Required? ___ Yes ___ No	Installed? ___ Yes ___ No
8. Fee Enclosed: \$ 100.00 (See License Examination Fee Schedule)
9. Person to contact to accompany the Department representative during the field examination:

Wayne Marshall 733-3983
Name Telephone No.
185 Blair Dr. Twin Falls, Idaho 83301
Address

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

Jan. 1 1992
Date

Wayne R. Marshall
Signature (and title if on behalf of a company or organization)

MICROFILMED
JAN 03 1992

138177

October 31, 1991

WAYNE R. MARSHALL
185 BLAIR DRIVE
TWIN FALLS ID 83301

PROOF DUE NOTICE

RE: PERMIT NO. 47-07721

Dear Permit Holder:

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

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

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

SINCERELY,

Nina Shields
Secretary/Records Manager

Enclosures

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JAN 23 1992



ate of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

05-Mar-1991

R. KEITH HIGGINSON
Director

Wayne Marshall
185 Blair Dr.
Twin Falls, ID 83301

Re: Permits 47-7721 and 47-7792

Dear Wayne:

You inquired about department requirements which would be imposed if you developed your property in the SE $\frac{1}{4}$ Sec. 32, T8S R14E for other than the uses described in the water permits.

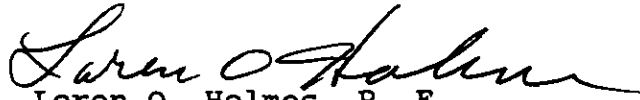
Both permits are subject to the director's order dated December 4, 1985 which stayed further development in the Banbury Hot Springs Groundwater Management Area. Use of geothermal water is subject to the provisions of section 42-233 of the IDAHO CODE which requires geothermal waters to be used primarily for heat value and secondarily for other uses.

Enclosed are printout reports of your permits. If you now plan to make different uses of the water or make other significant changes from what is described in the permits, amendment will be required. Any proposed uses of water will be limited to the diversion rates and volumes existing for the present uses.

Any additional well construction or well modification will be subject to well construction conditions of approval stated in the report of water permit 47-7721 attached, as well as the drilling permit requirements of section 42-235.

If you have any other questions, please let me know.

Sincerely,


Loren O. Holmes, P. E.
Southern Region Manager

RECEIVED

JAN 23 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

May 23, 1990

RE: Permit No. 47-7721

Wayne R. Marshall
185 Blair Dr.
Twin Falls, ID 83301

Dear Mr. Marshall:

Enclosed is an order that authorizes you to continue development under Permit to Appropriate Water No. 47-7721. The order also dismisses all remaining protests against continued development. Please note in condition #1., page two of the order that you must develop your system and beneficially use the water prior to January 1, 1992. Failure to beneficially use the water before January 1, 1992, could result in a loss of your water right permit.

Also enclosed is a copy of the approved extension of time request. Please be advised that the department has granted this extension of time based on due diligence. It is important that you work diligently toward the completion of this project during the construction period allowed. The department may not be able to grant additional requests.

Please note the conditions of approval contained in your permit and the continuation order. You must comply with the conditions to fully complete beneficial use.

Sincerely,

TIM LUKE
Sr. Water Resource Agent

TL:sc

cc: Remaining Protestants (see attached list)

Enclosures

Microfilm

MAY 31 1990

List of Remaining Protestants which were sent a copy of the letter dated 5/23/90 along with a copy of the order continuing the permit.

William & Dixie Woodfrie
4725 River Rd.
Buhl, ID 83316

Wanda Foster
River Rd.
Buhl, ID 83316

Marge & Jack Skinner
209 Clear Lake Rd.
Buhl, ID 83316

Frank & Evelyn Poppoy
4586 River Rd.
Buhl, ID 83316

Lew & Syble Gohmes
4592-C River Rd.
Buhl, ID 83316

H.H. Thompson
4592 River Rd.
Buhl, ID 83316

Donald & Diane Campbell
Rt. 3, Box 216
Buhl, ID 83316

Herb Deuel
Rt. 3, Box 408
Buhl, ID 83316

Boyd Gruver
Rt. 3, Box 230
Buhl, ID 83316

Jens Noet
4604 River Rd.
Buhl, ID 83316

Fred & Frances Kambrich
Rt. 3, 4711 River Rd.
Buhl, ID 83316

John & Sally Hoeck
Rt. 3
Buhl, ID 83316

Ted Eastman
Rt. 3
Buhl, ID 83316

Dale Bell
1128 Banbury Rd.
Buhl, ID 83316

Bill & Kay Cunningham
4731 River Rd.
Buhl, ID 83316

Gerald Jones
Rt. 3, Box 413A
Buhl, ID 83316

NOT RECORDED

MAY 31 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 22, 1990

Re: Permit No. 47-7721

Wayne R. Marshall
185 Blair Dr.
Twin Falls, ID 83301

Dear Mr. Marshall:

The department has received some withdrawals of the protests filed against the continuance of the above referenced permit. There are still, however, some fifteen to twenty protests on file with the department. The department plans to issue an order dismissing the remaining protests.

In recent correspondence to me you indicated that you had no plans to pursue completion of the irrigation and hydropower components under this permit. Before the department proceeds with its plans to dismiss the remaining protests, I must ask that you amend the permit as presently recorded by deleting the hydropower and irrigation uses.

On the enclosed copy of your amended permit, please delete the irrigation and hydropower uses along with any other uses you may wish to delete. You may do this by simply putting a line through, or crossing out the uses and their corresponding diversion rates. You must initial and date each line you change. You should also delete the place of use of irrigated acreage described under item 3. of the permit.

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

Sincerely,

TIM LUKE
Sr. Water Resource Agent

TL:sc

MicroFILMED

MAY 31 1990

RECEIVED

DEC 11 1989

4810 River Road
Buhl, ID 83316
December 5, 1989

Department of Water Resources

State of Idaho
Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706-2237

Re: Permit No. 47-7721

Attention: Jim Johnson

Gentlemen:

Reference is made to your letter of November 16, 1989 regarding the continuance of the Wayne R. Marshall permit #47-7721.

Your advertisement was very misleading regarding the quantity of water that Mr. Marshall is receiving a permit for. Why can't the actual amount of the proposed useage be advertised?

At the present time he has one small greenhouse and a small fishpond, neither of which he is using. Is he going to be issued a permit for the amount he asked for in your advertisement? Is someone from your department going to check to see if he is really using the 350 gallons per minute you mention in your letter?

I thought beneficial use was the key to granting a permit.

As I stated in my previous letter, I do not believe that Mr. Marshall has been prudent in his application or his information to your department. He has apparently stated to you that he does not intend to use the quantities outlined in the advertisement, but what assurance do others have that he would not use the 12.82 cfs? Withdrawal of that magnitude would be devastating to the Banbury warm water aquifer.

Sincerely yours,

John L. Hoeck
John L. Hoeck

FILED

MAY 31 1990

RECEIVED
NOV 30 1989

Department of Water Resources

WITHDRAWAL OF PROTEST

MIKE ARCHER
I, *Mike Archer*, hereby withdraw my protest
against the continuance of Permit No. _____.

Dated this *28* day of *Nov.*, 1989.

Mike Archer
Signature

MICROFILMED
MAY 31 1990

RECEIVED
NOV 21 1989

Department of Water Resources

WITHDRAWAL OF PROTEST

I, DAVID FLINT, hereby withdraw my protest
against the continuance of Permit No. 47-7721.

Dated this 18 day of NOVEMBER, 1989.

David B. Flint
Signature

RECEIVED

MAY 31 1990

RECEIVED

NOV 29 1989

Department of Natural Resources

WITHDRAWAL OF PROTEST

I, Bob Campbell hereby withdraw my protest
against the continuance of Permit No. 47-7721.

Dated this 28 day of November 1989.

Bob Campbell
Signature

MICROFILMED

MAY 1990

RECEIVED

NOV 29 1989

Department of Water Resources

WITHDRAWAL OF PROTEST

I, Jane L. Harbst, hereby withdraw my protest
against the continuance of Permit No. 47-7721.

Dated this 27 day of November, 1989.

Jane L. Harbst
Signature

MICROFILMED

MAY 31 1990

RECEIVED
NOV 30 1989

Department of Water Resources

WITHDRAWAL OF PROTEST

I, Laura Hunt, hereby withdraw my protest
against the continuance of Permit No. 47-7721.

Dated this 29 day of Nov, 1989.

Laura Hunt
Signature

RECEIVED

MAY 31 1990

RECEIVED
NOV 30 1989

Department of Water Resources

WITHDRAWAL OF PROTEST

I, Bob & June King, hereby withdraw ^{our} my protest
against the continuance of Permit No. 47-7721.

Dated this 28 day of Nov, 1989.

Robert W. & June King
Signature

MICROFILMED

MAY 31 1990

MEMORANDUM

TO: File 47-7721

FROM: Sharla

DATE: November 16, 1989

RE: Mailing

On this date a copy of the attached letter was mailed to each individual listed on the attached labels. A withdrawal of protest was mailed with each letter. The only protestant to not receive a copy of the letter is marked with a red circle on the original protest list; the name is not legible and could not be determined by a search of the phone book.

MICROFILMED

MAY 31 1990

November 16, 1989

RE: Permit No. 47-7721

Dear Protestant:

The department acknowledges receipt of your protest against the continuance of the above referenced permit filed under the name of Wayne R. Marshall.

The Department has delayed responding to your protest until additional information concerning the use of water under this permit was provided by Mr. Marshall. Mr. Marshall has stated that the well under the permit is already developed and has been in use for several years. He plans to build a greenhouse and some fish ponds that will utilize the water already diverted. The present diversion from the well is 350 gallons per minute (0.78 cfs) and he does not intend to pursue developing water for irrigation nor power purposes as was originally identified on his water right.

In addition to providing the above information, I would like to further explain why this permit was recently advertised in your local newspaper.

The permit which you have protested is one of many non-completed or partially completed permits which were impacted by Idaho Power's Swan Falls litigation. This litigation, which was started in 1977, was finally settled in 1988. As you may know, individuals who held applications or permits were unable to proceed or complete development during this period. The department is now in the process of reviewing all impacted water right filings according to priority dates to determine if they meet the terms of the settlement. As a part of this review process, the department is required to re-advertise permits which were not fully developed prior to July 1, 1985.

Notice of existing Permit No. 47-7721 was published in the Times-News on August 17 and August 24, 1989 as presently recorded with the Department. The permit proposed to divert a total of 3.00 cfs of groundwater for heating, power, commercial, fish production, domestic and irrigation uses. However, the listing of separate flow rates for each of the individual uses in the newspaper made the permit to appear that 12.82 cfs was being developed. We feel that this representation may be the reason for your protests.

We wish to resolve this matter without proceeding into a formal hearing. If a formal hearing is necessary the Department would be required to follow provisions of public interest criteria of Section 42-203C, Idaho Code.

RECEIVED

MAY 31 1990

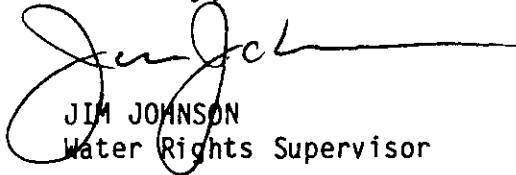
Page 2

Unfortunately, this section mandates that the protestant provide evidence that the water used under the permit would cause significant reduction in flows in the Snake River. Protests against the permit for any other reasons could not be allowed and ultimately the protest would likely be dismissed. It appears that you did file a protest against this permit because of concern of the reduction of flow in the Snake River.

If you would like to withdraw your protest, please sign and return the enclosed protest withdrawal form within 20 days. If the department does not hear from you, we will assume that you wish to proceed with the protest and additional instructions required by Section 42-203C, Idaho Code will be sent to you.

Please contact me directly if I can be of any further assistance in this matter. My phone number is 327-7947.

Sincerely,



JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

RECEIVED
FEB 11 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 15, 1990

RE: Protest Against Continuance of Permit No. 47-7721

William & Dixie Woodfrie
4725 River Rd.
Buhl, ID 83316

Dear Protestant(s):

NOTICE OF PENDING ACTION TO DISMISS PROTEST

On September 6, 1989, the Department of Water Resources (Department) received from you a protest against the continuance of the above referenced permit.

On November 16, 1989, the Department sent a letter to the protestants explaining that the permit was being reviewed under the public interest criteria of Section 42-203C, Idaho Code. This letter further explained that a party filing a protest against the continuance of this permit must bear the initial burden of coming forward with evidence for the evaluation of the public interest criteria of Section 42-203C, and of demonstrating a significant reduction in the Snake River near Murphy, Idaho. The letter requested that you as a protestant, provide this evidence within fifteen days of receiving the letter.

After the November 16, 1989 Department correspondence, the permit holder, Mr. Wayne Marshall, filed an amendment of his permit. The amendment deleted irrigation and power generation as beneficial uses. Heating, domestic, fish propagation and commercial uses remain on the permit for a total diversion rate of 3.0 cfs. Since irrigation was deleted as a beneficial use and the remaining uses would not result in a depletion of more than 2 acre-feet per day, the permit is no longer subject to the public interest requirements of Section 42-203C. The Department cannot continue to consider your protest against the continuance of the permit.

In regard to the future status of Mr. Marshall's permit, the Department will proceed to continue the permit and grant some additional time in which to complete beneficial use. It is likely that the Department will not be lenient in granting the permit holder much time to complete beneficial use or in granting any future extension requests.

The purpose of this notice is to inform you that the Department cannot consider protests against the continuance of the permit and will formally dismiss all protests at the time the continuation order is issued.

The Department acknowledges your concerns about the condition of the aquifer and thermal resources. Your protest, although of no effect, will

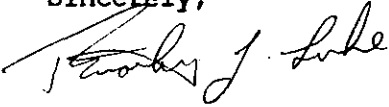
RECEIVED

MAY 31 1990

Page 2

remain on record with the Department. Questions or additional concerns about this matter may be submitted to my attention within fifteen (15) days.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tim Luke".

TIM LUKE
Sr. Water Resource Agent

TL:sc

RECEIVED

MAY 31 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 15, 1990

RE: Protest Against Continuance of Permit No. 47-7721

Wanda Foster
River Rd.
Buhl, ID 83316

Dear Protestant(s):

NOTICE OF PENDING ACTION TO DISMISS PROTEST

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In regard to the future status of Mr. Marshall's permit, the Department will proceed to continue the permit and grant some additional time in which to complete beneficial use. It is likely that the Department will not be lenient in granting the permit holder much time to complete beneficial use or in granting any future extension requests.

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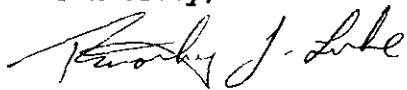
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MAY 31 1990

Page 2

remain on record with the Department. Questions or additional concerns about this matter may be submitted to my attention within fifteen (15) days.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tim Luke".

TIM LUKE
Sr. Water Resource Agent

TL:sc

RECEIVED
MAY 31 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 15, 1990

RE: Protest Against Continuance of Permit No. 47-7721

Jack & Marge Skinner
209 Clear Lake Rd.
Buhl, ID 83316

Dear Protestant(s):

NOTICE OF PENDING ACTION TO DISMISS PROTEST

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In regard to the future status of Mr. Marshall's permit, the Department will proceed to continue the permit and grant some additional time in which to complete beneficial use. It is likely that the Department will not be lenient in granting the permit holder much time to complete beneficial use or in granting any future extension requests.

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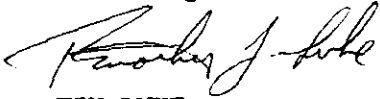
The Department acknowledges your concerns about the conditions of the aquifer and thermal resources. Your protest, although of no effect, will

MAY 31 1990

Page 2

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Sincerely,

A handwritten signature in dark ink, appearing to read "Tim Luke", written in a cursive style.

TIM LUKE
Sr. Water Resource Agent

TL:sc

MICROFILMED
MAY 31 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 15, 1990

RE: Protest Against Continuance of Permit No. 47-7721

Frank & Evelyn Poppoy
4586 River Rd.
Buhl, ID 83316

Dear Protestant(s):

NOTICE OF PENDING ACTION TO DISMISS PROTEST

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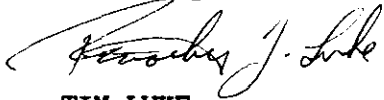
The Department acknowledges your concerns about the condition of the local aquifer and thermal resources. Your protest, although not successful, will

MAY 31 1990

Page 2

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Sincerely,

A handwritten signature in cursive script, appearing to read "Tim Luke".

TIM LUKE
Sr. Water Resource Agent

TL:sc

AMENDED

MAY 31 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 15, 1990

RE: Protest Against Continuance of Permit No. 47-7721

Lew & Syble Gohmes
4592-C River Rd.
Buhl, ID 83316

Dear Protestant(s):

NOTICE OF PENDING ACTION TO DISMISS PROTEST

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The purpose of this notice is to inform you that the Department cannot consider protests against the continuance of the permit and will formally dismiss all protests at the time the continuation order is issued.

The Department acknowledges your concerns about the conditions of the local aquifer and thermal resources. Your protest, although without effect, will

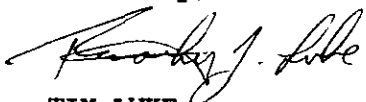
RECEIVED

MAY 31 1990

Page 2

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Sincerely,

A handwritten signature in cursive script, appearing to read "Tim Luke".

TIM LUKE
Sr. Water Resource Agent

TL:sc

MICROFILMED

MAY 31 1960



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

March 15, 1990

RE: Protest Against Continuance of Permit No. 47-7721

H.H. Thompson
4592 River Rd.
Buhl, ID 83316

Dear Protestant(s):

NOTICE OF PENDING ACTION TO DISMISS PROTEST

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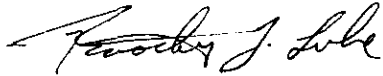
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MAY 31 1990

Page 2

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Sincerely,

A handwritten signature in cursive script, appearing to read "Timothy J. Luke".

TIM LUKE
Sr. Water Resource Agent

TL:sc

MICROFILMED

MAY 31 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 15, 1990

RE: Protest Against Continuance of Permit No. 47-7721

Donald & Diane Campbell
Rt. 3, Box 216
Buhl, ID 83316

Dear Protestant(s):

NOTICE OF PENDING ACTION TO DISMISS PROTEST

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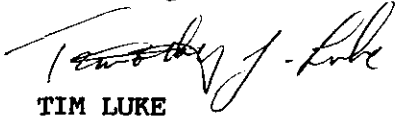
MICROFILMED

MAY 31 1990

Page 2

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Sincerely,

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TIM LUKE
Sr. Water Resource Agent

TL:sc

MAILING

MAY 31 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 15, 1990

RE: Protest Against Continuance of Permit No. 47-7721

Herb Deuel
Rt. 3, Box 408
Buhl, ID 83316

Dear Protestant(s):

NOTICE OF PENDING ACTION TO DISMISS PROTEST

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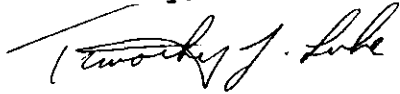
MICROFILMED

MAY 31 1990

Page 2

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Sincerely,

A handwritten signature in cursive script, appearing to read "Timothy J. Luke".

TIM LUKE
Sr. Water Resource Agent

TL:sc

RECEIVED

MAY 31 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 15, 1990

RE: Protest Against Continuance of Permit No. 47-7721

Boyd Gruver
Rt 3, Box 230
Buhl, ID 83316

Dear Protestant(s):

NOTICE OF PENDING ACTION TO DISMISS PROTEST

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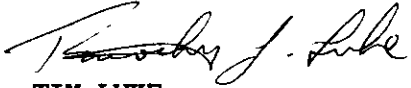
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Sincerely,

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TIM LUKE
Sr. Water Resource Agent

TL:sc

RECEIVED

MAY 31 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 15, 1990

RE: Protest Against Continuance of Permit No. 47-7721

Jens Noet
4604 River Rd.
Buhl, ID 83316

Dear Protestant(s):

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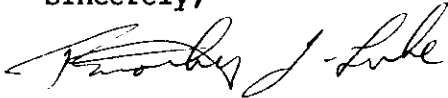
MICROFILMED

MAY 31 1990

Page 2

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Sincerely,

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TIM LUKE
Sr. Water Resource Agent

TL:sc

MICROFILMED

MAY 31 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 15, 1990

RE: Protest Against Continuance of Permit No. 47-7721

Fred & Frances Kambrich
Rt. 3, 4711 River Rd.
Buhl, ID 83316

Dear Protestant(s):

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MAY 31 1990

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Sincerely,

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TIM LUKE
Sr. Water Resource Agent

TL:sc

MICROFILMED

MAY 31 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 15, 1990

RE: Protest Against Continuance of Permit No. 47-7721

John & Sally Hoeck
Rt. 3
Buhl, ID 83316

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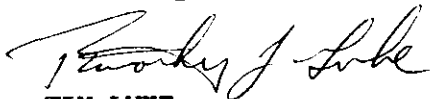
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MAY 21 1990

Page 2

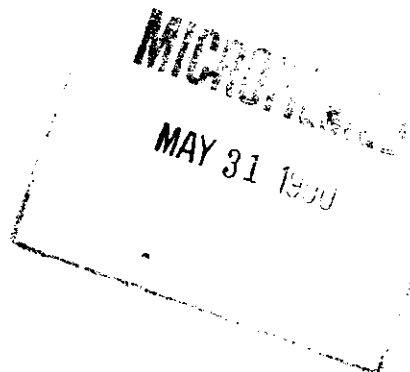
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Sincerely,

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TIM LUKE
Sr. Water Resource Agent

TL:sc





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

March 15, 1990

RE: Protest Against Continuance of Permit No. 47-7721

Ted Eastman
Rt. 3
Buhl, ID 83316

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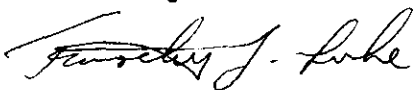
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MAY 31 1990

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Sincerely,

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TIM LUKE
Sr. Water Resource Agent

TL:sc

MICROFILMED

MAY 31 1991



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

March 15, 1990

RE: Protest Against Continuance of Permit No. 47-7721

Dale Bell
1128 Banbury Rd.
Buhl, ID 83316

Dear Protestant(s):

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MAY 31 1990

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TIM LUKE
Sr. Water Resource Agent

TL:sc

MICROFILMED

MAY 31 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 15, 1990

RE: Protest Against Continuance of Permit No. 47-7721

Bill & Kay Cunningham
4731 River Rd.
Buhl, ID 83316

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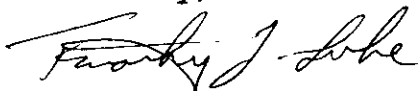
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MAY 31 1990

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TIM LUKE
Sr. Water Resource Agent

TL:sc

MICROFILMED

MAY 31 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 15, 1990

RE: Protest Against Continuance of Permit No. 47-7721

Gerald Jones
Rt 3, Box 413A
Buhl, ID 83316

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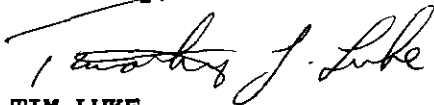
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TIM LUKE
Sr. Water Resource Agent

TL:sc

RECEIVED

MAY 31 1990

William & Dixie Woodfrie
4725 River Rd.
Buhl, ID 83316

Wanda Foster
River Rd.
Buhl, ID 83316

Marge & Jack Skinner
209 Clear Lake Rd.
Buhl, ID 83316

June Harbst
6401 River Rd.
Buhl, ID 83316

WITH DRAWN

Frank & Evelyn Poppoy
4586 River Rd.
Buhl, ID 83316

Lew & Syble Gohmes
4592-C River Rd.
Buhl, ID 83316

H.H. Thompson
4592 River Rd.
Buhl, ID 83316

Donald & Diane Campbell
Rt. 3, Box 216
Buhl, ID 83316

Mike Archibald
4806 River Rd.
Buhl, ID 83316

WITH DRAWN

Herb Deuel
Rt. 3, Box 408
Buhl, ID 83316

Boyd Gruver
Rt. 3, Box 230
Buhl, ID 83316

Jens Noet
4604 River Rd.
Buhl, ID 83316

Fred & Frances Kambrich
Rt. 3, 47 River Rd.
Buhl, ID 83316

Harry Leno
Rt. 3
Buhl, ID 83316

WITH DRAWN

John & Sally Hoeck
Rt. 3
Buhl, ID 83316

Bob & Ella Campbell
Rt. 3, Box 402
Buhl, ID 83316

WITH DRAWN

Daniel B. Flint
Rt. 3, 4788-A River Rd.
Buhl, ID 83316

WITH DRAWN

Bob & June Ring
Rt. 3, Box 398
Buhl, ID 83316

WITH DRAWN

Laura Hunt
Rt. 3, Box 247
Buhl, ID 83316

WITH DRAWN

Ted Eastman
Rt. 3
Buhl, ID 83316

Dale Bell
1128 B. Banbury Rd.
Buhl, ID 83316

Bill & Kay Cunningham
4731 River Rd.
Buhl, ID 83316

MicroFILMED

Gerald Jones
Rt. 3, Box 413A
Buhl, ID 83316

MAY 31 1990

185 Blair Drive
Twin Falls, Id. 83301
Oct. 25, 1989

Re: Permit No. 47-7721

Tim Luke
State of Id. Dept. of Water Resources
1301 North Orchard St.
Statehouse Mail
Boise, Id. 83720

RECEIVED
OCT 30 1989
Department of Water Resources

Dear Mr. Luke:

I have revised my letter of 10/1/89 to answer your questions of your letter of 10/10/89.

My future plans are to build up to 2 acres of greenhouses, constructing up to 7000 ft² of additional fish ponds, and heating a 40'x80' shop building.

It will take 5 years to complete the above development.

The maximum diversion rate from my existing well is 350 gpm and the temperature is ~ 118°F.

0.78 cfs

Sincerely,
Wayne R. Marshall

MICROFILMED

MAY 31 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

October 10, 1989

RE: Permit No. 47-7721

Wayne R. Marshall
185 Blair Dr.
Twin Falls, ID 83301

Dear Mr. Marshall:

I have received your statement outlining the development completed under the above referenced permit. I appreciate your cooperation in answering my questions.

Upon reviewing your letter, I still have several questions. I would like you to answer the following:

- 1) How long will it take you to complete the uses identified in your letter (i.e, construction of fish ponds, greenhouses, shop and actual use of water in those facilities)?
- 2) You mention that you wish to construct up to 7000 sq. ft. of fish ponds. Is this in addition to the 7 ponds already excavated?
- 3) What is the anticipated maximum diversion rate (in gallons per minute or cubic feet per second) from the well that is already drilled? This question is important because there appears to be some concern and confusion by the protestants about the maximum diversion rate.
- 4) What is the temperature of the water which is to be diverted?

Your prompt response to these questions will hopefully help to expedite the resolution of the pending protests and allow you to complete the use of water under this permit.

Sincerely,

TIM LUKE
Sr. Water Resource Agent

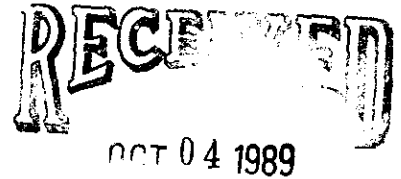
TL:sc

MICROFILMED

MAY 31 1990

185 Blair Drive
Twin Falls, Id. 83301
Oct. 1, 1989

Re: Permit No. 47-7721



Tim Luke
State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Id. 83720

Department of Water Resources

Dear Mr. Luke;

The following development has been completed under my permit no. 47-7721:

- Well drilled
- Fish ponds dug — 6 ponds each about 700 ft², one pond ~ 2500 ft²
- Buried 2" water line to fish ponds and homesite
- Buried an underground heating system for greenhouse 30' x 144'

I am not interested in developing irrigation or power uses under this permit.

I am interested in building up to 1/2 acre of greenhouses, constructing up to 7000 ft² of fish ponds, and heating a 40' x 80' shop building.

Sincerely,
Wayne R. Marshall

MICROFILMED

MAY 31 1990

INTER-DEPARTMENT MEMO — 1

FROM

Blum

DATE

10-5-89

TO

Trim

SUBJECT

- Protestants think 12.82 cfs is involved in the permit rather than 30.

- Permit holder needs to advise us of his anticipated max div rate (cfs) & how long it will take to complete the add'l proposed use. (note: we probably won't grant more than 2 yrs).

- Then with that info we can write protestants to see if they still want to protest the

SIGNATURE

INTER-DEPARTMENT MEMO — 1

FROM

DATE

TO

SUBJECT

matter. If not, we can
 issue continuance & ext. even tho
 we have misplaced it. If so
 we need to advise protestants
 that the issues to be heard
 are limited to Sec 42.203C
 criteria & that a hearing
 will be scheduled.


 SIGNATURE

INTER-DEPARTMENT MEMO — 1

FROM Tim

DATE

10/5

TO Glen

SUBJECT Permit 47-7721

This permit was protested when we re-advertised under 42-2031). Approx 2 Dozen individuals signed a general protest. Permittee responded to my letter requesting information about existing development. Please advise as to next step.



SIGNATURE



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

September 11, 1989

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Re: Permit No. 47-7721

Wayne Marshall
185 Blair Dr.
Twin Falls, ID 83301

Dear Mr. Marshall:

The department re-advertised the above referenced permit last month in accordance with Section 42-203D, Idaho Code. This statute addresses the reprocessing of those permits which were affected by the Swan Falls litigation.

The permit was advertised as it is presently recorded with the department. The uses currently recorded on the permit include domestic, irrigation, heating, power, commercial, and fish propagation. The trust water information questionnaire which you returned to the department stated that the proposed irrigation project had not been developed and that you wished to prove up on the domestic use. There was no mention of the other uses under the permit. Since a proof of beneficial use statement was not submitted, I decided it was best to proceed with advertising the permit as it is presently recorded. This advertisement resulted in a general protest signed by more than 20 individuals.

I may have perhaps erred in not contacting you sooner and following up on your remarks in the questionnaire. I am still not certain of your intentions concerning this permit. Moreover, I am not certain as to the extent of development under the permit. Based upon your comments, it appears that you may have completed the diversion of water to only one (1) domestic lot, not 32, as originally proposed.

Before the department responds to the protest filed against the continuance of this permit, I must ask that you inform the department very specifically about the type and extent of development completed thus far as well as your intention of pursuing completion of the proposed uses.

Please provide a response to the department within 15 days from the date you receive this letter. The most expedient way to resolve this matter may be for you to personally visit our office here in Boise or call me directly at 327-7864.

Sincerely,

TIM LUKE
Sr. Water Resource Agent

TL:sc

MICROFILMED

MAY 31 1990

SEP 06 1989

Department of Water Resources

4810 River Road
Buhl, ID 83316
September 1, 1989

Director
Department of Water Resources
Statehouse Mail
Boise, ID 83720

Re: Your Notice of Existing Permit
#47-7721

Gentlemen:

Reference is made to the recent newspaper notice (8-24-89) regarding Water Permit #47-7721 of Wayne R. Marshall, 185 Blair Drive, Twin Falls, ID 83301.

We reside across the county road from Mr. Marshall's 27 acre property described in your notice. He has never been prudent or timely in any of his development of this subject water. He has consistently been late in all aspects of the development, as must be substantiated in your files.

Mr. Marshall has been well aware of the deadlines and restrictions imposed by the Banbury Hot Springs Ground Water Management Area designation as he has discussed them with us personally many times.

We are unable to determine from the wording in your 8/24/89 newspaper notice just exactly what action, if any, you are proposing.

We wish to protest approval of the absurd amounts listed in your notice. To date, Mr. Marshall has put only a very small amount of his hot water to beneficial use -- a small domestic garden inside a greenhouse. He irrigates his land with Banbury Pipeline spring water.

We would welcome any information you could send us on your studies of the BHSGWMA. Unless your studies have proven otherwise, we do not believe that the warm water aquifer in this area will stand the magnitude of withdrawal listed in your notice without serious drawdown or loss of artesian pressure in the BHSGWMA.

We protest any expansion or extension of Mr. Marshall's permit as it would be completely in conflict with the order issued by your office on December 4, 1985, relating to this area.

MICROFILMED

MAY 31 1990

Sincerely yours,

John L. Hoeck
John L. Hoeck
Sally J. Hoeck
Sally J. Hoeck

August 29, 1989

REC

SEP 06 1989

Department of Water Resources

Director
Department of Water Resources
State House
Boise, Idaho 83720

Dear Sir:

We, the undersigned, protest continuance of Water Right Permit No. 47-7721 recorded in the name of Wayne R. Marshall and published in the Twin Falls Times News August 17 and 24. Our protest is based on the possibility that the significant volume of artesian water requested under this permit (12.82 cfs) if developed, may have an adverse effect on existing permitted and licensed developments.

We base our concerns on three potential problem areas: (1) artesian water pressure, (2) water chemistry, and (3) water temperature.

(1) Artesian Water Pressure

We are greatly concerned that the aquifer may already be drastically overdeveloped judging from the falling water pressure in existing wells over the past 15 years. Of course the State of Idaho is also greatly concerned based on the fact a Banbury Hot Springs Groundwater Management Area was established in 1982 and a moratorium placed on further drilling in that area. Granting a continuance of this permit would result in a significant additional withdrawal of water from the Banbury Hot Springs Groundwater Management Area which would be tantamount to again permitting drilling. Nearly all of us rely on artesian pressure for domestic water supply, heating and commercial uses. Any significant further lowering of pressure could have an adverse and possibly drastic effect on existing uses.

(2) Water Chemistry

Hopefully the State has performed the necessary data collecting to determine what effect declining artesian pressure may have on water chemistry. Some of us have noted changes and further degradation of water quality could be harmful, if not disastrous, to existing operations. Unless the State has firm data proving declining pressure has no effect on water chemistry we fear that continuance of this permit may put some domestic and commercial uses of water in great jeopardy.

(3) Water Temperature

Some of our developments using artesian water are dependent on a constant water temperature. If such data are not collected

MICROFILMED

MAY 31 1990

or missing, we again request no further withdrawals be made from the Banbury Hot Springs Groundwater Management Area aquifer until the State can assure current users that further withdrawals will not affect aquifer temperatures.

Sincerely yours,

<u>Name</u>	<u>Address</u>
Fred & Frances Kambach	Rt 3, 4711 River Rd Buhl, Id. 83316
Hub Sand	Rt 3 Box 408 Buhl Id 83316
Harry Leno	Rt 3-4824 Buhl Id 83316
John & Sally Hock	Rt 3-4510 Buhl, Id 83316
Wm. C. Buhl	4506 River Rd Buhl, Id.
Bob & Ella Campbell	Rt 3 Box 402 Buhl Id. 83316
Amel B Flint	Rt 3 4788-A River Rd Buhl, Id. 83316
Gabe & Flint	Rt 3 4788-A River Rd Buhl, Id. 83316
Bob & June Ring	Rt 3 Box 398 Buhl, Idaho
Sandra Hunt	Rt 3 Box 247 Buhl, Id 83316
He. Hunt	Rt 3 Buhl, Idaho 83316
Red Eastman	Rt 3 Buhl, Idaho Buhl, Idaho 83316
Kate Will	2515 Bandbury Rd Buhl, Idaho
Kay & Bill Cunningham	4731 River Road Buhl, Idaho 83316
Gerald Jones	Rt 3 Box 413A Buhl Id. 83316
William R. & Dixie Woodfin	4725 River Rd., Buhl, Id. 83316
Kanda M. Foster	River Rd., Buhl, Idaho 83316
Marge & Jack Stinson	209 Oak Lake Rd Buhl, Id 83316

MICROFILMED

MAY 31 1990

Byrd R. Hunter RT3 BX230 Buhl, Idaho 83316

June L. Harbort 6401 River Rd. Buhl, Idaho 83316

Quay W. Hoeft 4604 River Rd. Buhl, ID 83316

Frank & Evelyn Pappay 4586 River Rd Buhl Id. 83316

Lew and Sybil Dahmes 4592 - C River Road Buhl Ida.

H W Thompson 4592 River Rd Buhl Id.

Ronald N. & Diane G Campbell RT3 BOX 216 Buhl, ID 83316

MICROFILMED

MAY 31 1990

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: C008816

Date: 08/03/89

Time: 11:24:13

Received

From: MARSHALL, WAYNE R.

Type of Payment	Program Acct Class	Amount
TRUST WATER RE-AD FEE	0610199 1238 6490	\$20.00
	Total	\$20.00

CHECK 1432

Idaho Department of Water Resources

Region: STATE

Signature: Cathy Hong

MICROFILMED

MAY 31 1990

August 9, 1989

Times News
Box 548
Twin Falls, ID 83301

Dear Legal Department:

Enclosed you will find a legal notice which we wish to have published on August 17 and August 24 (once a week for two consecutive weekly issues) in your newspaper. If your paper is published weekly, the notice must appear in the issue that is distributed during the weeks of August 14 and August 21. 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 billing to the office below before September 4, 1989.

Idaho Department of Water Resources
1301 North Orchard St.
Statehouse Mail
Boise, ID 83720

Sincerely,

SHARLA R. CURTIS
Secretary

MICROFILMED

MAY 31 1990

NOTICE OF EXISTING
WATER RIGHT PERMIT

PERMIT NO. 47-7721

Presently Recorded as Follows:

Name: WAYNE R. MARSHALL

Address: 185 BLAIR DR.

TWIN FALLS, ID 83301

Source: GROUNDWATER

Diversion Pt.: SWSE, SEC. 30; NESE, SEC. 32;
T08S R14E, TWIN FALLS CO.

Use: IRRIGATION (0.54 CFS)
COMMERCIAL (3.0 CFS)
FISH PROPAGATION (3.0 CFS)
HEATING (3.0 CFS)
POWER (3.0 CFS)
DOMESTIC (0.28 CFS)

Priority: 3/24/1981

Place of Use: NE1/4, NW1/4, SW1/4, SE1/4, SEC. 36 T08S
R13E, SE1/4 SEC. 32, T08S R14E

Total Acres: 27

This permit was not developed by July 1, 1985, and is being reprocessed in compliance with Section 42-203D, Idaho Code. Protests against the continuance of the permit must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, ID 83720 on or before September 4, 1989.

R. Keith Higginson, Director

MICROFILMED

MAY 31 1980

8/4/89
re-kt # C008816
by C. Wing

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

PERMIT NO. 47-7721

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 X

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
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. If you have not irrigated lands under this permit, please
state the number of acres you plan to complete. 0

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.

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 Wayne F. Marshall

Date 7/30/89

MICROFILMED

MAY 31 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

July 7, 1989

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Wayne Marshall
185 Blair Dr.
Twin Falls, ID 83301

Re: Permit No. 47-7721

Dear Mr. Marshall:

NOTICE OF PENDING ORDER CANCELLING PERMIT

On June 17, 1981, the Department of Water Resources (department) issued Permit No. 47-7721 which authorized the diversion of 3.0 cfs of water from a groundwater source for the irrigation of 27 acres.

The department mailed a letter and questionnaire to you on May 24, 1989 in connection with the permit. The letter provided notice that the department was reviewing the permit in connection with development which was not complete prior to July 1, 1985.

This letter also requested that you return the department's questionnaire concerning any prior development under the permit and/or your plans for pursuing completion of the proposed project. The correspondence further requested that you submit with the questionnaire either a readvertisement fee in the amount of twenty (\$20) dollars and/or evidence showing that development under the permit was complete prior to July 1, 1985. Finally, the letter notified you that failure to submit the required fee or information within 30 days of the date of the letter was cause for the department to cancel the permit.

The purpose of this letter is to provide a second and final opportunity for you to submit the requested information. If you fail to respond to this inquiry within fifteen (15) days of the date of this letter, the Department will issue an order cancelling the permit pursuant to Water Appropriation Rule 4,2,3,4.

If no development has been completed as authorized by the permit, and you are no longer interested in pursuing the development, please complete and return the enclosed relinquishment form.

Please feel free to contact me if you have any questions concerning this matter.

Sincerely,

TIM LUKE
Sr. Water Resource Agent

MICROFILMED

MAY 31 1990

Enclosure
c: Region



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

May 24, 1989

RE: PERMIT NO. 47-7721

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.

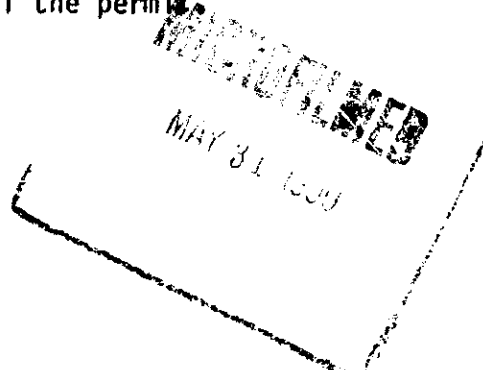
Enclosed are two forms which will help the Department expedite the reprocessing of the permit.

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.



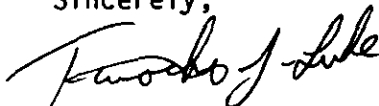
Page 2

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,

A handwritten signature in cursive script, appearing to read "Tim Luke".

TIM LUKE
Sr. Water Resource Agent

Enclosures

MAY 31 1990



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

January 7, 1986 7

Wayne Marshall
185 Blair Dr.
Twin Falls, ID 83301

Dear Mr. Marshall:

Re: Permit No. 47-7721

The department has reviewed the request for extension of time submitted in connection with the above referenced permit. The department will hold the request without action until the permit is reprocessed in compliance with the provisions of Sec. 42-203D, Idaho Code. Upon completion of reprocessing, an appropriate development period will be granted if the permit is to be continued.

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

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

cc: Region

RECEIVED

MAY 31 1986

PLACE
STAMP
HERE

~~RECEIVED~~

MAY 31 1990



RECEIVED

JUL 1 1992

Department of Water Resources
Southwest Regional Office
700 N. 1st St., Suite 200
Boise, ID 83720

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
COMMENCEMENT OF WORKS

Permit No. 47-7721

Name(s) of Permit Holder(s): Wayne Marshall

Post Office Address: 185 Blair Dr. Twin Falls, Ida. 83301

Tel. No. 733-3983

☒ I hereby certify that construction of diversion works on the above referenced permit began on July 1, 1983 (date) and 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.

Date

Signature of Permit Holder

STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 47-7721

Reviewed by [Signature]

Date 01-07-1986

BASIC INFORMATION

- 9 Date stamp received
9 Extension received timely
 (not prior to 6 month before proof due date or after reinstatement period)
9 Fee received and receipted
9 Name and signature same as permit
2 Address change (indicate on coding sheet)

BASIS FOR EXTENSION REQUEST

- 4 Has adequate work been completed to demonstrate due diligence?
3 Has the cost incurred been adequate to demonstrate an intent to complete the project?
4 Has the permit been involved in litigation?
 a. Swan Falls Yes Dismissed from Swan Falls No
 Other Identify
 b. Is supporting documentation needed to complete the file? Requested
 c. Calculate the period of delay
 ^{Proof due}
 Date ~~litigation completed~~ 01-01-1987
 Date litigation began - 3 - 1 - 1983
 Total period of delay = 10mo 3yrs
 Present proof due date + 3 - 1 - 1983
 NEW PROOF DUE DATE = 01-01-1991

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

ACTION TAKEN. Recommend approval based on Swan Falls litigation/ based upon a continuation of the permit after permit review under 42 203.

Special conditions or remarks:

- NA Reinstatement Date extension received =
 Proof due date = -
 No. of days late =
 Priority date = +
 ADJUSTED PRIORITY DATE =

- Prepare coding sheet
 Change rolodex card



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

EXTENSION OF TIME

January 7, 1987

Wayne Marshall
185 Blair Dr.
Twin Falls, ID 83301

PERMIT NO. 47-7721

We are in receipt of the \$15 extension fee for Extension(s) of Time to provide additional time in which to submit proof of beneficial use on a water right permit.

Your request for extension(s) of time is being reviewed by staff. You will be informed of our decision when review has been completed.

Enclosed is our receipt No. 40941.

Roberta Garrett
Records Supervisor

Enclosure

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MAY 31 1990

INTER-DEPARTMENT MEMO — 1

FROM *Shawla*

DATE *7/3/86*

TO *File #7-7721*

SUBJECT

*7/2/86 order sent on this date - ~~FILE~~
Certified Mail #138926*

RECEIVED

SIGNATURE



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

April 28, 1986

Wayne R. Marshall
185 Blair Dr.
Twin Falls, ID 83301

Dear Mr. Marshall:

Re: Permit Nos. 47-7721 & 47-7722

You were sent an order dated December 4, 1985 to suspend further project development under your water right permit and to submit proof of beneficial use for the extent of your use of water.

Several protests and requests for hearing on the order were received from the permit holders and a pre-hearing conference was held in Twin Falls on March 26, 1986. The parties requested that the department reconsider the December 4th order.

In response to the request for reconsideration, the department will field examine, within the next two weeks, each project being developed under a water right permit and consider whether to rescind the order on an individual basis depending on the diligence that has been shown toward the completion of the project. Permit holders that have demonstrated diligence to complete their projects in accordance with the permit and statutory requirements will be allowed to continue development under the permit.

The department will contact you prior to the field examination to give you an opportunity to accompany the examiner.

Sincerely,


NORMAN C. YOUNG, Administrator
Resources Administration Division

NCY:BDF:rf

cc: Robert Weaver

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN MATTER OF WATER RIGHT PERMIT NOS.)
47-7414A E. LeGRANDE NELSON)
47-7425 ROBERT &/OR ALVA J. RING)
47-7426 ROBERT &/OR ALVA J. RING)
47-7435 ROBERT &/OR ALVA J. RING)
47-7451 GARY N. NELSON)
47-7520 RAY &/OR GLEN DEPEW)
47-7680 COLLINS BROTHERS, CORP.)
47-7721 WAYNE R. MARSHALL)
47-7792 WAYNE R. MARSHALL)
47-7829 LARRY D. OLSEN)

PETITIONERS.)

NOTICE OF HEARING
AND/OR CONFERENCE

On December 4, 1986, A. Kenneth Dunn, the Director of the Department of Water Resources issued an order under Sec. 42-237a through Sec. 42-237g, Idaho Code staying the approval of pending applications; suspending any further development under existing water right permits; and ordering submission of proof of beneficial use on the existing development. The above-referenced parties have petitioned the Department for a hearing on the order under Sec. 42-1701A, Idaho Code.

All of the parties have essentially the same concerns and, therefore, the consideration of their petitions are combined into one hearing.

The Department has set the matter for hearing for Wednesday, March 26, 1986 at 10:00 A.M. in the Twin Falls City Council Room, City Hall, 1407 Second Avenue East, Twin Falls, ID 83301.

The hearing will be held in accordance with the provisions of Chapters 2 and 17, Title 42, and Chapter 67, Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. All parties shall have an opportunity to respond and present evidence and argument on all issues involved. A pre-hearing conference may be held beginning at the above set time.

Dated this 10 day of March, 1986.


BOBBY D. FLEENOR
HEARING OFFICER

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

January 13, 1986

Wayne R. Marshall
185 Blair Dr.
Twin Falls, ID 83301

RE: 47-7721 & 47-7792

Dear Mr. Marshall:

The Department acknowledges receipt of your request for hearing in connection with the Department's order dated December 4, 1985 relative to applications and permits in the Banbury GWMA.

The Department will schedule a hearing in the matter and will advise you of the time and place for the hearing.

Sincerely,

L. GLEN SAXTON, Chief
Operations Bureau

LGS:ldt(Pl-1.80)

CC: IDWR - Southern Region

RECEIVED

185 Blair Dr.
Twin Falls, Idaho 83301
December 27, 1985

RECEIVED

JAN 9 1986

Department of Water Resources

RECEIVED

DEC 27 1985

Idaho Department of Water Resources
Statehouse
Boise, Idaho 83720

Department of Water Resources
Southern District Office

RE: Water Right Permits Nos. 47-7792 and 47-7721

Dear Sirs:

I object to the requirements of the IDWR Order of Dec. 4, 1985 and request a hearing. The reasons are as follows:

1. I have a considerable investment in developing my permits and I feel that I should be allowed the full amount of time originally given to me by the IDWR.
2. The current state laws dealing with warm artesian water are in some ways inadequate. Since new laws may soon be forthcoming it is premature to stop development already begun without knowing what the new laws will be.
3. The IDWR currently lacks funding to properly manage the BHS GWMA and should not interfere with development of water rights until it has necessary funding.

MICROFILMED

4. There is an unknown quantity of water being wasted from improper well construction and inefficient use. It makes little sense to me to prohibit any new use of water while allowing waste.

5. Certain uses of geothermal water can produce a higher economic benefit to the state than others. I believe it would be in the public interest to allow certain efficient uses of water in favor of others. A commercial greenhouse operation will provide more jobs and a higher economic benefit to the area than will a commercial fish farm.

6. More research is needed in the BHSQWMA to know if reducing water use in one area will increase water availability in another area. It is entirely possible that stabilizing the pressure of the aquifer is not an achievable goal nor a desirable one to the water users.

7. Alternatives should be looked at such as reinjection of wastewater, conservation through education and new applications of technology, and allowing pressure decreases in the aquifer if it leads to greater utilization of the resource versus waste of the resource.

Sincerely,
Wayne R. Marshall

MICROFILMED

Form 3811, July 1992

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:

Wayne R. Marshall

4. TYPE OF SERVICE:

- ☐ REGISTERED ☐ INSURED
- ☒ CERTIFIED ☐ COD
- ☐ EXPRESS MAIL

ARTICLE NUMBER

138586

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Ken Marshall

5. DATE OF DELIVERY

POSTMARK
(may be on reverse side)

6. ADDRESSEE'S ADDRESS

UNDELIVERED

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

RETURN RECEIPT

47-7792, 47-7721 (1dt)

★ GPO: 1982-379-593

NAME AND
ADDRESS
OF SENDERDEPARTMENT OF WATER RESOURCES
STATESBORO
BOISE, ID

Indicate type of mail

☐ Registered
☐ Insured
☐ COD
☐ Certified ☐ Express Mail

Check appropriate block for

Registered Mail:
☐ With Postal Insurance
☐ Without Postal InsuranceAffix 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	138584	Larry D. Olsen P.O. Box 171 Buhl, ID 83316	47-7829	39 75					70			
2												
3	138585	Jerry L. Foster Route 3 Buhl, ID 83316	47-7689	39 75					70			
4												
5	138586	Wayne R. Marshall 185 Blair Drive Twin Falls, ID 83301	47-7792 47-7721	39 75					70			
6												
7	138587	Robert W. Ring Alva June Ring Route 3 Buhl, ID 83316	47-7426 47-7435 47-7425	39 75					70			
8												
9	138588	Duwayne Wilson Jess O. Eastman Route 3 Buhl, ID 83316	47-7525	39 75					70			
10												
11												
12	138589	Gary N. Nelson Route 1 Hagerman, ID 83332	47-7451	39 75					70			
13												
14												
15												

Total Number of Pieces
Listed by SenderTotal 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.

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

U.S. GOVERNMENT PRINTING OFFICE: 198-445-138



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

Wayne R. Marshall
185 Blair Drive
Twin Falls, ID 83301

RE: Water Right Permit No. 47-7792 & 47-7721

Dear Mr. Marshall:

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
L. GLEN SAXTON, Chief
Operations Bureau

LGS:ldt (Pl-1.53)

Enclosures

CC: IDWR - Southern Region

RECEIVED

RECEIVED

FRED HENRY
TELEPHONE 432-5581

BOLEY & HENRY
WELL DRILLING
MURTAUGH, IDAHO 83344

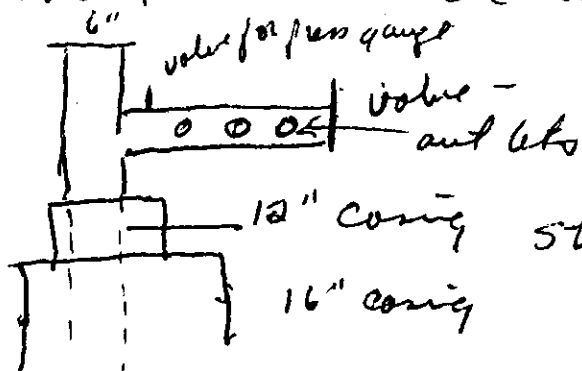
SEP 23 1985

Department of Water Resources

Hello John -

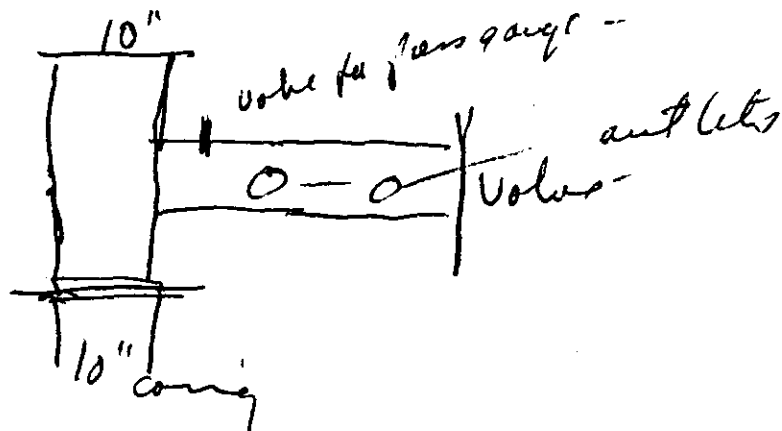
Jerry Foster well -

6" coning cemented in with 60 bags of cement - I felt we got a extra good seal on this ~~one~~ - There is a valve on the top so you can check the shut in pressure -



Wayne Marshall well -

This well didn't produce as hoped - It's too bad we didn't know the rock was going to be at 35 feet, we would have put the 10" coning on into it - It was some what of a freak all the way around - It doesn't give any trouble though and the pipe is well sealed -



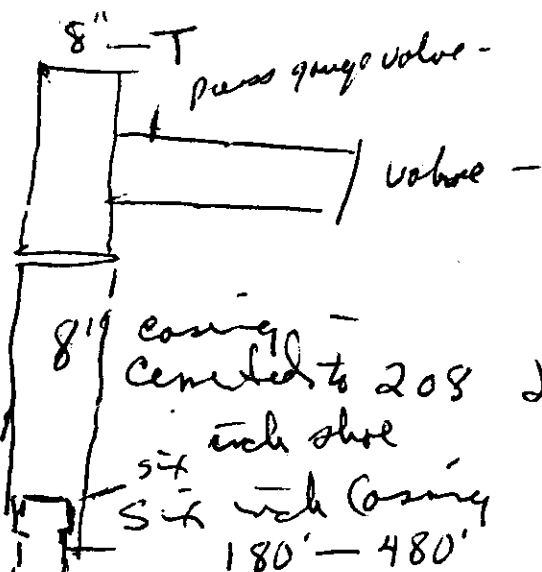
File 47-7721

(over)

MICROFILMED

We have just put a liner (300 feet of 6") in the first well we drilled for Bob King - along Salmon Falls Creek. It had been casing in - it had 208 feet of 8" cement in and so now its cased to bottom 480'. There is another near by w/ 125' of casing in it (Depew's) it is also casing - we didn't drill it but I understand they want it cleaned out and a liner put in so they can put a generator on it to make electricity for a home they expect to build there. I'm not filing a protest, I don't have any property down there, but I sure wish you wouldn't let them do that. Its such a waste, the temp is 155 to 160°.

I should have called you on Kings job, we couldn't use a packer on it as we had to blank the pipe off to weld it - It had a flow of about 500 G.P.M. the liner did make a clean well out of it.



Sincerely,

Blaine Bolay

if you have any questions drop me a line I'm hard to catch on the phone - these log copies are extras, you can dispose of them as you wish -

bottom 60' Perforated

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WELL DRILLER'S REPORTState law requires that this report be filed with the Director, Department of Water Resources
within 30 days after the completion or abandonment of the well.USE TYPEWRITER OR
CALIGRAPHY
RECEIVED

SEP 23 1985

1. WELL OWNERName Wayne Marshall
Address 185 Blain Drive
Twin Falls, Idaho
Owner's Permit No. 47-7721
47-7792**2. NATURE OF WORK**

- ☒
- New well
- ☐
- Deepened
- ☐
- Replacement
-
- ☐
- Abandoned (describe abandonment procedures such as materials, plug depths, etc. in lithologic log)

3. PROPOSED USE

- ☐
- Domestic
- ☐
- Irrigation
- ☐
- Test
- ☐
- Municipal
-
- ☐
- Industrial
- ☐
- Stock
- ☐
- Waste Disposal or Injection
-
- ☐
- Other
- Recreational
- (specify type)

4. METHOD DRILLED

- ☐
- Rotary
- ☐
- Air
- ☐
- Hydraulic
- ☐
- Reverse rotary
-
- ☒
- Cable
- ☐
- Dug
- ☐
- Other

5. WELL CONSTRUCTIONCasing schedule: ☐ Steel ☐ Concrete ☐ Other

Thickness	Diameter	From	To
250 inches	10 3/4 inches	1 foot	299 feet
inches	inches	feet	feet
inches	inches	feet	feet
inches	inches	feet	feet

Was casing drive shoe used? ☐ Yes ☒ No
Was a packer or seal used? ☐ Yes ☒ No
Perforated? ☐ Yes ☒ No
How perforated? ☐ Factory ☐ Knife ☐ Torch
Size of perforation _____ inches by _____ inches

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

Well screen installed? ☐ Yes ☒ No
Manufacturer's name _____Type _____ Model No. _____
Diameter _____ Slot size _____ Set from _____ feet to _____ feet
Diameter _____ Slot size _____ Set from _____ feet to _____ feetGravel packed? ☐ Yes ☒ No ☐ Size of gravel _____
Placed from _____ feet to _____ feetSurface seal depth 80' Material used in seal: ☒ Cement grout
☐ Bentonite ☒ Puddling clay ☐ 280-80'Sealing procedure used: ☐ Slurry pit ☒ Temp. surface casing
☒ Overbore to seal depthMethod of joining casing: ☐ Threaded ☒ Welded ☐ Solvent
Weld☐ Cemented between strata

Describe access port _____

7. WATER LEVEL

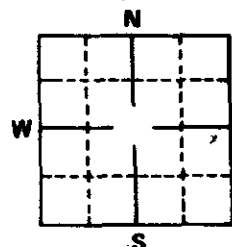
Department of Water Resources

Static water level _____ feet below land surface.
Flowing? ☒ Yes ☐ No G.P.M. flow 350 (est)
Artesian closed-in pressure 58 p.s.i.
Controlled by: ☒ Valve ☐ Cap ☐ Plug
Temperature 12.1 °F. Quality good
Describe artesian or temperature zones below.**8. WELL TEST DATA**☐ Pump ☐ Bailer ☐ Air ☐ Other

Discharge G.P.M.	Pumping Level	Hours Pumped

9. LITHOLOGIC LOG

Bore Diam.	Depth		Material	Water	
	From	To		Yes	No
10	0	6	Brown sandy clay		X
	6	67	Boulders + gravel (water)	X	
	67	83	Boulders		
	83	85	Brown clay		
	85	133	Grey basalt (hard)		
	133	138	Grey basalt		
	138	144	Red clay		
	144	160	Grey basalt w/ clay layers		
	160	192	Grey basalt (hard)		
	192	203	Brown clay		
	203	217	Grey-green clay shale		
	217	243	Black basalt	X	
	243	251	Grey clay, shale + basalt		X
	251	267	Grey basalt	X	
	267	278	Grey brown shale	X	
	278	283	Black basalt w/ shale layers		X
	283	293	Gravel		X
	293	315	Green shale + clay		X
	315	336	Grey rhyolite		X
	336	363	Grey rhyolite + shale layers		
	363	409	Grey-brown rhyolite		
	409	413	Grey rhyolite (hard)		
	413	518	Grey rhyolite (at 435' small)	X	
	518	523	light shale w/ rhyolite layers		X
	523	582	Grey rhyolite	X	
	582	612	Grey rhyolite w/ clay layers	X	
	612	638	Grey rhyolite		X
	638	651	Grey rhyolite w/ clay layers		
	651	663	Green shale w/ layers + rhyolite		
	663	669	Brown clay (sticking)		
	669	685	Black-brown rhyolite		
	685	696	Grey rhyolite		
	696	719	Grey rhyolite w/ green shale		
	719	754	Black rhyolite		
	754	758	Green cinders	X	
	758	773	Black rhyolite	X	

10.Work started 26 Feb finished 24 July 1985**6. LOCATION OF WELL**Sketch map location must agree with written location.

Subdivision Name _____

Lot No. _____ Block No. _____

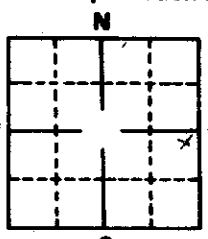
County Twin Falls1/4 _____ 1/4 Sec. 32, T. 8 N/S, R. 14 E/W**11. DRILLERS CERTIFICATION**I/We certify that all minimum well construction standards were
complied with at the time the rig was removed.Firm Name Boley & Henry Firm No. 86Address Muntauah Date 26 Aug 1985Signed by (Firm Official) Blaine Boley

and

(Operator) Blaine Boley

WELL DRILLER'S REPORT

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

1. WELL OWNER Name <u>Wayne Marshall</u> Address _____ Owner's Permit No. _____	7. WATER LEVEL Static water level _____ feet below land surface. Flowing? ☐ Yes ☐ No G.P.M. flow _____ Artesian closed-in pressure _____ p.s.i. Controlled by: ☐ Valve ☐ Cap ☐ Plug Temperature _____ °F. Quality _____																																																																																		
2. NATURE OF WORK ☐ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning) _____	8. WELL TEST DATA ☐ Pump ☐ Bailer ☐ Air ☐ Other _____ <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Discharge G.P.M.</th> <th>Pumping Level</th> <th>Hours Pumped</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	Discharge G.P.M.	Pumping Level	Hours Pumped																																																																															
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5. WELL CONSTRUCTION Casing schedule: ☐ Steel ☐ Concrete ☐ Other _____ <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Thickness</th> <th>Diameter</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td>_____ inches</td> <td>_____ inches + _____</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ inches</td> <td>_____ inches</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ inches</td> <td>_____ inches</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ inches</td> <td>_____ inches</td> <td>_____ feet</td> <td>_____ feet</td> </tr> </tbody> </table> Was casing drive shoe used? ☐ Yes ☐ No Was a packer or seal used? ☐ Yes ☐ No Perforated? ☐ Yes ☐ No How perforated? ☐ Factory ☐ Knife ☐ Torch 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>_____ perforations</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ perforations</td> <td>_____ feet</td> <td>_____ feet</td> </tr> <tr> <td>_____ perforations</td> <td>_____ feet</td> <td>_____ feet</td> </tr> </tbody> </table> Well screen installed? ☐ Yes ☐ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☐ No Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth _____ Material used in seal: ☐ Cement grout ☐ Puddling clay ☐ Well cuttings Sealing procedure used: ☐ Slurry pit ☐ Temp. surface casing ☐ Overbore to seal depth Method of joining casing: ☐ Threaded ☐ Welded ☐ Solvent Weld ☐ Cemented between strata Describe access port _____	Thickness	Diameter	From	To	_____ inches	_____ inches + _____	_____ feet	_____ feet	_____ inches	_____ inches	_____ feet	_____ feet	_____ inches	_____ inches	_____ feet	_____ feet	_____ inches	_____ inches	_____ feet	_____ feet	Number	From	To	_____ perforations	_____ feet	_____ feet	_____ perforations	_____ feet	_____ feet	_____ perforations	_____ feet	_____ feet	10. Work started _____ finished _____																																																		
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6. LOCATION OF WELL Sketch map location must agree with written location.  Subdivision Name _____ Lot No. _____ Block No. _____ County <u>Twin Falls</u> <u>N.E. 1/4 Sec. 32, T. 8</u> N/S, R. <u>14</u> E/W	11. DRILLERS CERTIFICATION I/We certify that all minimum well construction standards were complied with at the time the rig was removed. Firm Name <u>Boley & Henry</u> Firm No. <u>86</u> Address <u>Murfreesboro, Tenn</u> Date <u>26 Aug 1980</u> Signed by (Firm Official) <u>[Signature]</u> and operator) <u>[Signature]</u>																																																																																		



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

February 3, 1984

RE: Permit No. 47-7721

Wayne R. Marshall
185 Blair Dr.
Twin Falls, ID 83301

Dear Mr. Marshall:

Enclosed is a copy of the approved Application for Amendment submitted in connection with the above referenced permit.

If you have any questions concerning this matter, please contact us.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:sc

Enclosure

MICROFILMED

Amendment # 47-7721

Change of Nature of Use Analysis

Proposal to change .8 cfs for irrigation to Domestic use for 32 homes.

Given: Rate of flow for irrigation on permit 0.80 cfs
Consumptive use for irrigation 1.93 AF/AC/ANN
Volume for irrigation 4.00 AF/AC/ANN
40 Acres @ 4.0 AF/ANN/AC = 160 AF/ANN

New use check

	<u>Rate</u>	<u>Volume</u>	<u>CONSUMPTIVE use</u>
Acres irr.	0.80 cfs	160 AF	Assume Domestic
Domestic	- 0.26 cfs	- 19.2 AF	Consumptive use is
	<u>0.54 cfs</u>	140.8	Less than Irrigation Most water returns to groundwater

Assume 500 gpd or .6 AF/ANN use per household

Rate is controlling parameter

0.54 cfs for irrigation to be equally divided among the 32 homesites at a rate of 0.02 cfs/acre $\therefore 0.54 \text{ cfs} \div 0.02 = 27 \text{ acres}$
 $27 \text{ Acres} \div 32 \text{ homesites} = .84 \text{ Acres/homesite} \therefore @ 2$
homesites / 40 acre tract there will be 1.7 Acres irrigated in each 40 acre tract.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT

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

November 10, 1983

Time News
Box 548
Twin Falls, Idaho 83301

Re: Notice of Amendment to a Water Permit No. 47-7721

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Mary A. Newby
Sec/Office Coord.

Encl:

RECEIVED

NOTICE OF AMENDMENT TO A WATER PERMIT
NO. 47-7721

Notice is hereby given that Wayne Marshall of Twin Falls, Idaho is the holder of approved permit No. 47-7721 authorizing the diversion of 3.00 cubic feet per second of water from groundwater source in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, T8S, R14E, B.M., County of Twin Falls, to be used for the following:

Heating	3.00 cfs	from Jan. 1 to Dec. 31
Power	3.00 cfs	from Jan. 1 to Dec. 31
Commercial	3.00 cfs	from Jan. 1 to Dec. 31
Fish Propagation	3.00 cfs	from Jan. 1 to Dec. 31
Domestic	0.02 cfs	from Jan. 1 to Dec. 31
Irrigation	0.80 cfs	from Mar. 15 to Nov. 15 on 40 acres

within the SE $\frac{1}{4}$, Sec. 32, T8S, R14E.

The permit holder has applied to the Department of Water Resources for an Amendment to the permit, to change place of use, add diversion point and change nature of use as follows:

Point of Diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, T8S, R14E

Place of Use: NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 36, T8S, R13 E; SE $\frac{1}{4}$, Sec. 32, T8S, R14E

Use: Heating	3.00 cfs	from Jan. 1 to Dec. 31
Power	3.00 cfs	from Jan. 1 to Dec. 31
Commercial	3.00 cfs	from Jan. 1 to Dec. 31
Fish Propagation	3.00 cfs	from Jan. 1 to Dec. 31
Domestic	0.28 cfs	from Jan. 1 to Dec. 31
Irrigation	0.54 cfs	from Mar. 15 to Nov. 15 on 27 acres

Any protest against approval of the amending of Permit No. 47-7721 as set forth above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301, on or before December 12, 1983.

A. KEN DUNN - Director

Published in the Times News November 24 and December 1, 1983.

AMENDMENT TO A
WATER PERMIT

NO. 47-7721

Notice is hereby given that Wayne Marshall of Twin Falls, Idaho is the holder of approved permit No. 47-7721 authorizing the diversion of 3.00 cubic feet per second of water from groundwater source in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, T8S, R14E, B.M., County of Twin Falls, to be used for the following:

Heating 3.00 cfs, from Jan. 1 to Dec. 31

Power 3.00 cfs, from Jan. 1 to Dec. 31

Commercial 3.00 cfs, from Jan. 1 to Dec. 31

Fish Propagation 3.00 cfs, from Jan. 1 to Dec. 31

Domestic 0.02 cfs, from Jan. 1 to Dec. 31

Irrigation 0.80 cfs, from Mar. 15 to Nov. 15 on 40 acres

within the SE $\frac{1}{4}$, Sec. 32, T8S, R14E.

The permit holder has applied to the Department of Water Resources for an Amendment to the permit, to change place of use, add diversion point and change nature of use as follows:

Point of Diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 30, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, T8S, R14E

Place of Use: NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 36, T8S, R13 E; SE $\frac{1}{4}$, Sec. 32, T8S, R14E

Use:

Heating 3.00 cfs, from Jan. 1 to Dec. 31

Power 3.00 cfs, from Jan. 1 to Dec. 31

Commercial 3.00 cfs, from Jan. 1 to Dec. 31

Fish Program 3.00 cfs, from Jan. 1 to Dec. 31

Domestic 0.28 cfs, from Jan. 1 to Dec. 31

Irrigation 0.54 cfs, from Mar. 15 to Nov. 15 on 27 acres

Any protest against approval of the amending of Permit No. 47-7721 as set forth above must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301, on or before December 12, 1983.

A. Ken Dunn

Director

PUBLISH: Thursday, November 24, and December 1, 1983.

MICROFILMED

ab
mug
11/21/83



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

RECEIVED
MAY 10 1983

June 29, 1981

Wayne R. Marshall
185 Blair Dr.
Twin Falls, ID 83301

Dear Mr. Marshall,

RE: Permit No. 47-7721

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note the special condition requiring you to install an access port or other device to provide for the installation of measuring equipment by the Department. Enclosed are specifications for the installation of the access port, as well as a list of measuring device options.

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

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Power Calculations for 47-7721 proposed

$$P = \text{kw} \quad .74 \times \text{hp}$$

$$Q = \text{cfs}$$

$$H = \text{ft}$$

$$e = \text{efficiency}$$

$$14.8 \text{ kw}$$

$$3.0 \text{ cfs}$$

$$100 \text{ ft}$$

$$?$$

$$e = \frac{P(HQ)}{14.8(11.8)} = \frac{14.8(11.8)}{100 \times 3} = \frac{174.64}{300} = .58 \text{ or } 58\%$$

The proposed project based on the above calculations would have an 58% efficiency.

RC 6/10/81

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NOTICE OF APPLICATION FOR WATER PERMIT

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

42-2221

MARSHALL, WAYNE R.

185 BLAIR DRIVE, TWIN FALLS, ID 83301

Source: GROUNDWATER

Date Filed: 03/24/1981

Amount: 3.00 CFS

Diversion Point: NESE Sec 32 T 08S R 14E, TWIN FALLS Co.

Use: IRRIGATION	(0.80 CFS)	from 03/15 to 11/15
COMMERCIAL	(3.00 CFS)	from 01/01 to 12/31
FISH PROP.	(3.00 CFS)	from 01/01 to 12/31
HEATING	(3.00 CFS)	from 01/01 to 12/31
POWER	(3.00 CFS)	from 01/01 to 12/31
DOMESTIC	(0.02 CFS)	from 01/01 to 12/31

Place of Use: NESE NWSE SWSE SESE Sec 32 T 08S R 14E FOR 40 ACRES

Diversion Means: WELLS & PUMPS

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 MAY 11, 1981.

C. STEPHEN ALLRED

Director

Published 4/23 & 4/30/81.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

APRIL 8, 1981

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 billing to this office before MAY 11, 1981.

Yours truly,

Mary A. Hill
Secretary

Encl.

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